

# COMMUNITY CARE ADVISORY COUNCIL

April 25, 2017

## Present:

- Steve Lish ((RALF IHCA Administrator), Chair
- Christine Pisani (Developmental Disabilities Council), Vice Chair
- Tamara Prisock (IDHW Director Designee)
- Trinette Middlebrook, IDHW (Council Support)
- Angela Eandi (DisAbility Rights Idaho)
- Doug Park (RALF Resident/Family Member Representative)
- James Steed (Non-voting Member, Future RALF Resident)
- Jim Varnadoe (RALF At-Large Administrator – DHW Appointee)
- Francoise Cleveland (AARP)
- Eva Blecha (CFH Provider Representative)
- Keith Fletcher (RALF At-large Administrator)
- Mary Blacker (CFH Provider Representative)
- Leroy Smith (CFH Resident/Family Member Representative)
- Cathy Hart (Idaho Ombudsman for the Elderly)
- Nicole Ellis (RALF IHCA Administrator)
- Charlene Pickering (IHCA Appointee)
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## Teleconference or Video Conference:

- Pamela Estes (CFH Provider Representative)
- Elishia Smith (RALF Resident/Family Member Representative)
- Wanda Warden (CFH Provider Representative)
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## Absent:

- Kathie Garrett (Mental Health Advocate)
- Kris Ellis (IHCA Executive Director Appointee)
- Rebecca Solders (CFH Representative)

## Guests:

- Jamie Simpson, IDHW
- Steve Millward (phone)

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**Motion:** Adopt the April 25, 2017 agenda & Adopt the January 24, 2017 minutes with suggested edits.

**So Moved:** Leroy Smith

**Seconded:** James Steed

**Vote:** Unanimous

## Open Forum – Steve, Chair

Visitors expressed wanting to discuss items that were not appropriate for this forum. Mostly CFH providers wanted to discuss reimbursement by Medicaid and HCBS rules.

## UNFINISHED BUSINESS

### CFH Checklist Subgroup Update –

Wanda stated that she is dealing with a crisis with residents concerning ‘elements of care’ and requirements from Licensing and Certification and from Medicaid regarding reimbursement.

Because of this discussion the Council decided to table this topic until further discussion continues between Medicaid and Licensing and Certification. Christine Pisani will ask Art Evans to attend our next meeting and present to the Council regarding this topic. Certified Family Homes and Medicaid will be working in concert but writing separate rules.

- AGENDA ITEM – Elements of Care – Medicaid – Art Evans, Cynthia Wallace
- ACTION ITEM – Wanda will outline her specific issues and email to Trinette for distribution.
- ACTION ITEM – The Council attendees should be prepared by this meeting to offer solutions and ideas.

#### CFH Updates – Steve Millward

Steve distributed a handout and explained the rights of residents and the reasoning for the Landlord Tenant rule changes made during the Legislative session. The changes were made to align with the Landlord Tenant Law in Idaho and allow for a 30-day written notice and the admission agreement goes from month to month.

Steve added that Negotiated Rulemaking will include codifying the eviction process included in the new admission agreement.

Negotiated Rulemaking schedule is as follows and an announcement will be made in the CFH Bulletin and posted on the CFH website:

1. May 22, 2017 – Twin Falls
2. May 26, 2017 (am & pm) – Idaho Falls
3. May 30 & 31, 2017 – Boise/Caldwell
4. June 6 & 7, 2017 – Lewiston/Coeur d’Alene

Steve touched on the topic of CFH payments and how that money is used. HB260, passed during the 2011 Idaho Legislative Session, established the fees collected from CFHs to cover the cost certifying and recertifying of homes. Specifically, most of those costs are used for personnel and some operating costs but the fees do not cover all the costs necessary to make this program function.

Christine Pisani mentioned the Community Now Stakeholder Group. She shared an email for folks to contact the DD Council for more information. [info@icdd.idaho.gov](mailto:info@icdd.idaho.gov)

A visitor interjected a comment about emergency placements and the fact that she does not get reimbursed by Medicaid. Other points in the discussion focused on emergency placements and crisis situations and the need for support in the off hours, after 5:00p.m. and on the weekends. Steve stated that the CFH Program wants to assist and can give referrals and act as a resource. While these topics are important, this is not the correct forum for these discussions as this Council’s focus is regarding regulatory functions of CFH and RALFs and recommendations of licensure, certifications and enforcement standards with the provision of services to residents.

#### RALF Updates – Jamie Simpson

- HCBS Rules – The Landlord Tenant Law applies to the State programs in RALF.

- The Involuntary Discharge Process – An appeal process exists for discharges from RALF facilities.
- Questions about HCBS requirements should be directed to the Division of Medicaid. Donny Jardine is the person to contact in that division.
- The FLARES platform has added Google Maps to help identify secure memory units in assisted living facilities.

### CCAC Annual Report | Items to Include - All

Items to include in next report:

1. Overview of the subgroups.
2. Mental health issues and difficult behaviors.
3. CFH rule changes/RALF rule changes for legislative session.
4. Emergency Crisis Placement – All hours
5. Statistical Data

➤ ACTION ITEM – Trinetta will send link to the past Annual Reports. (DONE 5/19/17)

### **NEW ITEMS**

#### Legislative Update – Tamara Prisock

1. Secure Facilities – Tamara shared that the Division of Licensing and Certification is working with FACS and Behavioral Health in drafting rules that contain the licensing requirements for this new facility type. These facilities are going to be designed for individuals with Developmental Disabilities and Mental illness who pose a danger to others. Courts will be involved in each placement and method of treatment for these folks with dual diagnosis.
2. Homes with Adult Residential Treatment (HART) models – The Legislature provided continuation of funding for Residential Assisted Living Facilities caring for patients with serious and persistent mental illness as well as a pilot project to test a new intensive residential living program called Homes with Adult Residential Treatment (HART). The Division of Licensing and Certification is working with the Division of Behavioral health to develop a new licensing category and licensure requirements.
3. During the 2017 session, the Joint Legislative Oversight Committee requested a study on the Division of Licensing & Certification to be conducted by the Office of Performance Evaluation. That study will be conducted during the summer of 2017.

#### Action Items – Review – Steve Lish

Steve reviewed action items from the ongoing list for CCAC. In regards to the BSU Survey, Steve iterated that the information contained in the BSU Study report could be valuable to the Council. Tamara mentioned the name Mike Berlin as the BSU contact for this study

- ACTION ITEM – Trinetta will provide contact information to Steve Lish regarding the BSU survey. (DONE 5/2/17)
- a. Steve will pursue getting that report for the Council to review from Mike Berlin.
  - b. Steve may also contact Robert Vande Merwe for the BSU report.

#### Open Meeting Law – Communication Outside of Council

Tamara wanted to emphasize the observation of the Idaho Open Meeting Law and communication outside of the quarterly Council meetings.

Generally, if there is a question, do not copy the whole Council distribution. If there is a communication that the Council needs, please email Trinette, and she will process it accordingly. The work and communication done outside of the quarterly meetings is allowed for Council approved subgroups.

- AGENDA ITEM – Review of Bylaws – Bylaws were discussed and the possibility of amended items such as the lack of a quorum requirement, etc.

#### Proposal for Resident Survey – Doug Park

Doug stated that he would like to get some data from residents and their families about different topics regarding these types of providers and their experiences. He would like to develop a process outline to gather this data. His sample size of data that he has collected, is limited to the people that he knows and the tool he used was by survey through email.

Keith wants to ensure that the folks taking the survey know that we are and will not be responsible for solving individual problems. We need to determine the meaningful population and maintain confidentiality.

Christine asked Cathy Hart about any survey that the Commission on Aging conducts, and there were none. They do nothing formal. Keith stated that each of his facilities has their own process for reaching out to people. Christine asked how information is captured from quarter visits to RALF by the Commission on Aging, and asked what communication needs to happen with a facility. Discussion narrowed to encompass Assisted Living initially.

- AGENDA ITEM – Collecting Systematic Data

**Motion:** To charter a subgroup with representatives from the Department, an advocate, a provider, and Doug Park as the lead.

**So Moved:** Tamara Prisock

**Seconded:** Leroy Smith

**Vote:** Unanimous

MEMBERS INCLUDE: Nicole Ellis (RALF Provider), Jamie Simpson (Dept. Rep.), Doug Park (Lead), James Steed (Future RALF Resident), Christine Pisani (Advocate), Cathy Hart (Advocate).

Keith emphasized that we need to verify legal protection, credibility and privacy. Tamara said that we can have the Department deputy attorney general review after we have developed the document(s) and process.

#### Translation & Language Barriers – Christine Pisani

Christine shared two handouts: 1. *Linguistic Competence: What it Means for Individuals with Intellectual, Developmental, and Other Disabilities and their Families* from the Leadership Institute for Cultural Diversity and Cultural and Linguistic Competence; and 2. *Cultural Competence: What the DD Act says*.

Griselda Camacho was hired by the DD Council for Spanish speaking issues. The DD Council is learning about access issues. Christine encouraged folks to review both handouts outside of this meeting, and recommended that folks to visit the Georgetown website for more information about the PPT content. <https://nccc.georgetown.edu/>. Christine stated that a good translator is very important.

Meeting Length – Ideas, Changes?

Steve opened a discussion about the meeting length. Considering these meetings have been productive would Council members be open to extending the meeting by an hour. Tamara proposed the meeting to start at 12:30-4:30 for the meeting in July. The schedule is at the discretion of the chair, and everyone was willing to try this new time. Future meetings and timelines will be evaluated later.

**Motion to Adjourn:** Eva Blecha  
**Seconded:** Christine Pisani  
**Approved:** Unanimous  
**Adjourned 4:15 p.m.**

The next meeting is scheduled for July 25, 2017