Upcoming Events

- Case Management Orientation Training:
  April 7-11, 2014
  May 5-9, 2014
  June 2-6, 2014
  July 7-11, 2014

- CD-PASS CDA Training:
  April 15, 2014
  April 16, 2014

For more information, visit http://www.okdhs.org/programsandservices/aging/adw

39th Annual Oklahoma Conference on Aging

May 20-22 at Embassy Suites Norman Hotel & Conference Center. Speakers, a wellness expo, film festival, exhibits and more.

Story on Page 11

Megan Haddock, Medicaid Services director, speaks at the celebration Nov. 20.

ADvantage program celebrates 20 years

A weeklong celebration Nov. 18-22 marked the 20th anniversary of the Oklahoma Department of Human Services (DHS) ADvantage program. Colorful posters and mobiles tracing the development of the program and statistical information were displayed throughout the ADvantage Administration (MSU-AA) office in Tulsa. ADvantage employees displayed office memorabilia in the form of a “1993 Time Capsule Work Station” depicting the workplace as it was when the Centers for Medicare and Medicaid

(Continued on page 2)
Services approved the ADvantage Medicaid waiver on July 9, 1993. Employees engaged in fun activities throughout the week including ADvantage Jeopardy, where work unit teams demonstrated their knowledge of the program.

Mike Lester, the main author of the original ADvantage Waiver, was honored Nov. 20 when the MSU-AA Training Room was dedicated in his honor. Lester was presented with an engraved plaque which reads, “Honoring Michael L. Lester, Ph.D., for his unwavering advocacy on behalf of the ADvantage Program.” Lester was also instrumental in the design and development of the CD-Pass self-directed care services option and the Electronic Visit Verification time and attendance tracking system, AuthentiCare, which are operational today.

A celebratory reception was held at the Asbury United Methodist Church in Tulsa Nov. 20. Rep. Jeannie McDaniel (D., Tulsa) opened the ceremony with the reading of a governor’s proclamation declaring the day “ADvantage Program Day.” Other speakers included Mark Jones, Community Living and Support Services director; Lance Robertson, Aging Services director; Megan Haddock, Medicaid Services director; and other individuals who have contributed to the development of the ADvantage program throughout its 20-year history, including guests from provider agencies. Tim Brittingham, with Girling/Gentiva Health Care, spoke on behalf of provider agencies and acknowledged the positive benefits ADvantage has provided for its Members.

“We are incredibly grateful for all those who helped us reach this milestone.”
– Lance Robertson

(Continued on page 3)
Twenty years
Continued from page 2

“This anniversary marks two decades of working closely with Members, providers, key partners, legislators and a host of others to ensure the growth and sustainability of this important community-based waiver. We are incredibly grateful for all those who helped us reach this milestone,” Robertson said. “The program is presently operating in a superb, efficient manner and I’m excited to see what ADvantage will do for Oklahomans in the coming 20 years.”

Above, Lance Robertson and Tim Brittingham, who was one of numerous people to receive certificates on behalf of their agencies for long-term support of the ADvantage program and its Members.

Top center, Mark Jones, DHS Community Living and Support Services director.

Above, Mike Lester, main author of the original ADvantage Waiver, and his wife, Jane.

Left, Mark Jones and Lance Robertson stand with Beverly Lentz, an ADvantage Member.
Meet the ADvantage team:

Member and Provider Relations Team – Jeannie Hambsch, Kim Cash, Cathy Murrell, Bette Brown, Maggie Johnson, Angelia Jackson, Deborah Norton, Linda Yeargain, Brenda Thrasher, Sarah Camden, Susan Adair, Jeanene Bushyhead, Laurie Gilliand and Melinda Spaulding

Support and Quality Assurance Team – Kirk Shrader, Mike Lester, Cathy Gervasio, Peggy Grotts, Pam Cloud, Wanda Kennedy, Pam Evans, Karla Selman, Carolyn Gray, Martha Spann, Gail Wright, Kathleen Kelley, Melinda Carter, Jonathan Vanbebeber and Darryl Washington

Member Spotlight: Barbara Johnson

In August 2013, Barbara Johnson lost her husband of 59 years after a battle with cancer. Johnson, who has been a certified nursing assistant since graduating from high school in Trinidad, Colo., used everything from her experience working for a hospice agency to get him well, but, she said, “Cancer won.”

In high school, Johnson was a cheerleader and Dick was a football player. Johnson was dating someone else who was serving in the Air Force and was away from home. Johnson needed an escort to a senior party that the cheerleaders were holding for her, but the guy she thought she loved was away. Dick happened to be home from college and Johnson’s mother encouraged her to call him and invite him to escort her. Luckily, Dick accepted her invitation and they continued to see each other. Johnson said they danced, went to movies, went fishing, and decided to spend their lives together.

Johnson’s father told her Dick was a good man and she should marry him, since her father could not pay for her to go to college. Her soon-to-be-husband promised her she would get her college education. After giving birth to three children – two boys and one girl – Dick told her it was time for her to go to college.

Johnson went to the college, enrolled and bought her books. She looked at the big stack of books, then at her little children and decided she wanted to put her family first and did not go to college. Johnson said she never regretted that decision and loved raising her children. The Johnsons bought a big boat and spent many happy weekends fishing at the lake. Today, she has three children, eight grandchildren and 18 great-grandchildren, and she feels very blessed to have her family.

After losing her husband of 59 years, Barbara Johnson and her dog, Precious, have a new life in assisted living thanks to the ADvantage program.

Johnson’s journey to assisted living began after her husband’s death. She could not live at home on her own, and her son Jay thought it would be good for her to live at an assisted living facility. He found
an assisted living facility and started the process of getting her accepted as a resident. When the facility told Johnson she could have her little dog, Precious, live with her, she told her son she would live there.

Johnson said the nurses, CNAs, certified medical assistants and cooks are all outstanding. Johnson thinks Lou, director of nursing, is “tops,” and Ken, the maintenance man, keeps everything working well. Katie, the bus driver, does a great job of keeping everyone moving around town. Johnson enjoyed it when Katie took everyone to see Christmas lights three nights in a row in the warm bus. Every day, Johnson goes to the dining room at 11 a.m. and sits in her usual seat. Staff members bring her a cup of coffee and ask her how she is doing and what is going on with her. Around 11:30 a.m., they bring her lunch, and they know what she likes to eat. Johnson said these are the finest cooks and staff you could ask for. She said they have the finest pies – pecan, pumpkin and French apple – and the meals are outstanding. Johnson said the chef spoils the residents rotten.

The assisted living center has several parties each year with great food and entertainment for the residents. At the Halloween party, a man made balloon hats for the residents and they all had a good laugh. Johnson enjoyed the Christmas party with its big spread of food and good entertainment. She was very excited to have her son Alan go to the Christmas party with her. In addition to parties, the residents play bingo, dominoes and cards, and they enjoy visiting with each other. Johnson also enjoys weekly Bible studies and said, “It is good to be replenished every week. It is magnificent.”

Johnson said the assisted living center treats the residents well and makes everything wonderful. For Johnson, “This is home.”
Inside ADvantage: The Mission

DHS Aging Services places special emphasis on serving older persons in Oklahoma in the greatest social and economic need, and in promoting services that avoid unnecessary institutionalization of older persons, allowing them to remain in the home of their choice and preserve their independence and personal dignity. Aging Services’ mission is to help develop systems that support independence and help protect the quality of life for older persons as well as promote citizen involvement in planning and delivering services to Oklahoma’s aging population.

ADvantage, a Medicaid 1915(c) waiver program, is one of many services available to older persons through Aging Services. As a Medicaid waiver program, ADvantage provides a means for the state’s Medicaid administrator, the Oklahoma Health Care Authority (OHCA), to offer an array of home and community based services to Medicaid beneficiaries to live in the community and avoid a nursing facility. The estimated cost of providing an individual's care in the community cannot exceed the annual estimated cost of caring for that individual in a nursing facility.

The ADvantage program assists frail elders and adults without developmental disabilities who have physical disabilities. The program’s goal is to provide services that allow Medicaid-eligible persons who need nursing-facility level of care to remain at home or in the residential setting of their choice while receiving care at or below the cost of residing in a nursing facility. A person must first qualify financially for Medicaid/SoonerCare, a low-income service, prior to receiving services through ADvantage. Members may receive ADvantage services include the Member's own home, apartment, independent living apartment or a family or friend's home or apartment. In emergency situations, Members may also receive services in a shelter or similar temporary housing for up to 60 days while transitioning to permanent housing. Members may receive respite services in a nursing facility for up to 30 continuous days.

The ADvantage program has proven to be very cost-effective, since Medicaid expenditures for services under ADvantage must be documented to be less than the comparable Medicaid-funded institutional services prior to being authorized. In addition to ensuring Members live out their lives where they choose, and making the best use of Oklahoma’s funds to support this endeavor, the ADvantage program seeks to monitor and ensure the Member’s overall health, safety and welfare is maintained in the home and continuously evaluated. Speaking about the mission of ADvantage, Aging Services Director Lance Robertson said, “We must remember our mission and why we are here. This division … and our jobs … do not exist for our benefit. They exist for the benefit of the people of Oklahoma.”

“This division … exist[s] for the benefit of the people of Oklahoma.”

– Lance Robertson
Team Spotlight: Carmen Ross

Carmen Ross, program administrator for the MSU-AA’s Medicaid Services Unit, is a licensed master of social work and brings a diverse range of knowledge, experience and passion to helping Oklahomans who need nursing-facility level of care remain safely in their homes.

Ross has a passion for creating ethical systems of care that are designed to ensure people who utilize these systems are able to thrive. This passion was developed through a diverse range of life, educational and professional experiences. A native of Oklahoma City, Ross started her college career as a mechanical and aerospace engineering major at the University of Oklahoma and worked part-time at a Medicaid law firm in Oklahoma City. She graduated with a bachelor’s degree in international and area studies. Ross learned both Spanish and Arabic, and completed a semester abroad at Hashemite University in Zarqua, Jordan. After she returned from Jordan, she decided to pursue a master’s degree in social work and applied to Baylor University for her post-graduate work.

While studying at the Baylor School of Social Work (BSSW), Ross worked part-time as a student recruiter for the BSSW. She coordinated recruitment events that ranged from speaking with potential master’s level candidates at continuing education events to international video conferences that allowed students from diverse nations and cultures to interact via teleconference. Ross also completed numerous paid internships, including grant-writing and coordinating community relations for an immigrant services center in Waco, Texas. Ross was also involved in community organizing through the planning and formation of an anti-human-trafficking coalition, where she learned the importance of how people from very disparate points of view can come together on common ground to address a need in the community.

Following her graduation with her MSW degree, Ross began working for the Heart of Texas Region Mental Health and Mental Retardation Center, which had received a federal grant from Projects for Assistance in Transition from Homelessness program (PATH). The PATH program awards grants to develop and implement transition programs for people who are unsheltered and who are experiencing serious mental illness or co-occurring

(Continued on page 9)
Team Spotlight
Continued from page 8

substance use disorders. Ross was hired as a case manager, but was responsible for designing and implementing the Heart of Texas PATH program, and provided administrative and social work intern supervision for the program.

Ross returned to Oklahoma from Texas in 2010, and started working for DHS in Creek County as a social service specialist II, determining long-term care financial eligibility. In order to assist her clients more accurately and efficiently, she began researching the ADvantage program, Medicaid and Medicare. Ross continued searching for opportunities to grow professionally and, in April 2013, she accepted a position as an administrative assistant II at the MSU-AA. She knew immediately that she had made the right decision to join the ADvantage team.

Ross had been at the MSU-AA a short time when the opportunity to apply for the program administrator position arose. Ross knew that it was not common to go from an administrative assistant II position to being a program administrator (PA), but she also knew she had the necessary education, experience and passion to affect positive change in the lives of those who utilize ADvantage services and in the lives of the employees who make these services possible.

Ross has a vision for how ADvantage services are provided, and it includes developing integrated service systems that follow a “no wrong door” model for ADvantage Members who need mental health assistance in addition to the normal range of ADvantage services. As a first step to achieving better access to mental health services for ADvantage Members that need and want them, the MSU-AA will be encouraging private mental health providers to pursue a contract with the MSU-AA to provide ADvantage management services. Having more trained mental health professionals to provide ADvantage case management services will make it more likely that Members who need and want these services will access them successfully. The MSU-AA will also develop and provide training to current ADvantage case managers to help them identify signs that the ADvantage Members might need additional mental health assistance, and how the case manager can effectively connect the Member with those services.

If there is anything else one needs to know about Ross, her belief system and her work ethic, one should read the framed quote holding a place of honor on her bookshelf:

“It’s not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is not effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.”

‒ Theodore Roosevelt, excerpts from “Citizenship in a Republic,” April 23, 1910
Expanding Services: Assisted Living Service Option

The ADvantage Assisted Living Service Option was added in 2008 and the first assisted living, Heritage Assisted Living in Yukon, Okla., was contracted in 2009. In 2010, the first ADvantage Member entered a contracted facility.

Currently there are six certified ADvantage assisted livings in Oklahoma that serve approximately 160 ADvantage Members every month. These facilities provide personal care and supportive services to Members in a homelike, non-institutional setting. These services include, but are not limited to, extended supervision, assistance with activities of daily living and instrumental activities of daily living, programs for socialization and cognition, activities, exercise, and intermittent nursing services. As with all ADvantage program services, the Assisted Living Service Option is Member-focused and Member-centered. This has been a very successful service option for ADvantage as it provides safe housing and independent living opportunities for Members that may have few informal supports to assist them to remain outside of a nursing facility.

ADvantage case managers are required to be certified and attend Assisted Living Service Option training to provide case management to those Members who wish to reside in an ADvantage assisted living. These trainings are held at least three times per year.

On Sept. 6, 2013, ADvantage held a special public meeting for assisted living facilities that wanted information or a contract with MSU-AA to provide services to ADvantage Members. Nine assisted living facilities attended this meeting seeking an ADvantage contract. The MSU-AA is currently processing the applications and expects to be adding facilities in Tulsa, Oklahoma and Texas counties very soon. The MSU-AA is working hard to contract with additional facilities. As new assisted living facilities are added as ADvantage providers, we will send the case management agencies official notification through ADvantage bulletins.

Expanding Services: Consumer-Directed Personal Assistance Services and Support (CD-PASS)

CD-PASS was born 12 years ago, with a Systems Change Grant from Centers for Medicare and Medicaid Services (CMS). CD-PASS was in development for three years prior to being implemented in the initial targeted service areas: Tulsa, Creek, Rogers and Wagoner counties, and partial coverage in Osage County. While it may continue to seem fairly complex to many, CD-PASS struck an innovative balance between the self-directed models elsewhere in the country and agency-provided care that we consider the traditional model to make employer and budget authority

(Continued on page 11)
Expanding Services

Continued from page 10

available to our Members. This balance allowed CD-PASS to be more accessible to our Members and achieve more successful adoption rates than the average rates around the country for self-direction.

Since its start, CD-PASS has expanded three additional times, first expanding to the remaining portions of Osage County, next to Pittsburg County, and then to Canadian, Cleveland and Oklahoma counties. Because of the success of this service option, our commitment to Member choice, and the national push toward consumer direction, our most recent waiver approval committed the ADvantage Administration to an expansion of CD-PASS before July 2016, the end of the current waiver term.

While immediate expansion to all the remaining 68 counties would be preferable to many of our Members who are anxiously awaiting the availability of this service in their respective counties, our approach must be more incremental to accommodate the need to notify all eligible Members, process new applications and enrollments, allocate resources, and, ultimately, complete the service plan authorizations for successful transition plans. Our expansion plan aims to incrementally expand the CD-PASS service option, in connection with the established DHS Adult and Family Services Regions of the state, every eight-to-nine months over the course of the next three-and-a-half years until it is available statewide. Each expansion will make this service option available to approximately 2,000-2,500 additional ADvantage Members, with the expectation that only a limited percentage of all eligible Members will transition to CD-PASS.

The first expansion is planned for the spring of 2014 and will accommodate the northern area of Region 4 (specific counties for all expansions will be released via bulletin prior to the date of the intended expansion). Next, will be the southern area of Region 4 in late fall 2014. The remaining counties in Regions 1 and 5 not already eligible will be included in summer 2015. Lastly, the remaining counties in Region 2 (Cleveland is the only current county covered) will be offered CD-PASS services in early spring 2016. Additional Consumer-Directed Agent/Case Manager (CDA/CM) training will be offered approximately one month prior to each planned expansion, available only to the agencies serving the affected counties. Remember, the assigned case manager and supervisor must be CDA-certified in order to serve any Members that select CD-PASS. The regularly scheduled semi-annual CDA/CM training will continue to be provided, now with alternating training sites in Tulsa and Oklahoma City.

39th Annual Oklahoma Conference on Aging

The 39th Annual Oklahoma Conference on Aging will be May 20-22 at Embassy Suites Norman Hotel & Conference Center.

The conference features keynote speakers Murali Krishna, M.D. and Marge Coalman plus more than 40 breakout sessions, a wellness expo, film festival, exhibits and much more.

Tuesday, May 20, is Senior Day and is free for Oklahomans age 60 and older. The conference’s Professional Days are May 21-22 and offer training for professionals in the field of aging. Organizers hope to again offer OSBELTCA CEUs for those days.

Visit okagingconference.com to register and for conference information. The registration deadline is May 9. Call 405-325-1022 for registration help.
Further explanation of new ADvantage forms to support health and safety

Understanding that there will always be risks to Members and provider staff, the MSU-AA has always made concerted efforts to assist ADvantage Members and providers to reduce, minimize and remove risks to themselves and the services being delivered to the maximum extent possible.

The MSU-AA introduced two forms in September 2013 via a bulletin regarding health and safety: the Service Provider Safety Agreement (SPSA) and Negotiated Risk Agreement (NRA). The bulletin and the two forms were part of the ongoing effort to further help ADvantage Members to receive, and provider agencies to deliver, services in the safest and most responsible ways.

Another form being introduced is the Pre-Service Acknowledgement, explained below. Along with the new forms and the bulletin to providers, several key policy and procedure changes are also effective this year. Altogether, these new forms and actions support the overall health and safety initiatives geared toward ADvantage Members and service providers.

Negotiated Risk Agreement

The first of the most recently implemented forms is actually an update of the NRA in use for a long time. The NRA is predicated on our Members’ “right to refuse proposed assistance, equipment, or treatment” (Member Assurances, 2007, p4). This is a balancing act between the MSU-AA’s responsibility to ensure the health and safety of all ADvantage Members and to allow Members the rights that are integral to the program.

The NRA is intended to support and document a Member’s decision to refuse a service, such as personal care assistance, skilled nursing, or even nursing facility care, when the interdisciplinary team (IDT) agrees the Member is at too great of risk without this service to ensure their health and safety. If the Member retains capacity and desires to accept the risk, rather than receive a service that they do not desire at that time, the NRA should be used to document this decision. Ultimately, this allows all other services to be authorized, even though an unresolved risk remains. If introducing the NRA instead prompts the Member to take action to reduce or minimize the identified risk, that is seen as a preferable alternative to leaving a Member in a high-risk situation.

Service Provider Safety Agreement

The second form is also an official version of a previously unofficial form. The Service Provider Safety Agreement (SPSA) is what is often referred to as a “behavioral agreement/contract.” The SPSA is intended to document agreed-upon provisions to ensure the safety of our service providers in our Member’s homes.

Sometimes, our Members’ homes, their visitors or housemates, and even our Members themselves, pose a risk to the services that are needed to keep the Member safe in his or her home. When a risk to any service provider is identified, it must be addressed directly with the Member, and/or the Member’s legal agent, in order to allow the Member the opportunity to assist in reducing and/or removing the risk. Each situation is unique and should be approached with the full IDT (Member, case manager and registered nurse). This is a critical first step in resolving a risk to caregivers, as removing a service due to a risk to the service provider is not an acceptable initial action in most circumstances.

(Continued on page 13)
Forms explained
Continued from page 12

**Pre-Service Acknowledgement**
The Pre-Service Acknowledgement is intended to provide basic operating information prior to the provision of services and to support a safe environment for service receipt and delivery. This form contains the basic rights and responsibilities that our Members should be aware of and specifically focuses on ensuring Members are aware of the limitations of the ADvantage program when they present a risk to caregivers or do not adhere to our standards for our Members.

During the initial implementation of the form, the MSU-AA will ask case managers to complete a form for all new Members and on all reassessments until one copy is on file for every ADvantage Member. In the coming months, the form will be completed by all Members at the time of their initial medical assessment by DHS nurses, and case managers will no longer need to complete the form.

The new and revised forms focus on supporting the health and safety of ADvantage Members and the critically important service providers that meet Members’ needs each day. Only one Pre-service Acknowledgement will be required for each Member. The other forms are designed for use on an as-needed basis and provide the IDT with standard formats to address very serious health and safety risks; assist Members and their IDTs to reduce and/or remove risks; make Members’ homes a safe place for service providers; and assist service providers in receiving the needed authorizations to provide care to our Members.

---

**Fair Hearings**

The Oklahoma Department of Human Services (DHS) provides an opportunity for all individuals receiving services to appeal any decision they feel affects them in an adverse manner. This is accomplished through the Fair Hearing process. Fair Hearings are held for three primary reasons: to safeguard the rights and interests of applicants/Members; to afford protection to the applicant/Member against infractions on the part of DHS; and to help identify the need for clarification or revision of policy or practice.

Within the ADvantage Program there are essentially four different types of appeals that might be filed:

- Appeals related to the financial eligibility decision made by the DHS county social worker
- Appeals related to the medical eligibility decision made by the DHS long-term care nurse
- Appeals related to ADvantage services
- Appeals related to disenrollment from the ADvantage program

All appeals for Fair Hearing – regardless of type – are requested in the same way, by contacting the Member’s local DHS office and asking to file an appeal. The staff at the county office will provide the Member with a Request for Fair Hearing form, and will help the Member complete the form if necessary. The Member may also request the assistance of family, friends or a legal representative when filing the appeal.

(Continued on page 14)
Fair hearings
Continued from page 13

Once the appeal has been filed at the county office it is forwarded to DHS Legal Services, who in turn forwards it to the Oklahoma Health Care Authority (OHCA). OHCA is the state Medicaid agency and is responsible for hearing all ADvantage appeals. Information from both parties is heard and decisions are made by an administrative law judge (ALJ). In the event the Member disagrees with the ruling of the ALJ, the Member may appeal the decision to the OHCA director.

DHS staff serve as witnesses to defend actions taken by the department, and vary depending upon the type of appeal that has been filed. Appeals related to financial eligibility are represented by the county social worker supervisor. Appeals related to medical eligibility are represented by the area nurse in the region in which the Member resides. Appeals related to ADvantage services or program disenrollment are represented by MSU-AA staff, usually a health care management nurse supervisor.

Members are only disenrolled from the ADvantage program upon review and recommendation of the ADvantage Ethics of Care Committee (EOCC). One primary purpose of the EOCC is “to define the ADvantage decision-making process for determining ‘program appropriateness’ for cases that are problematic or controversial with respect to being able to meet Member needs within program constraints.” This process engages expertise from each area of program function relevant to the case in question.

For many ADvantage Members, the intent to appeal is initially voiced to the case manager as the result of a change in service authorization. For example, the case manager may receive a Service Plan Review (SPR) indicating the number of hours requested for a Member’s personal care services appear excessive. The case manager should consider the Member’s needs, the availability of informal supports, the tasks and time frames of personal care assistance, and assess whether the hours requested are indeed excessive. If so, the case manager should meet with the Member (and possibly the ADvantage home care nurse) to address the concerns. An addendum should be written for the numbers of hours appropriate to meet the Member’s needs.

If the Member disagrees with a service plan or addendum, he/she should indicate this by checking “No” in the box next to “Agree to service plan.” If the Member chooses, both boxes (located on the signature page of the service plan or addendum) may be checked. Any time the Member indicates disagreement with the service plan, the case manager should complete the “Notice of Change in ADvantage Services” form with the Member. The “Notice of Change in ADvantage Services” form is used to educate Members on the appeals process. The form also sets the distinct dates (30 calendar days) for the time frame during which the Member has the right to appeal. A copy of the form should be submitted with the service plan or addendum with which the Member disagrees. The case manager should then assist the Member with timely filing of the appeal as requested by the Member.

After the appeal has been filed, the Member will receive a notification in the mail informing him/her of the date and time of the hearing. If there is a conflict, the Member should contact OHCA at the number provided to reschedule. Additionally, if the Member resides more than 100 miles away from the hearing location (Oklahoma City) or has other hardships that impede travel, they may request a telephonic hearing. They do this by again contacting OHCA at the number provided in the hearing notice.

(Continued on page 15)
Fair hearings

Continued from page 14

The Member may represent himself at the hearing, or may engage legal representation. There are two resources in Oklahoma that provide free legal assistance – Legal Aid Services of Oklahoma Inc. and the Oklahoma Disability Law Center. Legal Aid represents people in civil cases and can be contacted at 1-888-534-5243, or by visiting www.legalaidok.org. The Disability Law Center handles cases involving disability issues and can be contacted at 1-800-226-5883, or by visiting www.okdlc.org. In addition, the Member can choose to have a family member or friend assist him/her during the hearing, if needed, and can have witnesses present to speak on behalf of him/her case.

Once the MSU-AA is aware that an appeal has been filed, the ADvantage health care management nurse will contact the case manager for additional information regarding the circumstances of the appeal. The nurse may also contact the Member to confirm his/her mailing address, provide information and/or answer any questions the Member may have.

Prior to the hearing, the Member will receive a hearing packet that contains the information the MSU-AA intends to use at the hearing, including a written summary of why the action that is the subject of the dispute was taken, and a copy of the DHS policy that supports the action. The Member should thoroughly review this documentation before the hearing.

During the hearing, the ALJ will hear both sides of the case. Each party will have the opportunity to testify, present written documents or other evidence, have witnesses testify on their behalf, and ask questions of the other party. Once the hearing has concluded, the ALJ ordinarily renders a decision within 45 days.

It is important to note that in certain instances, the request for a fair hearing may be mediated through a negotiation between the Member and the health care management nurse assigned to the hearing. If the Member is willing to negotiate and both parties agree with a compromise, the Member signs a Withdrawal of Request for Hearing form and services are authorized by the ADvantage nurse according to the terms of the mediation. The withdrawal form is then forwarded to OHCA and the hearing is cancelled.

There are five possible outcomes that can result from an appeal:

- The appeal can be granted in favor of the Member
- The appeal can be denied
- The appeal can be granted in part (a specific part or parts of the appeal can be granted at the judge’s discretion)
- The appeal can be dismissed (usually occurs when the Member does not appear for the hearing)
- The appeal can be withdrawn by the Member

Except in the case of a withdrawal, a written order is provided by the ALJ to all parties documenting the outcome of the appeal. In the event the Member disagrees with the ALJ’s decision, the Member can appeal to the director of OHCA. However, the ALJ’s decision stands until and unless it is overturned by the OHCA director.

In summary, anyone who applies for or receives services from DHS has a right to request the review of an action taken with which they disagree. Case managers should educate Members on their right to appeal and, when requested, assist Members to file their appeals. General questions regarding the appeal process can be submitted to Provider Question. For questions related to a specific Member, contact the MSU-AA and request to speak with the health care management nurse handling that Member’s appeal.
‘One of the good guys’
John Cloud

Most of us just can’t help it. We hear the name “John Wayne” and we think immediately of someone tough, strong, dependable. One of the good guys; an all-American hero. Talk to one of the tens of thousands of veterans (three generations in some families) who have been served by John Wayne Cloud over the last four decades and they will tell you he more than lives up to his name.

Cloud helps veterans navigate the confusing waters of the Veterans Administration (VA) with routine filing of paperwork for their benefits, but he does far more than that. Over the years, Cloud has successfully helped veterans appeal denied benefits, upgrade disability ratings, apply for emergency assistance after natural disasters, get emergency provisions from the post’s food pantry, locate claims and appeals that have “gone missing” in the federal system, get the medical treatments they need, help military widows apply for benefits to which they often had no idea they were entitled, and, in at least one case, improve a military discharge designation.

Cloud did not plan to become the VA subject matter expert he is today. Some people begin their life’s journey knowing the road they want to take while others, like Cloud, may stumble across it while heading somewhere else entirely. But once their feet are set upon the path they find they simply cannot turn away.

Cloud’s involvement with veterans’ affairs began when he and his cousin went to a VA office in 1969.

He had been an Army scout dog handler, one of the most dangerous jobs in the infantry, in 1968 at the height of the Vietnam War; the year of the infamous Tet Offensive. Yet when they tried to sign up for the benefits to which they were entitled under the GI Bill of Rights, a federal worker told them, “All you Vietnam veterans want is something for nothing.” Cloud told himself if he were ever in a position like that he would never treat people that way.

In a few short years he had a chance to live up to his promise to himself. After graduating from Northeastern State College (now Northeastern State University) he worked various oil-field and ranch

(Continued on page 17)
John Cloud
Continued from page 16

jobs until 1975 when he found an ad for a service officer position at the Oklahoma Department of Veterans Affairs (ODVA). He became what was called a “field man,” serving the small town circuit in southeastern Oklahoma.

Next he had an office in Muskogee and in 1980 moved his base to Tulsa. After seven years on the job, however, he was ready to find other employment. He was tired of “beating his head against” the VA wall and feeling like he was accomplishing nothing. Then he and several fellow veterans went to the dedication of the Vietnam War Memorial in Washington, D.C., and he found a poem lying next to the wall. It said, in part, “Make sure we didn’t die in vain. We died so you could make a difference.” Upon reading that poem, John knew he was right where he needed to be.

Not content with helping veterans through the status quo, Cloud has continually worked to improve services. Like many veterans, nightmares followed him home from the war and, like many veterans, he learned to self-medicate. “When I got my paycheck,” Cloud said, “it was down to the bar I went. Then I found a woman who straightened me out.” But he knew that not everyone was so fortunate. Many veterans are addicted to alcohol or other drugs and many suffer from untreated or under-treated mental illness.

In 2008, Cloud helped start the Tulsa County Veterans Treatment Court, a diversion program that allows former members of the military to undergo treatment, rather than go to jail for nonviolent crimes. He still sits on the court weekly, using his expertise to help the veterans access the services they need.

After 35 years of service in ODVA, Cloud retired, technically. He continued to volunteer with ODVA for about a year and then contracted to work with them part-time. Now, the retired Cloud, a man of leisure, only spends two days a week with the ODVA, one day a week sitting on the Veterans Treatment Court, one day a week volunteering at the Vet Center, and one day a week at the American Legion Post No. 1.

Sun Tzu, a Chinese military strategist from the fifth century B.C. and author of “The Art of War” said, “Imagine what I could do, if I would do all that I can.” Cloud is one of the few among us who honestly does all that he can for Oklahoma’s veterans, day in and day out. Even most of his social obligations revolve around the various veterans’ organizations with which he is involved.

“Veteran’s Day is a big holiday at our house,” said Could’s wife, Pam, an MSU-AA employee and the woman who “straightened” him out. “John still has people calling him from places where he used to have his office. I don’t think he’ll ever really retire. He loves helping ‘his people.’”

“Not content with helping veterans through the status quo, Cloud has continually worked to improve services.”