

North Dakota Department of Health

LONG TERM CARE ADVISORY
COMMITTEE MEETING MINUTES

May 20, 2019
10:00 a.m. – 3:00 p.m.

Committee Members Present:

Darleen Bartz, Chief, Health Resources Section, ND Department of Health
Bruce Pritschet, Director, Division of Health Facilities, ND Department of Health
Kathy Laxdal, Program Manager, Division of Health Facilities, ND Department of Health
Rocksanne Peterson, Recorder, Division of Health Facilities, ND Department of Health
Craig Christianson, Chairman of the NDLTC Association, Sheyenne Care Center, Valley City
Peggy Krikava, Education Director, ND Long Term Care Association
Scott Foss, Board of Examiners for Nursing Home Administrators
Jamie Steig, Quality Health Associates
Shelly Peterson, Executive Director, ND Long Term Care Association
Michelle Lauckner, Quality Health Associates
LeeAnn Thiel, Administrator, Division of Medical Services, DHS
Joan Ehrhardt, Consumer Representative

Also present: Shannon Nieuwsma and Kaitlyn Nieuwsma

Committee Members Absent:

Karla Backman, State LTC Ombudsman, ND Department of Human Services
Monte Engel, Division of Life Safety & Construction, ND Department of Health
Carole Watrel, AARP
Dr. Bruce Hetland, Bismarck Medical Director, Nursing Home Medical Directors Association
Representative Gary Kreidt, ND House of Representatives (New Salem)
Randal Albrecht, Consumer Representative

Welcome

A meeting of the Long-Term Care Advisory Committee was called to order at 10:06 a.m. on May 20, 2019. The meeting was held in AV 212 at the State Capitol. Introductions were made

Public Comment

No comments.

Approval of Minutes

The minutes from the March 5, 2019 Long Term Care Advisory Committee meeting were distributed and reviewed. Craig Christianson made the motion to approve the minutes; Bruce Pritschet seconded the motion. Motion carried.

Standing Reports & Legislative Update

Legislative Update: Representative Gary Kreidt.

➤ No report.

North Dakota Long Term Care Association: Shelly Peterson/Craig Christianson.

- Shelly reported on the legislative bills that affected the Long-Term Care Association and facilities. SB2012 was the primary bill she was concerned about.
- Shelly also talked about facilities being behind in technology opportunities. There are great opportunities to improve the technology in nursing homes especially the nurse call systems.
- Shelly reported the provider assessment tax was shot down and it probably won't be brought back. An implementation plan for payment system for 2020 was identified. We have a pretty good staffing compared to other states. She doesn't know how they do it. For better or worse they will make sure it works. They are looking at rebasing the basic care rates.
- Shelly is pleased HB 1355 relating to the moratorium on basic care and nursing facility bed capacity passed. Bed Lay Away is now 6 years versus 4 years. She asked that we run an article regarding the bed lay away changes in a future LTC Highlights newsletter.
- Shelly reported legislators want to expand home and community-based services.
- Electronic monitoring was the most controversial bill and had the most concerns. A workgroup working on the rules and definitions. Facilities will need to post a sign that monitoring is occurring. If there is monitoring going on in a double occupancy room, a resident or legal guardian or power of attorney must get consent from the roommate. It was recommended that Kathy Laxdal be a part of the workgroup DHS is forming.
- SB2317 the state department of health may approve a request for a waiver relating to an innovative construction, renovation, or construction and renovation project if the lack of compliance does not adversely affect health or safety. There is also an emergency provision in the bill.
- Peggy talked about needing clarification and guidance on MDS. LeeAnn stated new information be coming out and she will be sending out a letter. Darleen asked LeeAnn that Health Facilities be included on anything sent out to the industry on this.
- LSC has advertised for a temporary plan's reviewer position. This is the second time for the advertisement. There were no applicants the first time.
- Shelly asked about the status of CNA testing and training. Bruce said Headmaster is coming to ND and will be sitting down for a meeting for review of the program. Some of the program is outdated, but for the most part Headmaster is good program. If the registrant has a criminal background it may take a little longer to get on the registry. Bruce talked about the automation of the registry. He is unsure of when the automation will go live. Kathy stated she is getting calls from people who want to start a training program. She also has someone one who has an online curriculum. The group discussed online training curriculums.

Quality Health Associate of North Dakota: Michelle Lauckner/Jayne Steig.

- Michelle reported Quality Forum will be held on May 23, 2019. They will be streaming live in four locations throughout the state. Someone from Rugby will be presenting on the late adopters on Thursday. Rugby has worked hard on reducing their use on antipsychotics. The list of late adopters has gone from 11 to 2. Michelle talked about the Center for Psychiatric Care and the Rural Mental Health Consortium.
- Michelle reported on Music Memory Program. Twenty-nine facilities have applied for program and were approved. Everyone has gotten their equipment. Michelle hears great things about it. The Alzheimer's Association has some new education.
- Michelle gave an update on the number of long-term care facilities that have signed up to use and are reporting to NHSN. There are fourteen that are signed up through Quality Health Association and 5 with Faye Salzer. Twelve of the fourteen are back to reporting.

- Jayme talked about the 5-year contract with CMS ending in July. They are hopeful to be awarded another 5-year contract. If they are awarded the contract, we would like to have them talk about it at the next meeting or December meeting.
- Darleen asked if there is any education that could be brought in to use CMP funds. Thoughts . . . on promoting care issues and get CEU's for licensure. It was recommended taking it to the facilities and getting suggestions from the front-line care givers.

State Ombudsman: Karla Backman/Shannon Nieuwsma.

- Shannon reported on Senate Bill 2113. Karla will have a workgroup starting in June. If everything goes according to plan forms will be developed.
- The annual ombudsman training will be held in June.

Division of Health Facilities: Bruce Pritschet

- Bruce reported the average number of deficiencies for a health survey is currently 4.62. We are on schedule for completing surveys this federal fiscal year. The top citation in the nation, region and North Dakota is F0880.
- Shelly asked about the PASARR, wondering about why it is cited as the second most frequent deficiency. The response was that in most instances a change in a psych diagnosis occurred for an existing resident which should have resulted in rescreening. Bruce reviewed the other most common cited deficiency reports.

Division of Life Safety & Construction: Darleen Bartz reported for Monte Engel

- Darleen reported the average number of deficiencies for an LSC survey is 2.29. The top citation in the nation K0353 and the region is K0353; K0211 was the top citation for North Dakota.
- Darleen talked about Monte's presentation at the LTCA convention. He talked about how important that contractors leave documentation regarding the work they completed in LTC facilities. It was a very interactive session. Shelly commented that she really appreciates Monte presenting at the convention.
- Darleen spoke about the cost of projects. The small projects are now going to be \$500. The memo regarding the costs will be redone and language will be added regarding projects under \$1 million. Darleen briefly spoke about the waiver process and the implementation process.
- Darleen also mention that we have advertised for the temporary plan's reviewer position. We are trying to get the word out there to apply.

New Business:

- Department of Health Legislative Update: Brenda Weisz, Chief Financial Officer
 - Brenda Weisz reviewed the number of bills tracked by the North Dakota Department of Health (NDDoH) and the number of times someone testified at a legislative hearing. She also gave an overview of the budget changes and funding for the NDDoH.
 - Brenda did a highlight of the appropriations for 2019-2021, the following information was included: fee information, Capital projects, grants, program changes, IT unification, and FTE's. Highlights impacting the team are employee pay increases and continuation of the exiting health insurance benefits.
 - Brenda gave an update on which legislative bills impacted each section of the NDDoH.
 - Session highlights for Health Resources Section were covered in earlier discussions. But another legislative bill impacting section was related to end-of-life services in basic care.
 - The Division of Health Facilities was impacted by FTE reduction's, a health surveyor and an administrative assistant position.

- Craig asked about the revenue that the NDDoH had to work with for the budget process. Brenda explained the process and the numbers, as well as the option to submit optional requests.
- April 29, 2019 DEQ separated from the Health Department, accounting and HR services are shared.
- Certified Dietary Managers (CDM) – Bruce Pritschet and Kathy Laxdal
 - Dietary department in a skilled nursing facility are required to have a CDM. Bruce and They stated this is a CMS requirement. Kathy spoke about what programs are out there. If a facility does not have a CDM, a facility could end up with a ban on new resident admissions. Serve-Safe does not meet the training requirement as it only provides a portion of the knowledge. UND has a 3-month course. The department recommends having two people trained on staff. The group discussed CDMs and feel it is hard for facilities to meet this requirement in ND. Bruce indicated the NDDoH dieticians have worked hard researching this issue. Shelly recommended putting an article in the next newsletter.
- Facility Reported Incidents (introduction to topic)
 - Bruce reported on Facility Reported Incidents. This was the most talked about issue related to LTC by CMS in Baltimore. CMS is looking at on-site investigations having to take place for serious resident injury including psycho-social. This is going to make a huge impact on the state survey agencies. The initial reporting will be changing but not until after CMS makes a final decision. The reason for this is that CMS isn't seeing facilities remaining in compliance after a citation has been cited.
 - Bruce talked about the abuse investigation process and the need for transparency. CMS feels the public deserves to know what is going on. Shelly asked what the penalty for not reporting would be? Bruce indicated there will be a deficiency cited for not reporting and possibly a CMP. The timeframe for implementation is not known at this time. A facility may be found out of compliance for residence to residence abuse, resident abuse by staff, and so forth. Darleen stated she is not seeing much flexibility or give on this by CMS on this issue.

QSO Memos – Kathy Laxdal:

- QSO 19-08-NH April 2019 Improvements to Nursing Home Compare and the Five Star Rating System
- QSO 19-09-ALL Revisions to Appendix Q, Guidance on Immediate Jeopardy
- QSO 19-10-NH Specialized Infection Prevention and Control Training for Nursing Home Staff in the Long-Term Care Setting in Now Available.

Next Meeting Date and Time: August 20, 2019, AV 210

Future Agenda Items:

Crisis Intervention – Chris Jones/Pam Sagness
 Behavioral Health Issues – Pam Sagness
 State Hospital – Rosalie Etherington
 QIO Scope of Work – Jayme Steig/Michelle Lauckner
 Forms for Electronic Monitoring - Karla

Meeting adjourned 2:40 pm