

November 8th MSB Hearing and Testimony

Individual:	Representing:	Topic:
Susie Germany	CFPD Board Member and Elder Law Attorney	1.
Eric Kelley	CO Bar Assoc Elder Law Section and Elder Law Attorney	1.
Virginia Frazer-Abel	CO Bar Assoc Elder Law Section and Elder Law Attorney	2.
Carl Glatstein	Elder Law Attorney	2. and specific real life examples
Sandra Sigler	CO NAELA and Elder Law Attorney	2. CO NAELA position
Kelsey Lesco	Disability Law CO	3.
Eric Solem	Elder Law Attorney	4. with specifics about UTC
Arlene Barringer	CFPD Board Member and Elder Law Attorney	4. with specifics about CFPD master trust
Megan Brand	CFPD Executive Director	5.
Heidi Haines	Arc of CO	5. Arcs using CFPD services
Hal Wright	CFPD Board Member, Parent, Special Needs Planning Consultant	5. Special Needs Planning/Parent perspective
Scott Christian	CO Guardianship Association and Professional Fiduciary	5. CGA members using CFPD Services
Frank Baysore	CFPD Board Member and Professional Fiduciary	5. CFPD uses of Charitable Fund

Christopher Brock	Colorado Cross Disability Coalition	5.
Peter Wall	Director of Fiduciary Services	5.

1. This should be a legislative change, if at all.
 - a. Beyond authority because Medical Service Board authority is to draft rules to COMPLY with statutes. This rule is to CHANGE a statute.
 - b. This is a MAJOR change to existing law for the past 25 years. (See CRS 24-4-103 (1.5))
2. 65 and Older and we ARE in compliance with Fed Law.
 - a. We have not and will not lose Federal Matching dollars.
 - b. Need to analyze. (2009 CMS Letter, Federal Law, CO Statute and Regulation, Court Decisions)
3. Charitable Fund in federal law and state statute it is allowed.
 - a. This change in regulation would make the regulation more restrictive than CO Statute
 - b. Federal Law clearly allows for 100% retention
 - c. CFPD has kept full remainder for 25 years and is spending it locally to benefit people with disabilities.
4. In opposition to the Master Trust Document and breach of fiduciary duty.
 - a. Master Trust was approved February 13, 1994. It was approved by Colorado Medicaid at that time and each time it has been amended in 2000, 2008, 2010 and most recently in 2011.
 - b. Master Trust Document and changes create problem with Uniform Trust Code.
5. A reduction in amounts retained by the pooled trust results in a dramatic impact to programs the state does not provide. Please focus on REAL LIFE examples!
 - a. Rep Payee
 - b. Case Management
 - c. Impact on Adult Protective Services; Police; Courts; Aging Families; Medicaid Service Providers; Professional Guardians and Conservators; Advocacy Organizations such as the Arcs, BIAC.