

## Nursing Home Advisory Committee Meeting

February 22, 2019

### Minutes

**Members in attendance:** Co-Chair, Barbara Cass, Department of Public Health (DPH); Matthew Barrett, Connecticut Association of Health Care Facilities (CAHCF); Anne Foley, Office of Policy and Management (OPM); Mag Morelli, LeadingAge Connecticut; Mairead Painter, Office of the Long-term Care Ombudsman Program, Department of Rehabilitation Services (LTOP); David Wasch, Connecticut Health and Educational Facilities Authority (CHEFA)

**Members absent:** Co-Chair, Christopher Lavigne, Department of Social Services (DSS)

**Others present:** Nicole Godburn, DSS; Davis Lawlor, United Methodist Homes (UMH); Melissa Morton, OPM; Michael Mosier, Athena; Kathy Shaughnessy, DSS; George Thomas, Blum Shapiro

*Meeting called to order at 9:10 A.M.*

#### Introductions

- Members introduced themselves.
- Barbara Cass, DPH, introduced Melissa Morton, OPM, and announced that she will be assisting with staffing the Committee.

#### Approval of Minutes from Last Meeting

- Tabled to next meeting. Barbara Cass will send them to Melissa Morton for distribution with the February 22<sup>nd</sup> meeting minutes.

#### DSS Report on Pending Nursing Home Requests for Interim Rate Increases

- Kathy Shaughnessy, DSS, reported that there are currently no requests.

#### Governor's Budget and Legislative Proposal

- Anne Foley, OPM, reviewed items in the Governor's budget and legislative proposals that have an impact on the nursing home industry. Group discussion followed. Below are discussion highlights:
  - *Revised Nursing Home Rates to Encourage Higher Quality and Occupancy Levels:* It was clarified that the 9/30/18 cost report will be used, there will be no stop-loss for facilities with 1 star or less than 70% occupancy. Mag Morelli, LeadingAge, expressed concern about the timeframe and lack of opportunity for facilities to see this coming and make corrections. Additionally, stars are currently frozen in the DPH system. They need to be unfrozen so that facilities have updated star ratings. Members raised that there needs to be an appeals mechanism.
  - *Revise Nursing Home Receivership Provisions:* This language was requested by DSS and among other things updates the amount a receiver can spend to correct a physical plant. Kathy Shaughnessy, DSS, will send Anne information on how long it has been since this amount has been updated. Mairead Painter, LTCOP, expressed concern about

the requirement that a receiver immediately commence closure of a facility with less than 70% occupancy. Anne stressed that all closure protection remain intact.

- *Expedite Financially Distressed Nursing Home's Voluntary Request to Close:* The group discussed the pros and cons of holding public hearings on nursing facility closures. Federal law requires residents receive 120 day notice of closure. Mairead Painter suggested that residents and family members be provided with an open forum or other public mechanism to voice concerns about a closure if public hearings are going to be eliminated. Anne asked Mairead to draft some language to address this issue and send it to her.
- *Increased MFP Transitions:* Anne informed members that MFP transitions are being increased by 800 and DSS will be receiving additional funds for increased staffing.
- Mag asked DSS staff if the agency has a methodology to cost out 5-year salaries. She noted that direct-care pay increases drive-up pay for non-direct care workers who will want to maintain a rate higher than that of direct-care workers. Matt Barrett, CAHCF, expressed that rate increases need to be part of the evaluation.

#### Survey Activities/Quality Issues

- Barbara Cass reminded members that this is a required agenda item and therefore will appear on all future agendas. She provided the following update:
  - *Infection Control:* issues relate back to the glucometer and in-between use infection control protocols not being consistently followed.
  - *Elopement:* Immediate jeopardy has been corrected. The issue was specific to one resident who walked past staff and out of a facility.
  - *G-level Findings:* There have been a few G-level findings related to skin, supervision and hazards in the environment.
  - *Falls:* CT identifies falls with higher frequency than other states in the region. Barbara is currently in discussion with CMS about this topic. Additionally, she has met with Qualidigm (Ann Spenard) to discuss what how Qualidigm can assist with fall prevention efforts. Legislators often focus on using alarms and have a lack of awareness that the use of alarms is being phased-out. Barbara is contemplating using Civil Monetary Penalty (CMP) dollars for an initiative focused on fall prevention. Mairead Painter suggested that Barbara connect with Margy Gerundo-Murkette in the State Unit on Aging because they have been partnering with Yale to implement successful fall prevention efforts in the community that may be transferable to an institutional setting.
- Matt Barrett asked if surveys are showing issues with staffing levels. Barbara reported that there have not been any staffing related citing when assessing compliance with the Regulations of the Connecticut State Agencies. However, if a facility is not meeting the needs for residents because of complexity and acuity, this can get cited using the Code of Federal Regulations requirements.
- Barbara informed members that phase 3 implementation of the revisions to the Code of Federal Regulations is coming. Payroll-based journaling has encouraged CMS with regard to national results. There will be more weekend surveying required with a minimum of 12 surveys required to be conducted on weekends. CMS will also begin formally alerting states if staffing problems are identified.

- Mairead noted that families are reporting staffing concerns, especially on weekends and evenings when facilities may not find coverage for staff call-outs.
- Mag noted that Mairead’s point highlights the issue of restrictions on the use of per diems. There are legislative proposals being developed to restrict per diem use and require agencies. Mag further commented that all of the health care associations are working with the League of Nursing to help address the need for a more robust workforce especially CNAs and Directors of Nursing Administration. Retirements are expected to hit management levels positions hard. Matt noted the need to elevate the stature of the CNA position and push against the concept that nursing homes are bad places to be and not an important part of the long-term care system. Mairead reported that the Northwest and Southwest regions of the state have the biggest staffing gaps for CNAs. Mag added that areas of the state without good public transportation will have gaps. CNA training is also expensive. She proposed the idea of using CMP dollars to conduct a CNA recruitment campaign and offer education scholarships. There was suggestion of forming a workgroup on this topic.
- Mairead Painter informed members that [Bill No. 7198 - AN ACT CONCERNING SOCIAL WORKERS](#) is in the Public Health Committee. It seeks to require that only Masters Level Social Workers who are also Licensed Clinical Social Workers be deemed “Social Workers.” She informed members that this could have a huge impact on nursing homes and schools who use BSWs or unlicensed MSWs. These individuals would no longer be considered Social Workers and would not meet Public Health Code.

#### NHFA Committee Annual Report

- Barbara Cass informed members that everyone should have had a chance to review the draft report and send her comments.
- Anne Foley, OPM, informed the group that she and Chris Lavigne submitted several revisions. However, she wanted to add the following edits:
  - Change the title of the report to “The Nursing Home Financial Advisory Annual Report;”
  - Remove the names of the Commissioners;
  - Add a brief (half page) transmittal letter from the Co-chairs to the front of the report; and
  - Add a conclusion that mentions the Committee will continue to meet quarterly and a schedule will be posted to the Committee web site.
  - Keep it fact-based.
- Barbara Cass outlined next steps:
  - Barbara will incorporate the revisions she has received into one document and send it to Melissa Morton by end of the day Friday 2/22. Melissa will circulate it to the group.
  - Members should send their comments/edits on the final draft to Barbara by COB 2/26;
  - Barbara will incorporate all final comments and send Melissa Morton and Anne Foley a final draft for review by COB 2/27.
  - Barbara will submit the report by COB Thursday, 2/28.

#### Long Term Care Mutual Aid Plan Update

- Barbara Cass reported that the Virginia memo is currently being customized for Connecticut by DSS.
- Kathy Shaughnessy added that it is a DSS priority to finish the memo.

#### Receiverships/Closures/Bankruptcies

- Kathy Shaughnessy reported that there are no new receiverships, closures or bankruptcies to report. Park Place sold and Athena, sold, now D.B.A. Crestfield Rehabilitation in Fernwood Manner.
- Barbara Cass added that DPH is processing two potential changes of ownership.

#### Patient Driven Payment Model (PDPM)

- Kathy Shaughnessy reported that the contract has been approved. Nicole Godburn, DSS, added that DSS plans to hold a kick-off meeting soon.
- Members discussed the need to keep legislators informed beyond DSS just updating a web site as was done with the hospitals and DRGs. Mag Morelli and Matt Barrett noted that this is a big change for the industry and could affect access to care, therefore DSS needs to update legislators with a more aggressive outreach plan than relying solely on web updates. Kathy Shaughnessy agreed this is major change and will bring the recommendation to Chris Lavigne that a more involved outreach plan, including more frequent legislative updates throughout the process is warranted.

#### Statutory Requirements

- Barbara Cass and Melissa Morton reviewed the key provisions of [C.G.S. 17b-339](#), the statute governing the NHFA Committee including: data collection, evaluation and recommendations and quarterly meetings with the Chairs and Ranking Members of the Appropriations, Human Services and Public Health Committees.
  - Members were informed that appropriate legislators will be invited to quarterly Committee meetings beginning with today's meeting and moving forward.
  - Melissa walked members through the statutory requirement regarding data collection and evaluation and advised that the Committee is required to use available data to make recommendations consistent with the DSS Rebalancing Strategic Plan and submit them to the Commissioners of DSS and DPH. Barbara Cass added that at next meeting the Committee needs to what data is available and the preferred collection and evaluation methods. Melissa said that she will ask Dawn Lambert, DSS, if most recent version of the Strategic Plan is ready to be shared. If so, she will send it to the Committee.

#### 2019 Meeting Schedule

- Committee members agreed to switch to a quarterly meeting schedule with the option to call interim meetings as needed.
- A draft 2019 meeting schedule was disseminated. The proposed dates did not work for all members. Melissa offered to send out a revised schedule for comment. Members agreed to hold the next meeting April 23, 2019, 9:00 - 11:00 at DSS. The previously scheduled March meeting is cancelled.

### Other Business

- Barbara Cass reported attending a conference where a private company presented on how they do receiverships. Chris Lavigne is working on a cost analysis comparing current Connecticut practice vs. using a private company.
- Barbara informed the Committee that HUD is not interested in rescuing their facilities that have gone into receivership or bankruptcy. State staff in Missouri informed her that HUD is advising distressed homes to sell or close.
- Members discussed HUD rules and funding restrictions and prior state efforts to work with HUD to make certain funds allowable for use to repurpose buildings. However, HUD funds are so prescriptive that it would take Congressional action to allow funds to be used to repurpose a building.
- David Wasch, CHEFA, noted that other States allow the utilization of private funds to save a building. He asked if this could be allowable in CT. Members noted there is nothing prohibiting such action in Connecticut.

*Meeting adjourned at 10:58 A.M.*