

## COMMITTEE ON AGING (CoA) MINUTES

December 9, 2016

**Committee Members attending via polycom/conference line:** Deborah Melby, Ed Christ, Bruce Davidson, Delores Rath, Betty Keegan, Elaine Keepseagle, and Peter Belgarde

**Committee Members Not Participating:** Gene Hysjulien, Mary Green, Madonna White Bear Azure, and Ruth Boyer

**Presenters:** Nancy Nikolas-Maier, Sheryl Pfliger, Karla Backman, and Michelle Gayette, Aging Services Division; Deb McDermott and Jennifer Sheet, Department of Human Services (DHS)

**Call to Order/Welcome & Introductions:** Nancy Nikolas-Maier, Director of Aging Services Division, called the meeting to order and welcomed everyone to the meeting.

**Budget Overview:** Deb McDermott and Jennifer Sheet provided an overview of the DHS portion of the Executive Budget. Deb distributed and reviewed the DHS Optional Adjustment Requests (OARS) and the DHS OAR Descriptions for the 2017-2019 Biennium. Copies of the documents can be accessed at <http://www.nd.gov/dhs/about/> under Budget Information, 2017-2019 Executive Budget Documents.

The OAR to restore funding for the CoA was not included in the Executive Budget. The 2015-2017 Legislatively Approved budget was \$20,000. The allotment reduced funding by \$15,495. The Executive Budget includes \$4,505 for the CoA.

The OAR to restore funding for the Dementia Care Services Program (DCSP) was not included in the Executive Budget. The 2015-2017 Legislatively Approved budget was \$1.2 million. The allotment reduced funding by \$150,000. The Executive Budget includes \$1,050,000 for the DCSP.

Both Nutrition Services and Vulnerable Adult Protective Services (VAPS) were funded at the 2015-2017 levels.

Betty Keegan asked how having new Governor may impact the budget. Deb explained that Governor-elect Burgum will receive the budget on December 16, 2016. He will have the opportunity to make changes to the budget until the end of January. Betty requested the CoA be kept informed of any amendments to the budget.

**Committee Member Appointments:** Sheryl Pfliger reported that three CoA members were reappointed to their positions through September 30, 2018: Elaine Keepseagle, Betty Keegan, and Peter Belgarde. Bonnie Bieber resigned her position. Representatives for the CoA are needed from the Dickinson region and the Trenton Indian Service Area.

## **Aging Services Division (ASD) Report**

**Federal Updates** – Nancy reported that Representative Tom Price (R-GA) was nominated for the Health and Human Services Secretary position; Seema Verma was nominated for the position of Administrator of the Centers for Medicare and Medicaid (CMS).

A continuing resolution (CR) to fund the government and federal programs was to be voted on by the Senate today (already passed in the House). The CR will continue to fund federal programs at 2016 levels. The existing CR expires December 9, 2016.

Sheryl reported that the Older Americans Act (OAA) was reauthorized on April 19, 2016 through Fiscal Year 2019. The reauthorization directs nutrition programs to encourage the use of locally grown foods in meal preparation, and to identify potential partnerships and contracts with local producers and providers of locally grown foods.

Nancy reported that the House passed a bill requiring electronic visit verification (EVV) of Medicaid home health and personal care services; the state FMAP would be reduced for services provided without EVV beginning in 2019 for personal care services, and 2023 for home health services.

**State Updates:** Nancy shared that Maggie Anderson accepted the Medicaid Director position effective December 1, 2016. She was asked by Governor-elect Burgum to serve as the Interim Executive Director of the DHS until a search is completed and a new DHS Executive Director is hired. She will balance the responsibilities of both positions during the transition.

### **Pending Legislation:**

HB 1038 – Family Caregiver Supports and Services: Nancy reported that the bill includes an appropriation (one-time funding) to the North Dakota State University (NDSU) Extension Service to establish/expand training for caregivers (Powerful Tools for Caregivers); provides an appropriation to DHS to apply for/administer funding for a lifespan respite program; requires DHS to establish/promote a caregiver resource center website; provides for an inflationary adjustment to the service payments for elderly and disabled program (SPED); requires the DHS to report on services and related funding within its long-term care division for the 2015-17 and 2017-2019 bienniums, and provide recommendations on options to increase the number and level of services and funding provided for home and community-based services for the 2019-21 biennium.

HB 1039 – Hospital Discharge Policies: As a part of a hospital discharge plan, the facility must provide opportunity for the patient to designate an uncompensated caregiver; the caregiver must be given notice and opportunity to participate in the discharge planning activities, and receive training, as needed, upon discharge.

Mike Chausee, AARP, indicated that similar legislation (Care Act) has been implemented in 30 states. AARP will be working to get both HB 1038 and 1039 passed.

He distributed “Voices of North Dakota Family Caregivers’. Additional copies can be requested from AARP.

HB 1095 – Guardianship and Conservatorship Proceedings: Michelle Gayette reported that the bill includes ‘clean-up’ language to match guardianship/conservatorship responsibilities, outlines expanded responsibilities for court visitors, and addresses the five year expiration period.

She also shared that VAPS will have a new national reporting system that will be implemented next year. The Victim Services and Law Enforcement Trainings through the Abused Adult Resource Center grant continue to be provided.

SB 2113 – Transfer and Discharge Notices: Karla Backman reported that the bill adds into state law, 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.

Karla provided a summary handout and reviewed key changes in the Final Rule issued in September 2016. Other significant changes include involving residents more in the care planning process; giving residents more choice in their daily schedules; and requiring nursing homes to have a grievance policy and a designated grievance official who must respond to complaints in writing.

Aging Services Division is discussing the continuation of a weekly legislative update as other entities, including Protection and Advocacy, do an update that addresses the same bills. Legislative bill tracking is also available on-line through Legislative Council.

**Statewide Transition Plan for HCBS:** Nancy provided information on the Statewide Transition Plan and 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.

**Waiver Renewals and Waiver Amendments:** Nancy discussed the need for waiver renewals and amendments due to transfer of service administration from Medical Services to Aging Services Division. Other amendments included clarification on environmental modification, removal of limitation on use of OAA for home-delivered meals, clarification that agency providers may enroll to provide supervision to eligible participants, changes all references to Adult Family Foster Care to Adult Foster Care, and describes policy regarding the limited use of restraints. Public comment is open until December 28, 2017.

**Committee Member Updates:** Deb Melby shared challenges of keeping staff; as of now they have no ‘travel staff’ as they hired three nursing staff from the Philippines who have agreed to a four year commitment.

Peter Belgarde shared that he continued to meet with the tribal elder director.

Delores Rath reported that aging workshops have been held in Carrington, Ashley and Napoleon with good participation.

**Other Business – Call to the Public:** Brad Brown was hired as the Regional Human Service Center Director for Badlands and West Central. He will begin his new duties on December 12, 2016.

Bruce Murray, Chairperson, Committee on Employment of People with Disabilities, offered to provide information to the CoA at a future meeting.

**Future Meetings:** Discussion was held regarding the meeting format. All participating liked the option of both polycom and conference phone lines. The tentative meeting dates for 2017 are: March 10, June 9, September 8, and December 8. The next agenda will include discussion of one on-site meeting and regional forums.

Meeting adjourned.

Respectfully submitted,

Sheryl Pfliger