Assisted Living Advisory Council (ALAC) Meeting Minutes
Tuesday, September 24th, 2024
10:00 AM
\*The meeting was held virtually via Zoom\*

ALAC members: Mary Jo Boynton, Brian Danaher, Kimberly Martone, Seth Nadeau, Matthew Salmon, David Santos and Walter Ohanian.
EOEA staff: Jodi Breidel, 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 10:00 AM by EOEA Assistant Secretary Jodi Breidel, who will be chairing ALAC for EOEA going forward.
2. Welcome and Introductions:

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

The draft minutes from the June 25th, 2024 meeting were presented and were approved by all those present.
4. EOEA Updates:

Jodi Breidel opened EOEA’s updates by introducing herself, she joined EOEA in April 2024 as the Assistant Secretary of Community Programs. Going forward, she will be chairing ALAC on behalf of Acting Secretary Robin Lipson. Some of the programs within her portfolio include the Senior Nutrition Program, she noted a new Nutrition Director will be joining EOEA in October. Other programs she oversees include: Information & Referral, grant writing, SHINE, SCSEP, and the COA formula grant program. Prior to joining EOEA, she was the North County Regional Director for the United Way Tri-County which serves 35 communities in the MetroWest area. Most of her professional leadership and management experience is in community work and direct services for consumers.

Jodi Breidel then turned it over to Marie Earnshaw, EOEA’s Assistant Director of Assisted Living Certification and Compliance, to give an update on behalf of the Assisted Living team. The next EOEA and ALR quarterly network call is scheduled for October 16th at 10:30 AM. Invites to ALR Executive Directors will be going out in the coming days. EOEA is soliciting for topics for this call from the network. Suggestions can be sent to ALRhelp@mass.gov. Next OnBase is schedule to be launched in the coming months, it will include a new incident reporting system.

The Annual Aggregate Data Report has been completed and will be posted on EOEA’s website in the coming weeks. A notice will be sent out to the industry once it is available. The ALR team is also delighted to share information about a new health care aide pathways initiative. The purpose is to address the vacancies, retention challenges, and provide a career pathway for CNAs and HHAs in the Commonwealth. The effort is being led by the Executive Office of Health and Human Services (EOHHS). There will be 2 new levels of certification. The first level is called Health Care Aide (HCA) and the second Advanced Health Care Aide (AHCA). The state will be conducting listening sessions in October. The ALR team will share the 1-page flyer after this meeting.

Matt Casey, General Counsel – EOEA, announced that he will be leaving EOEA as General Counsel to take a position with the trial court. His last in-office day is this week. He noted that he has been with the agency for about 10 years. Siobhan Coyle and Patrick Sullivan will be covering until a new General Counsel joins the agency.

Matt Casey noted that the Long Term Care bill was signed into law by Governor Healey in early September. The EOEA legal team is working on a draft of the regulations and would follow the standard regulations promulgation process. The intent is to hold the public comment period in a timely fashion. He hoped that everything would be in place before the waiver for skilled services in ALRs expires on March 31st, 2025. He noted that the law takes effect 90 days after it was signed, which would be in December 2024. However, he did not believe EOEA’s updated regulations would be ready in time. Any ALRs currently providing skilled care will be able to do so until March 31st, 2025 because of the waiver. EOEA wants to make sure operational processes are in place so that the regulations make sense. This is because there is going to be a requirement that all ALRs who want to provide skilled care have to submit their operating plans for approval to EOEA.

Mary Jo Boynton asked about whether this is optional or if all ALRs will have to do this. Matt Casey responded that this is optional and is only for ALRs who want to provide skilled care. Those who are interested in providing skilled care or basic health services will need to update their operation plan and submit it to EOEA for approval. If they receive approval, they will be certified separately to provide skilled care, which will need to be renewed on an annual basis.

Brian Danaher asked about regulations covered by other parts of the Long Term Care law. Matt Casey said that the basic health services section is the most substantial, but that EOEA would be promulgating regulations to reflect all the changes that the law is making to Chapter 19D. He noted that one of the changes is with respect to whistle blower protections. Brian Danaher then asked about regulations around the fines piece. Matt Casey said that regulations on that would be included, there will need to be standards set-up. It will be addressed in the regulations, but he invited ALAC members to offer any feedback they have by submitting them to Siobhan Coyle and Patrick Sullivan. A public hearing and a comment period will be held as part of the Secretary of State’s process.

Jodi Breidel thanked Matt and Marie for their updates, she also thanked Matt for his service to EOEA.
5. Industry Updates:

Brian Danaher thanked EOEA for continuing to host the quarterly network calls with the Assisted Living Residence Executive Directors. He said they are informative. He also thanked Matt Casey for his time with EOEA. Likewise, Matthew Salmon thanked EOEA for hosting these calls, he mentioned at one of the recent calls his team has a question about CPR certification for staff. He typed the question in the chat and received a response in real time from Trisha Marchetti.

Walter Ohanian thanked Matt Casey for all his work for EOEA. He hoped that the health aide career pathway would help to bring more people into the industry. He noted that it was a positive step that the Group Adult Foster Care rates increased from about $43 to about $50 through emergency regulations. He thanked anyone on this call who might have assisted with this going through.

Brian Doherty, President and CEO of Mass-ALA, thanked Matt Casey for all his work at EOEA especially during the pandemic and for all the cross departmental work he does. Next, Brian Doherty said that he looks forward to working with EOEA and ALAC on the implementation of the historic Long Term Care bill that was signed into law by the Governor. Brian recounted meeting recently with an older adult whose wife lived in assisted living and was able to take advantage of the waiver that has been in affect the last few years. After her passing, he testified to the legislature about the importance of these services to ALR residents. Brian Doherty also shared a link with information about the winners of the Mass-ALA excellence award winners.

Elissa Sherman, President of LeadingAge MA, thanked Matt Casey for being a fantastic partner for LeadingAge MA’s members. She added that EOEA Acting Secretary Robin Lipson will be speaking at Leading Age MA’s 70th Annual meeting in October and that EOEA would likely receive questions about the timing of the updated regulations at the October EOEA and ALR network quarterly call.

1. Consumer Member Updates:

Kim Martone noted that recently there has been an uptick in COVID-19 positive cases in her mother’s assisted living residence. She cautioned people to be aware that COVID-19 is still around.

Mary Jo Boynton said that her colleagues look forward to the updated regulations and hoped that more ALRs will choose to offer increased skilled care for residents who have chosen to make ALRs their home. Mary Jo also said that she felt the career pathway initiative would help boost the morale of staff.

David Santos commented that he has seen an increase in events and classes that ALRs are hosting. The increase in activities is reflected in the residents. He thanked the industry for their attentiveness.

1. Comments by Visitors:

Kathleen Lynch Moncata, MassNAELA, thanked Jodi Breidel for chairing today’s meeting and Matt Casey for his time with EOEA. She said that MassNAELA looks forward to participating in the upcoming special public councils that will be created as part of the Long Term Care bill being signed into law.
2. Adjournment:

The meeting adjourned at 10:37 AM. The next meeting is scheduled for Tuesday, December 17th at 10:00 AM on Zoom.