

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

Date: April 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

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

NOTE: SOME BOARD MEMBERS MAY ATTEND IN LAS VEGAS AGENDA ITEMS MAY BE
TAKEN OUT OF ORDER, COMBINED FOR CONSIDERATION, AND/OR REMOVED FROM
THE AGENDA AT THE CHAIRPERSON'S DISCRETION

Roll call. *Co-chair*

Las Vegas ALAC Members:

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

Carson City ALAC Members:

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

Absent

Margaret McConnell, BELTCA, excused
Martha Hilario, Golden Home Care, unexcused

Carson City

Jeanne Hesterlee, HCQC
Sherry Crance, HCQC
Jennifer Frischmann, Chief, Long Term Services and Supports, DHCFP
Crystal Wren, Division of Health Care Financing and Policy, DHCFP

Las Vegas

Minou Nelson, HCQC
Pat Elkins, RN, HCQC
Lucia Mathis, Nevada Assisted Living Association
Chris Mirando
Julie Liebo

Teleconference

Julie Peterson
Connie Johnson for Wendy Simons, Department of Veterans Services
Robert Kidd, Perry Foundation
Jennifer Williams Woods, State Long Term Care Ombudsman

Candidates present

Robert Colbert, RN, RFA, Nevada Hand, Las Vegas
Simona Cocea, Administrator, Nevada Memory Care, Las Vegas
Wendy Knorr, Quality Enhancement Director, Atria Senior Living Group
Julie Liebo, Lakeview Assisted Living and Memory Care, Boulder City
Chris Mirando, RFA, Majestic Management Inc., Pahrump
Julie Peterson, Administrator, Heritage Springs, Las Vegas
Warlito Pizarro, Horizon Hills Residential Group Care, Reno
Patrick Ward, Carson Valley Senior Living, Gardnerville

Approval of minutes for the meeting of January 19, 2016. *Dan Allmett, Co-chair*

THERE WAS A MOTION FOR APPROVAL OF THE MEETING MINUTES FROM JANUARY 19, 2016. THERE WAS A SECOND TO THE MOTION. MOTION PASSED UNANIMOUSLY.

Renewal of two-year terms as members of ALAC for:

- Heather Renee Lankford, Willow Creek Memory Care West
- Linn Thome, Merrill Gardens
- Gina Stutchman, Arbors Memory Care

THERE WAS A MOTION AND A SECOND TO APPROVE THE RENEWAL OF THE TERMS FOR HEATHER RENEE LANKFORD, LINN THOME, AND GINA STUTCHMAN. MOTION PASSED UNANIMOUSLY

The Chairman said there are ten members currently on the board and they can have up to 16. There was a roundtable discussion on how many slots should be filled. The majority were of the opinion to have 16 members would be best but not to fill all the slots immediately. The Chair explained he just wanted to get how many members the council would like, have the candidates introduce themselves and vote at the next meeting. The Chairman commented there will be a vote on who the ALAC recommends at the next meeting in July.

Candidates for membership of ALAC

- Robert Colbert, RN, RFA, Nevada Hands, Las Vegas
- Simona Cocea, Administrator, Nevada Memory Care, Las Vegas
- Wendy Knorr, Quality Enhancement Director, Atria Senior Living Group
- Julie Liebo, Lakeview Assisted Living and Memory Care, Boulder City
- Chris Mirando, RFA, Majestic Management Inc., Pahrump
- Julie Peterson, Administrator, Heritage Springs, Las Vegas
- Warlito Pizarro, Horizon Hills Residential Group Care, Reno
- Patrick Ward, Carson Valley Senior Living, Gardnerville
- Jeremy Thompson, Attorney at Law, Morris Polich & Purdy, LLP, Las Vegas

Robert Colbert, RN, RFA, Nevada Hands, Director of Operations, Las Vegas, introduced himself and said that he is a nurse and a licensed administrator for some time since 2006. He also oversees Silver Sky at Deer Springs and Silver Sky Assisted Living. He was a regional director for clinical providers for two states - Washington, Idaho and other states of how they operate. He said seniors are coming in at a later age in life needing more services.

Simona Cocea said is originally from New York, she has a hospice background, licensed administrator, runs an assisted living center and a memory care residential facility for groups. She would like to share her knowledge of what she has picked up along the way. She feels that she has made a difference in the quality of living for her facility. She runs a memory care residential care center which is busy but she is willing to make the time for this advisory council. It is important to her that her clients to have a homelike environment is essential. She said assisted living is vital to our senior care that preserves the integrity and

quality of life. It is educating why group homes and facilities are important to preserving our quality of life and care.

Wendy Knorr, Atria Senior Living Group, she said she would like to re-engage with the group. She's been a licensed administrator since 2000 and involved in a number of different community dementia groups. Currently, she is a Quality Enhancement Director for five states and at a point now that she would like to participate again on ALAC. With Atria, they continue to be in the forefront in developing programs and regulations throughout the country. She is excited to continue to be involved with Nevada.

Julie Liebo said she would like to be part of the changes for assisted living. She has had many years of experience and every year new and challenging things come up. This is an opportunity to give back to an industry to give back. She has worked in Nevada health care for years. The council is a stepping stone for seniors and she would like to be part of that positive change. She has attended many trainings and continues to educate herself. She like to be part of making those positive changes.

Chris Mirando, RFA, Majestic Management Inc., Pahrump, licensed administrator, spent some time in Reno working on a project up there as well as in Oregon. Currently working on a 24-care bed facility in Las Vegas. His goal is to make sure that everyone is ready for the next wave of residents and make it a place where people want to come. His goal to increase the quality of lives for his current residents.

Julie Peterson – not available

Warlito Pizarro, Horizon Hills Residential Group Care, Reno - not available

Patrick Ward, Carson Valley Senior Living, Gardnerville – licensed administrator for five years, his involvement with ALAC would offer things that he learned with his residents and community. When he first started in Vacaville, California he was a member of the Senior Round Table, Senior Coalition for Solano County, services provided to seniors in general not just residential care. As an administrator for residential care, he would like to participate in the decisions that affect his residences. My involvement with ALAC would give me the opportunity to offer things that he has learned in his administration.

Jeremy Thompson, Attorney at Law, Morris Polich & Purdy, LLP, Las Vegas – not available.

A member said if they have questions of the candidates, they can email the candidates.

Health Care Quality and Compliance updates: Pat Elkins, HCQC

Top ten tags for assisted living facilities was reviewed by Pat Elkins.

- 0105 Personnel File – Background Check
- 0103 Personnel File NAC 441A / Tuberculosis
- 0178 Health and Sanitation Maintain
- 0936 Resident file NRS 441 A Tuberculosis
- 0878 Medication/OTCs, Supplements, Change Order
- 0895 Medication/MAR PRN MAR
- 0920 Medication Storage
- 0074 Elder Abuse Training
- 0859 Periodic Physical examination of a resident
- 0255 Permits Comply with NAC 446 on Food Service

Medication Administration approval process update.

Diana Roberts said there are three issues on medication. She would like to see updated information be given. She commented that she has sent issues and suggestions to Don Sampson previously.

Pat Elkins said the Bureau Medication Management committee Maria Collier, Debbie Gordon, Ashley Riedy, Don Sampson, Minou Nelson and Pat Elkins are members of the committee working on this.

Pat Elkins said that they welcome suggestions and comments. There is much input that is being considered and thanked Diana for what she submitted.

Update on staff changes at Health Care Quality and Compliance. Jeanne Hesterlee introduced Nathan Orman, who is the Education and Public Information Officer. He is responsible for coordinating trainings and for some of the changes that are happening to the HCQC web site. Jeanne Hesterlee that HCQC went to an online application service and is offering free training if you are not familiar with the online process. She commented there is also offering trainings in Las Vegas in May 2016 at a computer lab located at University of Nevada Las Vegas.

Dr. McGivney asked to get the old web site back. It would be nice for the old one without training so that the information needed could be easily found. Not all consumers can take the training. He said if you have a backup file, it might be possible to re-engineer what we wanted.

Jeanne Hesterlee said Dr. McGivney said his concerns are being taken into consideration along with others made from the members of this group and the website changes are being worked incorporated on the new web site.

General Discussion of Medical Marijuana topics related to assisted living

There was no discussion under this item.

Nevada Assisted Living Association national trends and data. *Lucia Mathis, Nevada Assisted Living Association*

Lucia Mathis reviewed national trends and data from the Nevada Assisted Living Association as follows:

ALAC Meeting National Update:

BDR Request has been made: To allow caregivers in RFGs and ALs to perform and record vital signs: temperature, blood pressure, pulse, apical heart rate, respirations, oxygen saturation and finger stick glucose

- Coalition: NVALC, Association of Homecare Owners of Northern Nevada (AHONN) and Residential Care Home Community Alliance of Nevada (RCHCAN)
- Supporters: HIRC, Adult Day Care – Support all licensed and regulated under 449
- AARP, Medic West, AMR, Perry Foundation, NVHCA Skilled Nursing

What's Trending: DOJ – 10 New Elder Justice Task Force focusing on nursing homes. If your community is somehow tied to a nursing home, this could apply to you. They are really going after quality, fraud and abuse in long-term care.

The U.S. Department of Justice (DOJ) and the U.S. Department of Health and Human Services Administration on Aging and Office of Inspector General (OIG), along with the National Association of Medicaid Fraud Control Units (NAMFCU) and National Adult Protective Services Association (NAPSA), and the state LTC Ombudsman offices announced the launch of 10 regional Elder Justice Task Forces in the Northern District of CA, Northern District of GA, District of KS, Western District of KY, Northern District of IO, District of MD, Southern District of OH, Eastern District of PA, Middle District of TN and the Western District of WA. These task forces will “[coordinate] and [enhance] efforts [among federal, state and local prosecutors, law enforcement, and various other agencies] to identify and bring to justice nursing homes that provide grossly substandard care to their residents.”

- Social Media

Social Media and Residents: Tweets raising eyebrows in DC. Appropriate social media posts following company privacy/permission policies.

- GAO report

GAO report just released: Concerned with Medicaid funding, Questioned absence of federal standardized oversight and concern with only state oversight.

- HCBS

NCAL continues to work with CMS on HCBS and the unintended consequences of their rules. In the process of developing and updating compendium. Newly formed HCBS Work Group of colleagues that are focusing on issues around implementation of the HCBS final rule.

Tennessee first to have plan approved.

- Cost Calculator

NCAL developing a Cost Calculator. Web based program to allow communities to calculate the cost per resident per day.

- National Assisted Living Week – September 11-17, 2016 “Keep Connected”

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 said that they are going through the state transition plan. They have finalized all on site assessments. Someone from Aging or Medicaid did the reviews to see that everything that CMS wants done is complied with. One of the things CMS wants is door locks but the patient needs the freedom of choice to lock their doors. CMS has decided if one of the sections that they are looking at, as long as it is addressed in their person center plan such as locking or not locking the door as an example. The other area CMS would like to see is that seniors have to have the opportunity for employment. Many seniors do not want employment but there should be the opportunity if they wish.

Crystal Wren explained the new rules will be posted to their DHCFP website. They will identify any concern with the final rules and any kind of issues that CMS sees. Most reported positive experiences.

Dr. McGivney suggested a line to the flyer that these patients will most likely not want to seek employment. He said he would send his comments by email to Crystal Wren.

Lucia Mathis said she just attended a conference in Washington DC which looked at this topic. You can have an 18 year old looking for employment is completely different than a 90 year old with dementia. Many groups are advocating that CMS change that so it doesn't look the same. CMS did allude that dementia is a little bit different. The only state that has approved the changes is State of Tennessee. She noted that every building is under scrutiny to meet CMS standards.

Crystal Wren said CMS have stated that if it is noted in the person centered plan then CMS will support that. As CMS alters their decisions, they do try to adjust their rules as well. Any concerns any one may have can contact her. Crystal.Wren@dhefp.nv.gov

Updates from the Aging Disability and Services Division that relate to assisted living. *Jennifer Williams-Woods, State Long Term Care Ombudsman*

Jennifer Williams-Woods commented that there is a new ombudsman out of the Carson City office. Her name is Elizabeth Hoffman.

They offering the new person centered training is June 15, 2016 from 9 to 11 a.m.

There are some program changes for the Ombudsman program. As the changes occur, she will keep ALAC updated.

Discussion regarding Supported Living Arrangements *Crystal Wren, DHCFP*

Crystal Wren explained that Supported Living Arrangements is not like a residency. It is a program that is offered through an Individual Disability Waiver. It provides additional support so the individual can stay in the community. There is a misconception regarding this program that it is a residential setting. It is a house, that is an individual program, and the house is not a facility that is licensed.

Jeanne Hesterlee noted that some confusion is that people think that they are unlicensed. Those facilities are not licensed for facilities for groups but they are under different state and federal requirements.

Crystal Wren said when a news article comes out that this program is receiving so much money, it is confused with assisted living.

Shawn McGivney asked what is the average cost per resident of Supported Living Arrangements.

Crystal Wren explained the payment varies and is looked at on what an individual needs. SLAs are certified through Aging Services Division, it is for an individual under the waiver.

A member said it is a big issue because there are people in the community who need care. Even though they are not licensed group homes it sheds bad light on the assisted living industry. She asked if Crystal Wren could educate the ALAC members a little more on this topic

A member asked what kind of oversight do the residents have.

Crystal Wren said she cannot speak to Aging Services direct policy.

Shawn McGivney said that they are interested if it looks a lot like what assisted living provides, even if it is a company that rents a house, and providing supervising, medication management as seen in the news articles. In that one specific incidence if it looks like a group home, may be it should be licensed as one. It is to protect people so that other disabled people should have those protections. It looks similar to assisted living. He said he was not questioning all of SLA but trying to understand the small group of people that look like they are living in a common house, clearly not their own house, and using it as a lodge.

Jeanne Hesterlee said all those residences were visited in a three day period by HCQC to see if it was indeed an issue of an unlicensed facility. Those that were identified were addressed but for the most part they did not meet the regulatory requirements.

Minou Nelson added that if a facility is receiving SLA funding from Medicaid funds, they are exempted from licensure requirements which is why there is some misunderstanding.

Minou Nelson said if you do know of operators who are being paid to do that and are not licensed operators, please let us know, as they need to be investigated.

Crystal Wren encouraged members to contact her with any questions. She commented our rates are public, crystal.wren@dncfp.nv.gov. She wanted to keep the focus on the assisted living area.

Chair Allmett asked Crystal Wren for the information for the requirements of an SLA.

Nathan Orme said he can take the information and take toolkits plus issues that are easily digestible as possible as necessary. Listening to this scenario, he would try to summarize so that someone in this assisted living scenario can ask good questions. He said we want to help each other and protect individuals involved.

Crystal Wren requested Nathan Orme to contact her whatever information he collects so they can have a check and balance.

Assisted Living Industry updates.

Regulatory Issues/Concerns from the Providers' Prospective –
Shawn McGivney reviewed the following two points:

1. RCAN and AHONN have a new lobbyist Helen Foley who will be working to reinstate NRS 278 which is the law regarding sprinklers.
2. They are requesting the live in exemptions which is in the federal law needs to be included in state law as well.

Discussion of Possible Topics to recommend to Bureau Chief to take the State Board of Health

Gina Stutchman requested a list of dangerous objects so my residents can understand what she is dealing with. It would be much easier for me to educate my family if she had a list things from HCQC. Minou Nelson explained that other than the knives, matches, and firearms identified in the NAC for standards for safety, HCQC does not maintain a list of items that would constitute a danger. It really goes to the resident and their behavior, if they have been shaving all their lives and you take that away; it may send them into a spiral. It goes back to the behavior and back to your resident.

NAC 449.2756 Residential facility which provides care to persons with Alzheimer's disease: Standards for safety; personnel required; training for employees. ([NRS 449.0302](#))

1. The administrator of a residential facility which provides care to persons with Alzheimer's disease shall ensure that:
 - (a) Swimming pools and other bodies of water are fenced or protected by other acceptable means.
 - (b) Operational alarms, buzzers, horns or other audible devices which are activated when a door is opened are installed on all doors that may be used to exit the facility.
 - (c) At least one member of the staff is awake and on duty at the facility at all times.
 - (d) Each employee of the facility who has direct contact with and provides care to residents with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, successfully completes the training and continuing education required pursuant to [NAC 449.2768](#).
 - (e) Knives, matches, firearms, tools and other items that could constitute a danger to the residents of the facility are inaccessible to the residents.

Future meeting dates; July 19, 2016; October 18, 2016 - *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.)

There was no public comment.

Adjournment.

The meeting was adjourned at approximately 11:37 a.m.