

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

February 7, 2018
Ottawa Building
611 W. Ottawa Street
Upper Level Conference Room 3
Lansing, MI 48933

1. **Meeting Called to Order:** Bishop Ira Combs, Chair Person.
2. **Roll Call:** Roll call of council members completed, showing a quorum.
 - a. **Members Present:** Bishop Ira Combs, Bob Davis, Jessica Kross, Kathy Lentz, Laura Funsch, Thomas J. Renwick, Danis Russell, Jennifer Warnos and Salli Christenson.
 - b. **Members Absent:** Deb Mock and Cheryl Loveday.
 - c. **Adult Foster Care/Home for the Aged Licensing Staff Present:** Jay Calewarts, Director, AFC/HFA Licensing Division, Candace Pilarski, Adult Foster Care Program Consultant and Sally Wilson, Secretary.
3. **Approval of Agenda:** Kathy Lentz moved to approve the Agenda as reviewed, Salli Christenson supported, Agenda approved per common consensus.
4. **Approval of Minutes:** Salli Christenson moved for acceptance of the Minutes as written; Jessica Kross supported, Minutes approved per common consensus.
5. **Public Comments:** N/A
6. **Council Business:**
 - A. **Introduction of new council members/re-appointments:** Members of the AFC Advisory Council introduced themselves and welcomed new council member Salli Christenson back to the Council she previously served on the Council back in 2013. Kathy Lentz offered to go over the Bylaws with Salli via-email and will get her up to speed on things. Bob Davis, Bishop Combs and Jennifer Warnos have all been re-appointed to the Council.
 - B. **Member Listing 2018:** A review of the Member Listing 2018 took place for accuracy. This document will be posted to the web with the Council Member's information listed on it.
 - C. **Changing of funding for background Checks:** In regard to HB 5506 it requires the provider to pay for background checks if this Bill gets passed. When the AFC program was originally put in place there was a grant to pay for the background checks of the workers. In that time the grant has been

exhausted and the cost of the background checks has been coming out of the general funds of the department. The cost of background checks continue to rise and it is not economically feasible for the department to fund the background checks. This legislation was introduced to reduce the cost to the department as last fiscal year it costed about 1.8 million dollars. The state is also trying to make a change to law so that fingerprints are good for up to a period of 2 years. That way if an individual changes the facility that they work at within a 2-year period, they would not have to be fingerprinted and background checked again. Currently the law only allows up to 1 year. This would likely cut back on costs to providers and if an individual goes between two different facilities they do not need to be fingerprinted and background checked again if it is still within that 2-year time frame.

As an FYI...The department pushed for HFA's to pay for all background checks, but the final legislation ended up with a cap of how many background checks the department payed for each year. After the facility passes that cap they need to cover the costs.

Kathy Lentz stated that as a Provider, these positions have a high rate of turnover and they too do not have the funding to cover the costs of all of the background checks with a position that has such a high turnover rate. Medicaid recipients/residents don't receive enough money to be able to raise the rates of the services therefore they cannot increase the wages.

- D. Therapeutic Treatment Facility:** Kathy Lentz presented that herself, Jessica Kross and Deb Mock have started a workgroup to create a new set of rules/new category for Adult Foster Care Licensing. This category will accommodate individuals that need more thorough care. These individuals are typically frustrated physically/sexually and can be more aggressive. Through our meetings it is commonly brought to light the care that this group needs and they wanted to create a program to meet their needs specifically.

There currently is not a type of AFC category that successfully covers these individual's needs. They are trying to create a new category and define it within the Act and come up with a set of Rules for this parameter. The group drafted some language for the Act and are proposing that the Act be modified to include a "Therapeutic Treatment Facility." Initial thoughts are that this would be an AFC facility with a Special Certification and a capacity in a range from 3-16 residents. They have a little more work, their goal is to have a program that better serves this population. The treatment would include therapy treatment and support, and would be a specialized certification home for individuals served through the Community Mental Health. A lot of the facilities will have fences around them, there will be more things available for behavioral based individuals. They never want to refer to the facility as a "Home" and always want to refer to it as a "Therapeutic Treatment Facility." Staffing methods would change and it would include having clinical level staff on call as well.

Tom Renwick discussed that if they have 16 beds it would make these settings fall under IMB Federal Rules and with 16 beds this set of rules would fall under those.

- E. HB 5452, HB 5505, HB 5506 & SB 745:** Jay wanted to make sure everyone knew that these Bills have been introduced. He provided copies of them to the Council prior to the meeting.

HB 5452: On Background Checks, it reduces the timeframe for exclusions the high felonies go from a 15 year to a 10 year exclusion. The catchall felony is being stricken through, some of the misdemeanors are also being stricken through. Representative Kesto introduced this Bill. The Department did point out their concerns and they are being considered.

HB 5505 & 5506: Package Bills one can't pass without the other. It Defines what an AFC is, what needs to be licensed and not. This would change if you are 2 or less you would not be licensed as an AFC. If you are 4 or less and all residents are CMH recipients you can apply for an exemption. The exemption would basically limit LARA's oversight. If there was a serious allegation Licensing could still go in and revoke the exemption if there is a real problem.

Background checks would require provider to pay and there would be a renewal fee increase. Renewal & initial application fees will be the same cost. The original cost of license will be changing as well.

While the fees will be raised, our actual revenue will likely go down due to the exemptions and likely less facilities being licensed.

A comment was made by Bob Davis concerning the Providers costs. They cannot afford these increases especially when they have Medicaid residents who do not receive the money for the AFC services.

These are just the Bills introduced, the language can change if/when the Bill is passed.

SB 745: Focuses on the CMH issue where it would allow for a license to not be needed when they have 6 or less CMH Recipients. You do not need to apply for an exemption under this Bill.

- F. Special Certification Rules:** There was a rule change to include appeal rules for emergency discharge. Part of the HCBS requirements allow for an appeal system to go through the Michigan Administrative Hearing System (MAHS) to appeal the residents discharge from a facility. Jay Calewarts provided a copy of the forms for involuntary discharge or emergency discharge to the Council to review. He also will email these forms to Council members to review.

This would only apply to HCBS recipients. If it is non-emergency you cannot discharge until after their hearing. The hearing request needs to be received in MAHS within 10 days of their notice and MAHS will hold a hearing within 7 days of receipt of the request for hearing.

7. Division/Bureau Updates:

- **Bureau Statistics:** Jay Calewarts provided a copy of the AFC quarterly statistics that was reviewed by the Council members.

8. Suggested addition to Bylaws from Cheryl Loveday concerning Public Comment: A handout was given to the Council to review. Kathy Lentz wanted to make more changes and offered to write up a draft and get it to the Council prior to the next meeting. This item should be added Agenda for the May Council Meeting.

9. ADJOURNMENT: Salli Christenson Moved for Adjournment of the meeting, it was supported by Kathy Lentz, common consent, meeting adjourned per common consensus.

The next meeting will be scheduled for May 9, 2018 at 10:00am; Upper Level (UL) Conference Room 4; 611 W. Ottawa Street, Lansing, MI 48933.