

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

Date: January 19, 2016

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

Members Attending in Las Vegas:

Heather Lankford, Willow Creek Memory Care, Co-Chair (teleconference)
Linn Thome, Merrill Gardens
Shawn McGivney, Tender Loving Care Senior Residence

Members Attending in Carson City:

Dan Allmett, Mason Valley Residence, Co-chair
Paul Bailey, Bailey's Group Home
Vangie Molino, Vista Adult Care
Diana Roberts, Washoe County
Gina Stutchman, Arbors Memory Care

Absent:

Martha Hilario, unexcused
Margaret McConnell, excused

Teleconference

Connie Johnson, Veterans Administration
Tammy Ritter, Aging and Disability Services

Las Vegas attendees:

Dora Tompkins
Maria Lingat Collier, HCQC
Paul Shubert, HCQC
Don Sampson, HCQC

Carson City Attendees:

Cathy Barton
Gretch Baths
Kyle Devine, Bureau Chief HCQC
Lucia Mathis, Nevada Assisted Living Association
Paul Shubert, HCQC
Crystal Wren, Division of Health Care Financing and Policy

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

**MOVED FOR THE APPROVAL OF THE MEETING MINUTES OF THE
JULY 21, 2015 MEETING. SHAWN MCGIVNEY SECONDED THE MOTION.
THE MOTION PASSED UNANIMOUSLY.**

The Chair stated that according to the By-Laws, if a member is not able to attend meetings, they should send the co-chair an email.

Shawn McGivney reminded everyone participation and attendance is important.

Renewal of two-year term as member of ALAC for Dan Allmett. *Dan Allmett, Co-chair –*

Dan Allmett agreed to serve another two-year term.

Discussion of role of the Assisted Living Advisory Council. Annual review of By-Laws for the Assisted Living Advisory Council.

Kyle Devine reviewed the By-Laws and noted that this group was created by the recommendation of the State Board of Health. He thanked everyone for serving as member of the ALAC. He appreciated their reviews and recommendations that he passes onto the Administrator who passes them onto to the State Board of Health. The By-Laws were passed out to everyone.

Kyle Devine commented that the advisory groups are advising the executive branch and cannot do any lobbying as a representative of the council with the legislature but individually they may. He said that a fee analysis will be completed by the Bureau and will give the advisory council an opportunity to review. This can be done through regulation. He said if you see issues that need a statute change, to please let him know.

Tammy Ritter, Aging and Disabilities Division said that one of their big issues is the possibility of putting Long-Term Services supports under a managed care model.

Shawn McGivney said that he thinks it would be appropriate to ask for more funding for the Bureau. He commented that the Bureau has a high turnover and should have ways to fund and keep their staff. He also noted that he would like a legislative remedy to the State Fire Marshals requirements. He said one of the newest inspectors told him that the interpretive guidelines from 2013 are not being followed. He said he is not being critical, but wanted something so that HCQC to retain their employees.

Kyle Devine thanked Dr. McGivney for his remarks. He suggested an agenda item for the next meeting is to ask for ideas to pass onto the State Board of Health before the next legislative session.

Paul Shubert commented the Assisted Living Advisory Council is the longest standing council the Bureau has and everyone serves with distinction. He said your service has done many good things over the years and is established in your mission. He reviewed the advisory council's purpose, mission and by-laws.

Mission

The mission of the Council shall be to examine, consider, and make recommendations about the following issues:

- A) Educational strategies for providers of group care;
- B) Revision of the regulations for residential facilities for groups;
- C) Complaint process of the BHCQC;
- D) Liability insurance;
- E) Fee methodologies and BHCQC cost analysis; and
- F) Other issues impacting group care.

Shawn McGivney said that education and liability insurance are important to keep as part of our mission. He suggested that maybe the state could pay more to HCQC to offset fees. He said he would keep the mission statement the same. He asked how can the public be better educated on what residential group home facilities are is a good question to ask.

Discussion of Medical Laboratory Regulation updates

Paul Shubert stated that the proposed Medical Laboratory Regulations that are being modified to allow for licensure of those laboratories that do not meet current criteria are now on the legislative web site. There will be a public workshop which will allow everyone an opportunity to make suggestions.

Shawn McGivney asked how does the EMS of fire department get an exemption from lab tests but the staff of facilities do not.

Kyle Devine clarified that Emergency Medical Services (EMS) clarified that they are not being exempt from licensure to do lab tests. He explained that they are regulated by two different regulatory agencies, EMS Office as well as HCQC. The Bureau has shifted the workload from HCQC to the EMS Office. They still have to be licensed according to regulations and still have to have a CLIA license. The current regulation requires the doctor to be a laboratory director. The thought for modifying the regulations was to make it more accessible by allowing the nurses and other health care professionals to act as that health laboratory director. HCQC saw the barrier that the requirement of a laboratory director had to be a physician, DO or podiatrist.

Shawn McGivney said if you are running a medical lab, it was his opinion, that the sharing the testing device is the issue.

Linn Thome said that there seems to be other options available to be able to accomplish this.

Kyle Devine commented that for the finger stick test, a laboratory director is needed. He said someone should not have to go into a skilled nursing facility just because they need someone to do the finger stick. He added anybody testing for monitoring, using bodily fluids, meets the definition of needing a lab license. In order to have a lab license, you need to have a laboratory director.

Kyle Devine explained that it is easier to change state regulations than *Nevada Revised Statutes*. He asked that if everyone could help with the word changes for the regulations then there is some change within the current constraints before trying to change the statutes which takes a longer period of time to get those approved.

Health Care Quality and Compliance updates: Don Sampson, HCQC

Top ten tags for assisted living facilities.

Don Sampson reviewed the top ten tag for surveys.

- 0105 - Personnel File – Background Check
- 0178 – Health and Sanitation – Maintain Int/Est
- 0103 – Personnel File – NAC 441a/Tuberculosis
- 0936 – Resident file – NRS 441 A Tuberculosis
- 0878 – Medication / OTCs, Supplements, Change Order
- 0895 – Medication/MAR-PRN MAR
- 0920 – Medication Storage
- 0859 – Periodic Physical examination of a resident

0074 – Elder Abuse Training

0255 – Permits – Comply with NAC 446 on Food Service

Update on the new Health Care Quality and Compliance Web Site.

In response to complaints regarding how difficult it is to find something on the HCQC web site, Kyle Devine said that the information on the Statement of Deficiencies SODs is on the state statistician site. He reported that by the end of January, the Bureau will have an electronic licensure system and asked for everyone to please bear with the Bureau during this transition.

One of the members noted that in the past you could see deficiencies and they are unable to do that now. Kyle Devine said they are working on the facility locator piece. He stated that if you cannot find what you are looking for, please call the office and they will help you.

General Discussion of Medical Marijuana topics related to assisted living;

There was no discussion under this item.

Medication Administration approval process update.

A draft of the Health Care Quality and Compliance Policy and Procedure Manual, Section: Approval of Medication Curriculum and Instructor was distributed to the advisory council members.

There was a round table discussion regarding the draft and approval of Medication Curriculum. There were many parts that members disagreed with and were of the opinion were unrealistic.

Don Sampson said this is a draft and the Bureau is hearing that trainers are handing out certificates without appropriate training. The Bureau welcomes input from the advisory council on how to address this. He said the bureau has recognized that there are some programs that are not living up to the industry standards. This is a draft and comments are appreciated.

Paul Shubert commented that the HCQC has a responsibility to develop a program and monitor that for training and testing of employees. There have been comments that some programs are not living up to standards, in recognizing that the bureau would like to do something. Medication tags are still in the top ten tags. The industry also has a responsibility that facilities need to pay attention to medication.

Kyle Devine said the purpose is to establish a policy for the Bureau has to follow. He commented that the Bureau wants the advisory council input so that they can make it work.

Nevada Assisted Living Association national trends and data.

Lucia Mathis, Nevada Assisted Living Association gave an overview of the following:

- NCAL has opened up their data collection program LTCtrendTracker for ALs and RFGs
 - Staff Turn Over and Retention
 - Core Q Customer Satisfaction Survey
 - In recommending this facility to your friends and family, how would you rate it overall?
 - Overall, how would you rate the staff?
 - How would you rate the care you receive?
 - Overall, how would rate the food?
 - Bases on the Likert Scale 1-5

- NCAL is seeking clarification from CMS regarding communities under heighten scrutiny
 - Specifically, ALs on SNF campuses that close in proximity and share walkways, etc.
- Nevada Department of Health and Human Services Division of Health Care Financing and Policy and the Division of Aging and Disability Services:
 - Exploring Medicaid Managed Care and options for expansion
 - Hosting Town Hall/Listening Sessions regarding Medicaid Managed Care and options for expansion – January 20, 2016 Clark County Library 1401 East Flamingo Road 5-7pm
 - NVALC encouraging all communities to participate
 - Request for Information goes out to providers, consumers and all stakeholders from the Director.
 - Request for Proposal from Managed Care Organizations Q3, Current contract ends June 2017
- HCA/NCAL and LeadingAge continue to hold an agreement with the Motion Picture Licensing Corp. (MPLC), which provides member nursing care centers and assisted living communities with a cost savings on the Umbrella License® for motion picture exhibitions. As members have previously been advised, showing copyrighted motion pictures and other audiovisual programs within a senior living or health care community requires a public performance license.
- The agreement says that: At present, MPLC has agreed to refrain from collecting license fees from freestanding nursing or assisted living facilities that show movies in common areas such as a lounge or community room.
- Recommending the ALAC committee add a standing agenda item for Regulatory Issues/Concerns from the providers' prospective.

Kyle Devine said that the survey monkey can also be used to report concerns. If someone has an issue with a survey, people can call him or Paul Shubert if there is a problem.

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) gave an update on Centers for Medicare and Medicaid Services (CMS) settings and changes related to assisted living. If you have specific questions, you may email managedcareexpansion@dhcfp.com.

Continuing, Crystal Wren said that the state transition plan is moving along and most of it should be done by the beginning of July. There are public work sessions which are scheduled for January 20, 2016 and the January 21, 2016. The relative payment plan has different amounts \$12k month per individual.

Regarding managed care expansion, Ms. Wren said that there are public listening sessions which have been posted to her web site. There was an issue with parking. There was a great turn out in the north. Updates from the Aging Disability and Services Division that relate to assisted living. *Jennifer Williams-Woods, State Long Term Care Ombudsman*

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

Future meeting dates for 2016: April 19, 2016; July 19, 2016; October 18, 2016 - *Dan Allmett, Co-chair*

Shawn McGivney said he would like to document that the ALAC is reaching out to the Supported Living Arrangement staff to invite them to a meeting.

Co-Chair Dan Allmett said the Medication discussion will be an ongoing agenda item.

Adjournment.

Meeting adjourned at 11:52 a.m.