

**DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
ASSISTED LIVING ADVISORY COUNCIL MEETING
DRAFT SUMMARY MINUTES**

Date: October 20, 2015

Time: 10 AM

Meeting locations Videoconference to:

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

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

Attendees:

Las Vegas ALAC Members:

Lynn Homnick
Margaret McConnell, BELTCA
Shawn McGivney, Tender Loving Care Senior Residence

Carson City ALAC Members:

Dan Allmett, Mason Valley Residence, Co-chair
Paul Bailey, Bailey's Group Home
Margaret McConnell, Board of Examiners Long Term Care Administrators (BELTCA)
Diana Roberts, Washoe County
Gina Stutchman, Arbors Memory Care
Evangeline Molino, Vista Adult Care

Teleconference:

Julie D. Bell, HCQC
Robert Kidd, Perry Foundation
Linda Bowman, Nevada Medicaid District Offices- North
Nenita Wasserman, HCQC

Others present:

Libi Anders, Research Analyst, Board of Medical Examiners
Theresa Brushfield
Pamela J. Castagnolo, CMBI, Chief of Investigations, Board of Medical Examiners
Edward O. Cousineau, J.D., Executive Director, Board of Medical Examiners
Jose O. Castillo
Josie P. Castillo
Sherry Crance, HCQC
M. Jeanne Hesterlee, HCQC
Lucia Mathis, Nevada Assisted Living Centers
Leo Molino, Vista Adult Care
Don Sampson, HCQC
Jennifer Williams Woods, Aging Disabilities Services Division
Davie Wuest, Board of Pharmacy
Crystal Wren, Long Term Support Services, Nevada Medicaid

Approval of minutes for the meeting of July 21, 2015. *Dan Allmett, Co-chair*

DIANE ROBERTS MOVED FOR APPROVAL OF THE MEETING MINUTES OF JULY 21, 2015. THE MOTION WAS SECONDED BY SHAWN MCGIVNEY. MOTION PASSED. MEETING MINUTES WERE UNANIMOUSLY APPROVED.

Evangeline C. Molino, possible new member of ALAC

Dan Allmett introduced Evangeline “Vangie” C. Molino as a possible new member for recommendation to Administrator for appointment. Vangie Molino introduced herself to the advisory council.

DIANA ROBERTS MOVED TO APPROVE EVANGELINE MOLINO AS A RECOMMENDED NEW MEMBER TO THE ADMINISTRATOR AS A NEW MEMBER OF ALAC REPRESENTING SMALL GROUPS. SHAWN MCGIVNEY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Health Care Quality and Compliance updates:

Don Sampson reviewed the top ten tags for assisted living facilities and explained that they are similar to what was reported last quarter.

<i>0105 – Personnel File – Background Check</i>	<i>98</i>
<i>0103 – Personnel File – NAC 441A – Tuberculosis</i>	<i>88</i>
<i>0178 Health and Sanitation – Maintain Int/Ext</i>	<i>83</i>
<i>0936 - Resident file – NRS 441A Tuberculosis</i>	<i>80</i>
<i>0878 – Medication /OTCs, Supplements, Change Order</i>	<i>74</i>
<i>0895 – Medication / MAR – PRN MAR</i>	<i>73</i>
<i>0920 – Medication Storage</i>	<i>63</i>
<i>0859 – Periodic Physical examination of a resident</i>	<i>48</i>
<i>0074 – Elder Abuse Training</i>	<i>42</i>
<i>0994 – Alzheimer’s facility – Dangerous items</i>	<i>30</i>

Update on the new Health Care Quality and Compliance Web Site. *Don Sampson, HCQC*

Don Sampson reviewed the new website and noted where they can find the advisory council information. If there are any questions on the website, please send him an email at dsampson@health.nv.gov.

General Discussion of Medical Marijuana topics related to assisted living; *Staff, Nevada State Board of Medical Examiners; Don Sampson, HCQC*

Don Sampson introduced Pamela J. Castagnolo, CMBI, Chief of Investigations; Edward O. Cousineau, J.D., Executive Director and Libi Anders, Research Analyst of the Nevada Board of Medical Examiners, Dave Wuest, Board of Pharmacy, were present to answer any questions the advisory council had regarding medical marijuana letters of prescription by physicians. Edward O. Cousineau commented that they were at today’s meeting for general discussion.

Shawn McGivney asked how does the Medical Board (he referenced *Nevada Revised Statutes* 453A.030.2) where it says you have to be a licensed physician or D.O. as a primary care doctor, to be able to write a letter recommending medical marijuana define how much responsibility a doctor has to show and how would they show the responsibility for the care and treatment of a person using medical marijuana.

Edward O. Cousineau stated that is defined in regulations. He added that the Division of Public and Behavioral Health is responsible for the definition. He said it was his interpretation is that the responsibility is the primary caregiver. If someone is in the position that they can make a recommendation that medical marijuana would be appropriate for a condition that a patient has, it would be the responsibility of the primary caregiver. If you are making the recommendation, you have to have the greatest amount of care to the patient.

Shawn McGivney asked how does the state actually implement certify a doctor that writes the letter of authorization. He asked how is that person identified or certified.

Edward O. Cousineau deferred that question to the Division of Public and Behavioral Health.

Shawn McGivney asked the representative of the Pharmacy Board if he would consider the flex pen equivalent to giving a shot. Dave Wuest said the dialing of the device is something that could be transferred from a doctor to a nurse. For assisted living, whoever can do that has to be under the supervision of a physician.

Mr. Cousineau said a physician or physician assistant would have to supervise the procedure. When there is an injection, there must be direct oversight.

Shawn McGivney asked if a finger stick glucose an invasive procedure. Dave Wuest said that is not something that would go under the Board of Pharmacy.

The chair thanked the Board of Medical Examiners for their attendance at today's meeting.

Medication Administration approval process update. *Don Sampson, HCQC*

Don Sampson said that over the years, historically, all training plans for group homes use to be approved by HCQC. Medication administration is a priority of what HCQC will approve and certify. When the Medication Administration must be recertified every year. The actual numbers of the programs has increased to 48 programs. There is now a hold on approving new programs. The programs that are already approved are still operating but internally HCQC is looking at if they are training exactly what they should be.

Shawn McGivney asked if the Bureau could share the names of the staff who is reviewing this process. Don Sampson said they are working with legal counsel for input and if anyone from ALAC would like to give some input that would be fine as well. Shawn McGivney said he would like to be involved and volunteer for this.

Julie D. Bell that they are in the exploratory stage of looking at what are the options and what our authority is and then get input from the advisory council.

Shawn McGivney said the program has been evolving but there has been no monitoring or enforcement by the Bureau. Since monitoring and enforcement costs money, it would be a good idea to ask the legislature for more money to get increased monitoring and enforcement.

Shawn McGivney stated that there is a need to raise the minimum standard for medication training.

Teresa Brushfield said she was the third person to receive certification for medication management from the State of Nevada. She said she chose to teach the class and was monitored by the Bureau. She said that as a person that has to take this training every year from other people, she has brought her employees, she

was appalled at the misinformation that was being taught by current teachers. She said she would report it to HCQC and she wants people know how to pass those meds. When she looked at the list of certified people, there is no way in her opinion that 50 percent of the people should be teaching the class.

Julie Bell said that the bureau does have the right to monitor medication management classes. The Bureau is moving more in that direction to do that oversight.

Shawn McGivney said that more enforcement and monitoring will help to raise the minimum standard.

Nevada Health Care Association (NVHCA) national trends and data. *Lucia Mathis*

Lucia Mathis said that looking primarily looking at assisted living, the CDC National Study of Post - Acute Care providers reported that:

60 % are assisted living

AL/RFGs 82% of nursing staff are aides, highest in post -acute care

75% and higher are offering therapeutic, nursing and hospice services

62% need assistance with bathing, 45% dressing, 37% toileting and 18% eating

38% of residents need assistance with three or more ADLs

76% of residents have two or more chronic health conditions

Patient acuity is rising as well as nursing needs. To view the entire report go to:
cdc.gov/nchs/nsltcp.htm

Medicaid is the largest health care program in the United States.

Nevada Health Care Association Reviewed the CBC sent out their study for day care and homehealth, 60 percent are 25 and fewer beds and 35 are 26. 80 percent in ALS 75 percent and higher are operating therapeutic hospice

62 percent

45 percent

38 percent

3 or more ADLS

Ms. Mathis said that North Dakota is the only state that has received policy directive. CMS has expressed concern that they do not have enough time to implement the rule.

Ms. Mathis said that the first Legislative Post Acute Care study has been scheduled for November 2015.

Jeanne Hesterlee requested all the providers to give her some information regarding discharges, that can help give the bureau an idea as far as admissions go and what supportive services, referrals from hospitals, GAP, etc., you may have.

Shawn McGivney said that Nevada is rated the best in the nation regarding assisted living because of all the requirements we have such as liability insurance, sprinklers for facilities, BELTCA certified administrators, transparency, and many other things.

Update on Centers for Medicare and Medicaid Services (CMS) settings and changes related to assisted living. *Crystal Wren, Division of Health Care Financing and Policy (DHCFP)*

Crystal Wren noted she replaced Leslie Bittleston and their transition plan submitted to CMS. The information CMS required more information regarding public notice and transparency. All of this information is posted on their web site and she will leave it with Nenita to distribute to the advisory council.

Updates from the Aging Disability and Services Division that relate to assisted living.

Jenn Williams stated that she is now the State Ombudsman and that Heather Korbolic is now the director for the Silver State Exchange. Her office is currently working on some presentations for the south which will be made in December. Notices for these trainings will be sent out through the listserv. Our agency is working on updating their Elder Abuse training to reflect changes past during the last legislative session.

Shawn McGivney asked why SLAs are not monitored by the state ombudsman. Jenn Williams said if there are concerns, they are referred to the appropriate agency. Jeanne Hesterlee added that SLAs are on the radar of the Legislative Post Acute Care Study.

Assisted Living Industry updates which include current trends, census/occupancy mix, top three business issues and successes deserving recognition. *Dan Allmet, Co-chair*

Nothing was discussed under this item.

Public Comment (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken.)

Margaret McConnell said that on October 29, 2015, BELTCA will have a regular board meeting. Subsequent to that is a regulation workshop and they are going to make several changes to BELTCA regulations. Most changes will not affect anyone in assisted living. The workshop will also look at cleaning up language as to who can be a mentor in nursing facilities. She said that they have had a request for a referral changes to ask BELTCA to look at charging for referrals. Most board members have an opinion on this. Any of you who have an opinion one way or another are invited to attend.

Shawn McGivney noted that Supported Living Arrangement staff has chosen not to attend this meeting again.

Adjournment.

Meeting adjourned at 11:21 a.m.

Respectfully submitted,

Nenita Wasserman

Approved by ALAC 1-19-2016