

## **Soldiers' Home in Holyoke Board of Trustees Meeting**

A meeting of the Board of Trustees of the Soldiers' Home Holyoke (HLY) was held in person, virtually and telephonically on Tuesday August 9, 2022. The meeting began at 131 PM.

### **Board Members in Person:**

Gary Keefe

### **Board Members via WebEx:**

Mark Bigda, Sean Collins, Kevin Jourdain and Isaac Mass.

### **Also Present:**

Nathalie Assens (Commodore Walsh); Susan Blomquist (Payette); Sharon Boyle, Legal Counsel (EHS); John Cronin, Chief Financial Officer (DVS); Matthew Deacon, Legal Counsel (DVS); Dr. Diane Dietzen, Chief Medical Officer (HLY); Robert Engell, Joe Fazio (DCAMM); Debra Foley, Communications (HLY); Kelly Jones, Quality Manager (HLY); Glen Hevy, Deputy Superintendent (HLY); Karen Krause, Social Services (HLY); Michael Lazo, Interim Superintendent (HLY); Brooke Leahy, Chief of Staff (DVS); Michael Lynch, CFO (HLY); Caitlin Menard, Director of Social Services (HLY); Cheryl Poppe, Secretary (DVS); Jessica Powers, Human Resources (HLY); Brett Walker, General Counsel (HLY); Linnea Walsh, Communications Manager (VET); Bryant Watson (Payette); Gordon Wrin and Kathleen Denner, Recording Secretary (HLY).

**Pledge of Allegiance** - All present recited the Pledge of Allegiance.

### **Roll Call:**

Chairman Keefe conducted a Roll Call as follows: Trustee Bigda (Yes).

On web ex, Trustee Mass, Trustee Collins, and Trustee Jourdain.

### **Approval of Minutes:**

Upon motion by Trustee Mass and Seconded by Trustee Jourdain it was unanimously VOTED to accept the unamended minutes of the regular Board Meeting held on June 8, 2022, and the Operations Committee meeting held on May 24, 2022. Passes unanimously

Chairman Keefe conducted a Roll Call vote on the approval of the minutes of the regular Board Meeting held on June 8, 2022, and the Operations Committee meeting held on May 24, 2022. The Roll Call vote is as follows: Mark Bigda (Yes), Sean Collins (Yes), Gary Keefe (Yes), Cindy Lacoste (Yes), Isaac Mass (Yes), and Carmen Ostrander (Yes) It was unanimously VOTED to approve the minutes.

### **Payette Update (Mr. Lazo):**

Mr. Watson from Payette shared a PowerPoint presentation and informed the group that they are through the bid process for the temp chiller enabling them to work on the permitting process. He showed the site plan with the roof of 3 North so once permitted will commence with the utility HGE bringing temporary power poles along the edge of the site. He informed the group that the main entrance will be closed to vehicles because this is where they will be installing the new transformer and the electrical panel that will supply the temporary power for the new temporary chiller and the pumps. The chiller itself will go on the roof of 3 North so no additional structural upgrades will be needed. Ms. Assens reiterated that the chiller with the pumps and equipment will be on the roof and also the power to the chiller that is included in the package. She shared that they have received the notice to proceed last week from DCAMM we have already done the scoping for all the subcontractors, so we are ready to start with the procurement and as we know in this market it is difficult. She continued that we are all lined up and have a schedule to execute by May 15.

Mr. Fazio shared that they do not have a definitive date to share with us regarding groundbreaking, that will depend on how things roll out in the next couple of weeks with decisions from VA, but we do anticipate if things continue in the current path, that there will be groundbreaking in the Spring. Chairman Keefe asked if there was any way to do anything before the end of the year. Mr. Fazio replied that it is unlikely because the bidding process we are going to go through is going to be quite protracted and that the compliance with the VA Grant program and the requirements to comply with the Build American America Act. He continued that it is quite an onerous process that they will need to go through for that and it is going to protract our procurement process considerably, it will probably double the length of time for procurement and we are expecting a large amount of questions once we get into the bidding phase and when they get into the descoping phase there will be additional questions and we may need to go back out for subcontracts, so that process is expected to take 4 months to complete. Mr. Fazio stated that at this time they will be able to finalize the GMP and then issue the NTP. He continued that once we receive word from the VA we will have 180 days to complete our updated package and it is during that time get pricing and be able to move forward in the Spring. Chairman Keefe would like a ceremonial before the Spring, with the people that worked hard to get this bill passed. Mr. Fazio we agree and we will endeavor to make that happen all the people that have worked hard to make this happen should be recognized and we will do everything possible to make that happen. Trustee Jourdain agrees with Chairman Keefe that the ceremonial groundbreaking and he knows that there is a lot of procedural and legal steps that need to take place but it would be extremely in good form to have it before the end of the year.

#### **CFO/Treasurer Report (Mr. Lynch)**

Mr. Lynch gave an overview of the Trustees Fund Spending plan for 2023. We have committed to two months of entertainment, Bingo, a month of QuickBooks, IN2L annual subscription and inscription services falls under memorial category and we have had special requests for birthday bingo and Canteen coupons for each veteran. Mr. Lynch reported that July's donations total is just over \$1800. They have begun interviews for the Budget Director position and we will complete the remaining

interviews this week. He continued that later this month he will be tasked with completing the 2023 spending plan for the Home state appropriations. He has begun filling out department budgets which we have never built for this agency, he has created an exercise focusing on projects that our teams hope to complete in FY23 so he can review and potentially allocate funding to them. He shared that this has been a very exciting process and he looks forward to building on the foundation we have in place and commit to a strong and valuable fiscal year.

### **DVS Staff Report (Secretary Poppe)**

Secretary Poppe shared a few updates from the Department including the Governor's Challenge to prevent suicide among service members, veterans and families, we are continuing our momentum on that. She continued that Chief Leahy just returned from an innovations conference where she was able to share practices with some of the other fellow states that are involved in this challenge and we are working around all the other priority groups and we will be conducting on December 23 a seminar on military, cultural awareness training geared toward clinician and providers that work with veterans.

Secretary Poppe informed the group that most recently we put out a procurement to service providers of veterans to see if we can get more providers engaged in reaching out to veterans in marginalized communities, we were able to award funding to 10 providers with 2 that are new, 2 are providers that were previously in our area. This will help us achieve our mission of making sure that we are making our Veterans and families aware of all the benefits and services they have earned.

Secretary Poppe stated that some of the board may have been familiar with the signing of PACT Act which is increasing veterans ability to apply for claims based on toxic exposures, which covers a lot of our veterans who have serviced since 911 in the conflict zones along with that there was legislation passed recently call the Speed Act that has a lot of components within it some of it is on military professional licensure for military spouses. Some of it is regarding having purple star schools for children so that when children are transferring from one state to another, they will be able to still have the same benefit when going from one school to another. She continued that part of this is to be tracking the toxic exposure and be working with the National Guard partners and others to have this tracking system so that we make sure that our veterans that may have been exposed to these toxins have the knowledge and awareness to apply for benefits.

Secretary Poppe stated that they have also been rebranding our financial assistance program we know it as Chapter 115 and we are calling it Mass Vets Financial Assistance as you all know that covers our veterans financial assistance to those in need as well as our annuity program which is giving to family gold star members or veterans who are 100% service connected or their widows or widowers if they pass away from their service connections. She continued that they are under that Mass Vets and we have been doing some media campaigns to raise awareness so that more veterans in Massachusetts are aware of those benefits and apply for them.

Secretary Poppe the Governors legislature that was filed for the governance bill and she will be working with the board along the way as we proceed through that.

Secretary Poppe stated that the information about the VA State Home Construction Grant will be discussed later in the meeting.

Chairman Keefe added that the Speed Act Bill went from the House to the Senate and touched on licensure and purple schooling, if you get a chance check that bill out it is probably one of the robust veteran bills that has come out of the state since post World War 1.

### **Holyoke Soldiers' Home Administrator/Staff Report (Mr. Lazo)**

Mr. Lazo reported that our current census is 107 veteran residents inhouse we have admitted 44 veterans since we reopened admissions in December. We have 1 admission expected this week once that veteran is admitted we will only have 3 beds available so we are getting very close to capacity.

Mr. Lazo shared that our current COVID situation is 100% of active staff members have received their first booster, which was mandatory, the second booster is available and so far 105 out of 107 or 98% of eligible veterans have received. He continued that 38 staff members have elected to receive the second booster. Mr. Lazo reported that the Home continues to test two times a week which continues to identify periodic positive staff members. As of today, we have 3 staff members out of the Home based on positive tests. He continued that we did have a small surge with a few veterans test positive with a total of 4 veterans over the last few weeks all have recovered and have been removed from isolation and have returned to their units.

Mr. Lazo informed the Board that 2 South, the isolation unit, construction continues with no issues identified at this point. He continued that we still have some other issues that we are working on with DCAMM to identify funding for exterior façade needs some work as well as emergency switches for the generator.

Mr. Lazo shared that yesterday the Home held the Veteran Community meeting with approximately 15 attendees, the agenda included admissions, infection control, survey readiness, and a briefing from Nicole Darden who is the team lead for the Central Western Mass SAVE team. He continued that Nicole talked about some of the resources that the SAVE team will bring to the table for the veterans in our area especially as we start to reach capacity. The next meeting is November 14.

Mr. Lazo said that the recreation activities continue and thanked the Board for the picnic the veterans and staff really enjoyed it. He also thanked some of our veteran organizations like the Vietnam Veterans, AM Vets, DAV Chapter 11, Knights of Columbus and the Elks they have been consistent partners in term of providing recreation activities, sponsoring picnics, bingo and ice cream soldiers. Two birthdays of note we have a veteran turning 101 and another veteran turning 100!

Mr. Lazo shared that we currently have 300 organic staff members with 289 active, we are at 96% active and reporting to work with our HPPD for July was 7.15 which remains above the CMS gold standard. He continued that our nursing leadership positions are just about filled with a 5 and final veteran care coordinator starting on August and our clinical nursing instructor will begin September 12. He shared that our quality manager candidate has accepted the position and should start in the next few days. Interviews for the budget director continue and we still continue to recruit line staff and all position as well as a clinical social worker.

Mr. Lazo reported the VA survey corrective action plan was submitted on the 27<sup>th</sup> of April and we continue to do the audits and the other work necessary to implement the corrective action plan so we can go back to the VA and apply for full accreditation, He continued that the Joint Commission was here in June and we had a very good survey with 9 low level findings out of 760 standards. The corrective action plan is written and is being reviewed for submission and is due to Joint Commission by August 14.

Mr. Lazo informed the group that we have received word from the VA that another state veteran home has backed out of the home construction process so we are eligible for a conditional award. The request for a conditional award was due to the VA on August 7 and was submitted. He discussed the Buyback Build America by America rules so there is a lot of work that needs to go into that studying that and seeing the impact it will have on bids and budgets. Mr. Lazo shared that we have submitted the request for the conditional award, and we have 180 days to complete our paperwork. Chairman Keefe asked how did you get notified that the state backed out. Mr. Lazo replied that we heard from Anna Goggin at the VA. He continued that the Build America by America there is a home in California that this particular loss really impacted their ability to complete their home, so they backed out of the grant.

Trustee Jourdain asked what is the length of the waitlist right now. Mr. Lazo replied that we have 60-70 applications on the list, in terms of time it is based on turnover. Trustee Jourdain asked at this point how many per month. Mr. Lazo answered we bring 3-5 per month but with only 3 beds remaining so we will be at capacity very soon. Trustee Jourdain asked if we give a letter to waitlist veterans so they know. Mr. Lazo replied that the admissions team has those discussions and we also have a letter when there are no beds available, the waitlist are made aware of their situation. Trustee Collins noted that it is great that you have made progress on nursing leadership and asked how many open RN positions remain open. Ms. Jones replied that we do not have a FTE cap so hiring is open and we are actively looking for the second and third shift but not currently actively looking for the day shift. She continued that we currently do not have a cap. Trustee Collins stated that this is based on the staffing matrix and getting out of the agency business. Ms. Jones confirmed correct.

### **Holyoke Soldiers' Home General Counsel Report (Atty Walker)**

Chairman Keefe introduced the General Counsel Brett Walker. Mr. Walker reported that we had one public request and it has been satisfied. He also advised everyone

that the governor has extended the allowances for remote meetings so we can continue to meet without a quorum physically present up to March 31, 2023 with a possible extension at that time. Trustee Jourdain asked when you are ready it might be good to have executive session debrief, I see there was and made some headlines recently and some of us were asked about it and we gave no comment there was a Newman case that was recently filed against the Home and we would like to get your perspective on this case. Mr. Walker replied that he has the information and is aware of the case working with general and will update the board however the board feels it is appropriate. Chairman Keefe suggested a possible executive session for next meeting.

### **Trustees' Finance Committee Report (Trustee Jourdain)**

Trustee Jourdain noted the last Finance Committee meeting was on May 23 and that we have had no meetings since for summer recess and will discuss with committee if there will be an August meeting. He continued that there was very big finance development since the last we met in June as a full board regarding the OIG report and the four different areas to give thought to. First is related to the donated funds aka the trustee account, he will save the recommendations that come from this and will also have some thoughts that he would like to see Mr. Walker or Mr. Deacon craft something and also examine the past, the good news is the past is the past on the Trustee Account that we have put the policies and procedures to do what we should be doing, if there are additional internal controls they don't really quite spell those out in this 14 page report if there is other suggestions we are open to them. Trustee Jourdain stated in retrospect to the canteen they took exception to us having a canteen and our authority to have a canteen as it relates to items 1 and 2 I do find it somewhat and I am not trying to be critical of the OIG because we are very thankful that they do this oversight but I am not quite sure what took 70 years and I would assume Chelsea has the same as us and we have been having a canteen for the vets and doing these things and I don't think there has been any sort of inappropriateness in terms of no "the authority to do these things". Trustee Jourdain continued that he believes this is more of a housekeeping matter in many regards in two respects. One is lets just make sure we have "statutory authorities" and specific languages that are in the spirit that the legislature wants us to have. He stated it makes if very clear, even in the new governance law that makes is clear that the board of trustees is going to oversee and administer the trustee fund, they restate this again in the new legislation so if they need specific language that we have the authority to hold and spend donated funds they want that specific working oversee and administer that is not enough they want specific wording hold and spend, I would encourage our legal counsel to get a model amendment to the legislature to put that through working with our gubernatorial partners. He continued that as far as the canteen goes they say that we did not have the statutory authority to run a canteen to maintain the canteen bank accounts and to purchase items for sale in the canteen for our vets. He could not think of that being at all controversial because it has been going on forever and he is sure if that was brought to the legislature's attention they would throw a sentence or two in there and happily do that for us, so I would encourage the lawyers in the room

working for the state to put that together and let's get that on the books. Trustee Jourdain stated that maybe the governor signs an executive order to allow it in the interim while we wait for legislature to make a change, I think that could potentially bring us in compliance while we are waiting for this additional statutory authority. He will bring it up at the next finance meeting and he would encourage Mr. Lynch they make recommendations in here about our notifications to various departments of say government relative to procurement and accounting and doing all the things we are doing for these at A&F or the state comptroller, we want to be transparent with everybody we publish all of our reports every nickel is publicly published and let everybody know where dollar goes, how much we take in and for what purpose and we are willing to show that to one and all. We would encourage our management team to use the MAR system as recommended in the report. Trustee Jourdain does not see anything in here that is remotely controversial, it is just a question of dotting t's and dotting i's in my opinion. He continued that there was also a discussion in the report Mr. Chairman relative to personally need funds and accounts it sounds like we are very close to being doing what we are supposed to be doing, they made some mention that we are not reporting these accounts to the controller or A & F and I would encourage us to do that. Trustee Jourdain said they made it clear that there were no irregularities relative to personal needs accounts for the veterans. He thinks this is an opportunity to reflect on internal controls, best practices and how we go forward in statutory authorities and we appreciate them for their guidance. Trustee Jourdain assumes that Chelsea is doing the same thing we are doing and we should implement together so everybody is on the same page and if we can move forward on that, that is what the Finance Committee would like. He added if the legal team could help us put whatever wording that needs to be together so it can be implemented. Trustee Mass stated that we might need additional member, for the Finance Committee, since Ms. Lacoste is off the board. Chairman Keefe replied that what we are seeing happen with the new composition, he do not believe will fill Ms. Lacoste because the new composition drops it down to 5. Chairman Keefe will follow up with Jordan Maynard at the governor's office and see where is with a backfill to Ms. Lacoste, but I am kind of getting the vibe off it that it wouldn't be filled since that Bill did pass. Chairman Keefe offered to dial in on the finance committee meeting and bylaws meeting.

Mr. Deacon wanted to let the group know that they received the report at DVS and he has already met with Mr. Cronin and Mr. Yankopoulos have been in touch with management at the Holyoke Soldiers' Home and we are going to work with management to develop a plan of correction to address this similar to a survey. He continued that there is a lot of findings and a lot of information in there and we are going to process that. Chairman Keefe asked if we are under an obligation to shut down the canteen right now. Mr. Deacon replied that this is more or less a holding money issue, there are some rules and regulations that we have to make sure we are abiding by when it comes to running the canteen. He believes the thrust of the OIG report was the funds are not being properly held and vetted; and there is not proper procedures in place. Mr. Deacon added that he does not think it is our intent to try and resolve that, it is not the intent to take away services from the veterans it is a matter of how do we comply with these laws and work with the comptroller's office to

make sure we are doing what we need to do. Mr. Walker spoke with Mr. Deacon earlier today about this very thing and I do not think we need statutory authority to operate the canteen. He could not find any legislation or statute that says as much the closest that we come in under chapter 6 section 133a where it says we have to give right of first refusal to the Mass Commission of the Blind which I am sure everyone sitting here has seen quite frequently at many Commonwealth owned facilities there will be a snack bar operated by the Commission of the Blind however in Section 133e of the same chapter says if it is already in existence though you do not strip away the license or the authority of the one that is already there. He continued that it is a discussion to be had between leadership of this agency and its trustees as to whether we want to make that an opportunity. Chairman Keefe added that he does think there is a sentence said in there the homes do not have the statutory authority that they fee we are violating, nothing was referenced. Mr. Walker replied that he underlined it in red because he could not find any statute that says that we need to have any such authority. What I do find is a statute under Chapter 6 section 70 that says the board of trustees and the superintendent manage and control the facility, which to me would including operating. He continued that Mr. Deacon makes a very good point about this very likely is discussing the management of the funds coming in and going out and I think, Mr. Deacon please make sure I am not misrepresenting your words, we have come to the believe that is what they are talking about is that we are not managing the money coming in and out of the canteen statutorily. I think that is the closes that I can get to it, but to the other point that Trustee Jourdain said there is a process under chapter 30 section 5 where we can ask the Governor to weigh in on whether this is an appropriate practice. Mr. Walker was not sure if we would want to elevate it to such a level, but I address it only because it was something Trustee me Jourdain mentioned. Chairman Keefe added that he thinks everyone has the same intent, we want to be in compliance and make sure that we continue to offer at least a minimum of the benefits of the canteen and programs we run with that fund right now. He continued that at the same time if someone was to leave money to the Home in their will that it goes to the Holyoke Soldiers' Home and it does not go to a general fund someplace. Chairman Keefe asked Mr. Walker to work with Mr. Lynch and the Finance Committee to make sure that everyone is well read on this as we are moving forward

### **Trustees' Operations Committee Report (Trustee Collins)**

Trustee Collins gave the Dashboard PowerPoint highlights. The KPI's are overall looking stable for people in safety, the one thing that we did drill down a bit on safety on the next page. He continued that the behavioral events continue to be somewhat problematic in the sense of not hitting our metrics, due to changing of medications and handle veterans different way versus medications. Trustee Collins reported that on the service side on communications we hit the yellow, we got a little bit better in regard to communications as well as in Pinnacle report. He continued that on the quality side things are looking stable but on the skin injury side we are still establishing that as a metric and he commented at the last full board meeting that just keeping this as a metric is fantastic and getting as base line on that and so we can set a standard is a



work in progress and we did see that over time it just dipped a hair and that is good news that we are getting a little bit better in regard to our overall staffing and hiring.

Trustee Collins moved on to the census and case mix was kept in as we talked about it because drive acuity level in the staffing pattern for each unit. He continued that it is an important metric because staffing is using it to make sure they are putting the right resources on the right units. Trustee Collins shared that it showed a little bit of an increase in acuity and would want to address that with you staffing pattern.

Trustee Collins continued on page two regarding the falls report expanded with more detail and he is encouraged that they keep this level of detail regarding fall events, looking at what shift it was, what the veteran was doing at time of fall, types of medication that may make them prone to dizziness or syncope, by unit day, and if there was an injury. When I looked at the data and drilled down I was at a loss, the only thing I saw was in regard to narcotics and antipsychotic being common in those had fallen but not big trends which in the past we had and we could address some interventions toward that. Trustee Collins shared that it is very helpful and useful data to focus on interventions. He asked Ms. Jones talk to it when I am asked for questions just on the behavior related and what that actually could potentially be prior to a veteran fall and on the PT/OT services this is a great breakdown and report for the services, and we have seen in some of our surveys that services does get a ding and part of that is waiting or billing. He continued that this was to show it went up this quarter, in regard to a referral to evaluation form last quarter it was 4 days and it went up to 6 days but we are still hitting threshold. Trustee Collins shared that there was some turnover in staff with challenges there but doing great work with a lot of progress in our veteran's therapy.

Trustee Collins shared the update on our privileges for some of our physicians as well as dental hygienist and the Operations Committee will work on how we track these non-provider staff. Ms. Jones reported on the behavior related prior to falls, that there is a mechanism of capturing what is happening at the time of a fall so for example one of the falls a veteran tried to kick another veteran and missed, so the with that momentum he fell back on his rear, so he would not have fallen if there was not a behavior.

Trustee Collins showed an example of the Joint Commission SAFER Matrix this matrix gives you a good idea whether something is widespread or limited or if they are just starting to pick up a pattern and the severity, whether it is low, moderate or high and you see all of our finding were in the moderate low limited pattern area. He continued that these findings were document inspections of fire extinguishers, equipment, temperatures documentation a lot of documentation issues. We will have to follow up at our next Operations Committee meeting about the National Practitioner Database and check how that is going and also abbreviations are no longer acceptable.

Trustee Collins discussed the quarterly Ombudsman Report that was submitted by Carolyn Finn. She was our guest at the last Operations Committee meeting. She is

keeping a lot of good metrics getting to the voice of the veterans and making sure they are closing the loop that is critical for them and making recommendations you see in the report. She also reported on recommendations that they can bring back to the Soldiers' Home to make things a little bit better and also working on the communication piece, she gave some feedback on some of the other findings to Mr. Lazo. Chairman Collins stated that Ms. Finn has listened in to our meetings in the past and has heard our concerns about how we always seem to perform poorly on our communication in our Pinnacle report. Chairman Keefe asked regarding the narratives that they will touch upon the communication flow and communication feedback of which if we go back and look at the score sheet and the KPI's, the last one there the Ombudsman program, residents, family and staff of the Holyoke Soldiers' Home would benefit from a structured grievance policy as required by 42CFR as part of the strategy to create more effective communications, who is responsible for developing such a program. Mr. Lazo replied that we do have a grievance policy in place. Ms. Menard shared that we do have a policy that has been approved and is on each unit so families and veterans have access to and we do have a structured. Chairman Keefe asked if the program has been in place for a while. Ms. Menard replied that it is newly approved and is a more formal process. Chairman Keefe asked Ms. Menard how can the board help you better market/communicate that that there is a process in the place. Ms. Menard said people were not aware and now it is on the floors and clearly marked and she brings it up at the Family meeting, Chairman Keefe asked if there is a link to this on the website, Ms. Menard replied no, Chairman Keefe asked if it should be there, and Ms. Menard said she would look into it. Chairman Keefe asked what is the process for feedback because the top two say the residents do not have a voice in Family Council meetings and they appreciate the meetings but feel things don't change. Ms. Menard believes it is just being very intentional about touching base with the people that have concerns and closing the loop, everyone needs to be more intentional about. She continued that she meets with the Ombudsman every week to resolve some things but not necessarily close the loop with the family, I assumed she was.

Trustee Collins continued with page 4 with the Pinnacle report sharing there was improvement in everything, we cannot get excited over one month trend because when we trend down I don't want anybody to feel like they are getting beat up. He continued that we are making progress and keep it up for a couple of months and only one dipped down over quarter averages and that was professional therapy related to some billing issues and delays of people getting, they are still hitting their metric. Trustee Mass asked regarding going back to the conversation of employee retention and getting more RN's, we had a conversation in late spring or early summer about an employee referral programs and other methods for bonuses or incentive to recruit nurses. Ms. Jones replied that there is a referral bonus program being explored by EHS, we meet with the recruitment team on a weekly basis and talk through where we are with current openings and vacancies. She continued that EHS is putting together something more formal in order to offer some incentive to employees to refer friends. Trustee Mass asked why they are not taking action. Ms. Jones does not know why but will ask next Tuesday and will email the board. Ms. Leahy followup on what Ms.

Jones was sharing that EHS an internal referral program for staff but I know that statewide last month rolled out a statewide referral program and we can look with human resources partners into leveraging that and seeing how we can use that to get some more employees. She continued that there is one statewide and it is not just us struggling to get employees, especially the healthcare sector. Trustee Mass asked if there is there anything else the trustees can do amplify the program by making a big deal about employees who do refer other people and recognizing them. He suggested a special highlight in a weekly newsletter, this would be the best thing we can do to get new talent is to get the people who are excited to be here to bring in other like minded professionals because they are the ambassador we could have out there. Chairman Keefe asked the group to think about a marketing campaign and how much that would cost.

### **Trustees' Bylaws Committee Report (Trustee )**

Chairman Keefe shared that there has been no meetings and we are waiting for the final approval of the admission and discharge paperwork. Mr. Deacon said that it has worked its way through EHS legal and they have ancillary documents and it is routing right now. Chairman Keefe asked if he has any guess to get that back. Mr. Deacon replied that he does not know because this one has been unique because the board wanted to get their edits and approval. He continued that normally he would sit with the lawyers at EHS and go over edits and go back and forth but in the case he wanted to make sure that the board was the one to give final approval of edits. It is taking longer than other regulations but from here I am not sure how much longer it is going to take on their end.

### **Superintendent Hire Committee Report (Trustee )**

Chairman Keefe asked for the states on the RFR for the Superintendent hire. Mr. Deacon replied that he worked with John Cronin to have something drafted and then the governance bill dropped last week so we are processing that with the transition items to make sure we are going in the right direction, we are ready and working with EHS for the implementation plan for that.

Chairman Keefe asked to get the group thinking of upcoming events to get to the finance committee for money. Mr. Lazo said we are working on it.

### **Old Business**

#### **Update of EMR vendor contract (Mr. Engell)**

Mr. Engell reported that we do have a contract in place for EMR vendor, the contract for implementation of the EMR and the PMO is in executive sign off process right now and hope to have that finished shortly and then put out on the COMMBUYS and finish off in the wintertime frame to start selection and starting the implementation. He continued for pharmacy we have aa NOI that is being finalized to go to ESO and then that will align with full implementation of the EMR. Trustee Collins asked if he could give a timeline of a roll out so Mr. Lynch can address that at the next Operations Committee meeting. Mr. Engell replied that we anticipate the start of the

implementation in January with a roll out 12-18 months, our goal is to leave no staff member behind as we do a slow roll out implementation process that evaluates and assesses each of our staff members utilizes the EMR along the way. He continued that is why we have been so deliberate and slow in this process to make sure we have an effective partner for that implementation to do training, education and change management and partnership with the clinical leadership of both Homes.

**Update on VA Small Home Grant Program (Sec. Poppe/Mr. Engell/Trustee Keefe) above**

**Staffing Status (Mr. Lazo)**

Mr. Lazo shared that Maggie Feyre, of Recreation, after 38 years will be retiring in November. He continued that we have started the hiring process, to bring the right candidate in to work with Maggie over the next few months to get that knowledge transfer that lets you so the new person can learn as much as they can.

**New Business**

**Discussion H.4441/S.2761; Act on governance, structure and care of veterans at Commonwealth's veterans' homes (Atty Boyle/DVS)**

Ms. Boyle stated that the governance bill has passed, and the Governor has signed it and he did send it back with an amendment because it was going to be quite speedy and be in place in 90 days and that seems a little too fast so we asked the legislature for a little bit more time and they agreed. She continued by October 31 we need to file implementation plan that will explain how we are going to manage the transition from DVS being part of an agency within the EOHHS to DVS being a Secretariat that is going to stand on its own. On March 1<sup>st</sup> when DVS will stand on its own as a Secretariat.

Ms. Boyle reported that there will be two boards of trustees one for State Operated Veterans Homes one for Holyoke and one for Chelsea. She continued that each will have 5 members, 3 of which have to be war veterans or gold star mothers or families, each trustee will have a 5 year term and the members of the board select a chair and the idea is that the board of trustees represents the local community, residents and family member of the home. She continued the board of trustees, each ex officio as voting members on the veterans home council. Ms. Boyle informed the group that one of the important jobs of the board of trustees is that there is a vacancy or when there is for the superintendent of the board of trustees submits a candidate for considerations to the Veteran Council then it goes up to the Secretary of Veteran Services. Chairman Keefe asked what defines local community the old statute was very clear membership by the counties, and we have to meet 9 times year so how often will we have to meet. Ms. Boyle replied that the statute does not define how often you meet so I will give it another look and there is no actual definition of community either. Ms. Boyle stated that when it came to Holyoke they were very specific definitions about where the trustees had to come from different counties, for Chelsea that language never existed. Chairman Keefe asked who would make the

appointment to the board, Ms. Boyle replied she thinks the nominations come from the Secretary of Veteran Services, the Governor may remove but the Secretary does the appointment for a 5 year term. Trustee Jourdain asked in the flow to become a superintendent you have the initial recommendation by the board which goes to the Veteran Home Council then to DVS Secretary and he/she makes the final appointment. He continued that it does not say it is not limited to that nominee it only says you nominate one person, it puts the initial onerous on the local board to come up with the candidate, Veteran Home Council picks only one candidate to recommend so it leaves the local board to lead the process, it is interesting how this is going to play out, but at the end we recommend someone and they recommend someone and then the secretary picks from that. Ms. Boyle said to let her talk through so people can see each of the different levels. She continued that next step is that there is one Veteran Council, and the trustees are ex official of the Veteran Council and they vote on the Veterans Council, and they have a four year term. She Continued that the Executive Director of Homes and Housing is the chair of the Veteran Council and the Adjunct General of the Main is also on the Veterans Council, the Governor gets appointee, there is a series of different folks who get appointed. The Secretary of Health and Human Services gets 3 appointees especially who have knowledge about long term care, healthcare and experience in nursing. She continued that one of the big jobs of the council is to take the recommendations of the board of trustees if there is a vacancy in the superintendents position and to recommend candidates to the Secretary of Veteran Services, they do both of those things. Ms. Boyle said in the end it goes to Secretary Veteran Services is the one who makes the decision of who is going to be the superintendent and the secretary is the one who kicks off the search of a superintendent the secretary is responsible for identifying that there is an opening for a superintendent if there is a vacancy the superintendent is required to give notice within 10 days of a vacancy to the Secretary of Health and Human Services, to the Veterans Home Council and to the board of trustees that a vacancy exists and this kicks off the process to pick a new superintendent. She continued that this makes it very clear who the superintendent reports, this was an area that was lacking in clarity, to the Secretary of Veteran Services and can be terminated by the Secretary of Veteran Services without cause. The Secretary of Veteran Services is responsible for managing the Home. Ms. Boyle shared that there is a Department of Veteran Services that is Office of Veterans Homes and Housing within the Department of Veteran Services that has a lot of different responsibilities and one of those is to employ an ombudsman. She continued that the trustees and council have to do annual reporting that goes to legislature, governor, Secretary of Health and Human Services. The superintendent needs to be a licensed nursing facility administrator and the Home needs to be licensed as a nursing facility, the Department of Public Health will do at least two inspection every year and they need to be certified by CMS. Trustee Keefe asked about the reports for trustees and the council, what kind of reports because these are going to be volunteers and one of the problems that was highlighted in the Pearlstein report was the lack of clinical and long-term care knowledge of a board so you have two bodies of volunteers to be tasked to do reports and send up, who is going to compile all those reports. Ms. Boyle replied that the reports do have quite a bit of substance, you gather information from the Executive Director of Homes and

Housing. Mr. Engell added that his interpretation is that it would be comparable to the annual reports that are submitted now, and it is carry forward with additional level of detail. He continued that both homes and their administrative management teams compile reports come through their Homes boards which then for their review with the understanding presentation to the board then come to the council for the similar project for the larger group and then submitted up to Secretary. Chairman Keefe for the board of trustees right now what the subcommittees are doing you are right a historical data is produced every month and it complies so it puts together an annual report easily together. He continued what is the veteran council going to be doing for a report. Ms. Boyle said the Secretary of Veteran Services will help you out with the report and Mr. Deacon added this is something that I think we made reference to and I know Ms. Boyle brought up, an implementation plan and working with EHS we are kind of building in some of these requirements to what our needs are going to be at the Cabinet level to support the mission of all the new boards, we certainly understand where you are coming from, and I don't want you to think it has fallen on deaf ears or you are coming out of left field here because we are working very closely with EHS to find out what needs are and what kind of support we are going to need. He continued that internally at DVS.

Ms. Boyle shared that an Office of Veteran Advocate was created and that is new and that is to be flushed out to look out for our veterans. Chairman Keefe asked it does not Veterans Advocate does not answer to DVS. Ms. Boyle replied that they are independent it is similar to the Office of the Child Advocate that is an independent and they do what they think is right under their mission. Chairman Keefe confirmed that they do not fall under the Inspector General, Ms. Boyle replied no.

Trustee Jourdain asked as we go from 7 to 5 it seems to suggest that basically anybody whose terms expire before February 1, 2023, that they are gone until it goes down to 5 does that sound right. Ms. Boyle replied that she thinks that is the plan and they will let folks roll off. Trustee Jourdain questioned if that is the way to March 1 or is it just the DVS portion becoming its own secretary delayed till March 1. Ms. Boyle asked if Trustee Jourdain was asking whether the trustees occur in February. Trustee Jourdain stated that the bill is delayed until March 1 because the Governor got additional time. Ms. Boyle shared that the trustees does not take place until February it is the move of the DVS from being part of EOHHS to be a standalone secretariat that is delayed until March 1. She continued that the move of the trustees going down to five start February 1. Trustee Jourdain stated that he knows they need to think this through on the superintendent appointment thing but do you think the way it is probably going to be like the DVS Secretary would announce to us then he or she would create a whole process and we would all sit in on this process and then it is ok local board of trustees we give you the first crack at the recommendation and then the recommendation goes to the next level and then they say yes or no to our recommendation or come up with their own different person and then that person goes to the Secretary and he or she is able to say yes or no or reject all recommendations or pick whoever they want. He continued how does this mechanically work or is it we do the search and then we make a recommendation, and the next person makes a

recommendation and then he or she picks. Trustee Jourdain stated that there is going to be a lot of cooks in the kitchen if it is everybody is sitting because otherwise there is 5 of us and then there is 19 on the VHSC we would all have to sitting in this process to be able to intelligently do our due diligence to make recommendations. Ms. Boyle appreciates that but she would advocate for focusing on your role as trustee to come up with a recommendation for the council and then to as council members also to come up with a recommendations for the Secretary that is your role. Trustee Jourdain said that we will have to figure what that looks like, he will be interested in seeing what the procedure becomes because you know we have a vacancy right now. He asked what is the vision of the administration, that is not your call Ms. Boyle you are just he legal advisor. Trustee Jourdain asked a rhetorical question not worthy of an answer at this point just for people to think about. He is assuming that the local process is put on hold and we are going to leave things as is and then there is going to be this process for whatever number of months and this would mean holding everything off until March 1 because we do not have a Secretariat yet or should we continue with everting going forward before March 1 when it takes effect and this would be the process for down the road. Trustee Jourdain asked what do you envision the boards annual training it says all of us have to go to an annual training and what do you think that would look like. Ms. Boyle replied it loosely describes that annual training and it is all of the laws, applicable laws, regulations, and open meeting law. She continued that the board could use training on the open meeting law and the board could use training on parts of 30A on how regulations are promulgated because there is a lot more focus on having a more regulatory process, and may be something that might be worth some thought. Trustee Jourdain shared that one of the takeaways from having been a new board member at one time is there is a lot conflicting information or there was never really an orientation for new members, and on what our real authority is and part of the jam up as we do the post game analysis over the last few years is there was all this conflict over what the boards authority was and really educating people what they are signing up for and what they are supposed to be doing. Ms. Boyle she agrees that a training on what is the enabling statue that you are working with would be essential and you know conflicts law is something that every board member should be trained on along with open meeting law. Trustee Jourdain shared that one thing he was encouraged to see was that the trustee account funds are to be directed by the local board and we were to hold and administer those funds. He continued that as we synthesize that with what we heard from the OIG to strengthen that language and leaning on yourself and Mr. Deacon and Mr. Walker to help us piece that together. He asked Ms. Boyle that you minus the DVS Secretary at this point this is law and minus piece the piece that is delayed we are a 5 person board as of Friday, Ms. Boyle replied that would be as of February 1.

Trustee Mass asked Ms. Boyle to tell us the difference between the responsibilities of the local board vs the expanded council. Ms. Boyle replied that the local board is the eyes and ears of the community residents and the families, but they are advisory and does make a recommendation to the council but the council has the broader view and has representation that is more boarder expertise, healthcare expertise, trustees from both homes, government appointee, healthcare, provide report to legislation and

governor at a more expert level and the council has direct contact with Secretary of Veteran Services to the council by the Executive Director of Homes and that person is a direct report to Secretary of Veteran Services and the Council is much more directly connected to the Secretary of Veteran Services than the trustees. Trustee Mass asked as he understands it on what I read and what I saw is that the duties of the board is to hold the funds of trustee account, to make a recommendation on the Superintendent to the Statewide Board, to pass on report to the Statewide board and to provide advice to anyone who cares what we have to say. Ms. Boyle confirmed his statement. Trustee Mass continued that the Statewide Boards responsibilities are the same except for the controlling the funds. Ms. Boyle confirmed that they do not control the funds and they produce a report. Trustee Mass asked if they control the Home and Ms. Boyle stated they do not. Trustee Mass stated that there is rule or regulations by either body at this point. Ms. Boyle confirmed. Trustee Mass added that it is exclusively by the Secretary of Veterans Services and the employees who directly report. Ms. Boyle replied that is correct. Trustee Mass continued that other than the funds no one has to listen to either board there are no requirements that they follow any recommendations that anyone makes. Ms. Boyle replied that is correct the superintendent reports directly to the Secretary of Veteran Services that is crystal clear. Trustee Mass said that as far as the appointment of the superintendent an ex officio to make a recommendation to make a recommendation for superintendent in Chelsea. Ms. Boyle replied yes you will have a voice in that. Trustee Mass stated that isn't it fair to say that similarly to the Department of the Board of Higher Education has a say in who is appointed as the president of an individual community college there are just sort of a role primarily to prevent any candidates who goes forward who is way outside the extreme form that would normally go to on way off the rails. Ms. Boyle is not sure how to answer that but the role is to put forward a recommendation of a candidate to Secretary of Veteran Services. Trustee Mass asked if the Statewide Board can choose from other than the candidates that are put forward to them. Ms. Boyle replied that there is room to interpret the statute that way. Trustee Mass asked if there is another part of government that do it this way, we have other structures that have these nomination processes. Ms. Boyle replied that she is not an expert on this to be able to answer that question. Trustee Mass thinks that as the process is being developed that is worth looking at when we are at analogous boards that appoint executives and he thinks that the Department of Higher Ed is a good example of how local boards appoint a statewide board has ways in and ultimately the decision is made, in that case it is made by the local board but check off by the state. He continued that he does not know if I can add a lot of meaningful insight to who the superintendent of Chelsea is going to be and that is what I am concerned about. Ms. Boyle replied that you only have one small, you are one member in a large council. Trustee Mass replied that he worries about my roles whether I am one member on a board, I want to make sure I am doing my job. Trustee Collins asked hypothetically if we were to move forward and we find a superintendent and we hire and take that action and the new Secretary comes in they could fire the new superintendent. Ms. Boyle replied that is true. Chairman Keefe asked if there is not statutory requirement on how many minimum meetings should put in place does this bill totally nullified previous statute that apply to



the Holyoke Soldiers' Home and Chelsea to include the requirement of the annual joint meeting. Ms. Boyle stated that she did not think it was a statute to begin with that was something the boards did because they thought it was a good idea. Mr. Deacon shared that it is a statute when they promulgated that position of the executive director of homes in the Valor Act Chapter 115. Chairman Keefe will leave Ms. Boyle on the agenda for questions moving forward.

No executive session today.

Chairman Keefe asked if we are due for an investment brief, Trustee Jourdain we did at the May Finance Committee meeting, he can ask him to do a full layout for the September Board meeting. Chairman Keefe replied that he would like him to attend.

**Adjourn:**

Trustee Jourdain made a motion to adjourn the meeting and it was seconded by Trustee Collins. It was unanimously VOTED to conclude the meeting at 3:41 PM.

The next meeting will be September 13, 2022.

Respectfully submitted,

Kathleen Denner, Acting Secretary for the Board of Trustees

**Attachments:**

