Assisted Living Advisory Council (ALAC) Meeting Minutes
Tuesday, March 26th, 2024
10:00 AM
\*The meeting was held virtually via Zoom\*

ALAC members: Brian Danaher, Kimberly Martone, Seth Nadeau, Matt Salmon, and Walter Ohanian.
EOEA staff: Secretary Chen, Matt Casey, 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 10:02 AM by Secretary Chen.
2. Welcome and Introductions:

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

The minutes from the June 27th, 2023 meeting were brought up, and Brian Danaher (who had not attended that meeting) suggested deferring approval until content reflecting comments made by Brian Doherty, President & CEO of Mass-ALA, during that meeting could be included. He felt that it would be important for the record. He asked Brian Doherty, President & CEO of Mass-ALA, to draft comments to be sent to Bill Travascio, EOEA, for inclusion in the June 27th, 2023 meeting minutes. Matt Casey, General Counsel, EOEA, asked if there were any other issues with the minutes other than the comments that were omitted by Brian Doherty, President & CEO of Mass-ALA. Brian Danaher said that he had no other edits. Matt Casey, General Counsel, EOEA, felt that the minutes should be approved pending comments submitted by Brian Doherty, President & CEO of Mass-ALA. Brian Danaher made a motion to approve the minutes from the June 27th, 2023 meeting pending the addition of comments from Brian Doherty, President & CEO of Mass-ALA. The addition should be reviewed at the next meeting. This motion was approved by four members who voted in the affirmative with Seth Nadeau and Walter Ohanian abstaining.

The minutes from the December 20th, 2023 meeting were presented and approved by three members who voted in the affirmative with Secretary Chen, Seth Nadeau, and Walter Ohanian abstaining.
4. EOEA Updates:

Secretary Chen welcomed the Council’s newest members, Walter Ohanian and Seth Nadeau. Walter Ohanian has been appointed by the Governor’s office to the 9th seat on the Council, referred to as the At-Large seat. Walter is the Managing Director of the Grantham Group, a developer and Management Agent to several assisted living residences (ALRs) in Massachusetts known as Christopher Heights. He has also been the Executive Director of various Christopher Heights communities and is a licensed nursing home administrator. In 2010, Walter was named one of the Worcester Business Journal’s *40 under Forty* list, which honors the rising stars of the Central Massachusetts business community. Currently, Walter is also the Secretary of the Mass-ALA Board of Directors. Seth Nadeau has been appointed to fill the Secretary of Housing and Livable Communities seat. He is the Deputy Legislative Director at the Executive Office of Housing and Livable Communities. Prior to this role, he served for nearly a decade in the office of U.S. Representative Jim McGovern as a District Representative in the Worcester office. He has also been a legislative aide at the Massachusetts House of Representatives.

Secretary Chen added that since the Council’s last meeting, EOEA has observed week-over-week declines in new COVID-19 positive cases among residents. She reported there have been fewer than 200 new cases each week since the week ending January 15th and there have been fewer than 100 new cases in each of the last three weeks.

Next, Secretary Chen covered EOEA’s strategy map, which was developed last fall along with other EOHHS agencies as part of a strategic alignment process. The purpose of the map is to connect the agency’s mission and vision to constituent objectives through internal processes. It lays out how we will do our work with a shared culture of dignity, choice, and equity for all who work with us and all who we serve. The Secretary noted that the agency’s mission is for all 1.7 million older adults in Massachusetts to have choices of where and how they want to live in all stages of aging. The map’s three constituent focused goals are: 1. Awareness & understanding of services, initiatives, & programs; 2. Equal and equitable access to services, initiatives, & programs; and 3. High-quality, consistent service delivery.

The Secretary noted that operational excellence is important, and that hiring in all sectors in this age is a challenge, but the staff at EOEA are extremely committed.

Matt Casey, General Counsel, EOEA, shared that the assisted living regulations will be published and will go into effect on Friday, March 29th, 2024. A few changes were made due to comments. One comment involved the form for declination statements. ALRs have the flexibility to use their own forms, if they have one. Another comment was about allowing ALRs to have more stringent vaccination policies, this was allowed to align with Department of Public Health (DPH) regulations.

Trisha Marchetti, Director of Assisted Living Certification & Compliance, EOEA, noted that the deadline for 2023 Annual Aggregate Report was March 1st, 2024. 97% of ALRs responded, with 263 of 270 submitting information. The report is currently being compiled and should be released in early June. In late January 2024, EOEA released two forms that EOEA recommend ALRs use. The first is an updated Residents Rights Poster that simplifies regulatory language. The second is a Resident Transfer Sheet for residents going to the hospital. Both documents were sent out with a cover memo highlighting EOEA’s reasons for sharing the documents with the industry and their value to residents. No feedback has been received yet, but EOEA is confident of their value to residents. Lastly, the Assisted Living Certification unit will be transitioning from Dynamics to a new reporting system called OnBase. The transition is expected to occur this summer. EOEA will be reaching out to the network with updates, including opportunities for training. OnBase will be an upgrade of the existing system and EOEA anticipates that it will be a smooth transition.
5. Assisted Living in Massachusetts Presentation:

Matt Salmon and Brian Danaher presented slides about assisted living in Massachusetts. In Massachusetts, assisted living is a social residential model created in 1991. Brian Danaher noted that data has shown that when older adults move into assisted living their wellbeing improves. They are able to socialize with their peers and have an alternative to being at home or in a nursing home. Assisted living is also more cost effective than a nursing home. It was noted that ALR admissions decrease demand on MassHealth services. Brian Danaher mentioned that there is a demand for assisted living. Recently a Benchmark property opened in Hanover and it has had strong sales.

It was noted that there is no need for Determination of Need (DoN) controls in assisted living. Matt Salmon and Brian Danaher noted that over the 30-year history of the assisted living model, EOEA has made timely updates to regulations to meet changing circumstances, such as medication assistance and special care. During this time, several resources have been created to help inform consumer choice, including: EOEA’s consumer guide, Residency Agreement Requirements including a checklist, Disclosure Statements, an expanded ALR Ombudsman program, and Mass-ALA’s resource guide- which is made available in print and online annually.

They noted consumer choice is critical and each ALR is able to tailor its services to each population it serves. Overall ALRs help to prevent “institutionalization.” As such, each ALR is expected to have an appropriate level of staff to meet their residents’ needs.

Compliance Reviews typically result in many areas of improvement being cited by EOEA and then worked on for improvement by the ALR. This allows for a process of continual improvement at each ALR. The plan of correction process achieves necessary changes in circumstances with less serious noncompliance issues. Modifications, suspensions, and denial of admissions ensures compliance in the limited situations where material noncompliance occurs.

Brian Danaher and Matt Salmon added that EOEA has been a good regulatory partner and cited the quarterly ALR network conference calls that were stood-up last year.

Brian Danaher and Matt Salmon felt that ALRs in Massachusetts need the Frail Elder Waiver (FEW). This Medicaid Waiver makes supports available to eligible frail elders aged 60 and older who meet the requirements for a nursing facility but prefer to remain in the community residing in an ALR. They noted Basic Health Services legislation is another area where services can be increased to support resident needs. Matt Salmon noted that 33% of adults aged 65 or older have diabetes. These individuals should not be denied ALR services or be required to hire private nurses to receive insulin injections. It was noted that assisted living nurses should be allowed to provide basic health services. Secretary Chen thanked Brian Danaher and Matt Salmon for their presentation and then opened the floor for questions and comments from Council members.

There was a discussion about the Frail Elder Waiver (FEW) and what it might cover in ALRs. Walter Ohanian felt that the FEW could help cover room and board. Secretary Chen noted that the limit to be eligible is $32,000/year. Kim Martone asked that if room and board were more than $32,000/year, who would make up that difference. Brian Doherty, President & CEO – Mass-ALA, noted that residences could choose to allow some residents to reside in the ALR for a lower rate than private pay, like those on Group Adult Foster Care (GAFC) already do. Matt Salmon added that it should be voluntary for the resident to opt-in and for the residence to opt-in. Not all ALRs would be able to support these kinds of rates. Brian Danaher mentioned that there is a market for affordable assisted living, but that the GAFC rates are not sufficient. Program of All-inclusive Care for the Elderly (PACE) also has restrictions as well. Massachusetts has been innovative and is encouraged to continue being creative to improve assisted living.

Secretary Chen asked about experiences of operators who have ALRs in other states where ALRs are regulated by their state’s DPH alongside nursing homes. Matt Salmon noted that some of his colleagues in other states operate more similarly to a nursing home, which is different from the individuality of the resident care model here in Massachusetts. He noted that their residences have stepped away from using GAFC because their model didn’t work with it.

Brian Doherty, President & CEO – Mass-ALA, said that in a nutshell the way that the regulations are working now, residents have the choice of going to a lower acuity assisted living with lower costs or to a higher acuity property. The regulations allow for a spectrum. The most unified point is that EOEA has its own niche in the aging spectrum, whereas with some states, the line is blurred between ALRs and other housing models. He applauded ALAC for their work on the Residents Rights Poster and the Resident Transfer Coversheet.

Kathleen Lynch Moncata, MassNAELA, felt that it is still difficult for perspective residents to compare individual residences and noted that there is a gap in the accessibility of information. She said information about modifications, suspensions, and denials is not easily accessed and felt that this is an area where more transparency is needed to allow the public to make a more informed choice. She also expressed concern about the FEW, as it requires a spenddown and is only available after a resident pays a private rate for some time, maybe even years. She asked what happens if the resident isn’t invited to participate in the FEW or if the residence decides to opt out of offering it. She said the FEW should be accompanied by a low-income tax credit. Without the FEW and a low-income tax credit, a resident might not be able to afford to live at the ALR. She ended by noting levels of care, like some states do, and not one size fits all.
6. Adjournment:

The meeting adjourned at 11:21 AM. The next meeting will be held Tuesday, June 25th, 2024 at 10:00 AM on Zoom.