

DRAFT MINUTES
(TO BE APPROVED AT OCTOBER MEETING)

COMMUNITY CARE ADVISORY COUNCIL
July 28, 2020

Present:

Tamara Prisock, IDHW Director Designee
Cindy Stevens, IDHW Council Support
Angela Eandi, DisAbility Rights Idaho
Jim Varnadoe, RALF At-Large Administrator – DHW Appointee
Mary Spears, CFH Provider Representative
Doug Park, RALF Resident/Family Member Representative
Keith Fletcher, RALF At-large Administrator
Rick Huber, Advocate for Individuals with Mental Illness
Amanda Scott, Idaho Ombudsman for the Elderly
Francoise Cleveland, AARP
Brian Bagley, RALF IHCA Administrator
Mary Blacker, CFH Provider Representative
Elishia Smith, RALF Resident/Family Member Representative
Steve Lish, RALF IHCA Administrator, Chair
Kris Ellis, IHCA Executive Director Appointee

Absent:

Shayne Burr, RALF IHCA Administrator
James Steed, Non-voting Member, Future RALF Resident
Pamela Estes, CFH Provider Representative
Nicole Ellis, RALF IHCA Administrator
Christine Pisani, Developmental Disabilities Council, Vice Chair
Cheryl Gibson, CFH Provider/Family Representative
Cody Bennett, RALF IHCA Administrator
Eva Blecha, CFH Provider Representative

Guests:

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

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

Update on the Departments’ Work Related to Coronavirus – Tamara Prisock

Tamara provided a statewide picture of how the work is being organized around Covid-19. There are 4 different formal work groups to work on Idaho’s response to Covid 19. The Governor’s working group chaired by Dave Jeppeson which reports directly to the governor. All other groups are under this task group umbrella. Dr. Marcia Witte and Tamara Prisock chair the Covid-19 Long Term Care (LTC) Strike Team. Chris Ball and Dr. Jim Souza chair the Idaho Testing Task Force. Alex Adams chairs the Coronavirus Financial Advisory Committee. Decision making is happening in the governor’s office, with state public health experts and public health districts. Task groups make recommendations to the governor’s task force. In early March, CMS suspended all survey activity except for complaints alleging harm to residents. Surveyors were repurposed to carry out orders by the LTC strike team to help facilities with guidance and resources. Long term care facility means a nursing home, assisted living facility, or intermediate care facility. Weekly numbers for LTC facilities is published weekly on the Idaho Covid-19 website. Boise and Twin Falls have a LTC facility for Covid-19 only patients. We are trying to get similar facilities in all districts. Kootenai and St Luke’s hospitals in Nampa/Meridian are either very close or have reached capacity. There are many difficulties but one of the most pressing is visitation restrictions. Idaho is taking the approach advised by experts. Since Ada County is currently in Stage 3, visits to LTC facilities are not allowed. The rest of the state is in Stage 4 and can have visitation to their facilities. We are encouraging and trying to support them in this endeavor. Each facility is influenced by staffing level, access to PPE, access to testing supplies and labs to process, and anyone in the facility currently infected or has been exposed. We have developed protocol for LTC facilities to offer check lists and factors to consider before opening. Do facilities that are Covid only receive a higher reimbursement rate? That is the goal. Is there incentive for facilities to take Covid positive patients? Will they be given priority for PPE? Yes. Those are considerations.

Jamie Simpson reports on Residential Assisted Living Facilities (RALF) – When the pandemic started, the RALF team stopped on-site surveys except for immediate jeopardy complaints. The team has expanded office hours to be available for support to facilities from 7a-9p initially, and we just reduced it to 7a-6p. The team is receiving high volume of calls from industry, is working on updating all the the products to reflect the rule change and has been updating and adding web-based courses. The PPE situation is slowly getting better but not where we need to be. Staffing is an issue. Starting July 6, we resumed regular surveys which have been stop and start. We are avoiding Covid positive facilities unless there has been a complaint. RALF has received steady complaints and concerns from the public about facilities regarding Covid. There have been many concerns about residents not having visitors. We have changed the way we survey to protect residents by reducing time in facility, using PPE, doing interviews by phone or WebEx, being in separate rooms, and sanitizing the room before and after the survey. We have not had any surveyors get sick since they have started surveying. If someone gets sick, we

notify the facility immediately. I am not aware of any lawsuits currently. In Ada County we have surveyed some facilities. Both the facilities in Twin Falls and Nampa that are COVID-only were empty buildings to start with. Ideally, the one up North will be in a building that is already empty as well.

Steve Millward reports on Certified Family Homes (CFH). With the Governor's emergency orders in mid-March, we went to working from home. Some rules were suspended to reduce the spread and follow the stay at home order. We are now preparing to go back to in person visits on a limited capacity. We are offering facilities 3 options for visits: virtual survey if the facility has access to good technology, hybrid survey with a mix of desk review and onsite walk through and modified onsite visit for providers that don't have the ability to send in documents.

Update on Zero-based Regulation Executive Order – Tamara Prisock

Last year the governor issued Executive Order 2019-02, also referred to as the Red Tape Reduction Act. This order required agencies to do immediate reductions in the number of total words and total of restrictive words in rule chapters. It also implemented a standard that, for every new requirement a state agency adds, the agency has to reduce or relax two requirements. Executive Order 2020-01 was introduced for agency rule making. This order implemented a moratorium on rulemaking in 2020, and then introduced the process for agencies to develop a schedule where at least 20% of their rule chapters are reviewed every year. Then in March, the governor asked agencies to identify any requirements that should be temporarily waived in response to the pandemic. The Department waived 110 requirements, with Licensing and Certification waiving 16 of those rules. All of the waived rules for all state agencies can be found on the Department of Financial Management, and the list of Department of Health and Welfare waived rules can be found on the Department's website. In June, Governor Little issued Executive Order 2020-13, also referred to as the Regulatory Relief to Provide Economic Recovery Act. This order required a review of all temporarily waived requirements and identify which could be permanently repealed. Licensing and Certification permanently waived 1 requirement for CFH – it is in Section 116 about training. This rule required half of training be interactive in nature. The change removes the requirement of interactive training, but the number of hours remains the same. It was suggested that removing in person training about how to interpret CFH requirements might cause more confusion. Steve assured Council members that certifying agents can be contacted if providers need assistance interpreting rules and requirements.

Review of Council Priorities – Steve Lish

Committee discussion on council priorities. Doug Park suggested adding the unanticipated consequences of extensive shutdown of facilities as a priority. Council members hear about this issue, but ombudsman would be valuable in this area. Amanda Scott adds facilities are just beginning to do outdoor and window visitations. One concern is the placement of people with behavior and mental health issues. These people are finding they can't remain in facility due to leaving to attend community events and appointments. It may be necessary to have facilities for people with behavior or mental health issues.

Review of Action Items from this Meeting – Cindy Stevens

None.

Future agenda items – Steve Lish

- Doug Park – Prioritize effects of lockdown and placement of individuals with difficult behaviors.
- Mary Spears – Discuss care provider transitions.

Provide Feedback to Open Forum Issues – Steve Lish

None.

Motion:

Mary Blacker: Motion to Adjourn

Kris Ellis: Seconded

Unanimous Vote.