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COMMUNITY CARE ADVISORY COUNCIL

Annual Report to the Idaho Legislature for
Year Ending December 31, 2018

Table of Contents

Background	3
Issues and Recommendations	5
2019 Council Priorities	7
Residential Assisted Living Facilities.....	8
Certified Family Homes	11
Council Business	14

Background



The Community Care Advisory Council (CCAC) was formed by statutes (Idaho Code §39-3330, §39- 3331, §39-3332, §39-3333, and §39-3511) passed in the 2005 legislative session. The statutes combine the former Board and Care Advisory Council and the Residential Care Council for the Elderly into a single entity of 20 members appointed by the organizations and/or agencies represented on the Council.

The Council is a forum for stakeholders in Residential Care or Assisted Living Facilities (RALFs) and Certified Family Homes (CFHs).

Assisted living facilities provide a humane, safe, and homelike living arrangement for adults who need some assistance with activities of daily living but do not require skilled nursing care. Residents of assisted living facilities in Idaho include individuals who are aged, have physical or developmental disabilities or mental illness.

Certified Family Homes provide a homelike alternative designed to allow individuals to remain in a more normal family-styled living environment, usually within their own community. Certified family homes provide a home to individuals who are elderly, individuals with a mental illness, developmental disabilities, physical disabilities or to those unable to live alone, and whose mental, emotional and physical condition can be met by the care provider to delay the need for more expensive institutional care.

The Purpose of the Council is as follows:

- To make policy recommendations regarding the coordination of licensing and enforcement standards in residential care/assisted living facilities and certified family homes as well as provision of services to residents in those settings.
- To advise the agency during development and revision of rules.
- To review and comment upon any proposed rules pertaining to residential care/ assisted living facilities or certified family homes.
- To submit an annual report to the legislature stating opinions and recommendations which would further the state's capability in addressing residential care/assisted living facility and certified family home issues.

Council Membership

The CCAC is comprised of assisted living and certified family home providers as well as advocates for individuals who are elderly or with developmental disabilities or mental illness and residents or family members of these two types of facilities. The Director of the Department of Health and Welfare or his designee also serves on the Council. In 2016, the Council elected to add a non-voting position, a Resident/Family Member-RALF. This member has provided valuable insight as an individual with a Developmental Disability and as a resident who plans to reside in an assisted living facility.

Below is a roster of Council members as of December 31, 2018:

	Position	Member	Organization
1	DHW Director's Rep	Tamara Prisock	Department of Health and Welfare
2	State Ombudsman	Cathy Hart	Idaho Commission on Aging
3	Director, State Protection/Advocacy Representative	Angela Eandi	DisAbility Rights Idaho
4	Director, Idaho Council on Developmental Disabilities	Christine Pisani Vice-Chair	Idaho Council on Developmental Disabilities
5	IHCA Executive Director Appointee	Kris Ellis	Idaho Health Care Association
6	IHCA RALF Administrator	Shayne Burr	BrightStar Care
7	IHCA RALF Administrator	Nicole Ellis	The Cottages
8	IHCA RALF Administrator	Steve Lish Chair	Discovery Care Center
9	RALF Administrator At-Large	Keith Fletcher	Ashley Manor Assisted Living
10	RALF Administrator At-Large	Jim Varnadoe	Overland Court Senior Living
11	AARP Representative	Francoise Cleveland	AARP
12	Advocate for Individuals with Mental Illness	Rick Huber	
13	CFH Provider/Resident or Family Member	Wanda Warden	Certified Family Home
14	CFH Provider	Eva Blecha	Certified Family Home
15	CFH Provider	Pam Estes	Certified Family Home
16	CFH Provider	Mary Blacker	Certified Family Home
17	CFH Provider	Cheryl Gibson	Certified Family Home
18	Resident/Family Member - RALF	Elishia Smith	Trinity Assisted Living
19	Resident/Family Member - RALF	Doug Park	Resident/Family Member
20	Resident/Family Member - CFH	Vacant	Resident/Family Member
21	Resident/Family Member – RALF (non-voting member)	James Steed	Future Resident RALF

In 2017, the Council met on January 23rd, April 24th, July 24th, and October 23rd. Council meetings are open to the public.

Issues and Recommendations

Funding Issues

As in previous reports, the Council includes funding as an issue in this report as well. Providers expressed concerns to the Council that negotiations with the Department of Health and Welfare's Division of Medicaid concerning outdated rates for Medicaid reimbursement had not resulted in increased rates. In 2018, assisted living providers did receive a rate increase of approximately 20%; however, reimbursement rates for services provided in Certified Family Homes continue to be paid at rates that are 15 years old. Certified Family Home providers continue to express concern that, as time has gone by, numerous supports for clients have been curtailed or eliminated and new burdens on providers have evolved. The Council recommends there be a fresh look at the current operating environment to ensure that funding for Medicaid-reimbursable services in Certified Family Homes is adequate to safely care for residents according to established regulations and recent interpretations of such.

Placement of Individuals with Difficult Behaviors

Also included in last year's annual report, an issue that continues to exist in Idaho is the difficulty finding appropriate residential placements for individuals who exhibit difficult behaviors. Requirements for assisted living facility licenses or for certified family home certifications require those types of health care entities not admit or keep individuals who could potentially harm themselves or others. Most of the individuals are Medicaid recipients. Providers feel they do not receive sufficient Medicaid reimbursement to implement the supervision and services needed to effectively manage the difficult behaviors. This situation requires providers to either run a risk of losing their license if the resident harms him/herself or another resident or to discharge the resident, even when the resident has nowhere else to go. The Council recommended the Department explore ways to address the issue.

The Division of Licensing and Certification worked with the Department of Health and Welfare's Divisions of Behavioral Health and Medicaid to develop a new residential treatment model for the state—Homes for Adult Residential Treatment (HART) for individuals with serious and persistent mental illness who are Medicaid participants and have a history of serious behaviors that make placement in traditional assisted living facilities or certified family homes difficult. The Division of Behavioral Health signed contracts with four facilities in Idaho, and those facilities have been piloting the model for the past year. In 2018, the Division of Licensing and Certification presented training about the licensing requirements related to Behavior management to approximately 300 facility management and staff members across Idaho to ensure providers had clear understanding of the requirements. The division also developed a course for certified family home providers that provides guidance related to caring for individuals with mental illness. The Council will continue to monitor this issue in 2019.

Emergency/Crisis Placement

Last year, Certified Family Home (CFH) providers who serve on the Council, as well as other CFH providers who have attended Council meetings, shared their difficulties in finding emergency placements when a resident in their care must relocate to another home. Reasons for relocation include escalating behavior of the resident that threatens other residents, medical needs that cannot be addressed by the current provider, or resident choice. Although the Department has developed a process for obtaining approval for emergency placements, it is

difficult to find an emergency placement when an event occurs. The Council recommended the Department develop an accurate list of providers who are willing to take emergency placements that can be readily accessible to all providers who experience that need. In 2018, the Certified Family Home Program in the Division of Licensing and Certification collected the information necessary to be able to generate the report. Licensing rules were also changed in 2018 to ensure residents who are discharged from a certified family home on an emergency basis are afforded the opportunity to return to that home when the emergency has been resolved. The Council will continue to monitor this issue in 2019.



Memory Care/Secure Memory Units

As reported in previous annual reports, assisted living facilities and certified family homes are experiencing increased numbers of residents with Alzheimer's or dementia. Caring for this population requires additional supervision, staff training, special programs, and enhanced building security measures. Last year, the Council recommended the Division of Licensing and Certification work with other agencies in researching memory care unit models and best practices. In 2018, the division formed two work groups that have been addressing this issue. A memory care work group was formed to identify and share best practices in memory care. Another work group was formed to address issues that present barriers to individuals with Alzheimer's or dementia being successfully placed and cared for in assisted living facilities. This work group is also working with the Division of Medicaid to recommend changes to the Uniform Assessment Instrument (UAI), an assessment tool used to determine Medicaid reimbursement based on a resident's individual needs.

Listening Sessions for Residents and Family Members

In 2017, the Council discussed ways it might be able to obtain more direct input from residents of assisted living facilities and certified family homes and their family members about the quality of care in Idaho facilities and ways that care can be improved through the partnership between the Department and providers. In 2018, the Council continued to discuss the specific feedback we want from residents and their families, the purpose and objectives of the proposed listening session, and alternative ways the Council can get the feedback it seeks. The Council will continue to include resident advocacy as a priority for 2019 and will continue to work on this issue.

Issues and Recommendations (cont.)

Staffing in Assisted Living Facilities

Assisted living providers are challenged to find the professionals they need to staff their facilities at the desired levels. Idaho has been experiencing a shortage of licensed health care professionals, such as Registered Nurses. Also, in many communities, direct care staff (who are not required to be licensed) can earn the same wage or better in other industries, such as retail or food service. The Council recommends the Department continue to work with the Idaho Health Care Association and the Department of Labor and perhaps the State Board of Education to identify strategies for addressing the shortage of nurses and direct care staff.

2019 Council Priorities

- **Resident Advocacy**
- **Memory Care/Secure Memory Units**
- **Emergency/Crisis Placement in Certified Family Homes for Individuals with Intellectual/Developmental Disabilities who also have a mental illness**
- **Successful residential placements for individuals with mental illness or Alzheimer's/dementia**
- **Promoting training opportunities for providers and better coordinating training resources.**



Residential Assisted Living Facilities

The following is information from the Department of Health and Welfare about surveys conducted related to licensure of residential assisted living facilities.

Surveys Completed

	2014	2015	2016	2017	2018
Number of Licensed Beds	9276	9721	9943	10,064	10,360
Number of Buildings	355	360	359	360	363
Surveys Completed					
Initial Surveys	23	12	15	27	29
Licensure Surveys (Annual)	89	38	97	115	71
Follow-up Surveys	33	39	33	29	32
Complaint Investigations	130	152	194	93	120
Total Surveys Completed	273	255	341	264	252
Number of full-time Surveyors	8	7.5	9	9	11

Most Common Deficiencies Cited**

Core Deficiencies	Times Cited 2015	Times Cited 2016	Times Cited 2017	Times Cited 2018
<u>Inadequate Care Includes any of the Following:</u> Acceptable Admission/Retention Resident Rights Safe Living Environment Supervision Assistance-Monitoring of Medications Coordination of Outside Services Negotiated Service Agreement	28	31	33	22
No Administrator > 30 days	3	3	3	4
Abuse	7	10	5	10
Neglect	4	5	2	6
Exploitation	1	1	2	0
Surveyors Denied Access	0	1	0	1

** Note: Core deficiencies are defined by statute and involve abuse, neglect, exploitation, inadequate care, and other situations that risk the health and safety of the residents.

Residential Assisted Living Facilities (continued)

Most Common Deficiencies Cited (cont.)**

Non-Core (Punch List) Deficiencies	Times Cited in 2015	Times Cited in 2016	Times Cited in 2017	Times Cited in 2018
RN assessment of health status	53	59	60	54
Negotiated Service Agreement	27	50	63	41
Investigate incidents, accidents, allegations and complaints	41	50	45	31
Current medication orders	31	43	43	36
Housekeeping and Maintenance	26	40	26	28
Notify Nurse of Change in Condition	28	32	32	36
RN assessments of Changes in Condition	26	40	32	34
RN presence and availability	22	36	32	15
Psychotropic Medication Reviews	23	34	37	31
Written Response to Complainant	16	29	28	15
Fire Safety Requirements	21	22	41	53
Fire Drills	22	20	44	51
Fire Alarm/Smoke Detector System	16	16	32	3
Behavior Management Plans	26	19	22	25

*** A Non-core or "punch list" deficiency is a violation of the requirements established in Title 39, Chapter 33, Idaho Code and IDAPA 16.03.22 that doesn't meet the definition of a core deficiency.*

Additional RALF Information

The Department of Health and Welfare received 120 complaints regarding assisted living facilities from January 1 – December 31, 2018. Of 392 allegations investigated, 51% were substantiated.

Enforcement

The Department of Health and Welfare is directed by statute to establish a number of enforcement remedies to apply to facilities who do not meet licensing requirements.

Enforcement actions are defined in IDAPA 16.03.22.900.

Enforcement Action	2014	2015	2016	2017	2018
Provisional License	7	9	19	13	18
Required Consultant	4	7	14	7	2
Civil Monetary Penalties	15	13	13	9	8
Ban on Admissions	1	6	9	11	8
Revocation of License	0	2	2	1	1
Summary Suspension	0	0	0	1	0
Temporary Management	0	1	1	2	1

Feedback on Surveyor Performance

After each survey, facilities are asked to provide the Department feedback on the survey process. For each question, facilities provide a score between 1 (unacceptable) and 5 (Excellent). Fifty-nine comment cards were submitted. Below are the average scores for each question.

Question	Score
Surveyors were knowledgeable of the IDAPA rules and the survey process	4.5
Surveyors communicated issues and rules in a clear, understandable manner	4.6
Surveyors were respectful when explaining issues and listening to facility staff	4.6
Surveyors took the time to answer questions	4.6
Survey staff was professional in their actions and appearance	4.8
Survey staff was helpful and directed us on where we could get additional help	4.5

Note: For 2019, a question was added to the provider comment card related to the consistency of surveys.

Certified Family Homes



The following is information from the Department of Health and Welfare about surveys conducted related to certification of certified family homes.

Surveys Completed

	2014	2015	2016	2017	2018
Number of Certified Beds	3174	3295	3317	3409	3425
Number of Homes	2267	2357	2391	2447	2524
24-Month Review	20	1	39	39	75
Desk Review	243	72	251	176	233
Follow-up Survey	14	17	30	12	18
Initial Surveys	222	242	235	224	232
Complaint Investigations	71	111	62	81	114
Home Inspections Completed Not Part of Initial or Annual Survey	53	58	36	32	66
Annual Surveys	1963	2149	2167	2193	2214
Total Surveys Completed	2586	2633	2820	2757	2952

Most Common Deficiencies Cited

Core Issue Deficiencies*	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016	Times Cited in 2017	Times Cited in 2018
Inadequate Care	326	184	131	129	51**
Inoperable Fire Detection/Extinguishing Systems	2	6	3	6	0
Surveyors Denied Access	1	1	2	5	1
Abuse	7	12	5	4	8
Neglect	1	4	3	4	0
Exploitation	2	5	0	2	5

* Core issue deficiencies are defined at Section 39-3502(12), Idaho Code

**Significant decrease due to surveyors giving technical assistance with updated regulations. Technical assistance is offered only once per provider (and only when there is no immediate impact to the health or safety of residents); subsequent violations will be cited and captured on this report.

Certified Family Homes (cont.)

Enforcement

Non-Core Issue Deficiencies*	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016	Times Cited in 2017	Times Cited in 2018
Non-payment of certification fees for Certified Family Homes	301	71	190	170	233
Failed to maintain current certification in first aid and CPR	54	31	16	30	33
Failed to review emergency preparedness semi-annually	59	27	22	28	23
Failed to maintain proper accounting documentation for resident funds*	--	--	--	--	23
Failed to document annual review of resident rights	11	8	14	27	22
Failed to document fire drills	49	39	25	19	22
Failed to obtain and/or document required annual ongoing training	41	39	7	18	20
Failed to document quarterly examination of fire extinguishers	41	32	16	18	19
Failed to maintain current homeowner's or renter's insurance	42	14	17	17	15
Failed to document monthly smoke detector tests	57	39	28	14	15

*Not a top 10 deficiency from previous year. Data not reported for previous years.

The Department of Health and Welfare is directed by statute to establish a number of enforcement remedies to apply to facilities who do not meet licensing requirements.

Enforcement Actions	2014	2015	2016	2017	2018
Denial of Certificate	0	0	1	0	1
Provisional License	47	66	26	17	18
Ban on Admissions	2	4	1	1	0
Revocation	25	16	14	17	7
Summary Suspension	2	1	0	1	2

*Bans on admissions occur with revocation or summary suspension.

Certified Family Homes (cont.)

Additional CFH Information

The Department of Health and Welfare received 123 complaints related to Certified Family Homes from January 1, 2018 – December 31, 2018, of which 55 complaints (or 45% of those already investigated) were substantiated.

- 20% were reported from family, friends or guardians of the resident
- 18% were reported from Department staff
- 16% were reported from other healthcare providers
- 14% were self-reported critical incidents that warranted investigation
- 13% were reported from other sources
- 8% were reported from Adult Protective Services
- 5% were reported anonymously
- 3% were reported from residents
- 2% were reported from former or current staff



Council Business

Summary of Work Completed

January 2018

Presentations, Discussions, and Decisions:

- Review of council bylaws
- Selection of council members and council leadership
- Finalized the Annual Report.
- Solicited council member feedback about Crisis Intervention Training they attended
- Received an update on the work of the Memory Care Work group

April 2018

Presentations, Discussions, and Decisions:

- Update to the Council on the proposed rule changes for certified family homes and then solicited Council feedback about the proposed changes.
- Updated to the Council related to the partnership agreement between the Department and the Idaho Health Care Association and discussion on the initiatives that are part of that agreement.
- Discussion related to emergency/crisis placements in certified family homes
- Discussion related to holding listening sessions for residents of assisted living facilities or certified family homes and their family members.
- Update on the on-line resources available to certified family home providers and the general public.

July 2018

Presentations, Discussions, and Decisions:

- Reviewed training requirements for certified family home providers
- Updated the Council on training the Department is providing to assisted living providers as well as most frequent citations during surveys
- Updated the Council on progress related to the DHW/IHCA joint initiatives.
- Continued discussion related to possible listening sessions for residents and family members
- Presentation to the Council about Medicaid reimbursement for emergency placements in certified family homes

October 2018

Presentations, Discussions, and Decisions:

- Updated the Council on training the Department is providing to assisted living providers as well as most frequent citations during surveys

- Presentation by the DHW Division of Behavioral Health on the pilot of Homes for Adult Residential Treatment (HART).
- Update on new certified family home requirements implemented in July 2018
- Updated the Council on progress related to the DHW/IHCA joint initiatives.
- Continued discussion related to possible listening sessions for residents and family members

