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## COMMUNITY CARE ADVISORY COUNCIL

Annual Report to the Idaho Legislature for  
Year Ending December 31, 2016

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# Background



**The Community Care Advisory Council (CCAC)** was formed by statutes (Idaho Code §39-3330, §39- 3331, §39-3332, §39-3333, and §39-3511) passed in the 2005 legislative session. The statutes combine the former Board and Care Advisory Council and the Residential Care Council for the Elderly into a single entity of 20 members appointed by the organizations and/or agencies represented on the Council.

The Council is a forum for stakeholders in Residential Care or Assisted Living Facilities (RALFs) and Certified Family Homes (CFHs).

Assisted living facilities provide a humane, safe, and homelike living arrangement for adults who need some assistance with activities of daily living but do not require skilled nursing care. Residents of assisted living facilities in Idaho include individuals who are aged, have physical or developmental disabilities or mental illness.

Certified family homes provide a homelike alternative designed to allow individuals to remain in a more normal family-styled living environment, usually within their own community. Certified family homes provide a home to individuals who are elderly, individuals with a mental illness, developmental disabilities, physical disabilities or to those unable to live alone, and whose mental, emotional and physical condition can be met by the care provider to delay the need for more expensive congregate care or other institutional care.

The Purpose of the Council is as follows:

- To make policy recommendations regarding the coordination of licensing and enforcement standards in residential care/assisted living facilities and certified family homes as well as provision of services to residents in those settings.
- To advise the agency during development and revision of rules.
- To review and comment upon any proposed rules pertaining to residential care/assisted living facilities or certified family homes.
- To submit an annual report to the legislature stating opinions and recommendations which would further the state's capability in addressing residential care/assisted living facility and certified family home issues.

## Council Membership

The CCAC is comprised of assisted living and certified family home providers as well as advocates for individuals who are elderly or with developmental disabilities or mental illness and residents or family members of these two types of facilities. The Director of the Department of Health and Welfare or his designee also serves on the Council. This past year we elected to add a non-voting position, a Resident/Family Member-RALF. James has provided valuable insight as member with a Developmental Disability and as a resident who plans to move from a skilled nursing facility to an assisted living facility.

Below is a roster of current Council members.

	<b>Position</b>	<b>Member</b>	<b>Organization</b>
1	DHW Director's Rep	Tamara Prisock	Department of Health and Welfare
2	State Ombudsman	Cathy Hart	Idaho Commission on Aging
3	Director, State Protection/Advocacy Representative	Angela Eandi	DisAbility Rights Idaho
4	Director, Idaho Council on Developmental Disabilities	Christine Pisani <b>Vice-Chair</b>	Idaho Council on Developmental Disabilities
5	IHCA Executive Director Appointee	Kris Ellis	Idaho Health Care Association
6	IHCA RALF Administrator	Charlene Pickering	Touchmark
7	IHCA RALF Administrator	Nicole Ellis	Willow Park Assisted Living
8	IHCA RALF Administrator	Steve Lish <b>Chair</b>	Discovery Care Center
9	RALF Administrator At-Large	Keith Fletcher	Ashley Manor Assisted Living
10	RALF Administrator At-Large	Jim Varnadoe	Overland Court Senior Living
11	AARP Representative	Francoise Cleveland	AARP
12	Advocate for Individuals with Mental Illness	Kathie Garrett	National Alliance on Mental Illness
13	CFH Provider/Resident or Family Member	Wanda Warden	Certified Family Home
14	CFH Provider	Eva Blecha	Certified Family Home
15	CFH Provider	Pam Estes	Certified Family Home
16	CFH Provider	Mary Blacker	Certified Family Home
17	CFH Provider	Rebecca Solders	Certified Family Home
18	Resident/Family Member - RALF	Elishia Smith	Trinity Assisted Living
19	Resident/Family Member - RALF	Doug Park	Resident/Family Member
20	Resident/Family Member - CFH	Leroy Smith	Resident/Family Member
21	Resident/Family Member – RALF (non-voting member)	James Steed	Future Resident RALF

**In 2016 the Council met on January 26<sup>th</sup>, April 26<sup>th</sup>, July 26<sup>th</sup>, and October 25<sup>th</sup>. Council meetings are open to the public.**

# Residential Assisted Living Facilities

The following is information from the Department of Health and Welfare about surveys conducted related to licensure of residential assisted living facilities.

## Surveys Completed

	2012	2013	2014	2015	2016
Number of Licensed Beds	8851	9056	9276	9721	9943
Number of Buildings	348	352	355	360	359
<b>Surveys Completed</b>					
Initial Surveys	14	24	23	12	15
Licensure Surveys (Annual)	76	57	89	38	97
Follow-up Surveys	36	22	33	39	33
Complaint Investigations	170	195	130	152	194
Total Surveys Completed	296	303	273	255	341
Number of full-time Surveyors	8	8	8	7.5	12.5

## Most Common Deficiencies Cited\*\*

Core Deficiencies	Times Cited 2013	Times Cited 2014	Times Cited 2015	Times Cited 2016
<u>Inadequate Care Includes any of the Following:</u> Acceptable Admission/Retention Resident Rights Safe Living Environment Supervision Assistance-Monitoring of Medications Coordination of Outside Services Negotiated Service Agreement	29	24	28	31
No Administrator > 30 days	1	3	3	3
Abuse	7	8	7	10
Neglect	2	5	4	5
Exploitation	0	1	1	1
Surveyors Denied Access	1	0	0	1

\*\* Note: Core deficiencies are defined by statute and involve abuse, neglect, exploitation, inadequate care, and other situations that risk the health and safety of the residents.



# Residential Assisted Living Facilities (continued)

## Most Common Deficiencies Cited (cont.)\*\*

Non-Core (Punch List) Deficiencies	Times Cited in 2013	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016
RN assessment of health status	43	52	53	59
Negotiated Service Agreement	26	26	27	50
Investigate incidents, accidents, allegations and complaints	49	31	41	50
Current medication orders	42	29	31	43
Housekeeping and Maintenance	26	23	26	40
Notify Nurse of Change in Condition	32	28	28	32
RN assessments of Changes in Condition	43	28	26	40
Psychotropic Medication Reviews	31	19	23	34
Written Response to Complainant	28	18	16	29
State Only Background Checks	24	29	28	28
Fire Safety Requirements	42	25	21	22
Fire Drills	44	22	22	20
Fire Alarm/Smoke Detector System	31	18	16	16
Fuel Fired Heating Inspected/Cleaned	33	16	15	13
Admission Agreement	34	22	20	24
Evaluation of Behavioral Symptoms	23	29	29	21
Behavior Management Plans	22	26	26	19

\*\* Non-core or “punch list” deficiencies are violations of the requirements established in statute and administrative rule that don’t pose the same risk to health and safety as core deficiencies.

**Note: In March 2016, the Department hired and trained temporary surveyors to complete overdue surveys and complaint investigations. The increase in citations for 2016 is not necessarily a reflection of increased deficient practices in facilities—the increase is also attributed to the increased number of surveys completed in 2016.**

### Additional RALF Information

The Department of Health and Welfare received 142 complaints regarding assisted living facilities from Jan 1 – Dec 31, 2016. Of 344 allegations investigated, 53% were substantiated.

- 48% of complaints were from anonymous sources
- 22% were from residents or families
- 17% were from other agencies
- 13% were from current or former staff

# Residential Assisted Living Facilities (continued)

## Enforcement

The Department of Health and Welfare is directed by statute to establish a number of enforcement remedies to apply to facilities who do not meet licensing requirements.

Enforcement actions are defined in IDAPA 16.03.22.900.

<b>Enforcement Action</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Provisional License	13	12	7	9	19
Required Consultant	5	4	4	7	14
Civil Monetary Penalties	18	6	15	13	13
Ban on Admissions	7	5	1	6	9
Revocation of License	4	0	0	2	2
Summary Suspension	1	1	0	0	0
Temporary Management	0	0	0	1	1

## Feedback on Surveyor Performance

After each survey, facilities are asked to provide the Department feedback on the survey process. For each question, facilities provide a score between 1 (unacceptable) and 5 (Excellent). Fifty-nine comment cards were submitted. Below are the average scores for each question.

<b>Question</b>	<b>Score</b>
Surveyors were knowledgeable of the IDAPA rules and the survey process	4.4
Surveyors communicated issues and rules in a clear, understandable manner	4.3
Surveyors were respectful when explaining issues and listening to facility staff	4.4
Surveyors took the time to answer questions	4.5
Survey staff was professional in their actions and appearance	4.6
Survey staff was helpful and directed us on where we could get additional help	4.4



# Certified Family Homes

The following is information from the Department of Health and Welfare about surveys conducted related to certification of certified family homes.

## Surveys Completed

	2012	2013	2014	2015	2016
Number of Certified Beds	*	3025	3174	3295	3317
Number of Homes	2180	2196	2267	2357	2391
<b>Surveys Completed</b>					
24-Month Review	*	1	20	1	39
Desk Review	*	300	243	72	251
Follow-up Survey	2	39	14	17	30
Initial Surveys	132	208	222	242	235
Complaint Investigations	39	79	71	111	62
Home Inspections Completed Not Part of Initial or Annual Survey	*	43	53	58	36
Annual Surveys	2174	2041	1963	2149	2167
<b>Total Surveys Completed</b>	<b>2347</b>	<b>2711</b>	<b>2586</b>	<b>2633</b>	<b>2820</b>

\* Numbers not available.

## Most Common Deficiencies Cited\*\*

Core Deficiency	Times Cited in 2013	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016
Failed to examine/service fire extinguishers	69	89	50	31
Failed to have fuel-fired heating devices (fireplace or gas-fired furnace) inspected	67	59	43	27
Failed to conduct fire drills quarterly	45	63	34	26
Failed to test smoke detectors monthly	43	56	30	25
Failed to review emergency preparedness semi-annually	45	59	27	22
Failed to maintain current certification in first aid and CPR	63	54	31	16
Managing Resident Funds	61	43	26	14
Proof of Homeowner's or Renter's Insurance	54	41	23	16

\*\*Note: Core deficiencies are defined by statute and involve abuse, neglect, exploitation, inadequate care, and other situations that risk the health and safety of the residents.



# Certified Family Homes (continued)

## Most Common Deficiencies Cited (cont.)\*\*

Non-Core (Punch List) Deficiencies	Times Cited in 2013	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016
Non-payment of certification fees for Certified Family Homes	304	301	71	190
Failed to provide proper documentation of resident finances when provider handles resident's funds	15	13	15	17
Lacked documentation of PRN medications given	31	33	21	15
Failed to document annual review of resident rights	9	11	8	14
Failed to restore funds to a resident when the provider handled resident's funds and was not able to properly account for their use	11	9	12	14
Failed to complete or follow the "Assistance with Medications" course	49	47	34	14
Failure to retain a current assessment in resident records	45	38	23	13
Failure to retain a current plan of service in resident records	42	40	19	11

*\*\*Non-core or deficiencies are violations of the requirements established in statute and administrative rule that don't pose the same risk to health and safety as core deficiencies.*

## Enforcement

The Department of Health and Welfare is directed by statute to establish a number of enforcement remedies to apply to facilities who do not meet licensing requirements.

Enforcement Actions	2012	2013	2014	2015	2016
Provisional License	2	61	47	66	26
Ban on Admissions	0	1	2	4	1
Revocation	1	22	25	16	14
Summary Suspension	0	2	2	1	0

## **Additional CFH Information**

The Department of Health and Welfare received 105 complaints related to Certified Family Homes from January 1, 2016 – December 31, 2016 of which 30 complaints (or 29% of those already investigated) were substantiated.

- 37% were reported from other healthcare providers
- 16% were reported from Adult Protective Services
- 13% were reported from other sources
- 12% were reported from Department staff
- 10% were reported from family or friends
- 6% were reported from residents
- 5% were reported from former or current staff
- 1% were reported anonymously



# Council Business

## Summary of Work Completed

### January 2016

#### **Presentations, Discussions, and Decisions:**

- Council discussion concerning certified family homes proposed rules including application fees changes and availability of medication awareness course through the program.
- Creation of a residential assisted living subcommittee to review assessment tools, best practices, and criteria using the UAI model.
- Creation of a CFH subcommittee for assessments, things to consider or know before placement of a new resident.
- Presentation by Council member, Elishia Smith, about Difficult Behaviors and Homes with Residential Treatment Model (HART). Elishia also introduced the Idaho Small Provider Association. The topics were received well and a Q/A ensued.
- Kris Ellis gave a review of the results of the BSU survey through IHCA.

### April 2016

#### **Presentations, Discussions, and Decisions:**

- Presentation by Cameron Gilliland about Therapeutic Stabilization and Transition Center. This topic adds to the ongoing issues of mental health and few facilities able to cater to this population. Discussion highlighted the need for On-Call Services 24 hours a day as many crises happen at a time when Crisis Teams are unavailable. Training availability would be helpful for providers in how to deal with physical and mental behaviors.
- The Department presented proposed rule changes for certified family homes and residential assisted living and then solicited Council feedback about the proposed changes. RALF changes focus primarily on Behavior Management.
- Creation of a subcommittee to develop a certified family home checklist for potential residents and families to determine if the home is a good fit.
- Council continued the discussion started in January about improving the certified family home and residential assisted living assessment of residents' needs upon admission.

### July 2016

#### **Presentations, Discussions, and Decisions:**

- The Department continued the discussion about proposed rule changes for certified family homes and residential assisted living and then solicited Council feedback about the proposed changes.
- Council discussion about issues to include in the Council's annual report to the Idaho Legislature.
- Council continued the discussion started in January about improving the certified family home and residential assisted living assessment of residents' needs upon admission.
- Christine Pisani presented a review of the findings of the survey titled, "Choice and Community: Seeking the Voice of Adults with DD". In 2019 the survey administrators hope to contact the same participants to gather more data from the time that had lapsed.
- Reviewed the residential assisted living Informal Dispute Resolution (IDR) process and proposed changes.

## October 2016

### **Presentations, Discussions, and Decisions:**

- The Council has elected two new members to round out the full membership of the CCAC.
- Presentation by Pam Hickman of Idaho Eldercare about Safety of Idahoans with Dementia. Her primary focus was on GeroPsych Units and the ongoing problems with only seven Behavioral Care Units and no Geriatric Psych Units in the State of Idaho. She provided an overview of the geriatric mental health landscape for residents/providers and provided her contact information, tools and information about future events.
- The Department continued the discussion about proposed rule changes for certified family homes and residential assisted living and then solicited Council feedback about the proposed changes.
- Council continued the discussion started in January about improving the certified family home and residential assisted living assessment of residents' needs upon admission. The residential assisted living checklist was approved and is now posted on the Department website.
- Reviewed the residential assisted living enforcement action changes and the Behavioral Management Flowchart that is now posted to the Department website.
- Council determined the topics to include in the Council's annual report to the Idaho Legislature.



# Issues and Recommendations

## Funding Issues

As reported in the 2016 Annual Report, providers continue to express concern that negotiations with the Department of Health and Welfare's Division of Medicaid concerning outdated rates for Medicaid reimbursement have not resulted in increased rates. Reimbursement rates for services provided in Certified Family Homes are at rates that are almost 15 years old, personal care service rates in Residential Assisted Living Facilities are lower than what they were in 2009 and personal attendant rates are less than they were in 2009. Providers are concerned that as time has gone by, numerous supports for clients have been curtailed or eliminated and new burdens on providers have evolved. The Council recommends there be a fresh look at the current operating environment to ensure that funding is adequate to safely care for residents according to established regulations and recent interpretations of such.

## Assessment of Residents

In 2014, the Council began work on how to improve the assessment of residents when admitted to assisted living facilities or certified family homes to ensure good matches between resident care needs and the ability of the facility or home to provide the needed care. When residents have needs beyond the facility's ability to provide required care, some residents are involuntarily discharged so they can be admitted to another residential setting that is more appropriate for their needs. In cases in which a facility chooses to admit a resident for whom it cannot provide the required care, the facility is violating the requirements of their state license or certification. Currently, many assisted living facilities and certified family homes use the Uniform Assessment Instrument (UAI), which is a tool used by the Department of Health and Welfare's Division of Medicaid to determine Medicaid reimbursement. In 2016, the Council developed an assessment checklist for assisted living facilities to use as a guide to ensure all factors are assessed that promote success in caring for residents. The Council has requested the Department explore other options for assessment of residents to satisfy licensing requirements rather than using the UAI and will continue to work with the Department on this issue in 2017. Changes in assessment of residents will likely require statute and administrative rule changes.



## **Placement of Individuals with Difficult Behaviors**

Also included in last year's annual report, an issue that continues to exist in Idaho is the difficulty finding appropriate residential placements for individuals who exhibit difficult behaviors. Requirements for assisted living facility licenses or for certified family home certifications require those types of health care entities not admit or keep individuals who could potentially harm themselves or others. Most of the individuals are Medicaid recipients. Providers feel they do not receive sufficient Medicaid reimbursement to implement the supervision and services needed to effectively manage the difficult behaviors. This situation requires providers to either run a risk of losing their license if the resident harms him/herself or another resident or to discharge the resident, even when the resident has nowhere else to go. Last year, the Council recommended the Department work with stakeholders to find a solution to this problem. The Department responded by making this issue a high priority and launching an initiative to examine the problem and explore solutions.

## **Implementation of Residential Care/Assisted Living Rule Changes**

Several changes to the Rules Governing Residential Care/Assisted Living Facilities in Idaho were negotiated with stakeholders in 2014 and approved during the 2015 legislative session. Those rules were implemented in July 2015. There have been concerns expressed to the Department and to the Council from small assisted living facilities who state the new requirement that they have staff up and awake and available 24 hours a day, seven days a week caused financial difficulties. In 2016, some of these small facilities did close for financial reasons. The providers of these small facilities formed the Idaho Small Providers' Association in 2015. The Department's Division of Medicaid has met with these providers to ensure the providers are billing accurately to maximize Medicaid reimbursement and alleviate some of the financial challenges of the rule change.

## **Certified Family Home Rule Changes**

The Council reviewed proposed rule changes to the rules found in IDAPA 16.03.19, *Rules Governing Certified Family Homes in Idaho*. The Council has also identified rules for which members would like to recommend changes to the Department. This work will be done in 2017 beginning with negotiated rulemaking sessions in May or June of 2017.

