1. **Meeting Called to Order:** Kathy Lentz, Vice Chair Person.

2. **Roll Call:** Roll call of council members completed, showing a quorum.
   a. **Members Present:** Bob Davis, Jessica Kross, Kathy Lentz, Cheryl Loveday, Laura Funsch, Deb Mock, Thomas J. Renwick, Danis Russell, Jennifer Warnos and Daniel Kosmowski.
   b. **Members Absent:** Bishop Ira Combs
   c. **Adult Foster Care/Home for the Aged Licensing Staff Present:** Jay Calewarts, Director, AFC/HFA Licensing Division and Dawn Campbell, Adult Foster Care Program Consultant, Candace Pilarski, Adult Foster Care Program Consultant, Laura Mohrman Adult Foster Care Program Consultant and Sally Wilson, Secretary.

3. **Approval of Agenda:** Kathy Lentz moved for acceptance of the Agenda as reviewed with the addition of “Initial application-time of licensure” under item #7 Division/Bureau Updates; it was supported, Agenda approved per common consensus with addition.

4. **Approval of Minutes:** Cheryl Loveday motioned for acceptance of the Minutes as written; Deb Mock seconded the motion, Minutes approved per common consensus.

5. **Public Comments:** Valerie Klasko presented for Public Comment, she spoke at the previous meeting and requested a response in which she received from Jay Calewarts. She was not satisfied with the response received so she wrote to the Lt. Governor Brian Calley for additional information. She received a response from Bureau Director Larry Horvath.

   Ms. Klasko provided a written statement of her speaking points to the Secretary, Sally Wilson prior to speaking. During her presentation she asked the following questions regarding the licensing process:

   - Does the consultant read all of the service plans of the residents in the Home for the Aged?
**ANSWER:** Jay Calewarts answered this question prior to the meeting “No, the consultant does not read all of the service plans at each facility; they just review a handful of them.”

- Why doesn’t licensing have the authority to cite the licensee in violation of licensing rules and regulations if they don’t have enough staff to handle the needs of the population to be served? When cited for licensing violations how does the licensee show they have resolved the issue? Does Licensing return to the facility to see that the changes have been implemented to resolve the violation?

**ANSWER:** Laura Mohrman answered these questions along with Jay Calewarts, Director.

One of the things Laura asks when she does an inspection is “if they have any two person transfers” that right there tells her that the facility needs more than two people on staff at a time because if you have two people tending to one resident there needs to be someone else supervising the rest of the residents and she does cite that frequently. She does observe what the needs of the residents are when entering a facility for inspection.

When there has been a citation substantiated a Corrective Action Plan is issued to the licensee. They have 15 days to make corrections to their facility and submit their Corrective Action Plan to Licensing. The Licensing consultants do revisit to the home for a follow-up inspection to verify their corrections. If the licensee fails to submit an acceptable Corrective Action Plan the Department goes toward Licensing Actions such as Provisional status where there is increased monitoring, revocation, or for HFA’s a Corrective Notice Order where the licensee has to have an outside consultant come in with an appropriate administrator and clean up their facility.

**Public Comment #2:** Tari Muniz with Aging and Adults Agency former Council Member. The last time Tari was at the Council meeting there was a topic to update the rules. She would like to know what the status of the new rules workgroup currently is and would be interested in joining the workgroup to assist in the update of the new licensing rules.

In response there is a rules workgroup meeting directly following the Council Meeting today. She was welcomed to stay after the Council Meeting to go over the Rules. The Council will keep her updated on future rules related workgroup meetings.
6. Council Business:

A. Update to the provider manual regarding crisis residential services (carried over from Aug. 10, 2016 meeting to discuss with Thomas Renwick): Thomas Renwick explained that the changes that we are talking about were put in the manual to try to clarify some of the Healthy Michigan Plan coverages for SUD. There is a difference between the crisis residential program and the SUD residential program but both of them have an ability to have individuals with co-occurring disorders treated in their respective settings but the primary services they are going to receive in a crisis residential would have to be mental health in nature and on Residential Treatment it will have to be SUD in nature. At this time there isn’t a pathway to have a license for both.

A question was asked to Licensing to see if we could clarify the rule saying “this isn’t a substance abuse disorder treatment.” Licensing is going to check to see if there is any way we can clarify a “monitoring situation” in the rules.

B. Update on issues related to unlicensed settings (proposed legislative changes, investigations surrounding this): Senator Knollenberg was introducing a bill with the language that basically takes the licensing rules back to the old DHHS rules where 2 or more entities are operating the facility as long as they both did not have controlling entities they would not require a license. The Bureau did not support that language and essentially Senator withdrew the Bill from the committee hearing agenda. As it stands right now the HFA side will likely move first then once that language is solidified, we will resume on the Adult Foster Care side.

One of the possible solutions for some of the facilities is to exempt some specific homes from licensure if they were previously informed by DHS that they did not need to be a licensed home. How they would exempt them would be by “Grandfathering” them until a change in ownership of the facility took place where it would no longer be covered by the grandfathering laws. For this to be a possibility the entities that are allowed to not be licensed would have to provide a copy of their documentation from DHS indicating that licensure was not necessary. The language is still currently being drafted at this point.

There is also a current Federal Lawsuit going on against the department basically where the bureau sent a letter to a home that had separate landlord vs care provider and said that they needed a license which resulted in the lawsuit citing the Fair Public Housing Act and the American’s with Disabilities Act.
Due to the current lawsuit if any entities are sent an unlicensed letter that are determined to be similar to the entities involved in the lawsuit we are still referring them to the AG’s office but we may put things on hold for injunction relief with hope that there is a legislative change or judicial resolution.

The Council would like to know about how many sites this has impacted thus far as far as non-compliance letters have gone out. Licensing did not have the exact number of sites at the meeting but can run the numbers and disburse them to the Council Members at a later date.

**Kathy Lentz would like this to occur on the Agenda for May so we can continue to update the Council on the status of this issue.

C. TB testing requires---update on potential for changes referenced some months ago: Jay Calewarts provided draft language for HFA and informed the Council that we have a Public Hearing on February 10, 2017 regarding the issue. We haven’t done the same thing on the AFC side yet because we have some concerns about risk assessments and having their staff being TB trained. Plus a lot of the smaller AFC homes do not have the resources to do this.

Jay Calewarts would like to know from the Council if we should do an either/or; or go to a risk assessment language?

Deb Mock stated that in the case of a smaller facility she would suggest that it would be in their best interest if the language was drafted as an “either/or” type language instead of risk assessment.

Jay Calewarts will give the Council’s suggestion to our rules person to draw up the language as an either/or and we can go forward with the process to get the rule changed.

7. Division/Bureau Updates:

- **Bureau Statistics**: Jay Calewarts provided a copy of the AFC quarterly statistics that was reviewed and updated the Council informing them that Betsy Montgomery just retired in January and Dawn Timm has replaced her as the Area Manager for her region.

- **Council Member Listing 2017**: The Council is currently at full membership. There was a typographical error in the listing provided at the meeting. It was corrected February 8, 2017 and resubmitted to the Council via e-mail.

- **Follow-up on inspection model**: At the last meeting we had discussed moving away from the Interview and Observation Inspection Model and
will be moving towards a Full Inspection Model with the Interview and Observation. We are doing a policy update and it will be released shortly once everything has been cleaned up with the new policy.

- **Notice of Findings:** We have in our Policy Manual something called “Notice of Finding” which is used if there is a finding of something that isn’t detrimental to the safety and wellbeing of the residents. Consultants were putting violations in the Notice of Findings as a sort of “side note”. Licensing is getting rid of the Notices of Findings and adding a different categorization of the finding to our reports. The Notice of Findings will go away when our new Policy is released.

- **Initial Application-time to licensure:** There was a question raised about how long it takes from the time of initial application to full licensure to the Council.

  Jay Calewarts provided the answer indicating that by statute we have 180 days to issue the license or we have to refund the applicant which varies depending on which region of the state the applicant is located. When the application is submitted the timeline starts. If the applicant is missing documents licensing issues a letter requesting the missing documents and the clock stops until we are in receipt of the documents and then the clock restarts.

- **There was a Draft of Joint Guidance sent out concerning HCBS-Kathy Lentz would like to know the status of this draft.**

  **ANSWER:** This draft is still in draft form and has not been sent out at this time. It is hopefully going to be finalized within the next couple of days.

**Additional Topic:** There are new members to the Advisory Council. Kathy Lentz would like to meet with new Council Members and anyone that would like to join in going over the statute and bylaws. Kathy would be happy to work with the Chair Person to cover these items. They will be meeting at 9:30am on May 10, 2017 prior to the Advisory Council Meeting scheduled on that date.

**ADJOURNMENT:** Bob Davis Motioned for Adjournment of the meeting, it was seconded, meeting adjourned per common consensus.

The next meeting will be scheduled for May 10, 2017 at 10:00am; Upper Level (UL) Conference Room 4; 611 W. Ottawa Street, Lansing, MI 48933.