

Committee on Comprehensive System Change
Council on Long Term Care Reform
Meeting of April 1, 2005

Minutes

Members present: Gerry Born, Lynn Breedlove, Paul Cook, Carol Eschner, Tom Frazier, Rich Kammerud, George Potaracke, and Tim Sheehan

Members absent: Jerry Huber, John Sauer, and Craig Thompson

Others present: Chuck Wilhelm, Judith Frye, Lorraine Barniskis, Kathleen Luedtke, Theresa Sanders, Bill Jensen, Mark Stein, Dan Hayes, Michael Blumenfeld, Tom Moore, Nancy Anderson, and Kevin Coughlin (via telephone)

Chair George Potaracke called the meeting to order at 9:05 AM.

Parameters and process for soliciting proposals for local planning grants under the CSC grant; longer range vision of a reformed system

The committee discussed at length potential principles that should guide future reform efforts, including criteria for proposals for local planning grants under the CSC grant. See separate summary of this discussion, which incorporates items from previous committee discussions.

Comments from the public

There were no comments from visitors.

Update on Waiver Simplification

Chuck Wilhelm provided a handout summarizing the current status of the Department's decisions and work on waiver simplification efforts. Consolidation of CIP 1A and CIP 1B will require changes in the statutes. DHFS is working on drafting instructions and will work with counties and advocates to find legislative sponsors. Most of the consolidation of COP-W and CIP II can be done administratively. Some consolidation will likely be begun in CY 2005 and all of it by 2006. DHFS is not proceeding with consolidation of COP-R with these new programs, but is working with WCHSA to understand county concerns.

Update on ICF-MR Restructuring Initiative

Chuck handed out a March 18, 2005 memo from DHFS to counties establishing benchmark rates and policies for the ICF-MR Restructuring Initiative. The rates reflect the actual costs of care for people at the various levels of care. The highest rate is the same as the Centers' net rate. DHFS will also maintain an ICF-MR high-cost fund to supplement, within limits, the benchmark rate for people whose care plans cost more than the rate.

Chuck noted that a number of issues have been raised about the initiative, including:

- Some counties feel that the rates are not high enough.
- Many relocation plans are for CBRFs and high-cost adult family homes; available funding will not be sufficient if most people move to high cost congregate settings.
- A number of ICFs-MR are closing, putting considerable pressure for developing many alternatives at once. The Bureau of Long Term Support is taking over many roles and

- responsibilities from the Bureau of Quality Assurance related to ICF-MR facility closures and relocation of residents.
- The Department is insisting on person-centered planning and making available real options to individuals.
 - Counties are concerned that the “shield law” may not apply to the new initiative. Legislation is being drafted to make it clearer that the existing shield law does apply to this program. Concerns were raised about the potential for changing the shield law, which would be opposed by consumer advocates.

Update on CSC project activities

Kathleen Luedtke distributed the current work plan for the CSC project. She noted that none of the goals for the project have been changed, but highlighted several objectives that have been updated. Kathleen will provide regular progress updates for the committee.

Provider liability insurance issues

Tom Moore provided handouts and briefed the committee on the current status of provider liability insurance legislation and the rationale behind it. He was assisted by Nancy Anderson and (via telephone) Kevin Coughlin. Premiums for this insurance have been skyrocketing, especially for community-based providers, affecting providers’ ability to provide high-quality care and wage and benefit increases for workers. The aggregate premium paid by nursing homes in 1998 was \$2 million; by 2003 it was \$12 million. Insurance is also increasingly hard to find. Several providers have come very close to closing down because no insurer could be found.

Legislation sponsored by Senator Ron Brown and Representative Kitty Rhodes, will be circulated soon for additional co-sponsors. The bill would extend current caps for non-economic damages that are currently in the law for certain health care providers to many long-term care providers, including licensed adult family homes, CBRFs, home health agencies, hospice programs, nursing homes and RCACs. An amendment is being drafted to add personal care agencies.

A number of organizations are members of a new Long Term Care – Liability Insurance Coalition. In addition to supporting the legislation, they plan to pursue a number of avenues to make liability insurance more available and more affordable. In addition, DHFS staff are exploring other options, including possible access to an insurance pool in Washington State that covers small adult family homes.

Information priorities

Chuck distributed a summary of the committee’s previous discussion on information priorities. He noted that DHFS will be undertaking some of the questions included under the heading “gap analysis” as part of its DD capacity building efforts relation to the ICF-MR Restructuring Initiative.

Committee members expressed particular interest in the questions listed under the heading “experience in previous relocations,” as well as questions 4 to 6 under “gap analysis.” The suggested several additional questions, including:

- What are the outcomes for relocated people (deaths, returns to nursing homes, etc.)
- To what degree were counties involved in previous relocations?
- What were the factors that led to community placement versus another nursing home?
- Match information about characteristics of relocated people against rates of success.

Chuck will assign staff to work on collecting and analyzing information in response to these questions. The committee will continue to discuss questions related to other goals of reform at future meetings.

Committee business

- The minutes of the meeting of March 4, 2005 were approved unanimously.
- On a motion by Lynn Breedlove, seconded by Gerry Born, the committee unanimously recommended that the full Council formally endorse the nursing home relocation initiative as described in the Governor's 2005-07 Biennial Budget request, and that the Council Chair include this item in the agenda for the April 8th Council meeting.
- Suggestions for future agenda items included:
 - Continued discussion of long-range reform models and criteria for local planning grants under the CSC project.
 - Continued discussion of priorities for information requests
 - Updates on progress of the CSC project.
 - Review of draft of consumer brochure on ADA rights

Meeting adjourned at approximately 3:00 PM.