

COMMUNITY CARE ADVISORY COUNCIL

April 29, 2014

Present:

- Scott Burpee (RALF At-large Administrator), Chair
- Eva Blecha (CFH Provider Representative), Vice Chair
- Tamara Prisock (IDHW Director Designee)
- Robert Vande Merwe (IHCA-ICAL Executive Director)
- Steve Lish ((RALF IHCA-ICAL Administrator)
- Elishia Smith (RALF Resident/Family Member Representative)
- Keith Fletcher (RALF At-large Administrator)
- Angela Eandi (DisAbility Rights Idaho)
- Kathie Garrett (Mental Health Advocate)
- Gloria Keathley (RALF Resident Representative)
- Leroy Smith (CFH Resident/Family Member Representative)
- Brett Waters (RALF IHCA-ICAL Administrator)
- Bryan Elliott (RALF IHCA-ICAL Administrator)
- Jessica Valerio for Cathy Hart (Idaho Ombudsman for the Elderly)

Teleconference or Video Conference:

- Mary Blacker (CFH Provider Representative)
- Sharol Aranda (CFH Provider Representative)

Absent:

- Cathy McDougall (AARP)
- Christine Pisani (Developmental Disabilities Council)
- Pamela Estes (CFH Provider Representative)

Support:

- Steve Millward

Guests:

- Kris Ellis, IHCA-ICAL
- Karen Vasterling, IDHW
- Melissa Wolfe, RALF
- Amy Robinson, RALF
- Bette Newborn, CFH
- Jeanie Fishburn, CFH
- Tony Smith, IHCA-ICAL

The council convened at 1:00 p.m. in Conference Room D-East and D-West of the Medicaid/Licensing & Certification Central Office located at 3232 Elder Street in Boise, Idaho. Per Eva Blecha's request, Tamara Prisock conducted the meeting until Scott Burpee, Chair, arrived.

Kathie Garrett requested that People First language be used on the agenda (i.e., "people with mental illness" as opposed to "the mentally ill").

Motion: Adopt the minutes from the January 28, 2014, meeting as written.
So Moved: Robert Vande Merwe
Seconded: Keith Fletcher
Discussion: None
Vote: Passed

PRESENTATIONS

Health Profiles for Assisted Living

Dr. Steven Fuller gave a presentation about his company's system for scoring resident health profiles, which provides care facilities with a health management tool. See Attachment 1.

Drug Diversion

Inspector Charles Wahl with the Drug Enforcement Agency gave a presentation about trends in diverting controlled substances away from the prescription holder, and onto the street market. The DEA's Diversion Control Program was instituted to prevent, detect, and investigate drug diversion. He gave an overview of the Controlled Substances Schedule, which categorizes drugs into five classifications as follows:

- Schedule I: Drugs with no currently accepted medical use and a high potential for abuse. Most dangerous drugs. Examples: heroin, LSD, marijuana, ecstasy, methaqualone, and peyote
- Schedule II: Drugs with a high potential for abuse (but less than Schedule I drugs). Also considered dangerous. Examples: cocaine, methamphetamine, methadone, Dilaudid, Demerol, OxyContin, fentanyl, Dexedrine, Adderall, and Ritalin.
- Schedule III: Drugs with a moderate to low potential for physical and psychological dependence. Examples: Vicodin, codeine, ketamine, anabolic steroids, and testosterone.
- Schedule IV: Drugs with a low potential for abuse and low risk of dependence. Examples: Xanax, Soma, Darvon, Darvocet, Valium, Ativan, Talwin, Ambien.
- Schedule V: Drugs with lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics. Schedule V drugs are generally used for antidiarrheal, antitussive, and analgesic purposes. Examples: Robitussin, Lamotil, Motofen, Lyrica, Parepectolin.

Common diversion methods:

- Burglary
- Employee Theft
- Robbery
- Illegal Prescriptions
- Forgery
- Doctor Shopping
- In-transit Losses

Teens in medicine cabinets are a common cause of prescription drug abuse.

Idaho is ranked 14th in the country in reported thefts at hospitals and clinics. Thieves often use substitution when stealing controlled substances, i.e., replacing pills with other pills of a similar appearance. PYXIS machines present an opportunity for thieves if the electronic record is not closely and frequently monitored.

Drug diversion prevention methods:

- Screen applicants for jobs carefully
- Provide training and supervision to employees
- Implement a zero tolerance policy
- Implement standard operating procedures and be the example
- Conduct surprise audits
- Be alert to changes in employee conduct and living standards

Destruction of controlled substances is to be done by law enforcement or the end user. Destruction by any other entity is illegal ([Statute 13-07-21](#)). **ACTION:** Schedule a Board of Pharmacy representative for the next CCAC meeting to discuss destruction of drugs in Idaho.

DEA Drug Prevention Publications are available online at <http://www.justice.gov/dea/pr/publications.shtml>.

UNFINISHED BUSINESS

Membership

Steve Lish is the appointee from IHCA-ICAL to represent a RALF Administrator or Licensee. Mr. Lish is the administrator of Discovery Care Center in Salmon, Idaho.

Karen Vasterling reported that John Chambers passed away. Scott Burpee expressed the Council's condolences and recognized the many years Mr. Chambers had served on the Council representing Certified Family Home providers who care for their disabled family members.

Scott Burpee inquired if there was any interest in a CFH provider filling the open position on the Council. Jeanie Fishburn stated her possible interest. Ms. Fishburn was directed to email Steve Millward with a letter of interest.

Behavior Placements

Scott Burpee stated that this agenda item is being combined with Locked Facilities Housing People with Mental Illness, which will be addressed further down the agenda.

Shared Administrators in Assisted Living Facilities

Tamara Prisock shared the updated draft of the proposed policy change regarding the criteria for sharing an administrator between multiple residential care or assisted living facilities (see Attachment 2). The Department is reviewing the proposal with the Deputy Attorney General to see how much would need to be included in rule versus policy. Any proposed rule changes will be presented to the Council at the July meeting.

Criminal History Background Checks for New Employees

Scott Burpee presented a proposal that would allow RALFs to bridge the gap of time between when a new employee is hired and when they receive their DHW criminal history clearance, yet still have the employee work in the facility. The proposal was that the facility may pay for a commercial “interim” background check (which meets certain criteria) outside of the DHW check, and that interim check would allow the employee to work while the DHW check is processed. Keith Fletcher and Scott Burpee met with Tamara Prisock to pitch the proposal, and the Department expressed a willing to accept it. The “interim check” would have to meet all the criteria of the DHW check except for the FBI fingerprint requirement. The alternative background check sources would need to run an Idaho State Police check, a check of the sex offender registry, a check of the Attorney General’s exclusion list, and a check of the Idaho Nurse Aide Registry.

Tamara Prisock stated that the proposal will require a rule change. The Department is opening the RALF chapter of IDAPA rules, and will include this proposal with the negotiated rulemaking process. The CCAC can review the final proposal that will be brought before the Board of Health and Welfare in August at its July meeting. Upon Board approval, the rule will probably publish in October. Keith Fletcher inquired how soon the process might be used; Tamara asked if she could address that question at the July meeting.

NEW BUSINESS

Council Goals

Scott Burpee stated that he would like to see the Council set some specific goals, in the spirit of being more proactive and less reactive. He stated that the industry representatives do have some specific things in mind, and requested input from advocate and consumer representatives.

Locked Facilities Housing People with Mental Illness

Scott Burpee stated that he has participated in the Department’s East Hub meetings on mental health. The meeting also includes the institutions, mental health providers, a police chief, and county representatives. The feeling in these meetings is that the problem is getting worse. The system is not responding to the needs of these clients, as suicide rates and attempts are high. The reduction in support to mental health programs, while helping the state’s budget, has had a negative impact. One-to-one staff is now too expensive. Additionally, probation and parole are dumping many of their inmates into assisted living without giving the facility a thorough history of the resident because they are afraid no one will take them. The same issue is presenting in the CFH setting.

To address this issue, the governor's budget called for three pilot community crisis centers; the legislature funded one. An RFI is being put together for this community crisis center. Scott Burpee stated that many homeless people know how to work the system, where they will suddenly become "a danger to themselves or others" when it gets cold out, and so availability in the community crisis center will be dependent on the weather.

Kathie Garrett believes some progress has been made in this past legislative session, but the system has been neglected for many years. She advocates a higher reimbursement rate for facilities that specialize in behavioral health.

There was concern expressed about the responsiveness of Optum. Kathie Garrett stated that these issues may be reported to NAMI Idaho, which is a group that monitors mental health services in Idaho.

Bylaw Review

This agenda item was tabled until the next meeting.

MRSA (IDAPA 16.03.22.152.05.b.xi)

Gloria Keathley stated that MRSA is not the only antibiotic-resistant disease anymore; it may have been when the rule was written, but it has become outdated. There was discussion of changing the rule to be more specific about what kinds of resistant diseases should be prohibited, if any, in the RALF setting. See Attachment 3.

Scott Burpee suggested that MRSA could be removed from the "be no" list, as long as there is a plan in place to address the special care that comes with resistant diseases. Elishia Smith supported this suggestion.

Bylaw Review

Tamara Prisock announced that a negotiated rulemaking session for IDAPA 16.03.22 has been scheduled for May 20, 2014. See Attachment 4.

Motion: Adjourn
So Moved: Robert Vande Merwe
Seconded: Elishia Smith
Discussion: None
Vote: Passed