

The Honorable Jan Brewer  
Governor of Arizona  
1700 West Washington  
Phoenix, Arizona 85007

Dear Governor Brewer,

The members of the Consumer Advisory Council of Arizona Consumer Direct Personal Care would like to voice our concern regarding what we believe is an unintended, but none the less harmful consequence of your decision to freeze the implementation of all new state regulations in response to the Arizona's current financial crisis. The Advisory Council is a group of Members, who receive services from Consumer Direct Personal Care, a provider of Attendant Care, Personal Care, Housekeeping and Respite under the Medicaid ALTCS program in Pima Maricopa and Santa Cruz counties. The role of the Council is to give feedback to Consumer Direct about service delivery issues, problems, and when possible to identify and promote positive changes in the state's long term care service system. It is in this last capacity that we are writing to seek your assistance.

Background: The Arizona Legislature enacted SB 1329 A.R.S. § 36-2951 to provide requirements for self-directed attendant care (SDAC) services under the Arizona Health Care Cost Containment System (AHCCCS). In December of 2008 AHCCCS issued a notice of proposed regulations that specify the requirements that a person must follow in order to receive SDAC services. A key component of the proposed regulations is a provision that sets out the conditions under which attendants may deliver certain services or perform certain tasks that currently may only be provided by a licensed nurse. The specific provision reads as follows:

“A competent member, who is medically stable, or the member's legal guardian may employ an attendant care worker to also provide the following skilled services:

1. Bowel care, including suppositories, enemas, manual evacuation and digital stimulation.
2. Bladder catheterizations (non-indwelling) that does not require a sterile procedure.
3. Wound care; (non-sterile).
4. Glucose monitoring.
5. Glucagon as directed by the health care provider.
6. Insulin; subcutaneous injection only if the member is not able to self-inject. Sliding scale dosing for insulin.
7. Permanent gastrostomy tube feeding.
8. Additional services with the approval of the Director and the Arizona State Board of Nursing.”

The proposed regulations go on to identify the training and other requirements that an attendant must meet prior to delivering any of these services.

In adopting A.R.S. 36-2951 the Arizona Legislature recognized what many other states have already learned: There is human and economic value in allowing trained personnel, who are not nurses, to provide the kinds of services listed above if it is done under a very specific set of controlled and regulated circumstances.

Unfortunately, it is our understanding that your decision to freeze the implementation of all new regulations, in part due to their potential for an unintended adverse economic impact, has delayed the implementation of this new cost effective service option. While we recognize that this particular regulation may be relatively insignificant and easy to overlook given the bigger picture, it does seem a bit ironic that a measure that could both improve the quality of people's lives and save money would be delayed given our state's fiscal difficulties.

The Consumer Direct Advisory Council strongly encourages you to reconsider your decision and to move forward and adopt the regulations necessary to implement A.R.S. 36-2951.

Realizing that these are difficult times and that government is facing troubling economic issues, we believe the passage of this rule is important and should move forward for the following reasons: It is a means to improve service delivery in rural areas. Frequently, nursing services are more difficult to obtain on an ongoing basis in rural communities; whereas, obtaining a paid caregiver to provide the expanded services outlined in the rule is more likely to occur. Additionally, by having a caregiver perform these tasks as opposed to a Nurse, the overall cost savings would be tremendous. Currently the reimbursement rate for an RN under AHCCCS guidelines is between \$35.00 and \$65.40. An LPN can range from \$27.25 to \$50.00; whereas an SDAC Attendant Care Provider's reimbursement rate is \$12.20. Oversight and adequate training certainly warrant a level of concern; however, both are addressed in the rule under item H. A Nurse would assess and require skills demonstration prior to implementation of the expanded tasks.

Perhaps the biggest benefit will be preventing nursing home placement, a much more costly service, because some nursing tasks can be delegated to in-home caregivers. As the Consumer Advisory Committee, we urge you to consider implementation of A.R.S. 36 2951 prior to June, 2010. We have attached the rules for your review.

Thank you for your time and attention,

Arizona Consumer Direct Personal Care, LLC

Consumer Advisory Council