

## COMMITTEE ON AGING (CoA) MINUTES

March 24, 2017

**Committee Members Participating:** Gene Hysjulien, Deborah Melby, Delores Rath, Elaine Keepseagle, and Madonna White Bear Azure

**Ex-Officio:** Shelley Haugen, Governor's Office; and Nancy Nikolas-Maier, Aging Services Division

**Presenters:** Karla Backman, Michelle Gayette and Sheryl Pfliger, Aging Services Division

**Call to Order/Welcome & Introductions:** Gene Hysjulien, Chair, called the conference call meeting to order. All participants on the call introduced themselves, indicating their position and location.

**Governor's Office Representative:** Shelley Haugen, Constituent Services, will serve as an ex-officio member and liaison to the Governor's Office. Shelley shared that she receives and responds to a large volume of calls and emails from individuals of all ages regarding many different topics and agencies. Shelley also served under Governor Dalrymple. A question was asked regarding continued membership on the committee under Governor Burgum. She indicated that membership would remain the same.

Sheryl reported that there were currently two vacant positions on the committee – Trenton Indian Service Area and the Dickinson region. An application for appointment had been submitted from the Trenton Indian Service Area (referred by Elaine). Rene Schmidt, Regional Aging Services Program Administrator (RASPA) from the Dickinson area indicated that she had provided the application information to several individuals in the region. Gene provided the name of another possible candidate; Rene will follow-up with him.

**Regional Updates:** The following information was provided:

- Region I: Deb shared that on the 3<sup>rd</sup> weekend in July, arrangements had been made to hold blood pressure/blood sugar screenings at the threshing bee in Crosby.
- Region II: Codie Miller, RASPA, reported that the Ward County Council on Aging will be meeting in Berthold on April 11; the Region II Council on Aging will be meeting at the Anamoose Senior Center on April 25 - Tami Ternes shared that ND Assist will be doing a presentation; and Salute to Seniors will be held in Minot in May.
- Region III: Jon Jensen, RASPA, reported that the Region III Council on Aging will be meeting at the Langdon Senior Center on May 16; ND Assist (Fargo office) will be doing a presentation.
- Region V: Suzi Effertz, RASPA, reported an event, 'Healthy, Wealthy, and Wise' scheduled for May 9<sup>th</sup> in Fargo; AARP and local hospitals held events March 14<sup>th</sup> and March 22<sup>nd</sup> – good response.

- Region VI: Delores reported that an event is being planned in Jamestown sometime in June. The agenda will include presentations on Alzheimer's/Dementia, Medication and Alcohol, Living Wills, and Dry Eye.
- Region VII: Katie Schafer, RASPA, reported that the Bismarck Senior Center is holding their Health and Wellness Day on May 9<sup>th</sup> with the theme of "Laughter is the Best Medicine".
- Region VIII: Rene Schmidt, RASPA, reported the Council on Aging is celebrating 25 years of operation. Their next meeting is April 3<sup>rd</sup>. Southwestern District Health Unit is planning an event for May 1 to include speakers and health screenings.

## **Aging Services Division Report**

- a) Federal Updates: The President's proposed FY 2018 budget as outlined would eliminate funding for the following programs:
- Senior Community Service Employment Program (SCSEP)
  - Community Services Block Grant (CSBG)
  - Community Development Block Grant (CDBG)
  - Low Income Home Energy Assistance Program (LIHEAP)
  - Legal Services Corporation
  - Senior Corps, including RSVP, Foster Grandparent, and Senior Companion Programs
- It should be noted that this is the first step in the federal budgeting process; it is likely that the final budget will look somewhat different than the proposed budget.

The current continuing resolution for FY 2017 funding expires April 28, 2017.

Discussions also continue over the repeal of the Affordable Care Act. Tom Price has been confirmed as the Secretary of Health and Human Services; Seema Verma has been confirmed as the Administrator of the Centers for Medicare and Medicaid.

- b) Legislative Updates (Note: Bill Status (Passed/Failed) as of 4.19.2017)

HB 1012: DHS Budget - Testimony provided by the Department can be found at: <http://www.nd.gov/dhs/Info/testimony/index.html>

Nancy provided highlights of the budget to date including removal of department-wide salary related increases; removal of FSLA Home Care Rule funding; nursing home provider assessment removed; did not restore Homemaker funding; Lifespan Respite funding removed as it is duplicated in HB 1038. Nancy's testimony in the Senate outlines the 10% savings plan, and the additional House required reduction of \$24,556. This reduction was taken in nutrition services and would result in 5,339 fewer reimbursed meals over the biennium. A question was asked whether or not any of the funding could be restored. Nancy indicated it is unknown at this time.

HB 1038: (Passed) Caregiver Bill – originated from an interim committee study; includes \$200,000 in spending authority and language that allows the Department to apply for a competitive Lifespan Respite Grant; establishment and promotion of a caregiver resource center website; and a report to Legislative Management on the levels of funding provided for and spent on nursing home services and home

and community-based services, and options to increase the number and level of services and funding provided for home and community-based services for the 2019-21 biennium. Removed from the bill was the NDSU caregiver training and funding to increase the sliding fee schedule amounts for Service Payments to Elderly and Disabled (SPED).

HB1039 & SB 2215: (Failed) CARE Act – supported by AARP; as a part of a hospital discharge plan, the facility would have been required to provide opportunity for the patient to designate an uncompensated caregiver; the caregiver would have to be given notice and opportunity to participate in the discharge planning activities, and receive training, as needed, upon discharge.

HB 1119: (Passed) Allows the Department to recoup SPED and Expanded-SPED payments if all assets were not disclosed or if false representation of a disability occurred.

SB 2124: (Passed) Allows for Medicaid recipients to save funds in better life experience accounts through the Bank of North Dakota; the funds would not be counted for the purpose of eligibility from local or state means-tested programs.

SB 2273: (Failed) Allowed for a cap on state matching funds for the senior citizens mill levy.

Michelle reported on the following bills:

HB 1095: (Passed) Language for guardianship and conservatorship responsibilities are now mirrored, outlines expanded responsibilities for court visitors, and continues the five-year expiration period for both guardianship and conservatorship.

HB 1359: (Passed) Requires the Bureau of Criminal Investigation and Emergency Services, State Radio Division to establish a 'silver alert' system.

HB 1365: (Passed) Allows guardians to consent to involuntary treatment with prescribed medications with recommendation and determination from the ward's treating physician, physician assistant, psychiatrist, or advanced practice registered nurse. Note: SB 2291 (Failed) Bill was duplicative to HB 1365.

SB 2163: (Passed) Vulnerable adult protective services statute change to include a civil remedy for financial exploitation.

SB 2322: (Passed) Requires any agent, investment adviser representative, or person who serves as a broker-dealer/investment advisor to report financial exploitation of an 'eligible' adult who is at least sixty-five or a vulnerable adult.

SB 2335: (Passed) Criminal statute change of the definition of eligible adult regarding endangerment and exploitation, and adds a definition for undue influence.

Karla reported on the following bills:

HB 1115 – (Failed) Addressed the moratoria on basic care and nursing facility bed capacity and rate setting for nursing homes. The moratorium on bed capacity was included in HB 1012.

HB 1130 – (Failed) Addressed a provider assessment for nursing facilities.

HB 1215 – (Passed) Expanded definition of a basic care facility to include a facility that is attached to a nursing home or assisted living facility and has staff available to meet the needs of all residents and comply with state and federal regulations.

HB 1315 – (Passed) ‘Housekeeping bill’ relating to adjustments of nursing home rates (from twenty-five cents to one dollar per day).

SB 2113 – (Failed) Required provision of transfer and discharge notice language to mirror the federal requirement that each long-term care facility must provide a copy of each transfer and discharge notice to the state long-term care ombudsman on the day the notice is sent to the resident.

c) State Updates

HCBS Settings Rule: Nancy provided information on the ‘settings rule’ that will be effective in March 2019. If you use CMS funding to pay for home and community-based services, you must meet certain settings requirements – the place where services are provided must be integrated, not isolated, with full access to the community. Memory care units and traumatic brain injury facilities must make changes to be in compliance. A workgroup has been organized to address issues.

Waiver Renewal: Waiver renewal was approved on April 1, 2017 for a five-year period.

**Meetings with Spirit Lake and Twin Buttes elders:** Nancy reported that she and other staff met with individuals from Spirit Lake and the UND Center for Rural Health regarding starting a qualified service provider (QSP) organization. A grant was received from the Margaret A. Cargill Philanthropies to launch a pilot project to build local capacity to care for the community’s elders allowing them to remain at home. The overall goal is to replicate the pilot project on other reservations.

Sheryl reported that she and Kayla Fenster, RASPA, met with elders from Twin Buttes (Three Affiliated Tribes) to discuss Older Americans Act Title III/Title VI funding and service opportunities.

**Statewide Collaborative Meeting Update:** Sheryl reported that the group met on December 15, 2016. Minutes were sent to CoA members. The majority of the meeting was spent developing the one page informational document for distribution at the legislature (forwarded to CoA members on March 3rd). A ‘Legislative Issues Café’ was also held that provided overviews/discussion on guardianship, SPED payments, family caregiving, Medicaid expansion, behavioral health, and provider reimbursement rates. No date has been set for the next meeting.

**Other Business – Call to the Public:** No additional information.

**Next Meeting:** Discussion was held regarding meeting face-to-face rather than via conference call or polycom. Members participating on today's call indicated they would be willing to absorb travel expenses. Nancy indicated that she believed there would be funding to reimburse for one on-site meeting per each year of the next biennium. A decision was made to hold the June 9, 2017 meeting on-site in Bismarck. Gene indicated the meeting could be held at Edgewood Vista and Edgewood Village, 3124 Colorado Lane, Bismarck, ND.

Delores moved the meeting be adjourned; seconded by Elaine. Meeting adjourned.

Respectfully submitted,

Sheryl Pfliger