

Meeting Notes

Home Care and Assisted Living Program Advisory Council

Date: Monday, December 3, 2018

Time: 2:00 pm – 4:00 pm

Location: Wilder Center, St. Paul, MN

Attendees

Council members: Rene Cronquist, Samantha Drost, Jarrod Peterson, Melissa Plachecki

Minnesota Department of Health (MDH): Jeri Cummins, Cathy Griffin, Jonathan Hill, Lari Anne Mazzitello, Cindy Vargas, Susan Winkelmann

Public attendees: 6 in room, 16 on phone

1) Welcome, introductions and housekeeping: Cathy Griffin

2) Updates: Cathy Griffin

- Legislative:
 - New governor and administration
 - Session starts January 8th. It is a budget year, therefore a long session.
 - Assisted living licensure will most likely be on the docket
- MDH has contracted with Alliant Consulting to review HCALP's licensing and survey processes. Work is underway and the project is scheduled to be done at the end of December.

3) Council terms and vacancies: Lari Anne Mazzitello

- The council currently has two vacancies for public members.
- MDH is taking applications for the two public member vacancies and two future openings for providers with comprehensive home care licenses. The Board of Nursing position will be filled by direct appointment.
- Application can be made at the [Office of Minnesota Secretary of State website \(https://commissionsandappointments.sos.state.mn.us/Position/Index/\)](https://commissionsandappointments.sos.state.mn.us/Position/Index/)

4) Survey and enforcement: Jonathan Hill

Enforcement actions are increasing. Enforcement actions by fiscal year:

- 2015 – 2
- 2016 – 4
- 2017 – 10
- 2018 – 23
- 2019 – 12 to date

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Enforcement activity is time consuming for MDH. Each action by MDH is individual and reflects the unique situation of the provider.

Findings include:

- Overall lack of understanding of the home care statutes
- Lack of policies and procedures – resulting in system breakdown in providing services
- Not enough staff to provide services to clients
- Assessments are not completed as required resulting in harm to clients or risk for serious injury
- Lack of staff training in delegated tasks, service plans, passing medications

MDH is using stipulated agreements (SA) to issue a conditional license to address enforcement with a goal of minimizing impact on clients. In SAs, providers agree to not challenge MDH's decision but instead collaborate with MDH to reach substantial compliance. Most providers meet terms of the SA and conditional license within two follow-up surveys. SAs require significant MDH time to:

- Coordinate with providers, the provider's attorney, MDH staff (Office of Health Facility Complaints, licensing, enforcement), ombudsmen, counties, managed care coordinators, Department of Human Services and consultants;
- Review and communicate regarding weekly reports from the consultant;
- Discuss with progress towards compliance;
- Coordinate the survey schedule to accommodate monitoring visits if warranted and the follow up.

When a survey of a temporary license results in HCALP denying the license, it is also time-consuming for MDH to monitor transfer of clients' services to an existing licensed provider.

HCALP is regularly communicating with the Office of Health Facility Complaints about compliant investigations and enforcement.

MDH requested feedback and recommendations from the council about the effectiveness of the outlined enforcement process. The council expressed its concurrence that working with providers through a SA instead of closing the license is important given what was noted as a shortage of providers. The council noted that providers need to better train their staff. They also observed that the workforce shortage makes it challenging for providers to retain staff. The workforce shortage has a significant impact on the availability of home care services for people who need them.

The council raised the question of how enforcement action is communicated with the public. The council recommends that providers be required to inform clients when the provider is issued a conditional license. MDH is currently working with MNIT to have conditional licenses posted to the MDH website. The council asked whether MDH is notifying the Minnesota Board of Nursing (BON) when MDH cites that a nurse is not following nursing standards of practice. The BON would like

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notification. It was noted that abrupt departures of staff, especially the RN or managerial officials, can result in communication breakdowns at agencies and therefore increased risk to clients.

5) Council recommendations to the legislature: Jarrod Peterson

The council is close to finalizing its recommendations to the legislature for improving home care in Minnesota. The recommendations are:

- Desk audits for levels 1 and 2 correction orders
- Education program for existing licensees
- Developing and promoting home care as a career path
- Portability for employees of training administrative requirements
- Improved communication to consumers
- Standardized forms from MDH

Council discussed how to gain more visibility with the legislature related to the annual recommendations and expressed concern that the council recommendations go in after the MDH legislative agenda is set. The department noted that an effective way to get attention is to have recommendations that have the support of and collaboration with MDH and stakeholders. Another meeting will be scheduled to discuss the council's recommendations and find points of agreement.

6) Council ideas for common correction orders: Jarrod Peterson

The council discussed its ideas for addressing the top correction orders. They suggest that the department do root cause analysis and determine where improvements can be made. Suggestions include focusing on a couple of the top-issued orders (tuberculosis and content of the service plan); use of MDH-issued standard forms (or examples of forms); and provider education.

7) Assisted living licensure discussion: Cathy Griffin

The council was asked to consider its priorities and concerns for assisted living licensure, which is likely up for discussion in the 2019 legislative session. They expressed concern that resident protections be a priority. An audience member noted that it is important that community-based home care not be ignored because of focus on housing with services and assisted living. The department concurred.

8) New provider and survey search tool in development: Cindy Vargas

HCALP wrote a proposal to get IT support to develop a new provider search tool for the MDH website, which was recently approved. The new tool will connect licensed home care providers with the registered housing with services locations where the provider is reported as the arranged provider. Consumers will be able to search for the provider name or the housing name to find information. Survey results and complaint investigation information will be available directly from the provider listing. A business analyst will assist on the project. Work is planned to start in January.

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The council was asked for feedback. It was noted that high staff turnover may make old survey results less meaningful. The department will review how long survey results remain on the website.

9) Survey forms improvement project update: Cindy Vargas

The piloting period for the new survey forms is complete. Edits are in process and new forms will be released in January. Providers will be notified via govdelivery.com. Forms will be posted on MDH website. The department is discussing other ways to communicate the information to providers and encourage providers to use the forms to conduct self-audits and be survey-ready. The council was asked to offer ideas. The department plans to seek feedback from providers after the forms are released.

Future FY19 Work Group Meetings

None scheduled

Future FY19 Quarterly Advisory Council Meetings

March 4, 2019 (Mon)	Council Meeting	2-4 pm	Wilder Center, St. Paul - Auditorium A
June 3, 2019 (Mon)	Council Meeting	2-4 pm	Wilder Center, St. Paul - Auditorium A

Minnesota Department of Health
Home Care and Assisted Living Program
PO Box 3879, St. Paul, MN 55101
651-201-5273
health.homecare@state.mn.us

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To obtain this information in a different format, call: 651-201-5273.