

PERSONAL CARE AGENCIES ADVISORY COUNCIL MEETING

Date: December 16, 2014

DRAFT MINUTES

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

Las Vegas Attendees:

Steve Glecller, Right at Home
Minou Nelson, HCQC
Julie D. Bell, HCQC

Carson City Attendees:

Wayne Alexander, Sierra Home Health Care
Tammy Sisson, Lend a Hand Senior Services
Laura Coger, Consumer Direct Personal Care
Sherry Crance, HCQC
Kyle Devine, HCQC
Jeanne Hesterlee, HCQC
Jacque Kizer
Connie McMullen, Senior Spectrum Nevada
Peter Morris, Bright Star Care of Reno
Adrienne Navarro, DHC FP
Lee Persefield, HCQC
Tammy Stricker, ADSD
Diana Waugh, Sierra Home Healthcare
Allan Ward, HomeInstead Senior Care
Eric Spell, HCQC

Teleconference:

Michael DiAsio, Visiting Angels
Damian Belker, Home Helpers
Raymond Kemper, Happy Health Services

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

Welcomed everyone to today's meeting and thanked everyone for attending.

Election of Co-Chairpersons; M. Jeanne Hesterlee, Health Care Quality and Compliance, Division of Public and Behavioral Health

Jeanne Hesterlee, HCQC, explained that the group may want to have a co-chair from the north and a co-chair from the south. The co-chairs could alternate who is running the meetings. After a brief discussion, the members agreed that to have a co-chair from the north and south.

The By-Laws stated that there will be eight members.

Members selected for the Personal Care Agencies Advisory Council included:

Tammy Sisson, Lend a Hand Senior Services
Laura Coger, Consumer Direct Personal Care
Michael DiAsio, Visiting Angels

Peter Morris, Bright Star
Allan Ward, HomeInstead Senior Care
Diana Waugh, Sierra Home Healthcare

The following expressed interest but were not in attendance of this meeting. They will be invited to official members at the next meeting.

Daniel Mathis, Nevada Health Care Association
Trace Wolf, A Helping Hand

AFTER SOME DISCUSSION, ALLAN WARD NOMINATED LAURA COGER AND PETER MORRIS AS CO-CHAIRS OF THE PCA ADVISORY GROUP. THE MOTION WAS SECONDED BY MICHAEL DIASIO. MOTION PASSED UNANIMOUSLY.

Laura Coger – Co Chair of the South
Peter Morris – Co Chair of the North

There was no public comment on this item.

Update on Division of Public Behavioral Health, Health Care Quality and Compliance - Jeanne Hesterlee, and Julie D. Bell, Health Care Quality and Compliance, Division of Public and Behavioral Health

There was a round table discussion regarding ISO and PCAs. Jeanne Hesterlee explained that you can be a PCA and ISO but HCQC would need to license you as such because there are different regulations for each. She noted that the training components are different. She has to do with the billing component and training component that is different than the PCAs.

Change of location (suite change) v. Change of location out of same complex (requiring full initial fees)

Jeanne Hesterlee explained the cost of doing a change of location (\$250 for a suite change) vs. the cost for a change of location out of the same complex (full initial fees)

Jeanne Hesterlee explained that there is a specific area of *Nevada Administrative Code* (NAC) which deals with changes to license. These include: changes to administrator name, the owner, and the name of the facility. If any

of those things change, HCQC must be notified within 10 days. She noted that generally a license must be reprinted. If the change(s) are in the same building and a suite change because the owner of the building is the same, and the address remains the same and it does not require a fire marshal visit the fee is minimal. When a business license changes due to a complete location change, new lease agreement, she explained it is the same vetting process. If there is a change such as administrator, that license is not correct and the license is no longer valid.

Allan Ward said when you move to a new suite, you are at the same fire access. He said you do not have to vette the new administrator if it is in a new location.

Peter Morris said if nothing else has changed but just the suite has changed, he did not think that was much difference.

Jeanne Hesterlee explained they have certain requirements that must be met but a change of address requires a visit by the fire marshal which will cost more. She stated that when you change location, it is like a whole new application.

Allan Ward said that the local and the state do the same fire inspection.

Jeanne Hesterlee said if you look at the list of documents that are required, it may take months for people to supply these documents to us. She added that basically, a change of location is looked at as a new application.

Peter Morris asked what is a facilities opportunity to get that changed. He said that the change of address is just that and there should be a way to confirm that everything else is the same. He asked again, how would can they get that process changed.

Jeanne Hesterlee explained she was just trying to provide more clarification.

A member asked if they could submit a bill draft request to the legislature to have them look at this. They also asked if PCA's can be given a grading system.

Julie Bell said the deadlines for bill draft requests has passed for the 2015 Legislative Session. There has been previous discussion of the PCA's being given a grading system which would require a regulation change.

There was no public comment under this item.

Industry Updates and Issues (All participating agencies)

- a. Unlicensed operator complaints (Tammy Sisson)
- b. Media Campaign Ideas and suggestions (the membership was asked to bring to the table ideas of what material/message they would like included in a media campaign).

Minou Nelson drafted a media template for the group to consider. It may have too much information or too little but it would be a good start. The document is pasted here:

The Division of Public and Behavioral Health is reaching out to the community to ensure they are aware of Nevada's licensure requirements for Personal Care Agencies (PCA) which provide personal care in the home. Consumers who seek to a personal care attendant in the home should research whether the agency is licensed through the state of Nevada Division of Public and Behavioral Health.

Nevada Revised Statutes (NRS) 449.0021 defines a PCA as a business as an "agency to provide personal care services in the home" as follows:

1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home, through its employees or by contractual arrangement with other persons, nonmedical services related to personal care to elderly persons or persons with disabilities to assist those persons with activities of daily living, including, without limitation:

- (a) The elimination of wastes from the body;
- (b) Dressing and undressing;
- (c) Bathing;
- (d) Grooming;
- (e) The preparation and eating of meals;
- (f) Laundry;
- (g) Shopping;
- (h) Cleaning;
- (i) Transportation; and
- (j) Any other minor needs related to the maintenance of personal hygiene.

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified by subsection 1 without the assistance of employees;

(b) An organized group of persons composed of the family or friends of a person needing personal care services that employs or contracts with persons to provide services specified by subsection 1 for the person if:

(1) The organization of the group of persons is set forth in a written document that is made available for review by the Health Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; or

(c) An intermediary service organization.

3. As used in this section, "intermediary service organization" has the meaning ascribed to it in NRS 427A.0291.

NRS 449.220 authorizes the Health Division to bring action in the name of the State to enjoin any person or agency from operating a PCA without first obtaining a license from the Division of Public and Behavioral Health.

Advice for consumers

When seeking to hire personal care services in the home, consumers should:

- Familiarize themselves with Nevada's requirements for PCA agencies at www.health.nv.gov

- Contact the Division of Division of Public and Behavior Health website at www.health.nv.gov to obtain names of agencies licensed by the state of Nevada. At the website, you can research whether the licensed agency has been the subject of consumer complaints.

Consumers who believe they have hired an agency not licensed by the Division of Public and Behavioral Health, or suspect any other form of consumer abuse, can file a complaint with the Division online, or by calling 1-702-486-6515.

Peter Morris said it is informative but would like to emphasize these items. An elder person needing home assistance, licensed help is preferred because someone who is not licensed could put your loved one in jeopardy.”

Personal Care Agencies customer monitoring program (Allan Ward)

Nothing was discussed under this item.

Other industry related issues – General Discussion, M. Jeanne Hesterlee

Medicaid without being able to do any hire reimbursement, this is a dilemma for agencies and Medicaid. It will be interesting, we have been working with the Participant center, and self directed care brings many new things to the mix. They could be shared employees or their own employees, so then it’s a question of Medicaid or another state agency that needs to reimburse for travel.

Aging and Disability Services Division Update Tina Gerber, Deputy Administrator

There was no discussion under this item.

Updates for Nevada Health Care Association (NVHCA) Daniel Mathis, NVHCA

There was no discussion under this item.

Medical Marijuana

If the police pulls someone over and the person says they have a medical marijuana card. From the authority, what do they deem as under the influence. Jeanne Hesterlee said it all has to do with impairment. She explained that as employers, fitness for duty and keep in mind, federally cannabis is still illegal.

Future meeting dates for 2015 include: 3/17/2015; 6/16/2015; 9/15/2015; 12/15/2015

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.)

A member asked when will the background check program be available for PCAs. Jeanne Hesterlee explained that they are training one facility type at a time and it will be a little while before that training for the PCAs will be in approximately six months.

Adjournment

There being no other business before the PCAAC, the meeting was adjourned at 2:30 p.m.