

North Dakota Department of Health

LONG TERM CARE ADVISORY
COMMITTEE MEETING MINUTES

March 4, 2014
10:00 a.m. – 3:00 p.m.

Committee Members Present:

Shelly Peterson, Executive Director, ND Long Term Care Association
Craig Christianson, Vice Chairman of the NDLTC Association, CEO Sheyenne Care Center
Darleen Bartz, Chief, Health Resources Section, ND Department of Health
Lucille Rostad, Program Manager, Division of Health Facilities, ND Department of Health
Michelle Lauckner, North Dakota Health Care Review, Inc.
Karen Tescher, Assistant Director, LTC Continuum, DHS
Rocksanne Peterson, Recorder, Division of Health Facilities, ND Department of Health
Randal Albrecht, Chair, ND Board of Examiners for Nursing Home Administrators
Bev Herman, Education Director, ND Long Term Care Association
Joan Ehrhardt, State LTC Ombudsman, ND Department of Human Services
Dr. Bruce Hetland, Bismarck Medical Director, Nursing Home Medical Directors Association
Bruce Pritschet, Director, Division of Health Facilities, ND Department of Health
Barb Groutt, North Dakota Health Care Review, Inc.
Representative Gary Kreidt, ND House of Representatives (New Salem)
Monte Engel, Division of Life Safety & Construction, ND Department of Health

Also Present:

Judy Beck, North Dakota Health Care Review, Inc.

Committee Members Absent:

Arvy Smith, Deputy State Health Officer, ND Department of Health
Dave Remillard, Public Member, Minot
Carole Watrel, AARP
Gregory Salwei, Chairman of the NDLTC Association, CEO Wishek Living Center

Welcome

A meeting of the Long Term Care Advisory Committee was called to order at 10:05 a.m. on March 4, 2014. The meeting was held in the AV 210 Conference Room at the State Capitol. Darleen Bartz welcomed everyone to the meeting and introductions followed.

Public Comment

No comments.

Approval of Minutes

The minutes from the December 3, 2013 Long Term Care Advisory Committee meeting were distributed and reviewed. Bruce Hetland made the motion to approve the minutes with corrections; Bruce Pritschet seconded the motion. Motion carried.

Standing Reports & Legislative Update

Legislative Update: Representative Gary Kreidt.

- Representative Gary Kreidt gave a legislative update and reported that facilities are still having housing issues in western North Dakota. Shelly Peterson spoke about the needs of the facilities and the grants that are available. Representative Kreidt is up for re-election and will have new running mate.

North Dakota Long Term Care Association: Shelly Peterson reported.

- Shelly reported that North Dakota nursing homes have met and/or exceeded the goals set by CMS for quality improvement work conducted by NDHCRI for the contract period beginning August 2011 to present. Shelly also reviewed the data from the North Dakota state report cards. North Dakota received an overall grade of an A and an overall ranking of 10.
- The question was asked if Health Facilities is fully staffed now. Darleen stated that we are. She also spoke about the realignment of one of the positions to Life Safety and Construction.
- Shelly spoke about the Assisted Living facility meeting that was held on March 3, 2014. Over half of the Assisted Living facilities were represented. There were discussions regarding the regulations and administrative codes as well as issues and concerns. There was also a discussion about putting a manual together for the facilities. The consensus from the meeting was that if a facility does not follow the rules there will be consequences. There were questions and concerns with the utilization of Hospice programs in assisted living facilities. Most of the clients of Hospice of Red River Valley live in basic care facilities. There was a discussion regarding type of care assisted living and basic facilities provide as well as the end of life process. Most of the time the clients need more care than they facility can provide and need to be transferred to a skilled nursing facility. One of the problems is that the skilled nursing facilities do not have any rooms available. Bruce reported that 80% of hospice care is done in the patient's home. The average stay in hospice is less than 10 days. It was felt that further discussion is needed and that the goal is to still have hospice in assisted living and basic care facilities, but to improve the process. There was also a discussion about whose responsibility it would be to assure that a tenant is evacuated if there is an emergency or fire in the facility. Every facility needs to have an emergency plan. Shelly stated that there are four more assisted living meetings planned.
- Long Term Care Association will be having a board meeting on March 19, 2014.
- Shelly reported the dollar amount spent on contract nursing went up to \$13 million in 2013. In 2011, the dollar amount spent was \$6 million and in 2012 it had doubled to \$12 million. Currently there are six states that regulate contract nursing. Minot/Williston is the number one area that uses contract nursing; Dickinson is number two and Bismarck, number three. Affordable housing is still an issue in Western North Dakota.
- Bev Herman gave an update from the Front-Line Caregivers conference call. They talked a lot about contract nursing, flexible schedules, mentoring and cultural diversity program at the conference. The next conference will be held on October 21-22, 2014.

North Dakota Healthcare Review, Inc (NDHCRI): Barb Grout reported.

- Barb reviewed the data on pressure ulcers and use of restraints. The use of restraints has decreased to 1%. There has also been a reduction of pressure ulcers.
- Barb gave an update on the Medicare Quality Improvement Organization (QIO) Program Update. CMS is regionalizing the QIO process. North Dakota will be in Area 3. NDHCRI worked with the QIOs in South Dakota, Nebraska, and Kansas to develop a response to the 11th SOW QIN-QIO RFP. They evaluated a number of options and believe they have come up with a configuration that is strong. The proposal was submitted on February 19, 2014.
- Michelle Lauckner is still working with the collaborative. Fifty-four out of eighty nursing homes are participating in the collaborative.
- Michelle continues to do monthly webinars and education for new DON's and administrators.
- Michelle also gave an update on the North Dakota Partnership to Improve Dementia Care in Nursing Homes. Twenty-one facilities have been invited to participate in an antipsychotic medication focus group. So far 15 facilities have signed up for the group.

Board of Examiners for Nursing Home Administrators: Bev Herman reported.

- Licensing for administrators is complete. The number of administrators is down this year. Nine new licenses were issued in 2013.

State Ombudsman: Joan Ehrhardt reported.

- The state ombudsman remain very busy especially the Bismarck, Fargo and Jamestown regions.

Division of Health Facilities: Bruce Pritschet reported.

- Bruce reviewed the Enforcement Actions Report. North Dakota has only had 1 enforcement action against a provider. There was a ban of admissions which was a result of a double G citation.
- Bruce also reviewed the Citation Frequency Reports for the Nation, Region VIII and North Dakota. The most frequently cited deficiencies in North Dakota are F0309, F0323 and F0441. The average number of deficiencies cited in North Dakota is 3.7. Randy Albrecht asked about showing the trend for the average number over the last couple of years. Bruce stated that it could be done, but that a number of states have or are converting to QIES.

Division of Life Safety & Construction: Monte Engel reported.

- Monte reviewed the average number of Life Safety and Construction (LSC) deficiencies which are 1.16. He also reviewed the LSC Citation Frequency Report for North Dakota, Region VIII and the Nation. The most frequently cited deficiencies for North Dakota are K0062, K0012, and K0069.
- Monte reported that he is in the process of recruiting for a health facility plans reviewer and construction inspector.
- Monte has been working on finalizing a LSC maintenance manual. The manual should be available for the Long Term Care Association convention. He has also been working on updating the construction standards and administrative codes.
- Reviewing of plans are about 3 months out.

- Monte is looking at doing a LSC newsletter.

Old Business

New Business

Use of Unlicensed Personnel: Tim Tate, Florida, DOH; 850-245-4444 ext 8451

- Tim Tate gave a presentation via BTWAIN regarding the Use of Unlicensed Personnel. Tim reviewed Florida's Unlicensed Activity (ULA) Violations by Profession. He also spoke about the penalties that could be incurred if a person is practicing without a license. It is much easier for unlicensed professionals to get away with violations. He spoke about silicone and Botox injections, dental work, massages and surgeries performed by unlicensed professionals. He also spoke about pharmacies and pain management clinics operated by unlicensed professionals. Unlicensed professionals will align themselves with credible people and will steal their supplies from clinics, where they work, etc.
- Tim also spoke about the statutory authority in Florida (Section 456.065, Florida Statutes). The statute requires the department to seek board advice regarding enforcement. The first ULA office was established in September 1998. It has expanded to 14 ULA investigators located in 12 field offices throughout Florida. Investigative staff is non-sworn criminal investigators. Many of them have previous law enforcement or criminal justice experience. Investigators work undercover to establish probable cause that an individual or facility has practiced as a healthcare professional without a license. Law enforcement and prosecutors conduct arrests and prosecutions based on investigations performed by the department investigators. Investigations are frequently conducted jointly with local law enforcement.

Annual National Ombudsman Report: Joan Ehrhardt

- Joan gave a report on Long Term Care Ombudsman Program and complaints. Every case has at least one complaint. Most of the time there is multiple complaints in a case. A facility's initial contact with the ombudsman program is considered a consultation. The total number of open cases in 2013 is 634. This number is up 25% from 2012. The increase in cases is attributed to the Bismarck, Fargo and Jamestown areas. The issues seen over and over is discharging, dignity, respect, staff attitudes, failure to respond to request for assistance, and care planning. There were 510 closed cases in 2013.

Discussion/Other:

Lucille Rostad handed out the S & C documents as follows:

- S&C: 14-12-ALL: Survey and Certification Emergency Preparedness Initiative: S&C Emergency Preparedness Checklist Revision.

Bariatric Bed Update: Darleen Bartz reported:

- Darleen presented information regarding the number of bariatric beds available in nursing homes. There are 11 facilities that have bariatric beds.

Basic Care Occupancy Survey: Darleen Bartz reported.

- Health Facilities recently completed a Basic Care Occupancy Survey. The average occupancy rate is 83%. Darleen reported that she has received two requests for new/additional beds.

Elder Population Census Data: Darleen Bartz reported.

- Darleen reviewed the elder population census data from 2010 and 2012.

Next Meeting

- Date and Time:

- Wednesday, May 14, 2014, 10:00 a.m. – 3:00 p.m., Room 212, State Capitol

- Potential Agenda Items:

- Assisted Living Workgroup Update – Shelly Peterson
- Long Term Care Study – LeeAnn Thiel

Meeting adjourned at 2:00 pm.