

**DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
PERSONAL CARE AGENCIES ADVISORY COUNCIL MEETING  
MINUTES**

**Date: June 16, 2015**

**Time: 1:30 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

**Council Member Attendees**

Peter Morris, Co-Chair (Carson City)  
Michael DiAsio, Visiting Angels (Las Vegas)  
Tammy Sisson, Lend-A-Hand Senior Services (Carson City)  
Allan Ward, Home Instead Senior Care (Carson City)  
Diana Waugh, Sierra Home Healthcare (teleconference)  
Trace Wolf, A Helping Hand (teleconference)

**Teleconference**

Brat Connie, Elder Care Connections  
Connie McMullen  
Tracey Pastoni, Interim Health Care, Personal Support Care Services  
Linda Bowman, Reno District Office Medicaid  
Nancy Dunson, Reno District Office Medicaid  
Lilian K. Gray, New Foundations  
Latisha Campbell, New Foundations  
M. Slack, New Foundations  
Lauren Williams, New Foundations

**Attendees Carson City**

Elaine Burbich, Right at Home, Reno  
Sherry Crance, HCQC  
Adrian Navarro, Nevada Medicaid  
Pete Kuzenor, Right at Home Reno  
Robert Reasoner, Nevada Transportation Authority  
Dawn Tan, Aging and Disabilities  
Diane Wallace, Health Care

**Attendees Las Vegas**

M. Jeanne Hesterlee, HCQC  
Minou Nelson, HCQC  
Jodie Delasario, Guardian Home Angels

## **Opening Remarks for Personal Care Agencies Advisory Council meeting.–**

M. Jeanne Hesterlee, Health Care Quality and Compliance (HCQC), Division of Public and Behavioral Health (DPBH) welcomed everyone to the meeting.

## **Approval of meeting minutes from March 17, 2015 Personal Care Advisory Council meeting.–Peter Morris, Co-Chair**

**THERE WAS A MOTION TO APPROVE THE MEETING MINUTES BY TRACE WOLF FOR THE PCA MEETING OF MARCH 17, 2015. THERE WAS A SECOND TO THE MOTION. MOTION PASSED UNANIMOUSLY. MEETING MINUTES WERE APPROVED.**

## **Division of Public Behavioral Health, Health Care Quality and Compliance**

### **Update on the new HCQC website and update on web site area for posting unlicensed operators. –**

*Donna McCafferty, HCQC*

Donna McCafferty explained the new website is will be active in July 2015. She reviewed a handout that showed pictures of what the new HCQC website looks like and where to locate the pages that the advisory council members would most likely be interested. The web page will show shortcuts so that you can navigate around and look at regulatory information, control and additional quick links. As you go further down, you would click onto Non-Medical Facilities which has its own page. This page has links for the State Laws and Regulations, Licensing and Applications, Interpretive Guidelines, Technical Bulletins and other Additional Resources.

The link to look at the advisory council meetings and minutes is [http://dpbh.nv.gov/Reg/HealthFacilities/Advisory\\_Councils/](http://dpbh.nv.gov/Reg/HealthFacilities/Advisory_Councils/).

Donna McCafferty said if anyone has questions about it after it is live, they can contact her at [dmccafferty@health.nv.gov](mailto:dmccafferty@health.nv.gov). A member asked if a “Fact Sheet” could be developed for the Personal Care Agencies. She said she was not sure of the timeframe but would be a great project that staff and the advisory council to put together.

Trace Wolf asked if the Personal Care Advisory Council could make a policy and procedure for best practices emergency situations. Donna McCafferty agreed that would be a good project for the advisory group to develop a resource for that. Donna McCafferty gave an example, if go into a home and the heater is on too low, what steps do you take. Some of the steps you may want to take is to call Emergency Medical Services (EMS). She was encouraging everyone to go back to your organization and put a policy into place. Another item for consideration is for the personal care agencies to have an earthquake policy.

Elaine Kombush asked what constitutes an unlicensed facility. Jeanne Hesterlee said if there is someone that is a personal care services with employees, they are an unlicensed agency if they do not receive a license through us. Jeanne Hesterlee said for example, the family has three caregivers they are paying to pay three different people to do things would not be considered a personal care agency. If one of the caregivers get together and say why don't you write one check for all three of us; that would be an example of an unlicensed care agency.

Peter Morris asked is there flexibility of in the amount and the length of the sanction. He said he was concerned that someone gets a fine reduced and start their business has a license the next day.

Jeanne Hesterlee to substantiate that it is an unlicensed facility, they would ask how is the individual being paid. In the past, the sanctions were \$10,000, \$15,000 or \$25,000. The chief attorney general does try to get them into compliance with the licensure. The notifications are sent to the operator, if they do opt to go through the licensure process, the Chief Attorney General has allowed operators to apply for licensure.

Minou Nelson commented that they are working on a media campaign on the benefits of working with a licensed facility.

Responding to Chair Morris regarding how long it takes from the time an application is received to actually being licensed, Jeanne Hesterlee said if an application is 100 percent complete, it takes 30 to 60 days. A statistic she does have is that 98.9 percent of applications are not complete. We do not allow them to operate during the licensure process but once they have the license they can operate.

**General update from 2015 Legislative Session regarding Assembly Bill 222** (Revises provisions governing the imposition of administrative sanctions against facilities for the dependent.) *Minou Nelson, HCQC*

Minou Nelson said that HCQC will now have the authority to impose a \$10,000 fine for those facilities for dependent care for those who operate without a license which includes personal care agencies. There will be an appeal process that they will allow. She noted that for the facilities operating without a license the first offense is \$10,000, second offense is \$25,000 and third offense is \$50,000.

Peter Morris explained that the discussion is regarding unlicensed facilities which will be fined and there are three stages to impose these fines, period of time that they cannot apply for licensure.

**General discussion regarding the topic of medical marijuana.-** *Daniel Mathis, Nevada Health Care Association (NVHCA)*

No comment was made on this item.

**Discussion regarding Nevada Transportation Authority warning notices for advertising transportation services.** *Investigator Rob Reasoner, NTA*

Rob Reasoner said his agency regulates transportation in Nevada. He said that they have run across personal care agencies that are advertising they are providing transportation. He explained that they cannot advertise that they provide transportation without a license from the Nevada Transportation Authority. If the main model is for personal care that is okay but they do not want to see home care agencies branching out and charging as if they are a taxi cab to provide transportation to appointments. There have been citations issued and warning notices have been sent out since. If you are just providing transportation alone, you would have to go through Nevada Transportation Authority. Homecare agencies can ask for an exemption. He explained that they want to make sure that home care agencies are not providing transportation like Uber.

If you want an exemption, please contact: NV Transportation Authority, Administrative Attorney Jim Day, 702-486-3303 extension 408.

If a PCA wanted to provide this, Trace Wolf asked DHCFP if this would have to be documented in the course and care plan. Rob Reasoner recommended that they contact the Administrative Attorney, Jim Day if that was the case. If you do receive an exemption, you are allowed to advertise that you do provide transportation.

**Update on WINN Waiver and Centers for Medicare and Medicaid Services (CMS).**

Adrienne Navarro said the current operation WINN Waiver also known as the physically disabled waiver is done through the DHCFP Division of Health Care Finance and Policy district offices. The budget was approved to transfer the WINN Waiver to Aging and Disability Services Division (ADSD) effective July 1, 2015. The ADSD will be operating the physically disabled waiver on or before October 1, 2015. The operations will not change in anyway just be under Aging and Disability Services for the physically disabled waiver.

In response to Trace Wolf regarding how to identify this in the care plan as a provider, Adrienne Navarro said that it is an authorization under type 58 for the services under the physically disabled waiver.

Michael DiVasio asked that the topic Senate Bill 514, Section 37 which was signed by the Governor for the State of Nevada to privatize services for Medicaid and move it under managed care. He requested that this topic be discussed at the September 15, 2015 meeting. Adrienne Navarro said she could not comment on that and would ask Jennifer Frischmann to address that item at the next meeting.

**Updates from the Nevada Health Care Association.-*Daniel Mathis, NVHCA***

There were no updates under this item.

**Industry Updates and Issues (All participating agencies)**

No discussion on this item as they were addressed in previous agenda items.

**Unlicensed Operators being marked with deficiencies when (and if) they do become licensed.**

Peter Morris stated this item was discussed under a previous agenda item giving an update on Assembly Bill 222. He asked if there will be any public notification, if someone is fined as an unlicensed operator. Donna McCafferty said that they have not been posting sanctions on the web site. Press releases are distributed for those that are egregious incidents for Medicaid Fraud but HCQC is not posting for unlicensed operators. .

There was a roundtable discussion regarding intermediary service organization ISO which help the client with the hiring of personal care services. Jeanne Hesterlee said there will be a technical bulleting coming out regarding ISO/PCO which has a dual licensure. Historically was that rather than making them pay for both of those licenses, they pay a higher rate. If one license is 1,000 and the other is \$2,000; rather than pay a total of \$3,000; the ISO/PCO would pay the higher rate of \$2,000.

Adrienne Navarro said if someone is to operate solely as an ISO is that an endorsement or licensure. Jeanne Hesterlee said that is a certification.

Chair Morris commented on the subject of skilled and unskilled staff that there was a law that seemed to expand it. He said the personal care agencies are confused on what we can and cannot do, and asked if that could be discussed that at a future meeting. Jeanne Hesterlee said that it can be future agenda item.

Michael DiVasio asked if HCQC has ever looked at web sites such as www.care.com that looks like they are functioning as an ISO promoting caregivers to our seniors. It does not look like they are doing proper background checks.

Minou Nelson, HCQC said that they did investigate and could not substantiate that they were operating as a personal care agency. Minou Nelson said she could resend the notification if he did not receive that.

**Topics for future meetings.- *Peter Morris, Co-Chair***

Chair Morris suggested future topics that may be included for the next agenda would be discussion policy for best practices; skilled and non-skilled branching out to an ISO explanation; discussion regarding SB 514 and additional information or process regarding combining the review process update.

**Dates for Future Meetings:** September 15, 2015 and December 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.)

**Adjournment.**

The meeting adjourned at approximately 2:46 p.m.

Respectfully submitted,

Nenita Wasserman

Approved at the September 15, 2015 Personal Advisory Council Meeting.