

DRAFT MINUTES
(TO BE APPROVED AT JULY 23 MEETING)

COMMUNITY CARE ADVISORY COUNCIL
April 23, 2019

Present:

Steve Lish, RALF IHCA Administrator, Chair
Tamara Prisock, IDHW Director Designee
Aaron Herring, IDHW Council Support
Christine Pisani, Developmental Disabilities Council, Vice Chair
Francoise Cleveland, AARP
Angela Eandi, DisAbility Rights Idaho
Nicole Ellis, RALF IHCA Administrator
Mary Spears, CFH Provider Representative
Rick Huber, Advocate for Individuals with Mental Illness
Doug Park, RALF Resident/Family Member Representative
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
Keith Fletcher, RALF At-large Administrator
Kris Ellis, IHCA Executive Director Appointee

Teleconference or Video Conference:

Eva Blecha, CFH Provider Representative
Elishia Smith, RALF Resident/Family Member Representative

Absent:

Shayne Burr, RALF IHCA Administrator
Jim Varnadoe, RALF At-Large Administrator – DHW Appointee

Guests:

Jamie Simpson, IDHW-RALF
Steve Millward, IDHW-CFH



Steve Lish, Chair –opened floor for visitor comments/issues from visiting attendees.

Motion: Adopt Minutes from January 22nd, 2019 meeting.
So-Moved: Christine Pisani
Seconded: Nicole Ellis
Vote: Unanimous

Motion: Adopt the April 23rd, 2019 agenda.
So-Moved: Doug Park
Seconded: Nicole Ellis
Vote: Contingent on two changes – the word conducting, page 3. Conduction to Conducting.
Page 3 Surveyor Consistency.

Update on DHW/IHCA Joint Initiatives

Tamara Prisock provided an update on the progress made by the Assisted Living workgroups since the last CCAC meeting. One of the work groups has recommended a process to dispute non-core deficiencies. That process has been in place for almost 6 months now. Also, through the RALF public portal, all administrative history is now available, and at least 5 years of complaints and surveys are available too. Finally, the workgroup looked at civil monetary penalties, but no recommendations was made concerning those. That workgroup has now wrapped up.

Tamara also spoke about the workgroup that is examining the access individuals with Alzheimer's or dementia have to successful placement in assisted living facilities. The Division of Medicaid was brought to the table to discuss issues like the Medicaid reimbursement rate because (when looking at the uniform assessment instrument), there are many services provided to that population, like cueing and redirecting from unhealthy behaviors, that are not provided for. So, working with Medicaid, they put together a study and during the month of April, Assisted Livings are keeping track of the time they spend doing those types of services and the Division of Medicaid is open to looking at that data to determine how that time might be accounted for in the uniform assessment instrument. The hope is that out of that study, we will see some reimbursement for services that haven't been reimbursed in the past. We're hoping that will help with the care of this population.

Q&A Regarding DHW/IHCA Joint Initiatives

- Christine Pisani asked if there would be a difference between those who are served in memory care in Assisted Living verses the general population; to which Tamara answered no, that it was not just for Alzheimer's and Dementia and that they were tracking anyone with a cognitive impairment.
- Kris Ellis asked if it was regardless of payor source to which Tamara answered yes.
- Doug Park asked if it included private pay, to which Tamara answered yes.
- Mary Spears asked if this would transfer to Certified Family Homes. Tamara answered that there were no immediate plans to do so.

Additional DHW/IHCA

Tamara also spoke about a possible avenue for Assisted Living Facilities to be accredited by CARF International in lieu of regular re-licensure surveys. Over the summer, a work group worked closely with CARF, the only nationally-recognized entity that accredits assisted living facilities. During the last legislative session, IHCA successfully ran a bill that would allow accreditation to go into effect July 1st. The next step would be to work with the Idaho Health Care Association and with CARF on recruitment. Jamie's group will be looking at rules for review and comment.

Q&A

- James Steed asked if this accreditation would take away the yearly check of the facility? Tamara responded that it would take the place of the previous process whether you were on a one-year cycle, or a three-year cycle. IHCA was very accommodating of the departments needs for onsite inspections if there was a complaint or some type of a critical incident. The statute leaves the department with the authority to do onsite inspection outside of the regular recertification if there's a complaint or some other type of emergency.
- Kris Ellis asked if a draft of the rules would be available soon? Tamara answered that at the end of every legislative session, the legislature passes a bill that renews the administrative rules from the previous year. This year, they adjourned without passing that bill. As it stands, the Governor has a plan for keeping that in place. Because of that uncertainty, State agencies are in a place where they need to know what that process is going to be and coordinate it. We've been in a holding pattern because of the uncertainty. Draft rules will be made available sometime over the summer.
- Francoise Cleveland asked if it would go through the same comment period that is typical? Tamara answered yes, and that she didn't know how it couldn't - due to the Administrative Procedures Act. She said that you will not see negotiated rule making without a three-week comment period and if more than 25 people requested a public hearing, there must be a hearing.
- Christine Pisani asked if there was a possibility for families or individuals to see a comparison between the two methods so that they could better understand. Tamara said this is something that could be talked with CARF about. For example, CARF did a cross-walk with us to compare standards. Tamara answered that she was sure that there are documents that could be shared. Doug added that the two processes are very different -voluminous – and that it would be a choice, not a requirement. Tamara agreed, and reiterated that it would be voluntary.
- Doug Park added that the Assisted Livings might choose the higher standard and would pay for it themselves. It could help others with their business models. Tamara added that there were six other states already doing this, along with programs overseen by the Department's Division of Public Health.

Council members asked questions about the CARF accreditation process, with some members expressing concern that the oversight might not remain as strong as it is now with state surveys. Tamara offered to send Council members a copy of the crosswalk CARF completed to show a comparison of state licensure requirements to CARF accreditation standards. Tamara also offered to send members a copy of CARF's response to specific questions the Accreditation work group posed to CARF.

Follow-up on Listening Sessions

Tamara wanted some follow-up on listening sessions, specifically the listening session proposals. What was proposed was that we would leverage feedback from CCAC members who attended listening sessions. (Christine Pisani brought flyers for when those are scheduled.) Are we still supportive of that proposal? Would we still attend that and report back?

Location Assignments

- North Idaho: Pam Estes (along with one resident).
 - Idaho Falls: Mary Blacker, Steve Lish, and James Steed.
 - Twin Falls: James Steed.
 - Pocatello: James Steed.
 - Magic Valley: Rick Huber.
 - Kuna: Mary Spears.
 - Cathedral of the Rockies (Boise 29th afternoon): Cheryl Gibson.
 - Nampa: Eva Blecha.
 - Emmett: Cathy Hart.
 - Caldwell (May 30th): Nicole Ellis
 - Cathedral of the Rockies (Boise 29th Morning): Francoise Cleveland and Doug Park
 - Treasure Valley: Doug Park
 - Blue Lakes Blvd: Rick Huber
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- Keith Fletcher asked if we would we want to consider feedback on which ones we'd like to attend? Tamara thought this was a great idea.
 - Christine Pisani responded that this the 2nd time Community Now has gone out. We are encouraging training on 'what behavior is communication'. They we will split the group, so feedback could be gotten without providers and family members. We will talk to them about their rights presuming competence. At the conclusion, we will bring everyone back together, answer questions and possibly schedule the next meeting. Amy Cunningham is providing a summary for Christine. Twin Falls (Spanish on June 5th). Nampa (Spanish on June 7th).
 - Keith Fletcher & Kris Ellis asked if they were representing this council, how would they attend? Tamara answered that they had developed a model for a listening session. If a CCAC member attended, they would be able to hear the challenges and issues that they would be facing.
 - Christine Pisani added that they would absolutely get to hear the questions asked and should be able to hear the answers provided by residents. She also encouraged members to attend the whole thing.
 - James Steed commented that people with developmental disabilities are more apt to talk to someone who has been through it. You'll hear more about rights violations – more than if surveyors came.
 - Keith Fletcher asked how big of a group these are and if there needed to be caution with numbers? Christine answered that each would be different. I'll be every one of them she would introduce the council member. She explained that because of the way advocates lead it, it creates a safe space and people tend to open after mom/dad or the provider leaves.

- Mary Blacker asked how this was being advertised to the public. Christine answered that all DD waiver participants will be notified through flyers, emails, web advertisements. The same thing will be presented in both.

Charge: In January, the Council talked about having an Assisted Living host a council session.

Update: The discussion focused on the potential costs associated with travel for the members if it was held outside of the Boise area. Advice was to be judicious with money. Additionally, it was cautioned that by holding a Council Session at an Assisted Living, the location would (in essence) be in a residence home and might be considered an invasion of privacy or intrusion. It might also affect how the minutes and agenda work since it would be centered around residents. Discussion was made that an Assisted Living with strong resident's rights would need to be found and there was additional concern for HIPPA. The decision was made to table the idea for now.

RALF Update: (Jamie Simpson)

Charge: The council asked to have an option to have a nurse listed on the Facilities.

Update: This item is in the process of completion and should be available on FLARES in the next 2 to 3 months. This will be an optional option.

Charge: The council requested that a Shared Administrator report be made available on FLARES for knowing which Facilities has shared Administrators.

Update: There isn't a report that can be obtained because it's not tracked in FLARES. Jamie was able to pull some information for the council: 10 out of 33 cores were from facilities that had a shared administrator in the last 15 months. Of the 282 licenses, only 32 have a shared administrator, but they account for 30% of the cores cited. Nursing homes/RALF are considered shared. Jamie believes that this goes back to administrator turnover. She feels like the increase in cores is related to turnover more than that they are sharing Administrators.

Jamie provided a handout about Resident's Rights, showing that it's always a core deficiency. She acknowledged that some citations could rise to the level of abuse without being a core deficiency and committed to bringing a list of them next meeting.

Christine Pisani asked about the spike in abuse across the state. Jamie noted that the Commission on Aging has a registry. She added that Providers can answer this just as well but pointed to staff shortages and labor shortages adding more pressure on the staff causing them to burn out more easily.

Angie Eandi added that they track facilities and that they have seen an increase. She noted that they can capture the report within Independent Living, but not outside of facilities.

CFH Update: (Steve Millward)

Charge: To collect data about resident's rights violations per the Council's request.

Update: Steve provided a list for the Council spanning over a 24-month period. Notice of Advance directives was common because it is required to be in writing. Abuse came in second (10 instances). Giving a couple of examples of the instances: Provider was using a computer late at night, but the resident wanted the computer. He grabbed the mouse and she slapped his hand. It was in violation of the rule as an instance of abuse. We also receive complaints about religious practices, and television issues. We also have neglect and exploitation examples tracked on the list, including financial exploitation. On a dark note, there have even been rapes. In these situations, a summary suspension is issued, and residents are immediately removed from the home and relocated to another appropriate placement. Something that is new this year (with new rules) is Critical Incident reports. Those are now required to be reported to the State. As they come in, we look at them and determine if there has been a rule violation. 14% of our complaints came from that situation. There has also been a 12% increase in the number of certified family homes. Currently, there are 2500 CFH's and 3200 residents. The number of complaints has remained steady. Steve offered to investigate whether CFH incidents are increasing at the rate of population growth and bring the findings to the next meeting.

Charge: Promulgating new rules.

Update: There has been some inconsistency with Foster Care programs verses CFH. We find that vulnerable children and adults are similar. We also found that people who lost Foster certification, were not stopped from gaining a CFH certification. The Department plans to change the rules concerning criminal history background checks to require the enhanced check rather than the basic background check. The enhanced background check includes checking the child abuse registry in the states the provider has lived in over the past five years.

Steve Millward asked if there were any issues with the foster care/CFH denial issue?

- o Mary Spears asked if this would be automatic? Steve answered yes, but that it would be looked at on a case by case basis to consider any unique factors that might exist.
- o Angie asked if there was need for a motion on whether the council agree. She also asked about age and whether there was a definition on what control or influence is? Steve answered that determinations would be made on an individual basis. Whenever a new CFH comes, it would require an enhanced. Word will go out in the CFH bulletin, or on the Website.

Motion

Angie: Motion as written that these rules changes are approved as written.

Mary S: Seconded

Vote: Unanimous.

Steve Lish–Review of 2019 Council Priorities (See Page 7 of Annual Report)

Steve L: Are we all still good, or would we like to add something else?

Keith Fletcher: Staffing in assisted living facilities. Should we include that as part of the 2019 priorities?

Steve L: I believe so.

Francoise: Should it be attached to the increase of abuse in homes?

Steve L: Yes, that's an interesting tie-in.

Kris: For Jamie: I'm wondering about best practices. – Successful residential placements.... should it be removed. I just don't know what the council will do with this.

Jamie: There's nothing in the works right now. I don't know if it needs to be a council focus.

Francoise: There's a workgroup still dealing with that. I'm on it.

Motion:

Motion to add staffing Assisted Livings as part of the 2019 priorities.

Moved by Francoise Cleveland.

Seconded by Keith.

Unanimous Vote.

Future agenda items:

Cathy Hart: Regarding the CARF rep talking with the council group, she will put together an Ombudsman report for Residents Rights.

Steve Millward: Steve M will have negotiated rule making verbiage ready for next meeting.

Jamie Simpson: RALF will just be providing an update next meeting.

Tamara Prisock: Give some thought before our next meeting about how feasible it would be to have a meeting in another location.

Action Items:

ACTION ITEM: Jamie will bring a list of core deficiencies that rose to the level of abuse.

ACTION ITEM: Steve will investigate whether CFH incidents are increasing at the rate of population growth and bring the findings to the next meeting.

ACTION ITEM: Mary Spears will bring back issues from support broker clients/services.

ACTION ITEM: Aaron will send out the summary that Tamara puts together regarding the CARF accreditation.

Open Forum

Steve Millward: Regarding the Medication Assistance class. Feedback has been that it is more facility focused. The goal has been to make another class available for CFH. We had a pilot of the class (which was successful), and we'll be talking about bringing that out statewide. Basic Medications Awareness. We will be pointing new applicants to it and will have it on our website. We wouldn't make it a requirement - though we could encourage it to be taken for brush-up purposes. There is talk about making it bi-lingual (Spanish – English). There is no information on fees yet.

Some members expressed concern regarding the financial burden the change to 5-year criminal history checks will place on providers. This topic was discussed and voted on in the January 22, 2019 CCAC meeting.

Mary Blacker: Motion to Adjourn

Mary Spears: Second Motion to Adjourn
Moved: Unanimous.