**ADULT FOSTER CARE LICENSING ADVISORY COUNCIL**

**MEETING MINUTES**

May 8, 2024

1. **Meeting Called to Order:** Kathy Lentzcalled meeting to order.
2. **Roll Call:**  Roll call of council members completed via participant list, showing a quorum.
3. **Members Present:** Kathy Lentz, Jenny Post, Jamie Saturnino, Nadine Carlson, Deborah Mock, Lauren Paton, Jessica Kross, Jennifer Warnos, Marie Eagle, Danis Russell. Belinda Hawks was present via Teams.
4. **Members Absent:** None.
5. **Adult Foster Care Licensing Staff Present:** Jay Calewarts, Director; Dawn Timm, AFC area manager; Christy Schilling, Administrative Support.
6. **Approval of Agenda**: Kathy Lentz moved to approve agenda as presented. Agenda approved as is per common consensus.
7. **Approval of Minutes – Minutes from February 7, 2024:** Kathy Lentz made a motion to accept minutes as written. Minutes were approved per common consensus.
8. **Public Comments:** No public comments were offered at today’s meeting.
9. **Council Business:**

6a. Update on HB 4841

* Discussion regarding the next workgroup meeting to be held on May 10, 2024. It was shared that accountability in the form of fines was discussed at last workgroup meeting which was not resolved at that meeting.
* Comments from Advisory Committee members who appreciate the ease of use of new training, the license look up page and helpfulness of the AFC licensing website which is what HB 4841 is looking to add for the transparency requirements of this Bill.
  + As a reminder, there was a training video developed in response to the discussion in the HB 4841 workgroup. The following is a link to that video: [MI Consumers' Guide to Licensed Assisted Living Facilities AFC & HFA (youtube.com)](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DS5guEEiOFZU&data=05%7C02%7CSchillingC1%40michigan.gov%7C72f7695085cb4e08011408dc284a5f5a%7Cd5fb7087377742ad966a892ef47225d1%7C0%7C0%7C638429547971294370%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=GB%2BeC5VJPLvF7p4Tv50AcS5UTdsxPXmgyHFsr9ZKPMk%3D&reserved=0)
* Rep. Jason Hoskins office inquired about legislation to prevent unlicensed AFC providers. Discussion around AFC licensing of people living in their own homes with 24-hour support.
  + Kathy Lentz requested further discussion regarding this be added to the next agenda.

6b. CMS 80/20 Rule <https://www.cms.gov/newsroom/fact-sheets/ensuring-access-medicaid-services-final-rule-cms-2442-f>

* Home and community-based services are funded through the state’s various Medicaid waivers and state plan amendment. It is through those Medicaid waivers that this rule is attached. The 80/20 Rule mandates that home care providers spend at least 80% of Medicaid payments on direct care workers.
* Discussion pertaining to possible complications in interpreting this requirement by providers.
* There is a CMS sponsored webinar for the States this afternoon that Belinda will be attending, and she will share what she hears with Jay so he can forward that information to the Advisory Council members.

1. **Division/Bureau Updates –Calewarts**

* **Statistics Handout: Jay**
  + Jay discussed that family homes continues to drop. One cause to the drop in family homes may be that as the population ages, people are retiring. However, small group homes have up ticked slightly.
  + Complaints numbers are holding steady.
  + Capacity typo for March small group capacity. Should be 12,995 and not 11,995 as shown on the handouts.
  + Dawn discussed that we’re seeing a steady increase in enrollments. Kathy would like to see yearly stats of type of AFCs and capacity to compare*.*
* Discussion regarding how to search for license’s that have special certifications.
  + Special mapping feature process discussed.
    - Go to LARA website/Provider map and directories ([State Licensed and Federally Certified Provider Directories (michigan.gov)](https://www.michigan.gov/lara/bureau-list/bchs/directory)) – Launch Map – In left column check box for Adult Foster Care - on top toolbar to right click on house shaped icon – choose special certifications from dropdown list.

* Single ruleset timeline update:
  + Jay discussed the providers association comments regarding using minor staff in counting towards staff ratio (as long as they are working with an adult staff at all times and cannot perform certain tasks, i.e.., administer medications) as an option for the industry to have more staff as it struggles with staffing issues.
  + Committee requests a comparison to the previous version for any changes so they can review the updated ruleset. Jay indicated he would provide a version reflecting the changes so the committee doesn’t have to reread the entire ruleset.
  + Kathy stated that any AC members wishing to submit comments on the updated ruleset should email them to her by Wednesday, May 29th. Kathy will then compile the comments and forward them on to Jay.
* Update on bill package to move AFC camps and children’s camps to stand-alone act. SB 692-SB695
  + Discussion regarding changes.
* Jay discussed a settlement agreement reached with a provider to conduct unannounced drop ins by senior management during nights and weekends. After a quarter of these drop ins and interactions with staff, they noticed an increase of 10% retention rate.
* Involuntary discharge discussion – Jay shared that there was consensus at last meeting with MDHHS that a hearing in front of an Administrative Law Judge was not necessary as Landlord/Tennent Law applies to AFCs. This decision may not have been posted publicly yet. Discussion that providers need to be notified as some are still using a form that mentions resident rights to appeal. Form is still on the MDHHS website. Jay and Kathy will follow up on notifying providers.

**Additional discussion:** Change in the open meetings act discussed. Jay will get updates for the next meeting.

1. **ADJOURNMENT:** Kathy Lentz adjourned the meeting.

**Next Meeting:**

**Date:** Wednesday, August 7, 2024

**Time:** 10:00 a.m.

**Location:** 611 W. Ottawa Street, Ottawa Building, Lansing, MI 48933, Conference Room: Upper Level (UL) DMB-ConfRoom-Ottawa 5