Assisted Living Advisory Council (ALAC) Meeting Minutes
Tuesday, December 20th, 2023
1:00 PM
\*The meeting was held virtually via Zoom\*

ALAC members: Brian Danaher, Kim Martone, Matt Salmon, and David Santos.
EOEA staff: Matt Casey, as Chair on behalf of EOEA Secretary Chen; Siobhan Coyle, Marie Earnshaw, Liz Gallagher, Trisha Marchetti, Patrick Sullivan and William A. Travascio.

1. Call to Order:

The meeting was called to order at 1:00 PM by Matt Casey, EOEA General Counsel, as Chair on behalf of Secretary Chen.
2. Welcome and Introductions:

Matt Casey thanked members of the Council, stakeholders, and members of the public for attending.
3. Approval of the Minutes:

The minutes from the April 25th, 2023 meeting were presented and approved, with Matt Salmon abstaining. The minutes from the September 26th, 2023 meeting will be entered as unofficial minutes since there was no quorum present at that meeting. Therefore, they are not subject to being approved.

Brian Danaher asked that the draft minutes from June 27th, 2023 be taken up at a future meeting since neither industry member was able to attend; Matt Salmon agreed.
4. EOEA Updates:

Matt Casey, General Counsel – EOEA, provided several updates on behalf of the Secretary. EOEA has seen a rise in new COVID cases among residents. For the week ending December 11th, 2023, there were 181 new cases compared to 170 the week before. There have been 100 or more new COVID cases among ALR residents in 4 of the last 6 weeks. During this season, flu and RSV cases are also on the rise. As we get closer to the holiday season, if you or your employees are experiencing any upper respiratory symptoms, use a COVID test. Consider using a mask when appropriate and always practice good hand hygiene.

EOEA will also be holding a hearing on January 12th, 2024, on Zoom to review changes related to the vaccine requirement in ALRs.

Trisha Marchetti, Director of Assisted Living Certification – EOEA, said there has been a delay in the development of OnBase (the program that will replace Dynamics). When there is more information about a go-live date, our team will share it. In addition, all of the 2023 compliance visits have been completed, and 2024 visits have just kicked off - so far 12 have already been done. The visits are unannounced as of calendar year 2024. During the height of the pandemic when there was a backlog, the ALR team would notify ALRs in advance of a visit. However, with the backlog resolved the ALR team has shifted back to unannounced visits as part of the recertification process. The underlying expectation is that ALRs are ready for a visit by EOEA at any time. The first quarterly meeting with the ALR network was in October. These meetings are an opportunity for the network to hear from EOEA on a regular basis with respect to any updates or share any trends we are seeing. Likewise, it is also an opportunity for the ALR network to ask our team any questions. The next call is scheduled for mid-January 2024. If there are any questions you would like to see answered during the webinar, please submit them in advance.
5. Industry Updates:

Brian Danaher said he is happy to report that the recent certification visits have been going well. Having the visits back on track so that the up-to-date certificates can be issued has been helpful.

Matt Salmon agreed and felt that the survey process has been fair. He commented that it would be helpful to have a quicker response from EOEA when it comes to the plan of correction.

Matt Casey, General Counsel – EOEA, noted that the plan of correction template has been updated and felt that it is contributing to a quicker turnaround.

Elissa Sherman, President of LeadingAge Massachusetts, thanked EOEA for setting up the ALR network quarterly calls. She said that she got good feedback from her members after the first one.

Brian Doherty, President & CEO of Mass-ALA, felt that these types of calls are particularly helpful for those who are new that have not yet interacted with the EOEA ALR Cert team. He highlighted that next month Mass-ALA will be publishing an updated Assisted Living Resource guide. Every ALR that participates will get an entry. Anyone who reaches out for a copy will be sent one. The guide will be made available in print and online.

There was a discussion about how consumers learn about the ALR that they chose. Brian Doherty said he would talk to his members to get more information. He noted that sometimes it can be by word of mouth and hoped that the resource guide would be a good tool for anyone considering assisted living.
6. Updates from the Consumer Council Members:

Kim Martone noted that at the June 2023 ALAC meeting, there was a presentation by MassNAELA (Massachusetts Chapter of the National Association of Elder Law Attorneys) about Massachusetts’ ranking among other US states that have assisted living. MassNAELA asserted that Massachusetts is in the bottom 20% when it comes to its assisted living regulations. Since that meeting, she has been working with David Santos to fact check that and to see if there are any recommendations they could raise to ALAC. Specifically, they are looking into minimum staffing requirements for non-memory care and the certification vs. licensure of ALRs. Whatever data is collected will be presented to ALAC for discussion.

Matt Casey, General Counsel – EOEA, reminded members about open meeting law and noted that deliberation can only be done at public meetings. However, it sounds like information is still being gathered and he said that he looks forward to what Kim Martone and David Santos bring forward at a future meeting.

Brian Doherty, President & CEO – Mass-ALA, asked about the best way to get feedback to Kim Martone and David Santos without running afoul of open meeting law.

Matt Casey, General Counsel – EOEA, said he deferred to Kim Martone and David Santos but added that they should come forward when they are ready to discuss the information that they have pulled together. Brian Danaher asked if he could volunteer to work with Kim Martone and David Santos on this project as he was not at the June 2023 meeting and did not get a chance to offer to be involved. Kim Martone noted that her and David Santos did not form a committee or sub-committee but rather had an interest in gathering more information to see if what was presented was accurate. Matt Casey, General Counsel – EOEA, mentioned that a formal committee or sub-committee could always be created in the future if ALAC wanted to do that. Anyone who would like to join when we get to that stage can let EOEA know.

Brian Doherty, President & CEO – Mass-ALA, asked that the industry be allowed to give its perspective whenever the time comes to discuss information gathered by Kim Martone and David Santos. He referenced a recent article that was run by the Washington Post about assisted living nationwide. He added that Mass-ALA holds regular QA/QI trainings to ensure that frontline staff are trained with respect to care plans. He felt that the 3 aspects of regulation that the articles looked at did not give a clear picture of assisted living, especially in Massachusetts where hundreds of variables are looked at in the regulations and in the QA/QI training. He added that he felt that the Massachusetts summary listed in the article is not accurate and that Mass-ALA would be submitting a version that the organization feels is more accurate.

Matt Casey, General Counsel – EOEA, noted that it is hard to get an apples-to-apples comparison of state by state because every state has a different regulatory model. Some states regulate assisted living like nursing homes, whereas Massachusetts does not. There will always be some level where a state comparison does not match-up. A future meeting could always be dedicated to this discussion.
7. Comments from Visitors:

None.
8. Adjournment:

The meeting adjourned at 1:31 PM. The next meeting will be held Tuesday, March 26th, 2024, at 10:00 am on Zoom.