

DRAFT MINUTES
(TO BE APPROVED AT OCTOBER MEETING)

COMMUNITY CARE ADVISORY COUNCIL
July 23, 2019

Present:

Christine Pisani, Developmental Disabilities Council, Vice Chair
Tamara Prisock, IDHW Director Designee
Cindy Stevens, IDHW Council Support
Francoise Cleveland, AARP
Angela Eandi, DisAbility Rights Idaho
Rick Huber, Advocate for Individuals with Mental Illness
Cathy Hart, Idaho Ombudsman for the Elderly
Pamela Estes, CFH Provider Representative
James Steed, Non-voting Member, Future RALF Resident
Cheryl Gibson, CFH Provider/Family Representative
Mary Blacker, CFH Provider Representative
Kris Ellis, IHCA Executive Director Appointee
Jim Varnadoe, RALF At-Large Administrator – DHW Appointee
Elishia Smith, RALF Resident/Family Member Representative

Teleconference or Video Conference:

Eva Blecha, CFH Provider Representative
Mary Spears, CFH Provider Representative (Briefly)

Absent:

Steve Lish, RALF IHCA Administrator, Chair
Shayne Burr, RALF IHCA Administrator
Doug Park, RALF Resident/Family Member Representative
Keith Fletcher, RALF At-large Administrator
Nicole Ellis, RALF IHCA Administrator

Guests:

Jamie Simpson, IDHW-RALF
Steve Millward, IDHW-CFH
Pam White-Hasbrouch, CFH Provider
Misty James, CFH Provider
Aaron Herring, IDHW Management Assistant



Christine Pisani, Vice Chair –opened floor for visitor comments/issues from visiting attendees.

Feedback from Community Now Check-ins – Tamara Prisock

Tamara Prisock reminded the group a couple of meetings ago there was a subgroup put together to look at conducting listening sessions across the state. It was decided that prior to doing that the Council should leverage some of the statewide discussions that were already happening by other agencies or programs and have Council members attend those and report back. Once the Council heard those reports there could be discussion on whether the Council still had work to do. Christine Pisani reports on Community Now Check-ins that occurred across the state.

Christine provided a handout showing results from the Community NOW! Statewide Training Tour. Across the state, 599 people attended, and all evaluations were put into a database. A handout was created that was specific to CFH and individuals. Trainings took place in 17 locations, 2 in Spanish. Topics covered were Behavior as Communication, Presume Competence, and Know Your Rights. Community NOW worked with adults with developmental disabilities with the help of James Steed and family members. There was a core group of people that were part of the training which included Christine Pisani, members of the American Civil Liberties Union, Art Evans, Blake Brunfield, and Cynthia Wallace. Videos of the trainings will be available on the My Choice website. Meetings followed the format of interviewing the training members, update on KW vs Armstrong lawsuit, who is Community Now and what are they doing, then training on the topics. The groups were then split up into two groups (parents and providers and individuals with developmental disabilities). Parents and providers received training on Presumed Competence and the rights of individuals. Second group had a conversation and watched videos about Know Your Rights. At the conclusion, upcoming work that Community Now was doing was discussed and collecting information from the evaluations.

Christine pointed out some of the comments from the evaluations. One participant felt the programs were discriminatory and young people on the A+D waiver had been left out. Quotes from people that were CFH providers were highlighted as well as quotes from individuals with developmental disabilities. Christine noted she was surprised by how little these individuals know about their rights and how much work they have to do in this area. Most people do not feel they have a voice or understand what their rights are.

- Mary Blacker felt that attendees normally don't get anything from these types of meetings, but this training really spoke to them and put a face to a name. Very well done.
- Angela Eandi asked if Christine knew specifically what the discriminatory comment was referencing? Christine answered that the person who asked supports someone with developmental disabilities, but she was unclear on what was discriminatory. It was possibly related to the services on the DD waiver far exceeding the services on the A+D waiver. Pam Estes responded the DD waiver is a goal setting task waiver and the A+D waiver is a care waiver. Christine responded that the waiver is a choice and if you feel one is not meeting your needs you can always change to the other. Mary Spears responded there are different qualifications and you might not qualify for the other.

- Tamara Prisock asked how many CCAC members attended the meetings. Six members raised their hands, Pam Estes, Mary Blacker, James Steed, Christine Pisani, Cheryl Gibson, Rick Huber.
- Mary Blacker reported she invited all women at her CFH to attend. She felt she was heard at the training and was reminded that residents are human and have emotions. Videos were well put together.
- James Steed related an instance of meeting a resident living with his abusive sister.
- Christine Pisani reported that Art Evans had QA staff at the meetings and staff immediately responded to issues that needed investigating.
- Cheryl Gibson took her son who enjoyed the training. She said the videos were amazing and opened her eyes to planning and thinking ahead to the future.
- Angela Eandi said the trainings gave residents more opportunity to speak in a comfortable, safe setting.
- James Steed said his residence told him he had to have a roommate despite a previous arrangement for a single room. While he was away they packed up his belongings to make room for the roommate although he had asked they not pack up while he was gone.
- Elisha Smith asked if the videos were available. Christine advised they are on the My Choice Matters website.
- Rick Huber was very impressed with the trainings and said they were very good. He voiced concern that it is always the same people that attend these things and the people who need to hear the information don't show up. It is important to check individuals to make sure they are not abused. Eva Blecha said that primary physicians who perform annual physicals have new forms and they ask residents if they are being abused. Several people voiced concern about providers being in the room when residents are asked.
- Francoise said the training was great and informative.
- Pam Estes was disappointed in the turn out in Region 1. The training was wonderful and had so much information presented well. People are adults and have choices.

Resident Rights – Cathy Hart, Jamie Simpson

Jamie Simpson received a phone call from a daughter of a woman living in an assisted living facility. The daughter was upset that a male surveyor had spoken alone to her mother. No allegation was made but the daughter felt this was inappropriate. Jamie felt a discussion with the committee on gender issues was warranted. Jamie advised that surveyors are required to speak to staff prior to speaking to residents and ask if there is anything they should know about (illness, paranoia/dementia etc.)

- Rick Huber brought up the practicality of having an appropriate number of mixed staff.
- Pam Estes asked if it would make surveys go faster. Jamie said we do not have enough staff.
- Christine Pisani suggested it could be a culture issue and should that be taken into consideration?
- Mary Blacker reiterated that the resident had been fine with talking to the male surveyor.
- Elisha Smith said a couple of times surveyors had come to her facility without speaking first to staff. Jamie said she would investigate since that is not normal protocol.
- Steve Millward informed the committee that all staff must have background checks.
- James Steed asked if all surveyors were from Idaho. Jamie responded yes.

- Rick Huber said he was confused on what the issue was since it was after the fact that the family had a problem.
- Angela Eandi asked if the resident can decline to speak to the surveyor. Jamie said yes.
- Jamie Simpson said every day caregivers help opposite sex residents. Rules say it must be brought up, so families know and we don't often hear of any issues.
- Cathy Hart said facilities can't always accommodate and an assessment to find out why they don't want to be helped by the opposite sex would make sense so needs can be addressed.
- James Steed said so many have been abused and that might be an issue. There should be some form of accommodation not just "deal with it".
- Pam Estes suggest it might be what you are used to growing up.
- Jim Varnadoe thought facilities should ask specifics about what is acceptable to their residents and what they are comfortable with unless there is an emergency.
- Cathy Hart suggested it might have been just the daughter who was uncomfortable with it.
- Angela Eandi asked if administration was aware this was not a preference? Jamie answered not sure.
- ACTION ITEM: Jamie Simpson will highlight Resident's Rights Rule in the next newsletter

RALF Rules – Jamie Simpson

Jamie provided a handout of proposed RALF rule changes and IDAPA 16 showing those proposed changes. Tamara Prisock explained that since the legislature did not reauthorize the rules last year all state agency rules were published as temporary/proposed rules. Division of Licensing and Certification has 2 rule chapter changes in addition to having to reauthorize those temporary rules. Due to the Red Tape Reduction Act, the Division of Financial Management (DFM) has added steps to the rulemaking process to hold agencies accountable to continue to streamline and reduce regulations. On June 30th we started rewriting the RALF rule chapter. The docket will publish in the September bulletin and a 3-week comment period will follow. If 25 people sign a petition there will be a public hearing. At that point the rules will be looked at again to make changes and published in November for public feedback.

- Francoise asked if she had received a petition for a public hearing? Tamara responded yes and we will have 5 hearings in August which will be announced in the August bulletin.
- Christine Pisani asked if comments received would be posted. Tamara answered yes, posted RALF website.
- Cathy Hart asked if she had gotten many written comments. Tamara answered yes.
- Francoise asked if these extra steps were just this one time or ongoing? Tamara answered ongoing and we will be better prepared in the future.
- Christine Pisani asked if this will impact session in the future? Tamara responded she doesn't know yet but has heard many ways it might affect session but nothing concrete.
- Jamie Simpson summarized the potential rule changes and brought handouts to illustrate.
- James Steed suggested changing the cognitive impairment definition. Steve Millward read the wording that CFH uses.
- CCAC will be informed when rule changes are posted so they can review.
- ACTION ITEM: Jamie Simpson will consider using the CFH wording for cognitive impairment

Update to FLARES – Jamie Simpson

- Jamie Simpson advised that the option to list the nurse will be on FLARES the next couple weeks.

CFH Update – Steve Millward

CFH Incidents rate of growth

Steve Millward gave an update on CFH growth over the past 5 years and the instances of abuse cited and if there was a correlation. Steve provided a handout showing the prevalence of abuse in certified family homes. Over the past 5 years there was a spike in abuse during 2015 but then fell back down. Growth over the past 5 years has been about 12% while abuse has remained under 1% (highest being .51%)

- Elisha Smith asked, do you see the trend remaining the same for 2019? Steve is aware of 3 cases of abuse so far this year but that is in keeping with past levels.
- Christine Pisani asked if he had noticed a difference in the type of abuse that is being cited? Steve replied mostly physical since mental abuse is harder to cite. So far no sexual abuse this year.

Negotiated rule making verbiage

Steve Millward explained that last year they had done a chapter change that went into effect July 1, 2018 so this year they just did a small adjustment to rules. As previous discussed with the Council, there is a proposal to change the regular criminal history clearance to every 5 years and making it an option that if a CFH applicant had a foster care or other child care license revoked that would be cause for us to deny CFH license as well.

- Elisha Smith asked if the background check every 5 years was just for CFH or also RALFs? Steve replied just CFH. Tamara Prisock explained that because in the assisted living field people are changing employers more frequently than happens in a CFH. In working with the Division of Family and Community Services have discovered some CFH's that have had serious child abuse allegations substantiated against them. Therefore, we are trying to tighten up the criminal background checks so that we aren't missing serious issues.
- Pam Estes questioned when administrators had to have a background check. Tamara responded in the beginning when they apply for a license.
- Christine Pisani asked if the background checks were nationwide or just Idaho? Steve answered we will be moving to enhanced checks which will check all states the provider lived in the last 5 years.
- Mary Blacker asked how will you know if they lived in other states? Tamara responded that we ask the question on the provider application.
- Mary Blacker asked if you will be alerted when your background check is due? Steve Millward answered you will be told the first time you need to get it and at the next survey you will be cited if you have not gotten it.
- Mary Blacker asked how much is the background check? Steve replied \$65 up to \$110 for enhanced check.

- Mary Blacker and Eva Blecha remarked that is going to get expensive for providers. Steve said they were trying to balance cost with need and it aligns with what foster care requires.
- Kris Ellis asked if Steve had looked at past incidents and if they would have been caught with the new 5-year background check requirement. Steve answered yes.
- Steve said they had negotiated rule making sessions across Idaho that were sparsely attended. There weren't any comments but did have one written comment stating there were too many rules in general. We acknowledge that and note that but at the same time this is a health and safety issue to include in our rule set.
- Steve went over the verbiage used in the rules via a handout.

Motion:

Motion to pass the updated rule changes

Moved by Mary Blacker

Seconded by Pam Estes.

Unanimous Vote.

Annual Report/Council Priorities – Tamara Prisock

Tamara Prisock provided a handout listing the 2019 Council Priorities. She wanted to chat about one of the priorities, "Successful residential placements for individuals with mental illness or Alzheimer's/dementia". Is this still something the Council wants to make a priority? This has been a Council priority for a long time and is also on several other entities. Division of Licensing and Certification signed an agreement with the Idaho Health Care Association last year. Out of that agreement they had 5 workgroups, 1 working on access to assisted living for individuals who have Alzheimer's or dementia. Through that work they discovered there is no issue with beds being available. The issue is Medicaid participants and the amount of reimbursement Medicaid pays assisted living facilities for the care of individuals with Alzheimer's or dementia. Division of Medicaid is open to looking at how the uniform assessment instrument might be modified to weight things like supervision, cueing and amount of time facility staff is redirecting behavior. There is no solution yet, but they are actively working on it.

Tamara asked if the Council wanted to keep this priority on the list given the issue was not a high priority.

- Rick Huber asked if keeping it a priority would keep it on people's radar? Tamara thinks there is a lot of momentum behind this issue so doesn't think that the Council's scrutiny would be necessary. The question is keeping it on the priority list but not having much activity in the Council on this issue will create a disconnect.
- Mary Blacker asked if we could list it as a concern that we follow but not a priority. Tamara answered that yes, we have a place on the annual report for items like that.
- Jim Varnadoe asked if new assisted living facilities with memory care were accepting Medicaid? Jamie Simpson replied not at first but later.
- Christine Pisani asked if we could have presentations from other entities working on this issue in the future. Tamara answered yes.

- Rick Huber expressed concern about residents being kicked out of a facility because of their diagnosis. Tamara replied that was the original concern, not so much placement in a facility but successful placement in a facility and that residents didn't lose their placement because of their diagnosis.

Motion:

Motion to remove "Successful residential placements for individuals with mental illness or Alzheimer's/dementia" from the 2019 Council Priorities list.

Moved by Elisha Smith

Seconded by Keri Ellis.

Unanimous Vote.

Future agenda items:

Mary Spears: Report on anything from her sessions.

Jamie Simpson: Updates on rules

Tamara Prisock: Update on solution to Alzheimer/dementia Medicaid issue

Tamara Prisock: Annual report

Jamie Simpson: RALF Updates

Steve Millward: CFH Updates

Christine Pisani: Crisis placement

Action Items:

ACTION ITEM: Cindy Stevens will start sending meeting minutes via email for review prior to meetings

ACTION ITEM: Jamie Simpson will highlight resident rights in the next newsletter

ACTION ITEM: Cindy will email April minutes for review and approval and then posted

ACTION ITEM: Jamie Simpson will consider using the CFH wording for cognitive impairment in RALF rule changes

Open Forum

Christine Pisani put to a vote if members wanted the previous meeting's minutes sent via email before meeting for review. All members voted yes.

Cathy Hart is resigning from the Council due to retirement. Her replacement will automatically be a member of CCAC.

Misty James submitted a written question asking if a CFH operator had to be a resident rep payee if they are on social security? Steve Millward responded no, there is no requirement that the CFH operator be a rep payee. It's going to be up to the resident to decide. If the provider does agree to be the payee, according to the rules they must provide proper accounting.

- Pam Estes asked if being a resident rep payee was different than managing the residents funds? Steve replied our rules state that if the provider is rep payee then they are considered to be managing the resident's funds. Also, if the provider accepts money that is beyond room and board that is considered managing their money too.
- Misty James said a friend thought rules said a provider automatically had to be resident rep payee. Steve said not true but social security might have other requirements.
- Pam Estes asked if you are asked to help manage the resident's funds you must keep track of the funds? Steven replied, yes, to prevent residents from being exploited.

Motion:

Pam Estes: Motion to Adjourn

Elisha Smith: Second Motion to Adjourn

Moved: Unanimous.