

**Division of Public and Behavioral Health  
Assisted Living Advisory Council**

Summary Meeting Minutes

Date: July 21, 2015

Time: 10 a.m.

Meeting locations

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:**

Heather Lankford, Willow Creek Memory Care, Co-Chair  
Linn Thome, Merrill Gardens  
Lynn Homnick, Sterling Ridge  
Martha Hilario, Golden Home Care  
Shawn McGivney, Tender Loving Care Senior Residence

**Carson City ALAC Members:**

Dan Allmett, Mason Valley Residence, Co-chair  
Mary Ellen Padgett, Riverview Manor  
Margaret McConnell, BELTCA  
Diana Roberts, Washoe County (teleconference)  
Darryl Fisher, Mission Senior Living  
Gina Stutchman, Arbors Memory Care (teleconference)  
Paul Bailey, Bailey's Group Home

Leslie Bittleston, Nevada Medicaid Division of Health Care Finance Policy (DHCFP)  
Annie Chaffin, Aging and Disability Services Division  
Sherry Crance, Health Care Quality and Compliance (HCQC)  
Joselyn Castillo, Golden Years I & II  
Kyle D. Devine, Bureau Chief HCQC  
Lucia Mathis, NVHCA  
M. Jeanne Hesterlee, HCQC  
Heather Korbolic, State Ombudsman  
Daniel Mathis, Nevada Health Care Association  
Vangie Molino, Vista Adult Day Care  
Bill Ross  
Don Sampson, HCQC  
Dora Tompkins

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

**DAN ALLMETT MADE A MOTION MADE TO APPROVE THE MEETING MINUTES OF APRIL 21, 2015. DIANA ROBERTS SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

**Introduction of Paul Bailey, new member of Assisted Living Advisory Council.** *Dan Allmett, Co-chair*

Paul Bailey introduced himself to the advisory council. He is now an official member of the Assisted Living Advisory Council.

**Health Care Quality and Compliance updates:**

**Top ten tags for assisted living facilities.** *Don Sampson, HCQC*

Don Sampson reviewed the top ten tags on the handout for the meeting.

- 0105 – Personnel File – Background Check
- 0103 – Personnel File – NAC 441A/Tuberculosis
- 0178 – Health and Sanitation – Maintain Int/ext
- 0878 – Medication/QTCs, Supplements, Change Order
- 0936 – Resident file – NRS 441A Tuberculosis
- 0895 – Medication
- 0074 Elder Abuse Training
- 0255 Permits – Comply with NAC 446 on Food Service
- 0431 State Fire Marshall referral
- 0994 Alzheimer’s facility -

Don Sampson explained that these tags are the same top numbers for tags as last quarter. There has been an attempt to have more specific numbers as to how many beds are for dementia and mental illness. Currently, it is not possible to tell who is actually occupying those beds whether it is a dementia patient or mental illness.

Julie D. Bell stated she had supplied the break out of each endorsement type at the facilities and is happy to provide to Shawn McGivney again.

**Feedback regarding new survey monkey for Health Care Quality and Compliance.** *Julie D. Bell, HCQC*

Several months ago, Julie Bell explained that Health Care Quality and Compliance added a survey monkey asking for a feedback on inspections. She wanted to encourage the community to give their feedback.

Darryl Fisher asked what percentage of participation on the survey monkey is the BHCQC receiving. Don Sampson estimated 10 percent participation of the survey monkey.

Julie D. Bell said the survey feedback is letter that lists the electronic link that is in a letter which is inserted with the plan of correction letter which is sent out to facilities after a survey. There is a comment box at the bottom so that they can make additional comments.

**General Discussion of Medical Marijuana topics related to assisted living; Julie D. Bell, HCQC**

Julie D. Bell explained this item has been a standing item. She asked if there was any specific questions that we could invite people to provide information.

Shawn McGivney said he reached out to the Nevada Medical Board and the Perry Foundation. He said he spoke with William Russell was able to ask regarding NRS 453A.030 –definition of an attending physician. He explained they are physicians who write letters for medical marijuana use.

1. Licensed doctor
2. Care and treatment for a chronic debilitating illness.

Jeanne Hesterlee said there have been inquiries regarding medical marijuana use. She has looked to CMS for clarification and they did not give her any additional information. She said to be careful as it is still federally illegal so if you are accepting Medicare or Medicaid. They will also look at your route and hiring tactics. She noted that CMS does not want you to be handling it.

Jeanne Hesterlee said she was at a training in Sparks last week and noted that from the program point of view, you have a patient that has a medical marijuana card who can pick up their medication. If they need assistance, they can have a caregiver or family member pick up the medication, transport, and administer the medication. That is individual to that patient. There is one caregiver to one patient. There will not be one caregiver tied to two patients in delivering the medicine and administer it.

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

Daniel Mathis said the NVHCA is growing and this group deserves its own representative who will be Lucia Mathis, Interim Vice President, Nevada Assisted Living Association. She is a graduate from Texas Women's University. They have contracted for legal support that will be association employees and help decide what is or is not legal and will introduce those new staff later. Daniel Mathis explained that Lucia Mathis will be attending these meetings and be giving the industry updates.

Daniel Mathis noted there is a new interim study which will be looking at health services, quality measures, funding for acute care. He will be meeting with Senator Horn this afternoon regarding this topic and which may be of interest to this group.

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

Leslie Bittleston stated that health facilities that have Medicaid recipients must adhere to CMS requirements. She said that there are new rules for residential settings which the State of Nevada is trying to comply with. CMS would like to see more in how the public is involved, workshops, group regulations regarding privacy and visiting hours. They support visiting hours 24/7. She was updating the group that they may be working with HCQC on the wording.

Leslie Bittleston gave a brief overview of the changes for a residential setting. She said the facility cannot be located on the grounds as an acute care facility. For example there is one that is on the same grounds as the hospital. She added facilities must have privacy, locks on your doors, access to visitors, activities. This is a high level overview of what they view as a residential setting. Providers are very well aware what they have to provide. She explained that they do not have an approved transition plan. She commented that the states timeline to have all of this in place is March 2019. CMS should be approving Nevada's transition plan this year.

Leslie Bittleston said some individuals in facilities can come and go and some cannot. For those individuals who can come and go they should have transportation availability.

Leslie Bittleston said she was giving the overview of what CMS wants. She said it is a challenge and the plan of care is what will be used for what an individual can and cannot do. Each individual may not be able to do all of these things.

Regarding the rate issue, Leslie Bittleston explained that the State of Nevada understands that the rates are low. Waiver rates have not been increased in a long time as well as adult day care rates. She said she does hear what everyone is saying and has tried to get an increase. They have tried to request funding in budget requests but the legislature may or may not approve. Waiver rates were looked at in 2002. Continuing, she said the DHCFP hired an outside entity to do a study to look at the services provided by state and looked at what other states are charging.

Teresa Brushfield said that if every regulation were followed, minimum wage, overtime rate, her business would go into debt \$9,000 a month. Currently, the owner is not even making minimum wage to do this service. The new CMS rules are forcing people to do things illegally, they can't provide the care, heat, air conditioning, to be open 24/7 and not offering to pay more. She said they are no longer taking clients that are waiting for the Medicaid program.

Leslie Bittleston says that for the next meeting, she will provide a list of what Medicaid pays for.

**Overview of Assembly Bill 28 as it relates to Person Centered Care Training** (*Nevada Revised Statutes 427A.125*). *Heather Korbolic, Nevada State Long Term Care Ombudsman*

Assembly Bill No. 28 passed the 2015 Legislature and was developed by the Silver Hair Legislative Forum. AB 28 is an act relating to long-term care; requiring the State Long-Term Care Ombudsman to develop certain training to be made available to officers, directors and employees of a facility for long-term care; requiring the Ombudsman to provide certain training to advocates who assist the Ombudsman in providing services to the residents of a facility; and providing other matters properly relating thereto.

Heather Korbolic said the Long Term Care Ombudsman has a program available person center train caring to provide to long term care providers. This is available with four different topics, person centered planning, person centered dining practices, person centered staffing and person centered activities. It is not required but it is available. The training will be available quarterly in the Las Vegas and Reno area and will get the schedule distributed through the listserv. 702-486-3544 in Las Vegas or 775-687-0823 in Reno to schedule a training. Please let her know if you are interested.

Shawn McGivney asked why the supported living providers are not included in this program. Heather Korbolic explained supported living arrangements are not covered under the law as they are not long term care providers.

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

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.)

Shawn McGivney said he would like to nominate a couple people if there are any openings on the advisory council. He said it would be nice to have a good balance of people represented on the advisory council.

**Adjournment.**

The meeting was adjourned at approximately 11:55 A.M.