

# **Long Term Care Coordinating Council**

## **FULL COUNCIL MEETING**

**Wednesday, April 12, 2006**

**Room 313 jV State House**

**Providence, Rhode Island**

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

### **Minutes**

#### **I. Call to Order**

**Senator Gibbs called the meeting to order at 10:10 am and explained that Chairman Fogarty was unable to be present at today's' meeting due to attending a funeral service for fallen RI soldier, Corporal Brian R. St. Germain.**

**In Attendance were:**

**Executive Director, Maureen Maigret Ray Rusin (rep. HEALTH)**

**Senator June Gibbs Al Santos**

**John Young (rep. Dir. Hayward) Bonnie Sekeres**

**Corinne Calise Russo Sister Marietta Walsh**

**Ms. Maigret noted that many members had been excused due to schedule conflicts.**

#### **II. Approval of Minutes of March 8, 2006**

**Senator Gibbs asked if there were any corrections or additions to the minutes of March 8th as distributed. There were none and she noted that approval of the minutes would be deferred to the next meeting.**

### **III. Chairman's Report - Maureen Maigret**

**Maureen Maigret reported on the Innovations in Home and Community**

**Care Public Policy Forum held April 6, 2006 at Amica in Lincoln. The forum, sponsored by the Long Term Care Coordinating Council and the CHOICES Coalition, was very well attended and successful and many participants commented on the useful information presented. Ms. Maigret thanked those who helped in its planning and preparation.**

### **IV. Reports**

#### **1. HEALTH - Monthly Survey Report by Ray Rusin**

**Ray Rusin reported that nine nursing home surveys were conducted in the month of March and all received reports outlining areas of concern to be corrected with no citations of "Actual Harm" (Attachment #1). One facility was not in substantial compliance upon follow-up inspection. Nine additional follow-up inspections were conducted in March with all of these facilities found to be in compliance.**

**Senator Gibbs inquired about a recent news story she had read regarding a worker who had been accused of stealing drugs from a nursing facility. Ray Rusin responded that the Attorney General's office is handling the case and the person has been charged. He noted that the nursing home did exactly what it was supposed to do in reporting the situation when they became aware of it.**

**Ms. Maigret inquired about the status of FTE and staffing issues in the Office of Facility Regulation to which Mr. Rusin responded that**

there are three surveyor vacancies currently waiting for approval of hire from DOA. He also said that at DOH, nine surveyors are currently in training. Ms. Maigret asked if funding will be available for these FTE's and Mr. Rusin responded in the affirmative. Don Williams noted that the Governor's proposed budget does call for a reduction of FTE's in his department but Mr. Rusin said this would not pertain to surveyor positions.

## **2. DHS iV Update on Consultant Study Reports - John Young**

Mr. Young reported briefly on the Executive Summary Excerpt (Attachment #2). He said he is planning to present the findings to the Joint Committee on Health Care Oversight on April 24th or May 1st.

It deals with the basic questions of:

- 1. Do the current financial structures underlying publicly funded long-term care services in Rhode Island ensure access to home care, adult day centers, respite services, and assisted living residences?**
- 2. Can the current delivery system and financing structures be enhanced to reprogram existing funding and utilize Medicaid waivers in the most effective manner?**
- 3. Can the Center recommend a direction for the development of a future long-term care system that better balances institutional and community-based services to meet the needs of the RI population?**

He noted that the findings are not new and that it poses policy questions on how to balance the system and whether policy decisions can be made to make this work.

Ms. Maigret posed questions regarding the disparities in rates paid to Home and Community Care workers compared to those working in

nursing homes. Mr. Young noted that nursing homes are different in that rate relief is built in to the system, to which Ms. Maigret asked if he meant that rates are established in statute. Mr. Young responded yes to that question and noted that neither DHS nor DEA has the authority to change rates, as the General Assembly has established them. He noted that in the future something will need to be done about rate rationalization but this is not a good year to attempt that but he does acknowledge the need for this issue to be addressed.

#### **1. Legislation Committee v Maureen Maigret/Senator Gibbs**

Senator Gibbs asked Maureen Maigret to provide the report for the Legislation Committee. Ms. Maigret reviewed selected items on the Legislative Tracker current as of April 11th (Attachment #3) as follows:

„h Item #2 - S2415 has a SubA that was heard by Senate Judiciary Committee on 4/11. Ms. Maigret said copies of the SubA (Attachment #4) were available if anyone wished to review the draft language and that the only outstanding issue she knew of at this point was relative to an appeals process.

„h Item #3 - S2438 - Relating to Criminal Background Checks - had been heard on 4/11. Ms. Maigret noted that Senator Polisena, the primary sponsor of the bill, was very interested in pursuing passage of this legislation and was suggesting that perhaps both the employee and the employer each pay for half the cost of the nationwide criminal background check. Mr. Santos said he had talked with Senator Polisena following the committee hearing and

**suggested that the employee pay for the cost of the background check with a provision that the employer reimburse the employee after a certain period of employment and that Senator Polisená was open to this suggestion.**

**„h Item #4 - S2540 - Ms. Maigret noted there was a SubA being drafted and that the House counterpart, H7232, had been transferred from HEW to House Finance.**

**„h Item #5 - Relating to the Nursing Loan Repayment Program (S2561/H7054) -is similar to a bill, H6929, sponsored by Representative Shanley. Ms. Maigret noted that a letter of support for the Shanley bill had been provided to House Finance at the hearing held on this bill.**

**„h Item #7 - S2615 - Relating to the Office of the Long Term Care Ombudsman has a SubA that is being developed.**

**„h Item #3 - On Other Legislation of Interest - S2384 has been recommended for passage by the committee in SubA form. Ms. Maigret noted that she testified in support of this bill at the Senate Committee hearing.**

**„h Item # 4 - S2605 - Relating to Certified Nursing Assistants working in Assisted Living and Adult Day Services - will be put on indefinite hold and the policy matter will be taken up by the Department of Health via the regulatory route.**

**„h Item # 6 - S 2628 - Regarding an Integrated Long Term Care System - was heard by the Senate with several members of the Council testifying for its support.**

**1. LTCCC Budget Report FY2005 ¡V Maureen Maigret**

**Ms. Maigret reported that data from all departments, except for MHRH, has now been submitted. She remains optimistic that a report will be ready for the Full Council by June 1st.**

## **2. Home Care Emergency Preparedness Study Group**

**Ms. Maigret advised the Council that Karen Beauchesne had contacted her yesterday to say she would not be able to attend the meeting and provide this report as her agency was undergoing a JCAHCO survey. The report will be deferred until the May meeting.**

## **3. Medicare Part D Implementation Issues - DHS, DEA**

**1. Director Russo reported that RIPAE had 13,700 persons re-certified.**

**Of the re-certification letters sent out, only 100 persons had been denied, however another 13, 500 had not responded to the DEA letter. These individuals will receive a second letter that will have a RIPAE recertification application enclosed before they are discontinued from the program. This mailing is scheduled to go out around the 1st of May.**

**Director Russo also noted that those persons that had been approved for the low-income benefit (LIS) who had not yet enrolled in Medicare Part D would now be automatically enrolled. She also noted that in RI some 52,000 persons are on Medicare Advantage programs.**

**1. John Young reported that the Governor's Executive order relative to Medicaid extension for persons on Medicare Part D was scheduled to expire on Monday. He is not sure whether or not this Executive Order will be extended. He noted that 41,000 prescriptions had been processed by Medicaid under the Executive Order at a cost of \$1.5**

million and was hopeful that this money would be eventually reimbursed.

#### **IV. Presentation and Discussion - Ray Rusin**

##### **Utilization of Medication Technicians in Nursing Homes and Assisted Living - Rhode Island Protocol and Policy Issues**

Prior to Mr. Rusin's presentation, Ms. Maigret noted that this item was on the agenda because several persons had indicated an interest in the subject including Roberta Hawkins and Kathy Heren from the Alliance for Better Long Term Care. Ms. Maigret noted that she had been asked by a member of the General Assembly to point out the statute authorizing medication technician services and that she determined there was no statutory basis but rather this was being done under Health Department protocols and policies. She also indicated that in conversation with Mr. Rusin, he had indicated that a Brown University intern had done a policy paper on the issue in 2004 and made it available to Ms. Maigret. Copies of the policy paper, written by Amy McIntyre, were distributed to committee members (Attachment #5). Ms. Maigret also introduced Ms. McIntyre, who was a guest at the meeting.

Ray Rusin confirmed that there was no statutory basis for the medication technician position and the department had adopted regulations regarding medication technicians in 1979. There are two educational institutions that provide the training required and they must submit their curriculum for approval to the Department of Health. On completion of the classroom work, the medication technician trainee must complete an on-site practicum in either a

nursing home or an assisted living residence that is supervised by a Registered Nurse. Following this, they must have quarterly evaluations by a Registered Nurse at their place of employment. Mr. Rusin noted that there is no method to provide for global accountability of medication technicians. Once they get their initial certification, there is not a formal way to monitor their individual status nor are there any continuing education requirements. He indicated that the Department of Health was making recommendations in regard to medication technicians and would be setting up a work group to review current curriculum to determine if it needed to be updated and also to address the issue of a need for rotating the examination questions as there was some concern that the same exam was being continuously used.

Another issue to review is whether or not there should be a central record or list of those persons who have become certified as medication technicians.

A third point for review is whether or not the reporting of medication errors should be added to the regulations for assisted living residences.

Ms. Maigret asked if the department would notify her when the work group commenced and keep her and the Council apprised of its activities.

## **V. Public Announcements and Public Comments**

Christopher Novak announced that the PACE program will hold a grand opening on April 27th from 11:00 am - 4:30 pm. at the PACE Center at 225 Chapman Street, Providence.



**VI. Adjournment ;V Next Scheduled meeting ;V May 10th**

**Senator Gibbs requested that the Council adjourn in memory of Anna Prior, a long-time Council member who recently passed away. The meeting adjourned with a moment of silence in Ms. Prior's memory.**