

**ADULT FOSTER CARE LICENSING ADVISORY COUNCIL
MEETING MINUTES**

August 17, 2011

MEMBERS PRESENT

James Cannon, Salli Christenson, Jenny Cook, Andrew Farmer, Linda Lawther, Kathleen Murphy, Brian Sabourin, Lauren Swanson

MEMBERS ABSENT

Cynthia Farrell, Sandy Mabery

ADULT FOSTER CARE/HOME FOR THE AGED LICENSING STAFF

Luttrell D. Levingston, Director, AFC/HFA Licensing Division

Erika Ferrell, Adult Foster Care Licensing Consultant

Mary Holton, Adult Foster Care Licensing Consultant

Marva Chambers, Secretary

VISITORS

Susan Hayes Affholter, MPH, DCH

Brian Byelich, Bureau of Fire Safety

Brenda Roberts, MALA

Pain Management and Palliative Care

Mary Holton introduced Susan Affholter, Pain Management Coordinator, Department of Licensing and Regulatory Affairs, Bureau of Health Professions. Ms. Affholter provided an overview of the State Pain Management and Palliative Care Program. The overall goal of the program is to ensure that appropriate, safe and effective pain management is available to all Michigan residents.

Ms. Affholter provided materials including the *Mipain Management Newsletter* and copies of a booklet on appropriate and safe opioid prescribing that the Bureau mailed to all licensed prescribers and dispensers of controlled substances. Ms. Affholter said additional information can be obtained on their website at www.michigan.gov/pm.

Ms. Affholter will be providing training on the role of consultants in ensuring effective pain care of AFC and HFA residents at the AFC/HFA Division meeting on September 13th.

Approval of Agenda

Salli Christenson made a motion to approve the agenda with the change of Susan Affholter's information on the Pain Management and Palliative Care Program being first. Andy Farmer seconded the motion. Agenda approved

Approval of Minutes – May 18, 2011

Kathleen Murphy made a motion to approve the minutes with the correction of physical to fiscal on page 2. Brian Sabourin seconded the motion. Minutes approved.

Public Comment

No public comment

Adult Foster Care Life safety Code

Brian Byelich, Bureau of Fire Safety provided information and answered questions regarding the proposed AFC Fire Safety Rules.

All the proposed rules were discussed. The proposed rules will affect evacuation time and this was discussed in length.

Andy Farmer recalled that previously the Council reviewed and developed best practices for emergencies by visiting facilities. One of the guidelines was to review admission forms on an ongoing basis to update assessments and evacuation plan.

Kathleen complimented Brian on his professionalism and accessibility to answer questions and thanked him for attending the Council meeting.

Division/Bureau Updates

Staffing Update

Luttrell announced that Jerry Hendrick has been hired to fill an area manager's position that was vacant due to a retirement. Jerry has been an adult foster care consultant for 17 years. Jerry will supervise AFC consultants in the Grand Rapids, Saginaw, Midland and Mt. Pleasant offices.

Interviews have been conducted to fill a vacant consultant position in Lansing.

A Division meeting will be held on September 12th and 13th to educate staff on the revised interview and inspection process to bring staff up to date on trends of care provided that relates to rules and improve care to residents. The agenda includes a look at the new inspection model; person- centered planning, update on the background check process, pain management and palliative care and AFC Life Safety Codes. The meeting will be by video conferencing and held at 4 locations (Detroit, Grand Rapids, Saginaw and Traverse City) to hold costs to a minimum.

FORI (Focused Onsite Renewal Inspection) Review Subcommittee Report

Copies of the FORI Workgroup goals, renewal inspections brochure for licensees, interview and observation renewal inspection training outline, and renewal inspection questionnaire were provided to the Council for review. Linda and Luttrell gave an overview of the subcommittees work and recommendation of modifications to the focused onsite renewal inspection.

On behalf of the Council, Linda thanked the Council members, BCAL Staff and licensees who participated on the subcommittee. The subcommittee evaluated the strengths and weakness of the original FORI process and found the licensee's perspective was that the consultant's work was handed to the licensee and the consultant's did not feel it was a timesaver.

During the process the subcommittee looked at Wisconsin's renewal process. The key codes Wisconsin used were looked at as a step that could be used for Michigan's consultants to focus on in a renewal. A key indicator reference sheet of key areas that need to be identified each time a consultant does a renewal inspection was developed.

Previously the focused onsite renewal inspections were available to facilities with a history of rule compliance. The new inspection process will be used for all license renewals. Consultants may need to spend time assisting licensees with rule compliance if needed.

In order to capture what everyday life is for residents, the inspections will be unannounced. Licensing Manual item 230 (Licensee/Certification Renewal Issuance Process) and Manual item 265 (Conducting on-site inspections and investigations) eliminates policy related to FORI and refers to unannounced inspections and using the key indicator reference sheet as a tool for assisting with the renewal inspection. Copies of revised Manual item 230 and 265 were provided to the Council.

Erika Ferrell prepared a questionnaire to be completed by the licensee to assess whether the renewal inspection process is successful. The questionnaire will be given to the licensee on site to submit without the consultant or licensees' name.

The renewal inspection brochure Erika prepared as a reference for AFC and HFA licensees was reviewed. The brochure will be sent in the renewal application packet and will give basic information about the license renewal inspection and how to prepare.

Linda said the Renewal Inspection Workgroup appreciated Erika's ability and the job she did creating the brochure and questionnaire for licensees.

Andy Farmer suggested a brochure be developed for the resident and family members. He said it would be a valuable tool to the resident on being included in the inspection. Andy suggested putting the information on the website.

Linda passed the position of chairperson to the Vice Chairperson, Brian Sabourin, in order to make comments on behalf of the Michigan Center for Assisted Living (MCAL). Brian accepted.

Linda stated it was great to be involved in the renewal inspection modification workgroup. MCAL is concerned with unannounced visits to home like

environments and it is their recommendation to delay unannounced inspections while this process is introduced. Linda said it is a big move for licensees.

Luttrell said the Department has experience with unannounced inspections in childcare, foster care homes and homes for the aged. Luttrell stated this is a big change for licensees but it would not be possible to get a perspective of the interview and observation process unless the inspections were unannounced.

Kathleen said the discussion of unannounced visits has been ongoing and the issue is unresolved. It would be inefficient if the residents are not at home and the consultant has to return several times and would work against the Department's priorities. It would be more efficient to give a little notice of today or tomorrow.

Luttrell responded that it will take work and thoughtful planning on the part of the consultant. The consultant is responsible to know if residents are normally out of the home during the day and the licensee knows when they are applying for renewal that an inspection would be forthcoming.

Andy said it will be important for consultants to be trained to be courteous and licensees, residents and families educated about unannounced visits. It is necessary to create consumer and family awareness regarding the interview and observation inspection and unannounced visits as soon as possible.

Linda said the subcommittee has completed their goals of evaluating the FORI inspection and recommendation of a renewal process for the Bureau.

Linda said as a result of the FORI workgroup's preliminary discussions of its goals with Jim Gale, expanded goals were identified. A separate issue for review is "Recommend revision of BCAL priorities to include new license applications as one of the Bureau's highest priorities and eliminate any existing backlog of pending applications.

Luttrell said that BCAL continues to work on this issue. For example, there has recently been a 10% increase in licenses issued in Wayne County.

Another expanded goal identified in the FORI Workgroup is "Gather and analyze relevant regulatory data and the regulatory processes successfully used by the state of Wisconsin to determine how best to utilize BCAL."

Linda said the workgroup recognized information may be available from other states and the Council might continue to look at other states. MALA and MCAL have access to other states' regulations.

Luttrell said plans are in place for Michigan staff to go to Wisconsin and walk through the inspection process with them.

Kathleen said a collaborative effort between licensee and consultant is what needs to be looked at.

Lauren made a motion for the Department to develop and prepare consumer awareness for the Council's review and feedback in anticipation of outreach and education activities to consumers and families to be presented to the Council on November 16th for discussion and strategy for sharing the brochure. Kathleen seconded the motion. All were in favor.

Andy made a motion to close the Councils' FORI subcommittee's report with a plan for the Council to review the new renewal inspection in 2 years. Lauren seconded the motion. All were in favor.

Brian turned the meeting back over to Linda.

Legislative Issues

Mary Holton gave a brief summary on pending legislation that has relevance to adult foster care/home for the aged licensees:

HB 4822- Allow electronic monitoring devices in adult foster care facilities

HB 4664 – Require adult foster care facility to pay cost of criminal history check

HB 4665 - Require homes for the aged facility to pay cost of criminal history check

SB 454 – 468 – multiple laws re elder abuse

SB 466 - **senior** or vulnerable adult medical alert

Bureau Statistics – Luttrell Levingston

An AFC/HFA Activity Report (enrollments received, original licensees issued, renewals issued and facilities closed), and Special Investigation Performance Activity Report was provided for the Council's review.

Other

Requested Report

Statistics showing the top most cited rules by type of license and area requested at the May 18, 2011 meeting was provided and reviewed (attached).

Resignation

Brian announced that he has accepted the position of Director of the Employment Team for Michigan Rehabilitation and regretfully submitted his resignation from the Council.

Linda recognized Brian's active participation in the Council. He represented the Council setting up meetings with legislators, and engaged actively in the Council's endeavors. The Council will miss Brian.

NEXT MEETING: Wednesday, November 16, 2011, 10 a.m., if you are unable to attend, please call Marva Chambers at 517-373-8580.