

# **ADULT FOSTER CARE LICENSING ADVISORY COUNCIL**

## **MEETING MINUTES**

**Wednesday, February 13, 2013**

**MEMBERS PRESENT:** Salli Christenson, Ira Combs, Cynthia Farrell, Linda Lawther, Kathy Lentz, Tari Muniz, Kathleen Murphy, and Justine Rowley **Guest:** Candace Pilarski

**MEMBERS ABSENT:** Jenny Cook, John Kerr

### **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

Kristine Manion, Secretary

Linda Lawther, Chairperson, called the meeting to order at 10:02 a.m. Kristine Manion did roll call of Council members, showing a quorum was present, with two Council members absent.

### **Approval of Agenda**

Linda Lawther suggested moving items around on the proposed Agenda because some members were not present, wanting to give them the time to arrive due to the elections to take place. Therefore, Agenda item 4 is to be moved to occur after the guest speaker's presentation. Item 4 pertains to conducting the introduction of new advisory council members, roster review, nominations and election of Council Chairperson and Vice Chairperson. Salli Christenson made the motion to accept the changed agenda and Tari Muniz seconded the motion. All were in favor.

### **Approval of Minutes of November 14, 2012**

Salli Christenson moved to accept the revised minutes of 11/14/12. Justine Rowley seconded the motion. All were in favor. Minutes approved.

### **Public Comment**

Nobody present for public comment at the meeting. Kathleen Murphy inquired as to whether Mr. Sesvold, who made public comment at the 11-2012 meeting, was sent the information that the Council promised to him. Luttrell Levingston indicated that Mr. Sesvold was sent the information with Linda Lawther signing the letter on behalf of the Council. Kristine Manion indicated that a copy of that communication was included in the members' documents packet.

**Presentation of Todd E. Walter of Crosaires, an Aging In Community Residence “Where Care and Community Intersect”, of Williamston, MI [www.crosaires.com](http://www.crosaires.com)**

Luttrell gave the Advisory Board some background of BCAL’s participation in the Michigan Alliance of Person Centered Care (MAPCC). Mary Holton was BCAL’s representative to that group and now it is Mahtina Rubritius who represents BCAL in MAPCC. In AFC/HFA’s original roll out of Interview and Observation, MAPCC was invited to address the AFC/HFA licensing consultants. When the focus is upon the individuals who reside in the home, it’s good human services policy. AFC/HFA enforces the regulations and cannot enforce beyond those regulations. The Federal government is beginning to tie Federal funding into the concept of person centered care where anyone receives Federal funds.

Tari Muniz of the Council has been involved in this culture change movement for 16 years. Tari was recently certified and is also a member of MAPCC. She thought that the Board might be able to serve as the resource for would-be providers and could be helpful in spreading the gospel of person centeredness. She believes the Council can be of help for the infusion of this concept into AFCs.

Tari introduced Todd Walter to the Council.

Todd believes that terminology is huge in a culture change movement. For example, he hears the words “consistent assignment” out in the world. Todd never wishes to be referred to as someone’s “consistent assignment”. This is indicative of the fact that there is a long way to go in this culture change movement within the aging field.

Todd has been in the aging field for 19 years. Luttrell said that “this is the direction that the world is heading” and Todd stated that he and Crosaires have already arrived! Todd has been advocating for a very long time for person centered culture change in elder care. On April 4, 2011, Todd’s dream came true in the opening of Crosaires, which is a small adult residential community in Williamston, Michigan. Crosaires is a licensed AFC housing 6 older adults. He begins the last stage of his facility’s renovation this spring, adding another private room.

“Time and pressure”, is a favorite quote of Todd’s, which comes from dialogue in a movie called *The Shawshank Redemption*. This has been Todd’s dream ever since he entered the field: to have his own place, to create and really do what he believes is right for older adults.

“Crosaires” is Gaelic for the word “crossroads”. The meaning behind this for Todd is this: We are all at crossroads in our lives. Crosaires/Crossroads, whose mission statement is “where care and community intersect”.

Every day Todd’s elders are involved with their community. They are frail. Todd’s eldest member is 94 years old, Virginia, called Gina. Here’s Gina’s story: She turned 94 on January 28<sup>th</sup>. She moved into Crosaires in May, 2011. She was, at that time, at the beginning of hospice

care. It was around this time that Gina's granddaughter found Crosaires. Gina had a very rough winter and early spring in 2011. She left her apartment and was put in the hospital. She wanted to go back home, which she tried. In a short period of time, the system of home care came into play. She had a lot of assistance coming at her at a very rapid pace—the nurses, the social workers, the therapists. Gina realized it was too overwhelming—everybody was coming at her so Gina began to shut down. Virginia, a 94 year old cognitive, totally alert elder made the decision that "I think my time on this planet is about done". It was then that Gina's granddaughter found Crosaires. Todd visited Gina in a sub-acute rehab place. When Gina moved into Crosaires, she came with oxygen, a hospital bed and a walker. Today, Gina is a spry 94 year old elder who no longer, today, needs any of the equipment that Todd mentioned. Gina now walks 6 laps a week in the Williamston High School indoor track. She will be walking in the "Relay for Life" cancer walk this May. In the basement at Crosaires, underneath the home, there is tons of storage for the home's elders. Gina didn't have to give up the precious things in her life. She knows they are in storage in the basement and she can have whatever she wants from storage whenever she wants.

"Where caring and community intersect". Todd believes the community knows where Crosaires is at. Crosaires is just not out there providing pills and treatments. Crosaires is providing deep person centered care. Todd believes one of his goals is to help society begin to look at the person centered care principles and how we really should view and treat older adults.

In the medical model world, it is a very busy world, with all of us having things to do-- tasks. Yet as we age, we still want to keep our older adults in that task related world. Guess what? Our older adults have been there, done that. They are in a different level of this life.

Dr. Donald McCorvey lived in Crosaires. Dr. Don and Todd had some remarkable conversations about the culture change world. Dr. Don had home care when he began with Crosaires. He was a pretty ill man. When home care first began to come in, the nurse wanted to keep coming earlier and earlier to Crosaires to see Dr. Don. Todd educated the nurse, telling her that Dr. Don was not a morning man. He doesn't get up until 10 a.m. on any given day. Todd welcomed the nurse at any time but refused to awaken Dr. Don for her early hours.

Todd is an Eden Associates trainer and educator. Dr. William Thomas, the founder of the Eden Alternative, wrote in his book, What are Old People For?, about the stages of our lives: infancy, childhood, adolescence, adulthood and elderhood. Most of us do our darnedest to keep our elders in the adult world, not allowing them to move on to elderhood. Shame on us for forcing elders to be in the adult world! Dr. Don's nurse complained to him about Dr. Don not getting up to see her in the early mornings. She said "I am a working woman" and she is, indeed. The situation wasn't about her, but that's where the nurse is in the system and she is a working woman in the adulthood stage of her life. Dr. Don is not. Crosaires is all about changing the view that elders are in the adult world—they are not!

Todd's story began in 1993 when he entered the profession. His grandmother lived in an AFC. She had to go to a nursing home at the end of her life and she only lived for about 1 month after entering that facility. She died in February, 1996. Nobody in the nursing home saw his grandmother as anything other than a treatment. It was then that Todd went on a crusade. His journey's story is included on his website: [www.crosaires.com](http://www.crosaires.com)

Todd is asked often when he is expanding his home. He isn't going to. If he is to keep true to his mission and his vision, and the vision is honoring elderhood by continuously creating a culture of well-being, he doesn't want to get bigger.

Crosaires was just recognized by the Michigan Small Business Technology and Development Center as Michigan's best small business for 2012.

Todd highly recommends the book Old Age in a New Age: The Promise of Transformative Nursing Homes by Beth Baker (who is a freelance journalist). Even though this is a book about nursing homes, it still applies to adult foster homes. The author traveled the globe to visit facilities that were doing the "deep dive" in culture change. Todd read an excerpt from the book about Meadowlark Hills. Some of Meadowlark's elders went to a bar, had some beer and danced. In the traditional setting, this wouldn't be happening. Point one for Todd: in most facilities, the elders wouldn't be able to leave the facility to go anywhere unless their family members took them and it would never happen that a facility's staff would do this. Todd's second point is that one of the elders did just what she wanted to do—go to a bar, drink beer and dance-- and she had no reason, given how Meadowlark Hills operates, to believe she did not have a choice.

Question: What kind of staffing does Crosaires have? Todd is a hands-on care partner with everybody else. Crosaires has 2 care partners on from 8 a.m. to 5 p.m. at night. Todd built in staffing hours into his budget.

Question: Could you identify rules or practices that occur every day in an AFC that could be improved in terms of their enforcement or implementation? What barriers or challenges are there? Todd stated that he chooses to only have 6 elder adults for two reasons: to be able to drive personal centered care because when one gets bigger it's easy to lose sight. Todd's advice is: whoever your licensing consultant is, let him/her, along with you, find the middle road. With 6 people and under, Todd doesn't see any roadblocks in regulations, etc. Crosaires is creating a *home*, not a *home-like environment*.

Todd does believe that "treatment" is greatly confused with "care", just as Dr. Thomas and others have maintained.

Question: What admission requirements does Crosaires have? Todd is "private pay" and also works with VA benefits, long term care insurance policies and he did try to cap into the Medicaid-Mi Choice program but "they" didn't want to look at his home right now. If

somebody were to open up that door for Todd, he would entertain this option. He is very cost competitive for what his home offers-- \$4,500 per month, which is inclusive of everything except medications. Todd doesn't have a long waiting list but he hasn't been open for even a year and word is beginning to spread.

Question: Are you mentoring any others who are interested in implementing patient centered care? Todd says not at this point. He does public speaking whenever he can. To Todd, this isn't a competition. He wants to share his philosophy and practice with whomever wishes to listen. "We're doing some really cool stuff!!! Everybody deserves to live a full life, whatever that may mean to them."

Crosaires is dedicating the year 2013 to volunteerism at the home. Feel free to make an appointment to visit Crosaires. Crosaires is also more than happy to welcome in volunteers, too!

Todd concluded his presentation.

#### **After the Presentation Discussion**

Luttrell believes that our Listserv is very valuable and feels that the technical manual is probably not the place to address person-centeredness. What we're talking about here are "best practices". Minimal standards and requirements are what BCAL licensing has to uphold in the licensing process. Luttrell states that the AFC/HFA listserv can be powered with best practices but it's important not to confuse best practices with minimum compliance.

Salli Christenson inquired about Todd doing some training for AFC/HFA. Luttrell stated that if Todd were going to deliver some training that might satisfy some of the requirements for direct care staff it could be considered. Erika stated that on the website no individuals are named for training, only companies/service organizations. Luttrell has shared MAPCC materials with his colleagues at the MI Dept. of Community Health.

Linda Lawther is much in favor of having additional discussions about person centered planning and how this can work within the AFC world but "...we must be careful that we're not taking minimum standards, administrative rules, and making them more than what a minimum standard is. If there are ways to do this that are appropriate for the rules, then I am for that. This is one of those areas where the Council can put together a small group, talk it through and come back to the full Council with recommendations if we so choose". Salli supports this endeavor and is willing to serve. The council members who are interested in being part of the **person centered planning work group** are: Tari Muniz, who will be the chairperson of this work group, Salli Christenson, Linda Lawther, Kathy Lentz, Kathleen Murphy, Justine Rowley and Mahtina Rubritius of DHS. Meetings can be conducted face-to-face and by way of teleconferencing.

### **Review of Adult Foster Care Licensing Advisory Council By-Laws**

Linda Lawther had everyone introduce themselves and welcomed new member, Kathy Lentz. Request was made as to any changes to the member roster and there were none. Linda Lawther requested that Kristine send the membership a roster soon after this meeting.

**Nominations and Election of Council Chairperson and Council Vice-Chairperson for the next two years:** Linda first wished to thank everyone for her three year period of being the Council's Chairperson, for it has been her honor to serve. She thanks the Council for all of their assistance and cooperation.

- Linda nominated Salli Christenson, who is the Council's current Vice-Chairperson. Salli accepted her nomination. There were no other nominations for this position. All members voted unanimously in favor of the election of Salli to the office of Council Chairperson.
- According to the Council's current Bylaws: *"Article 3. The Council, by majority voice vote or ballot, shall elect a Chairperson and Vice-Chairperson to serve for 2 years in February of election year or the next regular meeting following February if no meeting is held in February and each officer's term shall begin on the date of election and end when duly replaced by a regularly conducted election. The Chairperson and Vice Chairperson should not represent the same constituency on the Council."*
- Nominations for Vice-Chairperson: Kathleen Murphy nominated Ira Combs, with Ira's permission. The nomination was seconded, all in favor. All members voted unanimously in favor of the election of Ira Combs to the office of Council Vice-Chairperson. Ira Combs accepted this officer position.
- All members thanked Linda Lawther for the years that she has served as the Council Chairperson, for all of her excellent qualities that helped this Council move forward through the years.

Linda then turned the remainder of this meeting over to Salli Christenson, the new Council Chairperson.

### **Review of Adult Foster Care Licensing Advisory Council By-Laws**

Salli indicated that the Council went through these Bylaws very carefully and made changes in 2012, which have been enacted. Bylaw 10 states *"...Bylaws will be reviewed and accepted bi-annually by the Council."* It was recommended last year that every time there are new Council members, that the Council would have a quick review of the Bylaws and answer any questions there might be. Salli asked if there were any questions or concerns and received no response. Salli therefore indicated that no action was required regarding the Council's Bylaws.

## Division/Bureau Updates- Luttrell Levingston

Some updates from Luttrell:

1. In the last meeting, Mary Holton shared with the Council what AFC/HFA's Quality Assurance Committee has been doing. It was announced that Mary's Committee has now added providers to the Committee's membership, which Luttrell feels is a big plus as the providers can give AFC/HFA an Idea of the consistency of enforcement that AFC/HFA should have.
2. AFC/HFA started, in September, 2012, in Wayne County, looking at consultants who have had the same homes for many, many years for enforcement. An effort was made to update the cases, moving cases around. The struggle has been with recognizing that there was considerable value in these long term relationships between licensees and regulators. AFC/HFA had to figure out what was reasonable so that these relationships were maintained while also getting some fresh eyes on a facility. It's been found that these re-assignments work relatively well in the urban areas of Michigan. However, for example, in the UP, re-assignment doesn't work well. Therefore the decision has been made to not move cases anywhere except the places where it makes business sense to do so. Area Managers have been tasked to develop alternative tools to monitor more remote consultants. To the Council: If a home you've been working with expresses upset over being cited for some infraction by a new consultant, an infraction that the licensee didn't have before, please ask that licensee to contact Luttrell and/or their old consultant or the area manager to discuss the situation. This is part of a movement of self-improvement for AFC/HFA. AFC/HFA does want to hear back from the providers!
3. Jim Gale, Director of the Bureau of Children and Adult Licensing and who is Luttrell's boss, was contacted by the DHS Legislative Office because Sen. Judy K. Emmons would like to hold a hearing on adult foster care. At this time Luttrell doesn't have much detail. AFC has suggested that when the Committee hearings occur, that members of the Adult Foster Care Advisory Council be involved. Luttrell will, through Salli and Ira Combs, send the Council information as it becomes available.

**Legislative Issues- Mahtina Rubritius** (The report is attached hereto.)

- **House Bills 5090 and 5089 (Public Act 383 of 2012 (effective March 28, 2013)**  
Together, these bills would create a program for the utilization of unused prescription drugs. This program would allow an eligible facility, such as a hospital, nursing home or an AFC home to transfer their unused drugs to a participating pharmacy or charitable clinic for the distribution of these medications to seniors, Medicaid or Medicare beneficiaries or to individuals who are uninsured and cannot afford these prescription medications.

This Bill also addresses and requires participating pharmacies, health professionals and charitable clinics to assess from any source prescription medications that are ineligible for redistributions of the medications for the purpose of destruction and disposal.

This would be a statewide program that will have to be consistent with the Public Health and Safety laws and would be established, implemented and administered by the Michigan Board of Pharmacy. Participation in this program is voluntary and facilities are not required to participate in the program.

- **Bill 0539: Public Act of 545 of 2012 (effective January 2, 2013)** This law establishes a mechanism by which an out of State guardian or conservator could be appointed to manage the affairs of a minor or legally incapacitated adult or protected individuals residing in Michigan. This act also makes changes in the order of preferences of individuals to be appointed as the guardian or the legally incapacitated individual. This Act would also amend sections 5313 and 5433 of the estate of the protected individual. If a guardian filed the paperwork within 14 days of this appointment, the out of State temporary guardian would need to notify all of the interested parties of the appointment. Upon filing the Proof of Service and notifications with the Court, the temporary guardian would become the full guardian if the action is not contested. If there is an objection to the guardianship, then the full guardianship would remain in effect unless a Michigan Court ordered the removal of the guardian.

**Bureau Statistics- Erika Ferrell/Luttrell Levingston** (The report is attached hereto.) Luttrell wanted to draw the attention to the handout from Erika, emphasizing that the charts are to be considered a work in progress.

1. What Erika has given the Council is a quarterly report of the top ten violations of facilities with the charts indicating various types of AFC homes.
2. In the reports: Quarter 1 is always November through January; Quarter 2 is February through April; Quarter 3 is May through July and Quarter 4 is August through October.

The Council noted that Erika had done a tremendous amount of work in compiling these reports. Luttrell indicated that this report would be provided annually to the Council. If the Council has specific other information they would like included, or would like this information provided to them in a different way, please let the AFC/HFA office know.

Luttrell is going to send this report on to AFC/HFA's Quality Assurance Committee and those from AFC/HFA who are doing presentations across the State as this report would lend itself well to the work of the Committee and to these presentations.

**Adjournment:** Salli Christenson adjourned the meeting.

The next AFC Licensing Advisory Council meeting will take place on **Wednesday, May 15, 2013 at 10:00 a.m., 7109 West Saginaw, Large Conference room, 2<sup>nd</sup> floor, Lansing, MI.** If you're unable to attend, please notify Kristine Manion and Council Chairperson, Salli Christenson.