

Long Term Care Coordinating Council

FULL COUNCIL MEETING

Wednesday, January 11, 2006

Room 313 – State House

Providence, Rhode Island

10:00 a.m. to 11:30 a.m.

Minutes

I. Call to Order – Chairman Fogarty called the meeting to order at 10:10AM.

In Attendance were:

Lt. Gov. Charles Fogarty, Chairman Elizabeth Morancy

Maureen Maigret, Executive Director Sen. Elizabeth Roberts

Mary Benway Bonnie Sekeres

Corinne Calise-Russo Karen Smith

Kathleen Carland Kathleen Spangler

Cynthia Conant-Arp Susan Sweet

Gail Hebert (rep. Bob DiCenso) Sister Marietta Walsh

Jim Flanagan John McGehearty (rep. AG's office)

Dick Freeman Don Williams (guest)

Rep. Peter Ginaitt John Young (rep. Jane Hayward)

Kathy Heren (rep. Roberta Hawkins)

II. Approval of Minutes of December 14, 2005

On motion of Ms. Morancy, seconded by Ms. Sweet, the minutes were unanimously approved as distributed.

II. Chairman's Report

1. Medicare Part D and Medicaid - Chairman Fogarty reported that based on his concerns and that of so many LTCCC members, he had sent a letter to Secretary Michael Leavitt (DHHS) requesting that those individuals on home and community care waivers be treated as if they were in institutions for purposes of being exempt from the co-pay requirements under Medicare Part D. He has also been in communication with Senator Jack Reed's office on this matter and Senator Reed has sent a letter to Secretary Leavitt with the same request.

Chairman Fogarty also announced that a resolution will be submitted in the Senate tomorrow requesting that Congress amend the Medicare Modernization Act to exempt dual eligible persons from co-payments under Medicare Part D. The LTCCC can support this resolution once it is introduced.

There was considerable discussion about the many problems and issues related to the transition to Medicare Part D. Ms. Sweet reported that Ms. Barros, who was not able to attend the meeting today, wanted to share the fact that her agency is seeing persons on Medicaid waivers who cannot afford the Part D co-payments. They are trying to find family members who can help and in some cases the nurses have paid for the co-payments.

Mr. Young reported that the Governor has directed DHS to insulate

dual eligibles from the confusion regarding Medicare Part D. The Governor has also communicated with Secretary Leavitt regarding the problems encountered and may do so again on Friday when Secretary Leavitt visits Rhode Island. Mr. Young reported that DHS' previous estimate to determine the cost of covering the co-payments for dual eligibles was in the \$3-\$4 million range. He also believes the state exposure to cover prescriptions for persons who are dually eligible would be about \$8 million per month if the state assumes the full obligation. He also reported that there was great confusion from CMS regarding the rules regarding Part D and the dual eligibles.

Ms. Carland noted that some senior centers are getting overwhelmed in their efforts to work with seniors on enrollment in Medicare Part D while also working with DEA in RIPAE re-enrollment.

Chairman Fogarty called for a motion for Governor Carceiri to issue an executive order to address the emergency prescription medication needs of dual eligible persons in RI so that no person is denied a prescription medication due to system failures and that the state administration pursue recruitment of any money spent from health plans or CMS. Upon motion of Ms. Sweet, seconded by Ms. Conant-Arp the resolution was moved, seconded, and passed unanimously.

2. New DEA Home and Community Care Regulations - Chairman Fogarty announced that the Department of Community Affairs had adopted its new regulations for home and community care with the co-payments kept in tact at the current level.

3. Almost Home – Chairman Fogarty reported that this production is

scheduled to be shown on February 2nd over RI PBS at 8:00 p.m.. It will be followed by a panel of RI experts in aging services. He and Ms. Maigret thanked all Council members who have helped to communicate information about this special RI PBS broadcast. Ms. Maigret noted that she would be attending a meeting at PBS the following morning and would be looking onto some community outreach and might be calling on volunteers to sponsor the viewing. A copy of the announcement of the broadcast was distributed. (Attachment #1)

4. Fall Prevention Partnership – The Chairman reported that HEALTH is organizing a Falls Injury Prevention Subcommittee to implement the objectives that Partnership members helped develop in 2005. He is pleased that Dr. Patricia Burbank will chair this subcommittee. Anyone who has not received the notice of the first meeting of the subcommittee to be held on February 16th who is interested in participating should contact Ms. Maigret. The copy of the meeting announcement was distributed. (Attachment #2)

5. Assisted Living Report – The Chairman noted that the Executive Summary of the new Assisted Living Report prepared by the Office of Health and Human Services under the direction of Secretary Hayward had been distributed. (Attachment #3) Ms. Maigret announced that as soon as the full report was available in electronic form, she would forward Council members a link to the full report so that they could download it. Ms. Maigret noted that the recommendations in the report will be reviewed as part of the work of the Legislative Subcommittee as it prepares legislation revising assisted living

license and standards to be introduced this year.

IV. Reports

1. HEALTH - Monthly Survey Report – Don Williams

Don Williams distributed a copy of the monthly survey for December (Attachment #4). He indicated that there was one "immediate jeopardy" at Charlesgate that related to unsupervised smoking. As a result, the resident was moved. He also noted that the immediate jeopardy/ substandard care for Oak Hill Nursing Home had been removed. Additionally he pointed out that five nursing facilities had failed to be deficiency free on their re-visit. Chairman Fogarty questioned Mr. Williams about Rosewood Manor. He noted that staff from the Alliance for Better Long Term Care may be in the position to report on their activities at Rosewood Manor. Kathleen Heren, Clinical Director for the Alliance, reported that the Alliance had held a family meeting for family members and that two nurses and one social worker from the Alliance were working to relocate residents to appropriate places. Of the 84 residents residing at Rosewood when the announcement was made, 60 remain. Ms. Heren pointed out that the sad part was that some residents had been at Cardi's Nursing Home and Ms. Sekeres said that some of the residents had been at the Jewish Home for the Aged so that this is not their first relocation. Mr. Young noted that there are 414 beds that are licensed and on the system but out of service. However, one big issue is the ability of individual nursing homes to accommodate persons with special needs. The state is now down to 96 nursing facilities. The issue of extending the moratorium on new nursing home beds was discussed.

Mr. Young reported that taking beds out of service is one way of addressing financial issues at individual nursing homes.

2. DHS – Reports on Consultant Study on Home Care Reimbursement,

Nursing Home Dental Care Proposal – John Young

Mr. Young reported that the survey of race and methodology had been conducted. The findings showed that no state has a method that addresses adjustments on a continual basis to keep reimbursements current with inflation factors and that RI may need to take a different approach. He anticipated that in 2-3 weeks a draft of a report would be ready. DHS is asking for an extension of the final report to May 1st as the resolution calls for a date of March 1st. He said that the study was being conducted in two phases and the second phase, that is, taking a more comprehensive look at delivery systems and finance issues, requires more time. Mr. Young reported on the nursing home dental proposal noting that the department had received four responses to its request for information for models of dental health delivery in nursing homes. The responders included Appletree, CareLink, Thundermist, and the Samuel's Dental Clinic in Providence. He believes that the state will need to apply for a 19-15 Freedom of Choice waiver from CMS and expects that an RFP will be issued based on the responses to the RFI. He did note that there will be some budgetary impact that may be several million dollars per year. He anticipates that the RFP would be issued in mid to late February with an analysis concluded before the end of the fiscal year. Chairman Fogarty recognized Senator Roberts for her efforts in

regard to the oral health care issue for nursing home residents and other disadvantaged populations. He also noted that Joseph Nagle from Delta Dental had been most supportive of this work in establishing a foundation through the Rhode Island Foundation to address dental care issues for the disadvantaged and that he had sent a letter to Mr. Nagle complimenting him on his efforts.

3. Legislation Committee Report – Maureen Maigret

Maureen Maigret had reported that the Legislation Committee had met to continue its discussion and expected to have its proposed recommendations ready for action by the full Council at its February 1st meeting. Additional Legislation Committee meetings have been tentatively scheduled for January 19th and January 26th.

4. LTCCC Budget Work Group – Maureen Maigret

Ms. Maigret reported that she has been in touch with work group members who are in the process of compiling the requested information and that this effort should meet its anticipated timeline of April to issue the final report.

V. Work Plans

2006 – Plan Approval

Chairman Fogarty called for a motion to approve the 2006 Work Plan as presented and distributed (Attachment # 5). He noted that the plan had been disseminated to all Council members prior to the meeting for comment. Ms. Maigret thanked all who had provided comment and noted that the changes to the initial draft had been underlined. The Work Plan, as distributed, was unanimously approved by Council members present.

VI. Presentations

1. The Senior Agenda Factbook – A Profile of Well Being of Older Rhode Islanders – Jessica Buhler

Jessica Buhler gave an overview of the Senior Agenda Factbook, which will be formerly issued on February 9th. She provided an open invitation to all Council members to join her for the announcement, which will take place at the State House Rotunda at 3:00 p.m.. Ms. Buhler reviewed the 15 indicators of well being presented in the Factbook and noted that in future editions other indicators will be included. She stated that as part of the compilation and data collection effort the Senior Agenda had conducted its own survey with 400 surveys completed and analyzed.

Reports (Cont'd)

5. DEA - Medicare Part D Transition Update – Director Corinne Calise-Russo

Director Russo reported that to date the department has held 150 trainings. Sixteen trainings were specifically targeted toward the minority community and CMS has applauded RI for its effort to do outreach among the minority communities on Medicare Part D. The trainings have reached ten thousand individuals. Simultaneous to Medicare Part D enrollment, DEA is conducting a RIPAE re-certification. This has included three mailings to all RIPAE enrollees. The department will match re-certification applications with those who are known in the system to attempt to make sure no one is lost in the system. Ms. Maigret asked Director Russo to definitively state that RIPAE will not be ending as the Lt. Governor's office has

received several phone calls questioning this. Director Russo said emphatically that RIPAE will continue and compliment Part D. Chairman Fogarty suggested that DEA put out a formal statement indicating how RIPAE will work with Part D.

Presentations –(Cont'd)

2. Avian Flu Planning for Long Term Care – Dr. John Fulton, Associate Director for Disease Control and Prevention, DOH (Attachment # 6)

Dr. Fulton reported that in the event of an avian flu pandemic it is projected that 25-35% of the RI population may be hit, with the pandemic lasting eight weeks. More young people than old people will probably be impacted. To slow down transmission, the state plan will include school closings and closing of day care settings and other venues where children ? (you did not finish this sentence) . The department has taken a regional approach with regions set to loosely correspond with hospital catchment? areas.

The first volunteer planning region will focus on Newport Hospital and community providers in that area. Dr. Fulton noted that pandemic avian flu presents a particularly dire threat at nursing homes as persons can be infectious as long as 24 hours prior to experiencing any symptoms. There will be a high demand for nursing home beds as hospitals seek to discharge persons from the acute care setting to accommodate more individuals in need of acute care due to avian flu. He talked about the importance of volunteerism in programs such as Meals on Wheels, which will also experience severe shortages due to the avian flu situation. Ms. Sekeres noted that there may be a legal

prohibition regarding pre-packaging of Meals on Wheels and that this should be addressed if it is the case. Ms. Maigret requested that as HEALTH pursues its regional planning activities, that it make a determined effort to include long term care and aging service providers in the discussion as they are anxious to participate and in need of the vital information that will be provided as well as an understanding of their role in planning and responding if a pandemic occurs.

VII. Public Announcements and Public Comments / Adjournment –

There being no announcements or public comments, Chairman Fogarty adjourned the meeting at 11:40 a.m.

The next meeting of the Council is scheduled meeting for February 1st at 10:00 am, Room 313.

RSVP: Regrets only to Donna Rotondi 222-2371