

Long Term Care Coordinating Council

FULL COUNCIL MEETING

Wednesday, February 1, 2006

Room 313 jV State House

Providence, Rhode Island

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

Minutes

I. Call to Order jV Meeting was called to order at 10:10 a.m. by Vice-Chairman Neil Corkery.

In Attendance were:

Neil Corkery, Vice-Chairman Elizabeth Morancy

Maureen Maigret, Executive Director Patrick Quinn

Maria Barros Senator Roberts

Corinne Calise Russo Nancy Roberts

Joan Crawley (rep. Kathleen Carland) Al Santos

Cynthia Conant-Arp Bonnie Sekeres

Dick Freeman Karen Smith

Senator Gibbs Sister Marietta Walsh

Roberta Hawkins Ray Rusin (rep. HEALTH)

John Young (rep. Jane Hayward)

Bill Jackson

II. Approval of Minutes of January 11, 2005

There being no objections to the minutes of January 11th as distributed, the minutes were approved unanimously.

III. Chairman's Report - Presented by Maureen Maigret, Executive Director

„h Almost Home Project

Ms. Maigret reported that the Almost Home film would be aired over RI PBS on Thursday, February 2nd (tomorrow) at 9:00 p.m. and will be followed by a local panel discussion talking about Culture Change in RI that will feature two Council members, Director Corinne Russo and Liz Morancy, Exec. Dir. of the Alzheimer's Association. Ms. Maigret reported that there will be follow-up activity up in the community, such as film showing with discussion groups and that the RI Health Care Association has already indicated interest in hosting such an event. Also, RI PBS is exploring the possibility of repeating the program in April.

„h Annual LTCCC Report

Ms. Maigret noted that the report had been filed with the appropriate state officials as required by the Council's enabling statute and provided electronically to all members of the Council. It has also been posted on the Lt. Gov.'s website.

„h Ms. Maigret reported that Chairman Fogarty had sent a letter to the DHHS Secretary Michael Leavitt regarding Medicare Part D with a request that he administratively rule that persons on home and community care waivers be exempted from co-pay requirements. Ms. Maigret reported that a response had been received from Mr. Leavitt's office indicating that the regulations as written do not allow for exempting this category; however, he would forward the letter to the regional office for consideration. Ms. Maigret reported that Chairman

Fogarty had also sent a letter to DEA Director Corinne Russo requesting that DEA extend the re-certification period for the RIPAE program to the end of the fiscal year, June 30th, in order to ensure that no low-income seniors are left without coverage due to the complexities and confusion surrounding the transition to Medicare Part D taking place and the fact that RIPAE enrollees are being re-certified during the same time period. Ms. Maigret reported that Director Russo had responded that the department will be as flexible as possible in looking at extending the date. Ms. Maigret asked if Director Russo would publicly confirm at the meeting that RIPAE was not ending, as there were still persons in the community who had been receiving wrong information in this regard. Director Russo confirmed that RIPAE was continuing and that she did not know the source of the false information that was being reported in the community.

IV. Reports

1. HEALTH - Monthly Survey Report iV Ray Rusin

Mr. Rusin reported that because the Council was meeting one week earlier in February he did not have a written report to provide the Council. He verbally reported that eight facilities had been inspected in January. None were found to have had "immediate jeopardy" or "substandard care". There had been one instance of "actual harm". On follow-up surveys, two facilities had been found not to be in substantial compliance and were on Enforcement Tracks. He reported Harris Health Center is now in compliance; however, Mt. St. Francis was still not in compliance and that a fourth re-visit had been

approved by the regional CMS office. If the facility is not in compliance by March 12th, CMS' procedure would be to de-certify the facility. However, he reported that Mt. St. Francis officials believe that they will be in full compliance on the subsequent visit. The matter was discussed by several members including Ms. Hawkins, Mr. Santos and Mr. Young. Mr. Young reported that the financial situation at the home did not appear to be different than it was one year ago, that the staff seems to be sufficient, and that the state could waive its requirement for dual certification if, on the on the fourth re-visit, the facility was not found to be in substantial compliance.

2. DHS ¡V Update on Consultant Study Reports and Medicare Part D ¡V John Young

Mr. Young reported on some of the information he provided to the Joint Committee on Healthcare Oversight at its recent meeting. He said there are growing numbers of people who are dual eligible for whom DHS only pays co-payments and no other services. There is an initiative to move non-Medicare adults on Medicaid into a managed care model, which will allow for more flexible service options. He reported that Part D emergency provisions have been extended by executive order, to March 2nd, which will allow the Medicare program to pay for prescription medications for the dual eligibles until that time with the expectation that monies be reimbursed through the drug plans. To date, \$500,000 has been paid out for 4800 dual eligible persons for drug costs. He noted that there are 21,000 full-benefit, dual eligibles and that the federal government has committed to making sure the state would be "made whole" for the cost incurred.

Mr. Quinn raised the issue of the random assignments of the long term care facility residents to drug plans and asked if there was the possibility that the residents in a particular facility could be all assigned to the same plan. Mr. Young reported that there is no such waiver that would allow DHS to do this. Mr. Young reported that in some cases clients had been advised of wrong co-payment amounts, drugs not being in the formulary, and limits on doses or quantities. These situations have been problematic.

Director Russo said that the physicians in the community have been overwhelmed in having to call the plans to get approvals for prescriptions under the Medicare Part D plans. There have also been complaints from independent pharmacies regarding gaps in the payment system. Ms. Barros raised the issue of persons on particular drug protocols, who have not been able to obtain their drugs, which causes serious problems with the medication protocols.

Senator Roberts questioned whether or not the drug manufacturers were going to continue their programs for the indigent and that if, in fact, they do discontinue these programs it will cause serious hardships for many individuals.

Ms. Morancy discussed how the entire RI congressional delegation had opposed approving the Medicare Part D plan in 2003 and moved that the Council communicate with the RI congressional delegation and propose that they initiate a repeal of Medicare Part D. The motion was discussed by a number of members of the Council, following which Ms. Morancy amended her motion to state that the Council communicate with the RI congressional delegation to request that

they initiate action to replace Medicare Part D with a new program that would be truly effective in providing prescription drug assistance for the nation's elderly without the serious administrative burdens, inequities, and gaps that have been exposed with the current Part D plan. Ms. Morancy's amended motion, seconded by Mr. Quinn, Ms. Hawkins, and several other members, was approved unanimously. Ms. Maigret noted that a general assembly resolution requesting Congress to address the many serious problems with Medicare Part D would be submitted in the legislature this week by Senator Roberts and Representative Sullivan. On motion of Vice-Chairman Corkery, the Council moved to endorse passage of this resolution.

Mr. Quinn also requested that the Chairman send a letter to the pharmaceutical manufacturers asking them to continue their free drug programs. There was no objection to this request.

Mr. Santos brought up the issue of persons residing in long term care facilities who are on Medicare managed care programs and the fact that Medicaid does not pay prescription drug co-payments for these residents. Mr. Young said that DHS is not obligated to pay for these co-payments, it is a matter between the nursing home and the Medicare Advantage plan.

Ms. Maigret noted that the Council has held Roundtable Summit type meetings with the RI Congressional delegation and planning such a meeting around Medicare Part D issues might be useful as so much of the Council meetings for the past few months have involved the issue. Vice Chairman Corkery suggested Ms. Maigret look into planning such an event.

Mr. Young then proceeded to report on the Consultant Study of Long Term Care Financing and Delivery System. He noted that the University of Maryland is doing the study and a draft report is expected at the end of February.

3. DEA - Medicare Part D and RIPAE Re-certification - Corinne Calise-Russo

Ms. Russo reported that DEA does not yet have a final count of the number of persons on RIPAE who were eligible for the "LIS" Medicare Part D Extra-Help. It had been anticipate that the figure may be 30 percent; however the actual figure may be lower due to the asset test under the extra help program. She reported that the Outreach and Education program conducted by the department is ongoing and that the National Council on Aging had received an \$8 million grant to facilitate Part D enrollment. Ms. Crawley (representing Ms. Carland from the Senior Center Directors Association) noted there is great confusion regarding the low-income supplement and whether or not these individuals continue with their RIPAE eligibility. It was recommended that Ms. Russo communicate with all the pharmacies to make sure that pharmacies were clear about this matter.

4. Legislation Committee jV Senator Gibbs

- Review of 2006 LTCCC Legislative Recommendations

Senator Gibbs reported that the Legislation Committee had met on two occasions and was presenting its recommendations which had been provided via email to all members. (Attachment #1 (packet)) Vice Chairman Corkery requested that as all members had copies of the written report that the Council move to accept and endorse the

recommendations from the Legislation Committee as an entire packet. Upon motion of Senator Gibbs, seconded by several members of the Council, the Legislation Committee's Report in its entirety was approved and endorsed. (Note: Prior to this motion, Ms. Russo, Mr. Young, and Mr. Rusin had left the meeting.)

IV. Public Announcements and Public Comments

Ms. Morancy reported that the Alzheimer's Association RI had partnered with the RI Healthcare Association to provide trainings on dementia care in the nursing home setting. She also referred to an article in the Providence Journal LifeBeat section as something that would be of interest to Council members.

VI. Adjournment ;V Next Scheduled meeting ;V March 8th

Upon motion of Ms. Roberts, seconded by Ms. Hawkins the Council adjourned at 11:50 a.m.