

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

Assisted Living Advisory Committee Meeting Summary
March 28, 2013
12:00 – 2:00 PM
Sabin Cleere Room, Building A

Committee Members Present: Shannon Gimbel, Laura Landwirth, Jun Murai, Maggie Sparks

Committee Members Absent: Julie Lee, Iva Prinsen

Guests: Suzanne Brennan, Jerry Bootzin, Janet Cornell, Sara Diaz, Brian Erickson, Angie Erickson, Vinni Ferrara, Sara Friesen, Mekdes Cebrese Lassie, Nancy Graf, Lori Hamilton, Marilyn Hammerschmidt, Judith Hollo, Ann Kokish, Rich Larsen, Tammy Littlefield, Amanda Maestas, Jason Marquez, Nevada Matoush, Hilarie Olsen, Heidi Pederson, Margaret Ray, Jeff Richardson, Mindy Rickard, Jack Schilling, Jennifer Solms, Kathy Snow, Jason Takaki, Sara Taylor, Cathi Waters (Names on this list reflect guests who signed in.)

HFD Staff Present: Roberta Lopez, Melanie Roth, Sean Schwartzkopf, Wunpenn Zaborek, Terry Zamell

Welcome/Reminders: Terry Zamell welcomed attendees to the meeting at 12:03 PM. The sign-in-sheet was circulated, and Ms. Zamell introduced the first speaker.

Department of Health Care Policy and Financing (HCPF) Update: Long-term Care Benefits Policy Specialist Kathy Snow introduced colleagues from the Department, including Jason Takaki, manager of the long-term services and supports facilities unit; Jason Marquez, an intern from Metro State; and Medicaid Director Suzanne Brennan.

Ms. Brennan confirmed that the state's Medicaid program is expanding and approximately 200,000 additional clients will potentially be eligible for the Medicaid program in Colorado. As part of that, the Governor has said and HCPF employees are engaged and committed to transforming Medicaid, what they're doing, how they're doing it, and the programs Medicaid offers in the next several years.

To make this happen, Ms. Brennan noted two ongoing initiatives: (1) the Accountable Care Collaborative, designed to provide better care management to Medicaid clients, and; (2) the long term services and supports transformation of all the programs that touch the elderly and disabled in Colorado. An Office of Community Living Advisory Group, created from an executive order, is examining every aspect of the long term care continuum and how to make them better. The Advisory Group has formed several subcommittees (1) Home and Community-Based Service (HCBS) Waivers (2) Single Entry Point and Eligibility; (3) Care Coordination; (4) Consumer Direction, and (5) Rules and Regulations (new). Advisory Group meetings are open to the public, and they are always looking for people to help with this work. If you're interested in participating in a subcommittee (s), email John.Barry@state.co.us.

Kathy Snow reported that the Elderly, Blind and Disabled (EBD) Waiver has been renewed. The language for the Survey & Certification Schedule will reflect the change in the ALR risk-based schedule, and Ms. Snow anticipates discussions with Centers for Medicare and Medicaid Services

(CMS) about the reason for the Alternate Care Facility (ACF) schedule change. If the risk-based schedule is approved for the EBD waiver, HCPF staff will then move forward to amend the Community Mental Health Supports waiver to reflect the same change.

The EBD waiver now includes the “homelike” language and the CMS will be checking to see that Colorado communities are “homelike” and “person-centered.” The EBD waiver language cites the Eden Certified Model as one example of a model of care that exemplifies good person-centered care and homelike criteria, and Ms. Snow encouraged providers to check out the homelike and person-centered delivery pieces in that model. She also referred providers to HCPF’s HOPE model to be in compliance with homelike and person-centered criteria. The division is also going to launch a web page under Long Term Care Services and Supports that will have the all of the information.

A new program, Medicaid Buy-In, is geared toward people who are employed and have what the law describes as a “medically improved disability.” This means that these persons have had healthcare interventions that improved their disabilities enough that they can work. The buy-in allows people that are working, but disabled, to purchase Medicaid. The manager of the Medicaid Buy-In program will be invited to the next meeting to explain this program. In the meantime, if you have any questions, contact kathy.snow@state.co.us or (303) 866-2861. Visit their website at [www](http://www.colorado.gov/hcpf). Their website is <http://colorado.gov/hcpf>.

Lastly, Kathy Snow reported that the CMS hopes to finalize their Community First rules for Home and Community-Based settings sometime this year.

Changes to ALR Fine Collection Processing: Roberta Lopez, the division’s enforcement and regulation manager reported that the division has formalized its fine collection process, and she reviewed the process with attendees. The goal is to ensure that all facilities are being treated the same. The Division has *always* had the authority to impose and collect fines, but has now formalized the fine collection process. A document describing the process can be found online under the March 28, 2013 ALR Advisory Committee meeting. If you have any questions, contact Roberta Lopez at (303) 692-2292.

ALR Program and Medication Administration Program Updates: Program Manager Terry Zamell reported Deputy Division Director Jennifer McCants is leaving the division, which is a huge loss for the department. The process is underway to fill her position. Ms. Zamell also introduced Wunpenn Zaborek, the ALR licensing staff person.

- **HB12-1298:** Ms. Zamell updated the group on the implementation of this bill, which transfers LSC program to the Division of Fire Protection and Control effective July 1, 2013. The two agencies are working collaboratively and holding weekly joint meetings to address issues and develop interagency agreement.
- **Revised Regulations on the Web:** The revised Chapter VII regulations were approved after a January 16, 2013 Board of Health hearing and are now posted on the web. Remember that facilities must now disclose whether or not they have awake staff.
- **Division Blog:** HFEMSD is also working on a Blog to post information that is the same as the information being sent to providers via web portal.
- **Medication Administration Program Update:** Terry Zamell reported that the entire Qualified Medication Administration Person (QMAP) course was reviewed and the course has been enhanced to include additional modules and information. The program is still planning to meet the December 31, 2013 deadline for the online class to be ready.

Meeting Summary, ALR Advisory Committee, March 28, 2013

- **Customer Service Hotline:** Terry Zamell reported that the Department and division are instituting some customer service initiatives. The division now has a customer service line as the first point of contact, which includes a live person to direct calls. This number is **303-692-2836**.
- **Facility Data:** Ms. Zamell reported that there are currently 570 ALRs with 17,738 beds. There are 238 ALRs and 322 ACFs. There are numerous projects in the works: 17 initial licenses and 14 changes of ownership, thus far this state fiscal year.

Leaders in Dementia Care Update: Amelia Schafer, director of professional education at the Alzheimer's Association of Colorado reported that 55 organizations have earned the new *Leaders in Dementia Care* designation since the program was launched in July 2012. Colorado is the only state to currently offer this designation. For more information on the program and/or to see a list of providers that have earned the designation at alz.org/co/in_my_community_professionals.asp or contact Amelia at aschafer@alz.org.

Emergency Planning Tools and Web Page: Melanie Roth took attendees on a site tour of the division's new web page of emergency preparedness tools for nursing homes and assisted living residences. Find it here at <http://www.colorado.gov/cs/Satellite/CDPHE-HF/CBON/1251631961599>.

Training Update: Melanie Roth reported on the success of the three Infection Control trainings for assisted living residences and reminded providers about the two half-day dementia programs will be held around the state in April. The morning program is, "*Sexuality and Intimacy in Residents with Dementia*," and the afternoon program is "*Reducing Dementia-Related Behaviors: Non-Pharmacologic Approaches*."

Announcements and Other Training Opportunities: LeadingAge Colorado announced their annual meeting, *Building CommUNITY* on May 24-16 in Vail, Colorado. The Colorado Health Care Association announced their Assisted Living Conference on April 30 at the Summit Event Center in Aurora

Next Meeting: The next meeting will be held on Thursday, May 23, 2013, from 12:00 - 2:00 PM.

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PILOT Fine Payment / Collection Process Summary

Licensee/Facility incurs a fine (intermediate conditions, exceeding licensed bed capacity, operating without a license, etc.) and receives a department notice.

If the fine is not timely contested (appealed) or, if the fine is upheld through the exhaustion of the appeal process, then the department sends the licensee/facility a final demand notice – 30 days to pay.

If a licensed facility **does not pay the fine in 30 days**:

- The department sends the licensee/facility a **renewal licensure denial notice** with a 60-day right to appeal the renewal denial (not the fine) and 60-day cure period (to pay the fine), which run concurrently.
- If there are also performance issues, the renewal denial may also include those reasons as a basis for denial, in addition to the non-payment of the fine.

If a licensed facility does not pay the fine or appeal in 60 days, the debt is sent to the Office of State Controller for garnishment.

- The former Licensee/Facility must immediately send the department its license and cease operation.

If an unlicensed facility does not pay the fine in 30 days, the debt is sent to the Office of State Controller for garnishment.