



COMMUNITY CARE ADVISORY COUNCIL

Annual Report to the Idaho Legislature for
Year Ending December 31, 2015

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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 congregate care or other 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 or assisted living facilities and the provision of services to residents of residential care or assisted living facilities.
- To advise the agency during development and revision of rules.
- To review and comment upon any proposed rules pertaining to residential care or assisted living.
- To submit an annual report to the legislature stating opinions and recommendations which would further the state's capability in addressing residential care or assisted living facility 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.

Below is a roster of current Council members.

Position	Member	Organization
DHW Director's Rep	Tamara Prisock	Department of Health and Welfare
State Ombudsman	Cathy Hart	Idaho Commission on Aging
Director, State Protection/Advocacy Representative	Angela Eandi	DisAbility Rights Idaho
Director, Idaho Council on Developmental Disabilities	Christine Pisani Vice-Chair	Idaho Council on Developmental Disabilities
IHCA Executive Director Appointee	Kris Ellis	Idaho Health Care Association
IHCA RALF Administrator	Charlene Pickering	Touchmark
IHCA RALF Administrator	Bryan Elliott	Willow Park Assisted Living
IHCA RALF Administrator	Steve Lish Chair	Discovery Care Center
RALF Administrator At-Large	Keith Fletcher	Ashley Manor Assisted Living
RALF Administrator At-Large	Jim Varnadoe	Overland Court Senior Living
AARP Representative	Cathy McDougall	AARP
Advocate for Individuals with Mental Illness	Kathie Garrett	National Alliance on Mental Illness
CFH Provider/Resident or Family Member	Sharol Aranda	Certified Family Home
CFH Provider	Eva Blecha	Certified Family Home
CFH Provider	Pam Estes	Certified Family Home
CFH Provider	Mary Blacker	Certified Family Home
CFH Provider	Rebecca Solders	Certified Family Home
Resident/Family Member - RALF	Elishia Smith	Trinity Assisted Living
Resident/Family Member - RALF	OPEN	Resident/Family Member
Resident/Family Member - CFH	Leroy Smith	Resident/Family Member

The Council met in 2015 on January 20th, April 28th, July 28th, and October 27th. Council meetings are open to the public.

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

Year	2011	2012	2013	2014	2015
Number of Licensed Beds	8809	8851	9056	9276	9721
Number of Buildings	349	348	352	355	360
Surveys Completed					
Initial Surveys	13	14	24	23	12
Licensure Surveys (Annual)	119	76	57	89	38
Follow-up Surveys	44	36	22	33	39
Complaint Investigations	171	170	195	130	152
Total Surveys Completed	348	296	303	273	255
Number of full-time Surveyors	8	8	8	8	7.5

Most Common Deficiencies Cited in 2014**

** Due to the implementation of a new database in September 2015, the Residential Assisted Living Program is unable to provide 2015 data crossing both systems. This data will be available for 2016. Please reference the 2014 data below.

Core Deficiencies	Times Cited	Non-Core (Punch List) Deficiencies	Times Cited
<u>Inadequate Care:</u> Acceptable Admission/Retention (16) Resident Rights (6) Safe Living Environment (1) Supervision (6) Assistance-Monitoring of Medications (7) Coordination of Outside Services (5) Emergency Intervention (1)	24	RN assessment of health status	52
		Investigation of incidents, accidents and complaints	31
		Current medication orders	29
		Evaluation of Behavioral Symptoms	29
		Criminal History Background Checks	29
		Notify Nurse of Changes of Condition	28
		RN availability	28
No Administrator > 30 days	3	Negotiated Service Agreement	26
Abuse	8	RN Recommendations to Administrator	26
Neglect	5	Behavior Management Plans	26
Exploitation	1		
Surveyors Denied Access	0		

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. Non-core or "punch list" deficiencies are violations of the requirements established in statute and administrative rule that don't pose the same risk to health and safety as core deficiencies.

Residential Assisted Living Facilities (continued)

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	2011	2012	2013	2014	2015
Provisional License	8	13	12	7	9
Required Consultant	7	5	4	4	7
Civil Monetary Penalties	4	18	6	15	13
Ban on Admissions	4	7	5	1	6
Revocation of License	0	4	0	0	2
Summary Suspension	1	1	1	0	0
Temporary Management	0	0	0	0	1

Additional RALF Information for 2015:

The Department of Health and Welfare received 220 complaints related to assisted living facilities from Jan 1 - Dec 31, 2015. On 78% of those complaints at least one of the allegations was substantiated.

- 64% of complaints were substantiated
- 26% came from family and residents
- 10% came from current and former staff
- 12% were from other agencies
- 52% were anonymous



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

	2011	2012	2013	2014	2015
Number of Certified Beds	**	**	3025	3174	3295
Number of Homes	2169	2180	2196	2267	2357
24-Month Review	**	**	1	20	1
Desk Review	**	**	300	243	72
Follow-up Survey	0	2	39	14	17
Initial Surveys	258	132	208	222	242
Complaint Investigations	42	39	79	71	111
Physical Home Inspection	**	**	43	53	58
Annual Surveys	2088	2174	2041	1963	2149
Total Surveys Completed	2388	2347	2711	2586	2633

** Numbers not available.

Most Common Deficiencies Cited in 2015

Core Deficiency	Times Cited	Non-Core (Punch List) Deficiencies	Times Cited
Failed to maintain current certification in first aid and CPR	63	Non-payment of certification fees for Certified Family Homes	72
Failed to examine/service fire extinguishers	52	Lacked required ongoing training	38
Failed to have fuel-fired heating devices (fireplace or gas-fired furnace) inspected	47	Lacked current copy of the resident's most current uniform needs assessment	25
Failed to conduct fire drills quarterly	36	Lacked documentation of PRN medications given	24
Failed to test smoke detectors monthly	33	Lacked documentation that a resident is capable of self-administration of medications	23
Failed to review emergency preparedness semi-annually	29		

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. Non-core or "punch list" deficiencies are violations of the requirements established in statute and administrative rule that don't pose the same risk to health and safety as core deficiencies.

Certified Family Homes (continued)

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	2011	2012	2013	2014	2015
Provisional License	**	2	61	47	66
Ban on Admissions	**	0	1	2	4
Revocation	**	1	22	25	16
Summary Suspension	**	0	2	2	1

** Numbers not available.

Additional CFH Information for 2015:

The Department of Health and Welfare received 111 complaints related to Certified Family Homes from January 1, 2015 – December 31, 2015 of which 42 complaints (or 38% of those already investigated) were substantiated.

- 32% were reported from other healthcare providers
- 18% were reported from Department staff
- 13% were reported from family or friends
- 11% were reported from residents
- 11% were reported from other sources
- 09% were reported from Adult Protective Services
- 04% were reported from former or current staff
- 03% were reported anonymously



Council Business

Summary of Work Completed in 2015

January 2015

Presentations, Discussions, and Decisions:

- Council discussion concerning disposal/destruction of unused medications.
- Presentation by Cynthia Bahora from Veterans' Administration about VA Medical Foster Home Program
- Council discussion about improving the assessment of residents' needs upon admission.

April 2015

Presentations, Discussions, and Decisions:

- Council discussion about comparing licensing requirements for assisted living to certification requirements for certified family home. Council will work to develop a comparison of requirements between the two different typed of residential care settings.
- Council continued the discussion started in January about improving the assessment of residents' needs upon admission.
- The Department presented proposed rule changes for certified family homes and solicited Council feedback about the proposed changes.

July 2015

Presentations, Discussions, and Decisions:

- Michele Turbert from the Division of Medicaid gave a presentation about the upcoming changes in federal requirements for the Home and Community-Based Services Waiver.
- The Department presented proposed rule changes for certified family homes and solicited Council feedback about the proposed changes.
- Council discussion about issues to include in the Council's annual report to the Idaho Legislature.

October 2015

Presentations, Discussions, and Decisions:

- Council reviewed the document comparing assisted living licensing requirements to certification requirements for certified family homes.
- Council discussion of proposed checklist to assist residents and family members of residents choose an assisted living facility that best meets the resident's needs. The checklist was developed in an effort to help ensure successful placements of residents in assisted living.
- Council continued the discussion about issues to include in the Council's annual report to the Idaho Legislature.

Issues and Recommendations

Funding Issues

As reported in the 2015 Annual Report, providers continue to express concern that negotiations with the Department of Health and Welfare’s Division of Medicaid concerning outdated rates for Medicaid reimbursement have not resulted in increased rates. Reimbursement rates for services provided in Certified Family Homes are at rates that are almost 15 years old, personal care service rates in Residential Assisted Living Facilities are lower than what they were in 2009 and personal attendant rates are less than they were in 2009. Providers are concerned 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 insure that funding is adequate to safely care for residents according to established regulations and recent interpretations of such.

Assessment of Residents

In 2014, the Council began work on how to improve the assessment of residents when admitted to assisted living facilities or certified family homes to ensure good matches between resident care needs and the ability of the facility or home to provide the needed care. When residents have needs beyond the facility’s ability to provide required care, some residents are involuntarily discharged so they can be admitted to another residential setting that is more appropriate for their needs. Moving is stressful and disruptive for the resident. In cases in which a facility chooses to maintain a resident for whom it cannot provide the required care, the facility is violating the requirements of their state license or certification. Currently, many assisted living facilities and certified family homes use the Uniform Assessment Instrument (UAI), which is a tool used by the Department of Health and Welfare’s Division of Medicaid to determine Medicaid reimbursement. The Council has requested the Department explore other options for assessment of residents to satisfy licensing requirements rather than using the UAI and will continue to work with the Department on this issue in 2016. Changes in assessment of residents will likely require statute and administrative rule changes.



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. Last year, the Council recommended the Department work with stakeholders to find a solution to this problem. The Department responded by making this issue a high priority and launching an initiative to examine the problem and explore solutions.

Implementation of Residential Care/Assisted Living Rule Changes

Several changes to the Rules Governing Residential Care/Assisted Living Facilities in Idaho were negotiated with stakeholders in 2014 and approved during the 2015 legislative session. Those rules were implemented in July 2015. To date, the only concerns expressed to the Department and to the Council have come from a few small assisted living facilities who state the new requirement that they have staff up and awake and available 24 hours a day, seven days a week is causing them financial difficulties. The providers of these small facilities formed the Idaho Small Providers' Association in 2015. The Department's Division of Medicaid has met with these providers to ensure the providers are billing accurately to maximize Medicaid reimbursement and alleviate some of the financial challenges of the rule change.

Certified Family Home Rule Changes

The Council has identified several rules outlined in IDAPA 16.03.19, *Rules Governing Certified Family Homes in Idaho* for which council members would like to recommend changes to the Department. This work will be done in 2016 beginning with negotiated rulemaking sessions in May or June of 2016.

