

**MICHIGAN DEPARTMENT OF COMMUNITY HEALTH  
NURSING HOME (NH) STANDARD ADVISORY COMMITTEE (SAC) MEETING**

Wednesday, August 22, 2007

Capitol View Building  
201 Townsend Street  
MDCH Conference Center  
Lansing, Michigan 48913

**APPROVED MINUTES**

**I. Call To Order**

Chairperson Chalgian called the meeting to order at 9:03 a.m.

A. Members Present:

Diane H. Baker, Blue Cross Blue Shield of Michigan  
James Branscum, Vice-Chairperson, Health Care Association of Michigan  
Bart J. Carrel, Borgess Health  
Douglas Chalgian, Chairperson, Alzheimer's Association  
Thomas E. Czerwinski, Area Agencies on Aging Association of Michigan  
Marge Faville, SEIU  
Alison E. Hirschel, Michigan Poverty Law Program  
Sarah Slocum, Michigan Long Term Care Ombudsman (Arrived @ 9:12 a.m.)  
Susan C. Steinke, Michigan Quality Community Care Council

B. Members Absent:

Renee Beniak, Michigan County Medical Care Facilities Council  
James P. Bowe, Michigan Association of Homes & Services for the Aging  
Priscilla Mazurek, RN, University of Michigan Health System

C. Michigan Department of Community Health Staff Present:

Umbrin Ateequi  
Bill Hart  
John Hubinger  
Joette Laseur  
Irma Lopez  
Andrea Moore  
Brenda Rogers  
Taleitha Pytlowanyj

## **II. Declaration of Conflicts of Interests**

There were no conflicts stated at this time.

## **III. Review of Agenda**

Motion by Ms. Steinke, seconded by Ms. Faville, to accept the agenda as presented. Motion Carried.

## **IV. Review of Minutes – July 25, 2007**

Motion by Vice-Chairperson Branscum, seconded by Ms. Steinke, to approve the minutes as presented. Motion Carried.

## **V. Quality Measures**

Chairperson Chalgian took a poll of the Committee as to whether or not the results of the nursing home surveys should be utilized to measure quality. Seven members voted yes, and 2 members voted no.

The Committee decided that Vice-Chairperson Branscum and Ms. Slocum would work together to write some possible draft language regarding quality measures. Things to consider: utilize nursing home survey results, number of citations per facility vs. severity, meet a higher bar to initiate, consider ownership, and utilize Medicaid levels as the floor. Ms. Hirschel and Ms. Laseur volunteered to help Branscum/Slocum. Discussion followed.

Chairperson Chalgian polled the Committee as to whether citations should be given by number per facility or pro-rated per bed. Five members voted per facility and 4 members voted per bed.

The Committee asked the Department for data on what the average number of deficiencies is at 100 bed facilities and at the 200 level (50 bed increments).

### Public Comment

Mark Mailloux, University of Michigan  
Pat Anderson, Healthcare Association of Michigan

Break from 10:21 a.m. to 10:37 a.m.

## **VI. Addendum for New Design Model Pilot Program**

Motion by Vice-Chairperson Branscum, seconded by Mr. Carrel, to make the Addendum for New Design Model Pilot Program a permanent addendum to the Standards.

Ms. Moore clarified that the Branscum/Carrel Motion affects only the timeframe of the New Design Model. If the Motion passes, the New Design Model can still be up for discussion and modification. Discussion followed.

Branscum/Carrel Motion. Motion Carried.

## **VII. Definitions and Methodologies**

Motion by Vice-Chairperson Branscum, seconded by Ms. Steinke, to have Wayne County be considered one planning area instead of three separate planning areas in the Standards.

Chairperson Chalgian and Vice-Chairperson Branscum discussed the letter (Attachment A) that was presented to them at the beginning of the meeting and distributed to the Committee. Discussion followed.

Motion by Chairperson Chalgian, seconded by Ms. Faville, to table the Branscum/Steinke Motion until the next meeting. Motion Carried.

Ms. Slocum will make some contacts for the next meeting to receive input from facilities in Wayne County.

Public Comment

Kasra Zarbinian, Michigan Department of Community Health Engineering

**VIII. Long-Term Care Policies and Regulations**

There is nothing to report at this time.

**VII. Definitions and Methodologies Continued**

Chairperson Chalgian discussed the Sunset letter (Attachment B). The Committee decided to wait until next meeting to discuss the letter. Discussion followed.

**IX. Next Steps**

At the September 26 meeting, the Committee will hear a report from the members working on the draft language regarding quality measures. Also, the Committee will look at the Sunset letter, the letter regarding Jackson County, the methodology, high occupancy, and special population groups.

**X. Future Meeting Dates:**

September 26  
October 18  
November 8  
November 28

Ms. Moore reviewed Section 9 of the Standards with the Committee. Mr. Carrel, Vice-Chairperson Branscum, Ms. Steinke, and Ms. Laseur volunteered to work together to look at Comparative Review.

**XI. Public Comment**

Phyllis Adams, Dykema  
Steve Zuiderveen, Brookcrest

**XII. Adjournment**

Motion by Ms. Faville, seconded by Mr. Czerwinski, to adjourn the meeting at 12:17 p.m. Motion Carried.

August 17, 2007

State of Michigan  
Department of Community Health - Certificate of Need Program  
Lewis Cass Building, 320 S. Walnut Street  
Lansing, MI 48913

ATTN: Long Term Commission Standards Advisory Committee

Dear Committee members:

We represent a local group of concern citizens and health/human service agency Leadership from Jackson County. Recently Jackson County experienced a closure of a large long term care facility resulting in a current long term care bed capacity crisis of 150 beds. As a result of the facility closure, 60+ individuals were moved out of the County because their needs could no be met locally.

We are providing this information because our local discussion and problem solving resulted in this group being directed to you to address concerns we have identified with the Nursing Home Long Term Care Unit Bed Standards. When seeking clarification from the Department of Community Health, they advise that no immediate relief or changes could be made due to the nature of rules already promulgated. They did, however advise that the standards were currently in their cycle for three-year review.

The following is an attempt to clarify our concerns and to offer improvements to the existing standards. When possible, we have aligned our feedback with your charge and clarified the related standards of concern.

1. Consider inclusion of quality measures – We have no specific recommendations related to this charge.
2. Review the Addendum for Special Population Group Beds – We concur with others who have recommended that persons with psychiatric conditions should be given consideration under these standards. We would also include persons with behavioral problems that may be due to a Mental Health Diagnosis, Dementia, or Alzheimer's disease. Agencies and families involved in seeking appropriate placements for individuals with these conditions experience a high rate of refusal, locally. The provider that was recently closed was one of the few places that could be routinely relied on to meet the needs of the more severely

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ill, and disabled individuals with co-occurring behavioral health challenges. As a result of the lack of willing capacity, many individuals with these conditions end up being placed in other counties far away from their families and natural supports.

3. Review the Addendum for New Design Model – We do not have specific recommendations but feel there should be a clear charge to promote alternative models. Our experience locally is that there has been a significant shift in the use of long term capacity toward rehabilitation and long term care. Again, this leaves individuals with specific long term needs without a viable local option. We believe expanded use of alternate models could address this concern.
4. Review the high occupancy provision – We have no specific recommendations related to this charge.
5. Review definitions and methodologies, and examine other options – We specifically request that the committee review the scoring methodology for :
  - a. Calculating corresponding use rate (Section 3(2)(b)). The current standard states that patient days and population cohort in determining local need. This suggests to us that local patient days may not accurately determine need if a community is using out-of-county placements, and having those patient days included in alternate communities assessment. We would request that the standards be revised to make the assessment of need inclusive of patient days for persons placed outside their county of residence.
  - b. Section 10 outlines the standards for comparative review. While part of this standard –(2)(a)-(c) – provides scoring weight to facilities based on Medicaid patient days, Medicaid admissions, and Medicaid certification, we have come to learn that the majority of providers in our area are reporting their performance in this area for persons who are dual eligible (Medicare and Medicaid). While this is perfectly allowable under the current rule, we have found that the admission rate of these providers is largely predicated on the patient's Medicare eligibility and that these providers are, in fact, excluding persons on straight Medicaid, citing the low reimbursement rate. We would propose that the weighting be modified to specifically provide for additional points for Medicaid patient days and admissions for persons who have no other coverage.

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6. Review Long-term Care policies and regulations of the State within the context of the CON scope and authority. - We have no specific recommendations related to this charge.

We respectfully request your consideration of these recommendations. If you have additional questions, please feel free to contact Nancy Miller, LifeWays' Chief Executive Officer. Ms. Miller also serves as the facilitator of the Long Term Care Planning & Problem Solving Committee. Ms. Miller can be reached by calling (517) 789-1208.

Sincerely,

*Senator Mark Schauer  
Representative Mike Simpson  
Nancy Miller, MS, LBSW, CEO, LifeWays  
Shelia Gomez, Wendy Hockley, Matt Murphy - Foote Health Systems  
Linda Carr LifeWays OBRA Coordinator  
Shelly Saines The Jackson County Community Foundation  
Willye Pigott, Jackson Public Schools  
Brenna M. Wheeler, Central Michigan 2-1-1 Manager  
Center for Family Health  
Edward Woods, Business Representative, Jackson HSCA  
disAbility Connections, Inc.  
Jackson County Department of Human Services  
Jackson County Guardian Office  
Mid-South Substance Abuse Commission  
United Way of Jackson County  
Marc M. Stanley, J.D., Southeastern Dispute Resolution Services, Community Action Agency  
Victoria J. Webster, Vice President and Chief Operating Officer, CareLink of Jackson*



**Brookcrest**  
A Christian Rehabilitation  
& Life Center

3400 Wilson Ave., S.W.  
Grandville, MI 49418  
Phone: 616-534-5487  
Fax: 616-534-2150  
www.brookcrest.org

**Sunset Home  
Services**

725 Baldwin  
Jenison, MI 49428  
Phone: 616-867-HOME (4863)  
Toll-Free: 1-877-457-2770  
Fax: 616-457-7783  
www.sunsethomeservices.org

**Sunset Manor  
& Village**

725 Baldwin Street  
Jenison, MI 49428  
Phone: 616-457-2770  
Toll-Free: 1-877-457-2770  
Fax: 616-457-7488  
www.sunsetmanor.org

September 21, 2007

Mr. Douglas G. Chalgian – Chairman  
Nursing Home Standard Advisory Committee

Dear Mr. Chalgian,

On July 11, 2007, I submitted a letter to the NHSAC requesting the committee to consider changing the planning area methodology from being strictly based on county lines. The committee acknowledged receipt of my letter and indicated that this issue did fall within the scope of reviewing definitions and methodologies.

Since that initial meeting, the discussion on planning areas has focused primarily on Wayne County to the exclusion of the rest of the state. Some comments have been made during the hearings that determining planning areas is an extremely complex issue. Therefore, it appears that this issue has been removed from the table before any real problem solving has taken place.

I can agree that time might not allow for this issue to be resolved quickly, but I respectfully request that consideration be given to a proposal that would provide some compromise until such time as it can be properly reviewed. My proposed motion is to amend the definition of Replacement Zones under Section 2.HH(ii) to "for a county that is not a rural or micropolitan statistical area county, (A) within the same planning area as the existing licensed site ~~and~~ or (B)"within a three-mile radius of the existing licensed site."

By changing the word *and* to *or* in Sect.2.HH (ii)(A), facilities that find themselves bumping up against county lines will be able to find locations within a true three mile radius which would allow them to develop new facilities that can better serve their communities. This change would meet some of the expressed needs of service providers in Wayne County as well as those of us who serve metropolitan areas that encompass more than one county.

Thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Steve Zuiderveen".

Steve Zuiderveen  
Administrator - Brookcrest