

**NEVADA STATE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
ADULT DAY CARE ADVISORY COUNCIL MEETING
SUMMARY MINUTES
Date: February 25, 2016
Time: 9 AM**

MEETING LOCATIONS

Videoconference to:

Division of Public and Behavioral Health
Health Care Quality & Compliance
727 Fairview Drive, Suite E
Carson City, Nevada 89701

Division of Public and Behavioral Health
Health Care Quality & Compliance
4220 South Maryland Parkway, Building D, Suite 810
Las Vegas, Nevada 89119

CALL IN NUMBER: 775-887-5619 ACCESS CODE 2000

NOTE: SOME ADVISORY COUNCIL MEMBERS MAY ATTEND BY TELECONFERENCE
AGENDA ITEMS MAY BE TAKEN OUT OF ORDER, COMBINED FOR CONSIDERATION, AND/OR
REMOVED FROM THE AGENDA AT THE CHAIRPERSON'S DISCRETION

Chris Vito gave a little introduction. The chair reminded everyone say their name for the record. He took the roll and announced there was a quorum present.

Members present:

Chris Vito, Chairperson
Jeffrey Klein, Vice Chair
Howard Chin, New Life Adult Day Health Care Center
Kathy Posada, Baby Boomer's Activities Club
Diane Ross, The Continuum Regeneration (teleconference)
Emelita Tugas, Washington Senior Care Guest Home

Absent:

Patricia Capello, Washoe County Senior Services, excused
Heather Lankford, Willow Creek Memory Care West, excused
Jeff Dold, More to Life Adult Day Health Center, LLC, excused

Teleconference attendees:

Julie D. Bell, HCQC
Espinoza, National Adult Day Care Nancy Cortez, Nevada Adult Day Care Center (teleconference)

Carson City attendees:

Roseanne Hoff, Nursing Facilities Unit Supervisor, Medicaid

Las Vegas Attendees:

Patricia Elkins, HCQC

Don Sampson, HCQC
Jennifer, RN, Nevada Medicaid
Ron Boniella
Gina Byrge
Lily Chin
Gloria Cruz
Corezon B. Espinosa
Delia Gonzalez
Alan Jaurelyn
Rosalita Jurani
Glen Keller
Daniel Wath

Approval of minutes from the November 19, 2015 meeting.

KATHY POSADA MOVED TO APPROVE THE MEEING MINUTES OF NOVEMBER 19, 2015. HOWARD CHIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Bureau Topics – *Health Care Quality and Compliance (HCQC)*

Review of Top ten tags for facilities for Adult Day Care *Don Sampson, HCQC*

1. 170 Service of Food such as unlabeled food jars, dirty refrigerators which is a citation by environmental inspector.
2. 056 Director and employees – employee physical
3. 110 Requirements for facility – safe and clean grounds, unlocked cabinets containing cleaning supplies, refrigerators located somewhere else.
4. 040 Policies and procedures; accounting
5. 230 written assessments of clients – admission assessment
6. 020 Licensing
7. 057 Director and Employees
8. 065 Supervision of Clients; volunteers
9. 085 Files Concerning Employees
10. 093 Files Concerning Employees

Christina Vito asked why there are two different food categories on the tag list. She noted that when they hire a cook, he needs time to get certified. It is a five point deduction on your citation if your facility is reviewed and the cook is not certified yet. She suggested a timeline should be instituted. She said that they only had 30 days to get this cook certified and the classes are not offered every month. Pat Elkins said she would refer her question to an environmental specialist and see if Vinny Valiente or Ashlie Watters can answer.

Jeffrey Klein noted that questions come up between each meeting and asked if the HCQC could put up a question and answer fact sheet. He stated that new centers are looking for guidance on the web site and the FAQ could be a resource tool.

Chair Vito requested an overview of severity tags be given at the next meeting on the topic.

List of Open and Closed Adult Day Care Facilities.

Pat Elkins commented that a handout was provided to the advisory council which listed 21 open facilities and one new in pending status.

Jeffrey Klein asked if the bed capacities could be included in the list of open and closed adult day care facilities.

Jeffrey Klein said the search feature on the HCQC website is hard to maneuver and experiencing much difficulty determining places that are licensed or unlicensed. Julie Bell said that HCQC knows that this is an issue and welcomed everyone to call the office directly and an internal search can be completed. This issue is being looked into. There is no specific person to contact, just call the main line and they will find someone on staff to help you.

Update and discussion regarding Legislative Subcommittee to Conduct a Study of Postacute Care (Assembly Bill 242 [Chapter 306, *Statutes of Nevada 2015*])

Chair Vito stated that Jeff Klein is the lead on legislative issues.

Jeff Klein said one of the acts of the legislature at the last session was to look at post acute care. there were several pieces of legislation as a result of that session and the scope was merged into one. There are two more hearings this year scheduled for this study. Last session, they were looking at rates in general and looked at different post acute providers. As an example, the nursing facilities had a presentation before the subcommittee. Jeff noted that he attended and submitted testimony for the record which included a view of what the post acute care program should look like and a comment on rates for adult day care and proposal for adult day care. The next meeting is in April 2016. Jeff Klein said that he would be making a more formal presentation as what is an adult day care, reimbursement issues and how it might fit into the post acute care spectrum of services.

Jeff Klein said that attendance is important whether an adult day care facility testifies or not. The recommendations may include how facilities are configured, licensed and reimbursed. The legislative group looking at this is very conscientious on this issue. He also suggested for everyone to go to the legislative website at www.leg.state.nv.gov and sign up for notification of agendas. He encouraged everyone to attend the different meetings available for the Study of Post acute Care, Interim Finance Committee, Veterans, Disable and Senior Committee, The meetings are broadcast from north to south.

Jeff Klein also encouraged everyone to sign up for the workshops and meetings for Medicaid. It is very valuable to hear what people are saying. He said there will also be hearings when the Home and Community Based Services rules what will be coming forth. He noted that nursing has been successful in getting adjustments and behavioral health has received adjustments as well. If adult day care is going to be part of this dialogue, then the facilities need to be visible and the fact that you bring family care givers is very effective at the meetings.

Chris Vito welcomed the new attendees to participate as the current rate has not been adjusted in 14 years and the more participants result in more legislators understanding and seeing the interest in adult day care.

Update on Centers for Medicare and Medicaid Services (CMS) Home and Community Based Services 1915 (i) Plans – Gina Byrge, Long-Term Support Services, Division of Health Care Financing and Policy (DHCFP)

Gina Byrge, registered nurse, Long-Term Support Services, Division of Health Care Financing and Policy said that she works on the 1915 (i) Plans which is part of the Social Security Act. That Act allowed states to provide waiver services and services outside the Medicaid plan above and beyond what the medical insurance provides if the state wanted to do that. Those programs exist above and beyond the regular insurance. The Affordable Care Act expanded the states flexibility. The state can offer services above and beyond Medicaid insurance. That opens up a broad range of things. It gave the state flexibility and new rules. There are requirements that have to be met and there are several services offered: adult day health care, home based debilitation, home and health aid rehabilitation, partial hospitalizations, and outside services. They have to implement new programming to meet the new rules.

Continuing, Gina Byrge said that they have to remove any conflict of interest. They have to make sure a provider of a service cannot provide case management for the client. Your particular adult day care to a point has been providing case management. Now they have to provide case management for the Medicaid receivers who are going to the adult day care facilities. The new rule is that the state has to make a concerted effort to as part of state mitigation plan, the state is trying to take over that which is taking several years. She is the first person in the set up at the Las Vegas office. She said she has worked for 13 years in the Medicaid office.

Gina Byrge stated that they will be implementing case management with all of the adult day care centers. She said that they have already done an excellent job in laying a foundation for herself and team have to do. She said the case management and social workers, are a provider friendly group of people. Everyone can have her phone number and learn about this together. My office is on Valley View and she said she would give her business card and encouraged people to contact her with questions.

Jeff Klein said he would be happy to help Gina set up a room or anything you might need to get the workshop set up.

Chris Vito said that this is a huge benefit for the adult day industry and it started with this Adult Day Care Advisory Council. He hoped that attendees would be able to see all the work that is accomplished by the ADCAC.

Christina Vito said she was not sure if it was just happening with her clients but she wanted to bring up issues where other facilities are coercing her clients to transfer to other facilities. She explained that they are required to provide an attestation that they are not coercing people to stay. She said other facilities have been bribing her clients' money to change.

Cathy Posada said she has experienced that problem as well.

Gina Byrge said the second rule that must occur is person centered planning. They have to make sure the recipient is at the forefront of all the services that being provided. Looking at a budget proposal to help homeless and she just hired my first three staff people. Her office will be offering a workshop with all of you to review of the process on what this is going to look like. She commented that she is at the meeting to reaching out to try to coordinate this with you.

Discussion regarding reimbursement rate adjustments. *Chris Vito, Chairperson*

Chair Vito said he had plenty to say on this topic but would ask that Jeff Klein make this presentation.

Jeff Klein said that the last time rates were set whether right or wrong was some time ago. Health care rates are problematic. There is not a hospital administrator in America that can tell you what the cost of care is. There is no relationships between rates and cost. As a result, the community rated kinds of numbers for reimbursements for rate setting for healthcare facilities. Some years back there was an attempt to establish Medicaid rates. From a technical perspective, a hands on delivered rate is complicated. The waiver rate was set at \$40 and the Medicaid is \$54 which is almost a 14 year old rate. If you take the most conservative cost of living adjustment, basically in order to get paid \$40 in 2016 equivalents, it would be \$55 and the Medicaid rate would have to be in the high \$70s to get to an equivalent rate. For openers, the adult day care current rates are off. Some states have tiered systems where some are moderately healthy seniors who cannot be home alone but those of you who have other populations who have a lot of medical issues.

Jeff Klein said some facilities have a higher acuity rates than others, such as Alzheimer's but there are more of certain kinds of staff for that should be rated different for the different types of population. He said that they are looking at other states in what they are doing that are tiered systems and that are acuity based. This updates the different levels of care. The Medicaid client has different requirements and the cost of taking care of that staffing. He commented that Jennifer Frischmann, Richard Whitley, Betsy Aiello, Marta Jensen and Jane Gruner are all aware of the issues. He said what would like the adult day care providers to do is show interest, provide data and information, so that they can make the case when writing budgets to justify an increase in rates.

Chris Vito said he hoped that everyone could appreciate the technical issues he has described. The advisory council has been meeting now for five years. The bureau sees that patients can be prematurely discharged and what the adult day care centers are seeing is an increase in acuity.

Christina Vito encouraged everyone to participate in meetings, workshops, testimony and especially meetings before the Legislature. She commented there is strength in numbers and everyone should make an effort as everyone wants the same thing.

Chris Vito said he is of the opinion the rates will be adjusted and when that happens there may be many new providers coming to the state.

Industry Updates - *Chris Vito, Chairperson*
Top three challenges the adult day care facilities face.

Chair Vito said that these were addressed in above mentioned items.

Adjournment.

The meeting adjourned at approximately 10:30 a.m.