

ADULT FOSTER CARE LICENSING ADVISORY COUNCIL
MEETING MINUTES
August 15, 2012

MEMBERS PRESENT: Salli Christenson, Ira Combs, Jenny Cook, Cynthia Farrell, John Kerr, Linda Lawther, Kathleen Murphy, Lauren Swanson

MEMBERS ABSENT: Justine Rowley

ADULT FOSTER CARE/HOME FOR THE AGED LICENSING STAFF

Luttrell D. Levingston, Director, AFC/HFA Licensing Division
Erika Ferrell, Adult Foster Care Licensing Consultant
Mahtina Rubritius, Adult Foster Care Licensing Consultant
Rita Burnett, Secretary

Linda Lawther, Chairperson, called the meeting to order. Roll call of members showed that a quorum was present.

Approval of Agenda

Ira Combs made a motion to approve the agenda as written. Salli Christenson seconded the motion. All were in favor. Agenda approved.

Approval of Minutes – May 16, 2012

Ira Combs made a motion to approve the minutes as written. Lauren Swanson seconded the motion. All were in favor. Minutes approved.

Public Comment

None

Other

• **Review Council Bylaws**

Chairperson Lawther asked Council members to peruse the bylaws for any changes they might wish to make. Lauren Swanson noted several grammatical corrections that she considered would make the bylaws read more smoothly. She then suggested that a bylaw be added regarding electronic devices, in that the Council members needed to give their entire attention to the meetings and not be distracted by cell phone calls or email on any devices. Jenny Cook, Kathleen and Salli agreed with the principle, but Kathleen pointed out that she uses her cell phone for business notes. Ira echoed those sentiments. Linda stated that this suggestion should not be added as a bylaw, but that it would be good practice to remind members before meetings to turn off electronic devices unless they are being used for meeting purposes.

Kathleen made a motion to accept these changes to the bylaws. Motion seconded by John Kerr. All were in favor and the motion passed.

- **Adult Foster Care Facility Accessibility**

Lauren Swanson stated that she, Justine Rowley and James Cannon had all received an email from Nancy Barber, a Macomb County Mental Health Specialist, regarding the difficulty that folks have in finding barrier-free, wheel-chair accessible AFC homes. The website database did not have very much information about this, and Luttrell replied that he would get a list for Macomb County from his area manager, Denise Nunn, and email it to Nancy Barber. Luttrell was concerned that many homes that are wheel-chair accessible don't accept people from outside the CMH programs, and he didn't know if there was a supply issue outside of the CMH programs.

Council members asked if it were possible to pull this type of information from the database and put it on the website. Luttrell wasn't sure if it was in the database or not, but would check to see how much information is available there. If the information is already being asked on the applications and during renewals and then entered into the database, it would not be difficult to access it for the website. If it has not already been collected and entered into the database, then it would be a long process to collect it. It might also be necessary to make changes to the database to accept the additional information, and changing the database itself is a very long process.

Lauren noted that as the baby boomer generation gets old enough to need barrier-free homes, the need will increase. Kathleen added that a list of what homes provide in this category of services, and what the public might need in the future, would be very helpful. Cynthia noted that when she was a APS worker, she kept her own list of which homes provided these items. .

Luttrell suggested that the council contemplate what data points are important to them and to the public and bring a list to the next meeting. He would find out what is currently available in the database and whether that data could be pulled onto the website. There are several ways to search for information on the website, but which items are of the most value is important to discern before asking for changes.

Salli asked what information is captured on the original license applications. Luttrell responded that the Department is moving to online applications and they are in the process of developing that program. This would be an excellent time to decide what data it is important to ask for on the applications, as the program could be developed to ask for more specific information, which could then be available on the website.

Lauren asked if all applicants can use computers. Kathleen responded that the recent fingerprint requirement was a good test of that, and that the majority of the people have technology. She added that we still need to be sensitive to those with less knowledge and less money. Luttrell noted that the online application process for child care was going well and they weren't seeing problems with access. Some people were going to libraries or to the houses of friends or relatives, and generally had family members that could help them.

Linda asked if an applicant could also get assistance from BCAL, and Luttrell replied that the licensing consultants currently spend countless hours with applicants, because the license doesn't give the applicant a business plan, residents for their home or a method of receiving payments for care. Many applicants don't know anything about adult foster care and need many hours of explanations about how the system works. Applicants can also call the Department, where the staff is knowledgeable and can answer many of their questions about getting started.

Linda noted that the Council would check at the next meeting for more details about what is available and Lauren stated that she would send an email to Nancy Barber, explaining that the Council discussed it and will continue to investigate this subject, looking for more answers.

- **Consumer Representative**

Linda stated that she had received a letter from James Cannon, alerting the Council that he can't be involved in the Council any longer. She suggested that the Council send a letter to Mr. Cannon thanking him for his service with the Council, especially for meeting with legislators and giving testimony before them. It was noted that he will receive a letter from Director Corrigan thanking him, but Council members thought it would be appropriate that he receive a letter from them, his peers, as well. Linda offered to compose the letter.
(Lauren offered to review the letter for punctuation and grammatical errors.)

Linda also noted that the Council was supposed to have eleven members. Luttrell stated that he would call the Director's office and bring to their attention that the Council needs two more members. He added that as the Director gets ready to appoint new members, he would like to give her some options by sending her some names recommended by the Council members. He asked the Council to send him the names of anyone they would like to recommend by the end of this month.

Lauren pointed out that she had served her two terms and the meeting in November would be her last meeting. She would like to recommend Terry Muniz from OSA and would like to bring Terry to the November meeting.

Division/Bureau Updates

Staffing Update

Luttrell noted that he has had two people missing in his staff. Marva retired at the end of May and he is in the process of hiring her replacement. Mary Holton had also been promoted to an area manager position, and he asked Mahtina Rubritius to replace Mary here in Lansing as an office consultant. Mahtina has been a field consultant in the Jackson office since 2008, and they are now in the process of filling her position in Jackson. Mahtina will be doing both jobs until a replacement is found for the Jackson position.

Luttrell added that he would send out a roster of who is covering what duties with the minutes from this meeting. He now has five AFC area managers: Betsy Montgomery, Jerry Hendrick, Mary Holton, Ardra Hunter and Denise Nunn. Kathleen asked if they were listed on the website with contact numbers. Erika responded that they were not currently there, but the child care division had recently put their information on the website, and Adult Foster Care would be putting theirs on as soon as the new people are hired and in place. Lauren asked if phone numbers for the consultants would be included, and Luttrell replied that they would, as well as email addresses, which is often the best method of contacting them. He also noted that the general office number is already on the website. Cynthia added that there is a toll-free number that her area gives to callers frequently.

Adult Foster Care Fire Safety Rules

At the last Council meeting Linda Lawther suggested inviting Brian Byelich to this meeting. Luttrell stated that Brian was unavailable to come to this meeting, but he is going to attend the November meeting and would be doing a power point presentation, as well as bringing information that Council members could take with them. Kathleen noted that since the new rules were only in effect for thirty days at this point, it would probably be better for him to come to the next meeting, when the rules will have been in effect for ninety days, giving them a better perspective. Luttrell asked Council members to send him an email if they have specific information they would like from Brian.

Field Staff Mobility

Luttrell discussed how our field staff is now completely mobile and it is changing the way we do business. The consultants previously had to be in a State office to write reports. Now they don't have to travel back and forth to State offices, so the State has less leased space. The consultants have hoteling stations, rather than cubicles. Since they are in the field most of the time that is all they really need. As an example, Luttrell noted that in the Marquette office, there is a room where consultants can sit and print things after plugging their laptops into the wall outlets. They have dedicated file cabinets, but no personal space. This is also happening to child care consultants, child welfare consultants, county workers, and even in the Grand Tower Building.

Cynthia pointed out that State employees would be moving out of this building. The training centers in this building are closing and most training will be done online. Kent County in Grand Rapids and Cadillac Place in Detroit will be the only two buildings with training centers. Luttrell noted that BCAL Central Office and field consultants would be moving at some point next year, but we are not sure where yet. The State is taking the money it now uses to rent buildings and putting it into technology instead.

Mental Health Placements

Luttrell stated that BCAL is working with DCH and mental health hospitals to take mentally ill patients from their centers and putting them in AFC homes. The AFC providers are taking very difficult residents, but still must adhere to State regulations. Salli asked if this was a grant project, but Luttrell said no. Lauren noted that these are the hardest groups to work with and Luttrell agreed that it is not easy for the providers, the patients or their families.

Legislative Issues

Erika Ferrell reported on the following bills that would affect adult foster care:

SB 454, amending Public Act 170, effective June 19, 2012, defines “vulnerable adult” and connects it to the “adult” definition from PA 218 of 1979.

SB 457, amending Public Act 171, effective June 19, 2012, may establish an elder death review team.

SB 459, amending Public Act 172, effective June 19, 2012, amends the Penal Code regarding imprisonment lengths and fines.

SB 464, amending Public Act 175, effective June 19, 2012, directs the Department of Human Services, the State Police, the Attorney General, and the Office of Services for the Aging to develop a protocol to investigate vulnerable adult abuse.

SB 466, amending Public Act 176, effective June 19, 2012, prescribes the senior or vulnerable adult medical alert as the official response to reports of certain missing persons. This is similar to the amber alert for missing children.

Senate Bills 455, 465 and 468 all amend Public Act 175 of 1927, and were effective June 19, 2012. They all amend laws relative to criminal behavior. SB 455 discusses embezzlement against vulnerable adults. SB 465 addresses complaints of crimes against vulnerable adults. SB 468 directs that magistrates shall not refuse to accept a complaint regarding a crime against a vulnerable adult, if submitted by someone other than the victim, and this Bill points to the vulnerable adult definition in the Penal Code.

Luttrell asked Council members if this information was useful to them and if the Legislative Updates were given in a manner that the Council finds helpful. Kathleen noted that if anyone was interested in any specific legislation, they could ask before the meeting.

Linda suggested that the Council would like a list with a brief summary each time. Luttrell responded that if any of the Council members are following a specific Legislation closely, they could provide a summary to the Council also, to avoid duplication of effort. Linda pointed out that the Council members have differing backgrounds and are usually only interested in items that affect their work. Lauren added that they never know when some Legislation will come up that affects the entire Council, so it's better to let the whole Council know.

Interview and Observation Renewal Inspections

Erika directed the Council members' attention to one of the handouts in their folders “Interview & Observation Renewal Inspections – Data Summary Quick Facts.” Luttrell gave an overview of the Interview and Observation Inspections Model. He noted that several years ago the Council's subcommittee had looked at the on-site renewal process.

They wanted the renewal process to focus on the quality of care of the residents, while evaluating fairly all licensees' compliance with Department regulations, and doing both in a timely, efficient manner. After researching and developing the process, they tested it using 24 Adult Foster Care staff, six Homes for the Aged, 43 HFA licensees, and 128 AFC licensees. Eleven of the 24 Adult Foster Care staff served as the control group, conducting standard renewal inspections.

The handout discussed the particulars of the testing process and included charts of the inspection comparisons and the related data. The revamped renewal model was used in Oakland, Macomb and Genesee counties for AFC. Luttrell thanked Kathleen, Jenny and Linda for their help in this process. They developed a list of key indicators, some indicative of the quality of life of the residents and some regarding compliance with the regulations by the licensees. The renewal team interviewed, observed, looked at special records and investigated as needed. They were able to spend less time in the high-performing facilities and more time in the low-performing and mediocre facilities. He added that they had to struggle to talk to the residents, as many were gone to programs when the renewal teams were there. Luttrell noted that it was important to review the terminology used, so that licensees are clear on what the policy is.

Luttrell stated that four of our consultants, who have been using the new renewal process, would be traveling to Grand Rapids and Detroit to talk to the consultants there and explain how the new process works. Since they have been working with the process, they can talk to the other consultants as a panel of peers. After the training in Grand Rapids and Detroit, Luttrell plans to begin the new process state-wide as of October 1st. Luttrell also wanted to extend his thanks to the Council members, staff members and the field consultants who assisted with this process, while still managing their case loads.

Erika discussed the Table on Page 3, pointing out the differences in how long it took to do the inspections between the control group and the new renewal process. Luttrell noted that the key indicators didn't include congregate homes and, as there are only ten left in the state, the subcommittee didn't focus on them. As all are unique, it is difficult to combine those types of inspections with other adult homes.

One of the major points of the new renewal process is that the licensee is only given one-day notice of the inspection. The licensee would notify the residents. In the old process licensees were given notice weeks in advance. Only 8.5% had a problem with the one-day notice. The subcommittee had considered doing surprise inspections, but settled on one-day notice as a reasonable compromise. There was no difficulty with the delivery of services during 97% of the Interview and Observation renewal processes. A couple of the licensees held off giving the residents their meals because of it, but that was the only way in which it interfered.

Salli asked if the consultants used a standard set of questions when interviewing the residents. Luttrell replied that the field consultants were given discretion with questions, not a scripted approach. The key indicators helped guide the questions, but they were tailored to the individual resident, and he felt that they had received a consistent result.

Luttrell stated that at every inspection the field consultants left a survey with the licensees regarding how they perceived the new Interview and Observation renewal process. He hoped that within six months they would have a detailed survey about how the inspections are being received by the licensees. Erika added that the Interview and Observation questionnaire will also be online, so we should continue to receive information that way.

Lauren asked if there were any method of getting more information from the residents. Luttrell replied that it is difficult due to the amount of time it takes to interview residents. In the old model, they were not talking to residents at all, just reviewing records. Now they are talking to some, but while the residents are excited to talk to the consultants, it is not necessarily about whether the facility is following the regulations. Lauren asked if it were possible to speak to some of them at their day programs or their jobs. Luttrell reiterated that it was not an efficient way for the consultants to gather information. If the resident has a complaint about the facility, there is a complaint number they can call to lodge a complaint.

Lauren asked whether the fact that the resident is staying there is a fair indication of their satisfaction with their treatment, especially as some can't communicate. Luttrell replied that even though the non-verbal resident can't talk, much can be learned by watching the interaction between the resident and the care-giver. Lauren considered that if we are not asking questions of the residents, then we don't have enough information to know. Luttrell responded that at this time we don't have a survey that includes going into the facilities and talking to the residents. Salli noted that she could bring information from ARC, as they have social workers that are interviewing residents.

Luttrell stated that Lauren's questions go beyond what our staff can regulate. We are attempting to be sure the licensees meet the Department's standard regulations. Lauren replied that OSA and other organizations are moving towards person-centered care and looking at the rules from that perspective. As baby boomers are getting older, they are pushing towards this concept. Luttrell responded that we are working with organizations to ask facilities to exceed the regulations, but lack of money and understaffing are issues with personalized care. Lauren expressed the opinion that there is a bias towards the larger institutions, like nursing homes. Ira concurred with that. Luttrell added that the Department can encourage providers in that direction, but can't require it without changes in the rules. Erika noted that there will be section on the website for residents as consumers. The Department doesn't want to give the impression that residents aren't important. We would add more on the website, but we don't have the ability to change the website ourselves. Luttrell added that it currently takes at least sixty days to make changes on the website.

Salli suggested that the Council look at this issue in their long-term planning. Linda noted that the Council could have discussions on the "graying of Michigan" and try to plan for the future, deciding whether it will take a review of the rules to help the Bureau get ready. Residents of adult foster care homes can file complaints, and advocacy groups can help.

Bureau Statistics

Luttrell stated that he did not have a trend report at this time, but would provide one at the next meeting. Erika directed Council member's attention to the other information in their folders, including the Top 10 Rule Citations by Facility Type by County Location, along with the Rule Explanations that go with it and a Michigan map with Counties by Name and Number. There was also an Activity Report in the folder.

Other Discussion

Linda passed around a card from Marva Chambers thanking the Council for their gifts and good wishes on her retirement.

Adjournment

Lauren made a motion to adjourn the meeting. Salli seconded the motion.

NEXT MEETING: Wednesday, November 14, 2012, 10 a.m., 7109 W. Saginaw, 2nd Floor Conference Room. If you are unable to attend, please notify Luttrell Levingston.