

Minutes of Meeting
Health Services Council
Project Review Committee-II

DATE: 10 March 2011

TIME: 2:30 PM

LOCATION: Conference Room 401

ATTENDANCE:

Name	Present	Absent	Excused
Committee-II			
Victoria Almeida, Esq. (Chair)	X		
Raymond C. Coia, Esq.	X		
Joseph L. Dowling, MD	X		
Gary J. Gaube		X	
Maria R. Gil			X
Catherine E. Graziano, RN, PhD	X		
Robert Hamel, RN	X		
Daniel Orgel, MPA	X		
Denise Panichas			X
Reverend David Shire (Vice Chair)	X		

Staff: Valentina Adamova, MBA, Michael K. Dexter, MPA, Joseph G. Miller, Esq.

Public: (Attached)

1. Call to Order, Approval of Minutes, Conflict of Interest Forms and Extension for the Minutes Availability

The meeting was called to order at 2:30 PM. The Chair noted that conflict of interest forms are available to any member who may have a conflict. A motion was made, seconded and passed by a vote of seven in favor and none opposed (7-0) that the availability of minutes for this meeting be extended beyond the time frame as provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Coia, Dowling, Graziano, Hamel, Orgel, Shire.

2. General Order of Business

Ms. Almeida noted her recusal with regards to the application of Gentiva Health Services, Inc. Rev. Shire proceeded as the Acting Chair for the application of Gentiva Health Services, Inc.

The next item on the agenda was the application of **Gentiva Health Services, Inc.** for change in effective control of Odyssey Healthcare, Inc. and its subsidiary Odyssey HealthCare Operating B, LP d/b/a Odyssey Hospice a Hospice Care Provider Agency in Warwick.

Ms. DeBlasio, legal counsel to the applicant, introduced the representatives of the applicant present. The applicant provided responses to the written comments of 23 February 2011 from Ms. Cranston, Executive Director, Rhode Island Partnership for Home Care. Mr. Cunningham, Vice President of Compliance, Hospice Division, cited statements of the Center for Medicare and Medicaid Services and Department of Health and Human Services Office of the Inspector General regarding publicly traded providers posing limited risk because of financial oversight and that for-profit hospices perform better than not-for-profit hospices in four major compliance and regulatory risk areas.

A motion was made, seconded and passed by a vote of four in favor, none opposed, one abstaining and two recusing (4-0-1-2) to recommend that the application be approved subject to the conditions of approval. Those members voting in favor included: Coia, Hamel, Orgel, Shire. Sen. Graziano abstained. Ms. Almeida and Dr. Dowling recused.

The next item on the agenda was the application of **Comfort, LLC** for initial licensure to establish a Home Nursing Care Provider Agency at 165 Dyerville Avenue in Johnston.

The applicant introduced additional staff members, Ms. Shabashevich, RN, who has prior home care experience and Ms. Kratik, CMA, CNA, who both are fluent in Russian. The applicant reviewed responses to follow up questions including addressing written comments from Ms. Cranston, Executive Director of the Rhode Island Partnership for Home Care. The applicant also addressed oral comments of Ms. Heren, Executive Director of the Alliance For Better Long Term Care. The applicant discussed the experience of the staff as it related to management and home care. Mr. Gevorkian stated that he will be staying in Rhode Island to provide assistance to get the company going. He stated that he will make himself available to the company and will return as necessary to Rhode Island.

A motion was made, seconded and passed by a vote of six in favor and one opposed (6-1) to recommend that the application be approved subject to the conditions of approval. Those members voting in favor included: Almeida, Coia, Dowling, Hamel, Orgel, Shire. The member opposing were: Graziano.

Ms. Almeida and Dr. Dowling noted their recusal with regards to the application of Pinnacle Home Care, LLC. Rev. Shire proceeded as the Acting Chair for the application of Pinnacle Home Care, LLC.

The next item on the agenda was the application of **Pinnacle Home Care, LLC** [Ryan Home Healthcare, LLC (20%), ANG Consulting Group (10%), Benethan, LLC (10%), Charlesgate Nursing Center (10%), Capital Health Care, LLC (10%), New Care, LLC (10%), Roselawn Health Partners, LLC (10%), Westbay Health Investors, LLC (10%), and Westlook Healthcare Partner, LLC (10%)] for initial licensure as a Home Nursing Care Provider Agency at 57 Kilvert Street in Warwick.

Mr. Zubiago, legal counsel to the applicant, introduced the representatives of the applicant. It was noted that the option to lease had expired. The Committee questioned the applicant

regarding the proposal. To a question regarding referrals among facilities with common ownership, Mr. Zubiago stated that the requirements of safe harbor are that no more than 40% of revenue come from referrals with common ownership. He noted that the applicant plans on seeking referrals from other entities.

Ms. Heren, Executive Director of the Alliance For Better Long Term Care, made positive comments regarding the representatives of the applicant with regards to the quality of care provided in their healthcare facilities, noting that the nursing facilities and home health agency operated by Karl Lyon provided the highest standard of care.

There being no further business, the meeting was adjourned at 3:05 PM.

Respectfully submitted,

Valentina D. Adamova, MBA
Health Economics Specialist