

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

May 16, 2012

MEMBERS PRESENT

Salli Christenson, Ira Combs, Jenny Cook, Cynthia Farrell, John Kerr, Linda Lawther, Kathleen Murphy (telephone), Justine Rowley, Lauren Swanson

MEMBERS ABSENT

James Cannon,

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

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

Approval of Agenda

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

Approval of Minutes – February 15, 2012

Salli made a motion to approve the minutes as written. John Kerr seconded the motion. All were in favor. Minutes approved.

Public Comment

None

Other

Adult Foster Care Fire Safety Rules

A copy of the new Bureau of Fire Services' fire safety rules for adult foster care facilities licensed for 7 or more adults filed with the Secretary of State on May 11, 2012 was provided for information. The rules will take effect July 11, 2012.

Luttrell said the Bureau of Fire Safety (BFS) located is within the Department of Licensing and Regulatory Affairs and the BFS fire safety rules meet the standards for the Bureau. Consultants perform fire safety inspections in family homes and facilities for 6 or fewer. The rules for these are straight forward and the Bureau has been able to enforce them.

Kathleen Murphy said that the licensee will need support over the next few months for clarification of the new rules.

Linda Lawther suggested inviting Brian Byelich to the August 15th, 2012 Council meeting to clarify rule changes and answer questions regarding the new fire safety rules. All were in agreement that this would be helpful. Kathleen Murphy said providers will need support over the next few weeks implementing the rules.

Adult Foster Care Licensing Advisory Council Bylaws

The Council Bylaws (amended May 2007) were reviewed and after discussion the changes indicated below were made. The changes will be presented for approval at the August 15, 2012 meeting.

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.

Ira Combs made a motion to add Chairperson and Vice Chairperson serve for 2 years. The motion was seconded by Cynthia Farrell. All were in favor.

4. The Council will consider a Council member to have voluntarily resigned from his/her appointment on the Council if he/she is absent three (3) consecutive regular meetings without excuse.

John Kerr made a motion to accept this change. Motion seconded by Salli Christenson. All were in favor.

7. Agenda items may be subject to addition or deletion by a majority vote of members present at the indicated meeting. A representative of the Department may offer advice on the proposed agenda or submit any additions or deletions orally at the indicated meeting. With the majority approval of members present, the Chairperson shall add or delete agenda item as the pleasure of the members indicates.

Salli Christenson made a motion to accept this change. Motion seconded by Lauren Swanson. All were in favor.

10. Bylaws will be reviewed and accepted bi-annually by the Council.

Ira Combs made a motion for the addition of this rule. Motion seconded by Kathleen Murphy. All were in favor.

Division/Bureau Updates

Staffing Update

Luttrell reported that every AFC/HFA consultant has been issued an iPhone and laptop so they can work from their office or in the field. This is more efficient and the consultants are readily available and can respond quickly.

Luttrell reported that Deborah Clark, Area Manager in Marquette is retiring the end of May and Greg Corrigan, Area Manager in Kalamazoo is transferring to another area within the Bureau of Children and Adult Licensing. Interviews have been conducted to fill Greg's position and a decision should be made within the next week. The Bureau is hopeful to fill the Area Manager in the Upper Peninsula in a couple of months.

Proposed Amendment to Home For the Aged Medication Rule

Luttrell reported a request has been submitted to the Office of Regulatory Reinvention to change the rule governing the administration of resident medications in licensed homes for the aged to allow verbal orders from physicians.

Licensee Fingerprint Submission

Luttrell reported that on March 13, 2012 Governor Snyder signed into effect the amended law requiring all licensees and licensee designees to be fingerprinted as well as all applicants, owners, partners or directors. They do not have to be fingerprinted until March 2013. A duplicate fingerprint check is not required if they previously underwent a criminal history check under the process outlined for employees of adult foster care homes. The State of Michigan pays for employees to be fingerprinted but not the licensee.

Interview and Observation Pilot

Luttrell reported that positive feedback has been received from providers and consultants and the Division is hopeful to move toward full implementation of the interview and observation process.

The Interview and Observation subcommittee will meet June 20th to review and purge data and make recommendations on ways to track data from the questionnaires completed by the licensees and consultants. A comprehensive report will be provided at the next meeting.

Other

The Council previously requested Luttrell to invite Jim Gale to attend the Council meeting to provide an update on budget concerns. Luttrell said Jim was not available but invited a small group from the Council to meet with him. All agreed it was not necessary to schedule a meeting with Jim at this time.

Lauren Swanson and John Kerr said that in the future it would be of interest to have Jim Gale attend to give an overview of the Department's budget and how the Bureau is preparing to handle dual eligibility and anticipating how to best

monitor new licenses. Kathleen Murphy said that it would also be helpful to invite someone from the Department of Community Health to attend a meeting to speak regarding the future growth of the program.

Luttrell said that the Council's experience is needed in the long term care planning because the Bureau regulates the licensees but does not control resources that pay. Luttrell also said he felt representation from the Department of Community Health is very important.

The Council will continue to consider inviting a representative from the Department of Community Health to speak at the November 14th Council meeting regarding integrated care.

Quality Assurance Workgroup

Luttrell said complaints are sometimes received from licensees when they are cited for a rule violation that was not cited in the past. A Quality Assurance Workgroup was formed to look at these inconsistencies because it is important to BCAL to ensure that rules are enforced consistently across the State.

Mary Holton provided the Council with minutes from the April 26th and March 29th meetings. The committee is made up of adult foster care consultants, representative from adult services, and director and representative from recipient rights. Mary said they plan to expand the committee to include licensees. The Committee's mission is to improve consistency, interpretation, and application of licensing rules to assure quality adult foster care services for citizens of Michigan.

The committee has implemented a survey for field consultants and licensees. 27 out of 50 field consultants completed the survey and 66 licensees completed the survey.

Linda said that often a licensee who sees inconsistencies has several homes and different consultants.

Legislative Issues

Mary Holton reported on the following bills that would affect adult foster care:

SB 788 – signed by the Governor on March 13, 2012 amending Public Act 218 requiring a background check for Adult Foster Care applicants if an individual, the licensee designee, owner, partner, or director of the applicant who has regular direct access to residents or who has on-site facility operational

SB 974 – introduced on February 16, 2012 to amend Michigan Medical Marijuana Act to prohibit the possession and use of medical marijuana on private property. In adult foster care, the responsibility will be referred to the licensee to act to decide if they allow residents to be on medical marijuana and to keep it safe from other residents.

HB 4334 Allows county medical examiner to establish an elder death review team.

HB 4339 Revises sentencing guidelines for crime of financial exploitation of vulnerable adults to reflect increased penalties.

HB 4340 Increases penalties for financial exploitation of vulnerable adults under certain circumstances.

HB4345 Prohibits magistrate from refusing to accept complaint because signed upon information and belief by individual other than the victim in cases alleging vulnerable adult abuse.

HB 4664 Requires adult foster care facility to pay for criminal history check for employees.

Bureau Statistics

A report comparing AFC/HFA activity (enrollments received, original licenses issued, renewals issued and facilities closed) and special investigations received, sent and closed over a period of time was provided for review.

Statistics showing the top most cited rules by type of license and county location was provided for review.

A count of facility by type and county was provided for review as requested by the Council at the February meeting.

Other Discussion

Linda read and presented a letter to Marva Chambers on behalf of the Council thanking her for her years of service and support provided to the Council and wishing her the best in retirement.

Adjournment

Cynthia made a motion to adjourn the meeting. Ira seconded the motion.

NEXT MEETING: Wednesday, August 15, 2012, 10 a.m., 7109 W. Saginaw,
2nd Floor Conference Room. If you are unable to attend, please notify Luttrell
Levingston.