

PERSONAL CARE AGENCIES ADVISORY COUNCIL MEETING

Draft Summary Minutes

Date: May 20, 2014

Time: 1 PM

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: 888-398-2342 ACCESS CODE 1530727

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

Attendees:

Las Vegas

Margaret Ariansen, Horizon Ridge Homecare
Michael Batis, CQES
Gretchen Batis, CQES
Kimberly Cray, DHCFP
M. Jeanne Hesterlee, HCQC
Stephanie Kuewa, Dynamic Home Healthcare
Donna McCafferty, HCQC
Susan Nielsen, DHCFP
Denise Pascoe
Beverly Rowe, RN
Stacey Stoddamo
Donna S. Thorson, Health Insight
Gwen Wilson

Carson City

Kyle Devine, Bureau Chief HCQC
Jennifer Frischmann, DHCFP
Wendy Simons, Nevada Healthcare Association (NVHCA)
Adrienne Navarro
George McNally
Sherry Crance, HCQC
Tammy Sisson, Lendahand

Opening Remarks for Personal Care Agencies Advisory Council meeting – M. Jeanne Hesterlee and Julie D. Bell, Division of Public and Behavioral Health

Everyone introduced themselves that was in attendance.

Updates from the Bureau of Health Care Quality and Compliance related to Personal Care Agencies.

M. Jeanne Hesterlee, Minou Nelson, Division of Public and Behavioral Health

There was discussion about the draft by-laws for the advisory council. No Action was taken and the By-Laws will remain in draft format until approved at a future date.

M. Jeanne Hesterlee, Health Care Quality and Compliance, Division of Public and Behavioral Health read into the record the draft by-laws. She clarified that if an agency has a deficiency, the plan of corrections would correct that and they would be in compliance.

The By-Laws shall be re-written that a new personal care agency would be able to participate in the PCA-AC and the two year requirement will be removed.

DRAFT

BY-LAWS OF PERSONAL CARE AGENCIES ADVISORY COUNCIL

Section I – Name

The name of this group shall be the Personal Care Agencies Advisory Council (PCAAC) and shall be referred to hereinafter as “the Council.”

Section II – Authority

The Council was initially formed by appointment of the members by the Administrator of the Division of Public and Behavioral Health in 2014 in response to a request by the State Board of Health for the Division of Public and Behavioral Health to work collaboratively with personal care service providers to explore methodologies to reduce costs to facilities while ensuring delivery of quality personal care agency services to clients. The recommendations of the Council are advisory only and shall be reported to the Administrator of the Division of Public and Behavioral Health through the Bureau of Health Care Quality and Compliance (BHCQC). The Administrator of the Division of Public and Behavioral Health will report on the Council’s activities to the State Board of Health.

Section III – Mission

The mission of the Council shall be to examine, consider, and make recommendations to the BHCQC, Division of Health Care Financing and Policy (DHCFP), Nevada Aging and Disability Services Division (ADSD) and other government agencies about the following issues:

- A) Educational strategies for providers of personal care agency (PCA) facilities;
- B) Revision of the regulations for PCA facilities;

- C) Complaint process of the BHCQC;
- D) Fee methodologies and BHCQC cost analysis;
- E) Other issues impacting personal care agencies.

Section IV – Members

Subsection A. Composition. The Council shall consist of no more than eight members with a quorum consisting of fifty percent (50%) of the current members. The members of the Council must either be Owners or Directors of a Personal Care Agency or Home Care service. Council members need to be in full compliance with the Bureau during two years immediately preceding appointment. The Council should try to include in its membership but not be restricted to the following:

- 1) At least one PCA provider from Clark County;
- 2) At least one PCA provider from Washoe County;
- 3) At least one PCA provider from rural/frontier Nevada;

Subsection B. Alternate Member. If a member is unable to attend a meeting, he/she may designate a representative to serve in his/her stead who shall have all the rights and privileges of the member while acting on his/her behalf.

Subsection C. Term of Membership. Each Member shall serve a term of two years or until a successor is selected by a vote of the majority. Members may serve consecutive terms. Member's terms should be staggered so that the entire membership will not be replaced at any one time. In the event of a vacancy, nominations will be solicited and members will be selected by a vote of the majority.

Subsection D. Compensation. Each member of the Council is responsible for their own expenses for travel and other costs related to membership.

Subsection E. Staffing. Staff will be provided by the Division of Public and Behavioral Health for purposes of arranging the meetings, preparing agendas, meeting minutes and research needs within the availability of the Division's resources.

Subsection F. Voting. Only members of the Council shall be entitled to one vote on all business requiring action by the Council.

Subsection G. Termination. Council members, who fall out of substantial compliance, shall be terminated from Council membership. Members who are absent from two consecutive meetings, and who do not notify a Chairperson in advance of their expected absence or send an alternate, shall be terminated from Council membership.

Section V – Officers

Subsection A. Composition. There shall be the following officers of the Council: Northern Co-Chairperson and Southern Co-Chairperson.

Subsection B. Duties of Officer. The Co-Chairpersons shall conduct the meetings of the Council. The Division of Public and Behavioral Health will take the minutes of each meeting and provide a draft to members for their review and editing. Meeting minutes are to be approved by the Council and posted to the Division of Public and Behavioral Health website. The presiding Co-Chairperson may at his/her discretion appoint any member present to take charge of the meeting. The Co-Chairpersons shall appoint subcommittees and assign tasks to the members as necessary to fulfill the purposes of the Council.

Subsection C. Term of Office. A Co-Chairperson may serve two years or until a successor is elected by a majority of the members. Co-Chairperson can serve consecutive years if elected by of the members.

Section VI – Meetings

Subsection A. Regular. The Council shall meet as necessary; but, not less than once each quarter.

Subsection B. Special. The Bureau or either Co-Chairperson may call for a Special Meeting with at least three weeks' notice should the necessity arise. The meeting, however, may only be held if a quorum is present.

Subsection C. Open Meeting Requirements. Meetings shall be conducted in accordance with NRS 241, known as “Nevada’s Open Meeting Law.”

Subsection D. Subcommittees. Standing or special subcommittees may be appointed by either Chairperson. Subcommittees must also comply with the open meeting law.

Subsection E. Parliamentary Procedure. The Robert’s Rules of Order shall govern the functions of the Council.

Section V – Amendment of the Bylaws

The bylaws may be amended as approved by a majority vote of the Council.

Industry Updates and Issues (All participating agencies)

a. Unlicensed operator complaints (Tammy Sisson)

George McNally discussed an issue where an unlicensed provider who said she was a home care provider gave care to Madelyn Spitiwood, 93 year old, patient who had a hip injury which required surgery at Manor Care. At the end of the rehab period. Gina Atkins, an unlicensed caregiver took care of her and at the end billed her for \$10,000 for the period beginning in October 2013. Gina Atkins is now suing her for money. The issue is she is an unlicensed provider who works for Allan Ward at Home Instead.

Allan Ward said that Bureau does not classify this as a priority. There was a roundtable discussion regarding unlicensed caregivers and the policing of these individuals.

Kyle Devine, Chief of HCQC, said that HCQC has authority over health care agencies. He noted that the bureau does not have authority to sanction unlicensed providers. When HCQC has a list of businesses that are not licensed operators, the clients are notified that the operator is unlicensed and serve the business a cease and desist order notice.

Kyle Devine said the Bureau would like to work with the group on public information education. Other agencies should be identified who may have authority to address some of the issues such as an unlicensed operator.

A comment was made a better source should be found to reach out to the public on the jurisdiction rather than relying on the HCQC who has no authority to sanction unlicensed operators.

Wendy Simons gave a brief update on current activities provided by the Nevada Health Care Association and discussed reimbursement for mentally ill clients for residential care, ability for facilities to have input on statements of deficiencies and plans of corrections, and personal care agencies providing transitional support during transitions of care needed as a patient heals. She added that the Nevada Health Care Association annual conference will be August 10 to 12, 2014 at Lake Tahoe.

The meeting adjourned at approximately 2:15 p.m.

Respectfully submitted ,

Nenita Wasserman