

**EXECUTIVE OFFICE OF ELDER AFFAIRS**  
**MEETING OF THE ASSISTED LIVING ADVISORY COUNCIL (ALAC)**  
**Minutes – September 25<sup>th</sup>, 2018**

Those who attended the meeting included:

ALAC members: Mary Jo Boynton, Linda Cornell (by phone), Brian Danaher, Kim Martone, and May Shields.

EOEA staff: Secretary Alice Bonner, Matt Casey, Emily Cooper, Siobhan Coyle, Trisha Marchetti, and William A. Travascio.

Guests: Beth Anderson, EPOCH Senior Living, Nicole Breslin, President & CEO of Youville House and Youville Place, Brian Doherty, MA-ALA, Alexandra Esielonis, Serlin-Haley, and Andrew Salmon, SALMON Health and Retirement (by phone), Elisha Sherman, LeadingAge Massachusetts.

Documents: September 25<sup>th</sup>, 2018 Meeting Agenda, July 24<sup>th</sup>, 2018 Meeting Minutes, 2017 ALAC Annual Report, 2017 Resident Aggregate Information Annual Report, and ALR Consumer Disclosure Statement.

**Call to order:** The meeting was called to order at 10:03 am by Secretary Bonner.

**1. Welcome and Introductions**

**2. Review of Minutes:**

May Shields made a motion to approve the minutes from the July 24<sup>th</sup>, 2018 meeting as amended. Brian Danaher second the motion and the minutes were approved unanimously.

**3. EOEA Updates:**

Trisha Marchetti, Director of Assisted Living Certification – EOEA, passed out copies of the 2017 Annual Aggregate Data Report to the ALAC members. She added that the report will be posted on EOEA's website by October 1<sup>st</sup>. Trisha noted that the data shows that there were not significant changes from the previous year's report. However, there were some incremental increases in areas such as: ambulation assistance, assistance with eating, and other activities of daily living. Trisha added that 5 new ALRs have already opened this year with 2 more to potentially open by the end of the calendar year. 3 ALRs also closed this year.

Secretary Bonner mentioned that Argentum, National Association of Assisted Living Residences, recently held a conference in Boston. She added that these annual reports are helpful, especially when comparing Massachusetts to other states.

Next, Trisha Marchetti mentioned that under 651 CMR 12.08(4) EOEA may create an informational coversheet for each resident agreement. EOEA is hoping to implement the coversheet at ALRs beginning December 1<sup>st</sup>, 2018. The purpose of the coversheet is to summarize key points for the consumer and to "paint a more complete picture" of what assisted living is. The coversheet would be a separate document for the consumer to read and sign, at the time of signing.

Matt Casey, General Counsel – EOE, added that the purpose of showing the document to ALAC is to get feedback from the members before it is implemented.

Brian Danaher said that it would be crucial for the industry to have lead time so as to incorporate it into their move-in packets and to instruct staff as to how the form should be filled out.

May Shields asked if the coversheet would be filled-in at move-in or at the assessment?

Matt Casey and Trisha Marchetti said that the document is intended to be completed when the residency agreement is being signed.

Mary Jo Boynton thought that this form is information. She added that this is something the consumer should have before move-in and before the residency agreement is signed.

Matt Casey asked if the residency agreement is typically signed at the time the consumer moves into the ALR?

May Shields and Mary Jo Boynton responded yes, that the residency agreement is typically signed at move-in.

Brian Danaher said that the disclosure is given to consumer in advance of the initial assessment and then reviewed with the consumer at the assessment.

Matt Casey asked when the residency agreement is reviewed? He added that one of the main reasons why this form is being implemented is to help cut down on the confusion between ALRs and nursing homes.

May Shields replied that the agreement is reviewed at the initial assessment and signed at the time of move-in.

Mary Jo Boynton felt that having the coversheet in advance might help the consumer determine if an ALR is appropriate for them, or not. She suggested that this coversheet be included with the disclosure and any promotional materials about the ALR. She added that the form is an excellent idea.

Trisha Marchetti said that the initial reasoning behind tying this form to the residency agreement is because that is what is said in the regulation. She added this form could be given to the consumer in advance of the residency agreement signing. However, the expectation is that at the time of signing the consumer understands what they are signing. Signing the coversheet iterates that they have reviewed all of the other material previously, that the ALR is giving them. An ALR staff person should review each line of the coversheet with the perspective consumer.

Brian Danaher said that while the intention of the form is to summarize the residency agreement,

operationally it fits better with the disclosure statement.

Linda Cornell (by phone) mentioned that the form sounds like a good idea from her perspective because it reminds the consumer what they agreed to when they moved-in.

Brian Danaher felt that point #7 under the "Residency" section of the coversheet should be edited or omitted. This is because signing the residency agreement does not necessarily mean that the consumer is waiving their right to use the court system to resolve disputes with the ALR. This is because some companies, such as Benchmark, have a separate form that discusses arbitration.

Secretary Bonner said that DPH crafted a similar form for nursing homes some time ago. She thanked the members for taking time to review the form and for their feedback.

Brian Danaher suggested that perhaps it would be less tedious for consumers to initial after each section of the form, instead of adding their initials after each line. The form should try to be as user friendly as possible.

Kim Martone felt that it would be important for the ALR staff person to review each line with the consumer, and the consumer's family, to ensure that they understand each item. This is especially true if they have not taken time to fully review all forms given to them by the ALR.

Matt Casey asked the ALAC members if anything should be omitted, or if anything should be added to make the form more comprehensive, while also keeping the document to 1 or 2 pages.

May Shields added that the form should be available in languages other than English.

Secretary Bonner suggested having one more discussion at ALAC before it is implemented. She added that ALRs should give feedback to EOEA once it is implemented.

Brian Danaher asked about an LGBT Training that EOEA would oversee for anyone who contracts with EOEA and OLTSS. The training would also be for staff at nursing homes, rest homes, and ALRs.

Secretary Bonner responded that EOEA has been working with Lisa Krinsky and the Fenway Institute to develop it. The training would be available online and would take about an hour to complete. After the training there would be a short test for the staff person to complete.

Brian Danaher asked if there was a deadline for it to be completed by.

Siobhan Coyle, Legislative Liaison & Deputy General Counsel, said that the requirement is that all new hires complete it within 9 months of hire. However, there is no date specified as to when the training must be implemented by EOEA.

Brian Doherty, MA-ALA, asked how the training would be implemented and if companies who

already offered an LGBT training could be reconciled.

Siobhan Coyle responded that it would be available by a single online source so that it is available to everyone. She added that EOEA is looking at equivalency.

Brian Doherty, MA-ALA, mentioned that MA-ALA would like to incorporate it into trainings that they offer.

Secretary Bonner pointed out the training would need to be free because it is a state sponsored training.

May Shields asked if this would count towards in-service hours per year?

Matt Casey and Siobhan Coyle responded that no, they would not be because it is a separate legislative mandate.

ALAC Annual Report:

There was a brief discussion about the 2017 ALAC Annual Report. The report can be found on EOEA's website. If there are any questions, ideas, or suggestions, they can be submitted to Bill Travascio at EOEA.

#### **4. Residency Agreement (R/A) Disclosure Form:**

Secretary Bonner mentioned that this was a form that ALAC members previously reviewed. Since the last ALAC meeting the form was piloted at three ALRs. The form is in response to feedback that EOEA and the Governor's Council to Address Aging in MA has received. The eventual goal is for members of the public to be able to compare ALRs as best they can. The Secretary added that Emily Cooper, EOEA's Chief Housing Officer, has received feedback from the ALRs that participated in the pilot and will report back to ALAC. As the form evolves, EOEA would like ALAC's feedback.

#### **5. Industry Updates:**

Brian Doherty, MA-ALA, thanked Trisha Marchetti for attending MA-ALA's recent regulatory training. Close to 300 people attended. MA-ALA's annual conference will be on October 25<sup>th</sup>. At this conference there will be 5 tracks available for conference participants, covering all ALR staff levels: Resident Care, HR, Operations, Sales & Marketing, and a track covering dementia care.

Brian Danaher mentioned that a Benchmark ALR did lose power during the recent Merrimack Valley gas outage. Other ALRs in the Benchmark network came to the aid of the ALR that had lost power by providing extra meals and a host of other assistance.

Beth Anderson, EPOCH Senior Living, mentioned that one of their residences that just opened in

Andover had to be evacuated. She added that because the property had just opened, only six residents were residing there, at the time.

Secretary Bonner thanked Trisha for reaching out to all of the ALRs in the Merrimack Valley region to make sure they were operating alright.

Elissa Sherman asked how many ALRs are members of MassMap?

Trisha Marchetti indicated that 35% of ALRs are members.

## 6. **Other Topics for Discussion:**

Secretary Bonner mentioned that Dr. Lucien Leape, who had been serving on ALAC for the last few years as a consumer, has resigned. Secretary Bonner thanked Dr. Leape for his service to ALAC and added that he brought a unique voice to ALAC, both for his experience in the medical field and because he is a resident in an ALR. Secretary Bonner welcomed the ALAC members to recommend ALR residents to be appointed.

Elissa Sherman mentioned that the LeadingAge National Conference is October 28<sup>th</sup>. Brian Danaher added that the next Argentum National Conference is in May, 2019.

Beth Anderson, EPOCH Senior Living, asked whether ALR plans of correction would be posted on EOEA's website in response to the findings letters.

Trisha Marchetti responded that while the plan is to not post that right now, that doesn't mean that they won't be posted in the future.

Beth Anderson and Brian Danaher suggested that the plans of correction do be posted at some point. This is because it will give the consumer a more holistic view of the ALR, especially since EOEA's survey goes back two years.

Matt Casey responded that the purpose for putting the findings letters online was to address the number of public records requests that EOEA was receiving. Matt noted that traditionally when a PRR request is received, the requestor is only asking for the findings letter. He added that since the letter is created internally, staff will know if it needs to be redacted or not. If EOEA, at some point, decided to post plans of corrections than they would need to be reviewed to see if they would need to be redacted at all, before going up online.

Secretary Bonner suggested that EOEA could create a template for ALRs to use when they are submitting a plan of correction. She added that her team would discuss internally about potentially posting the plans of correction on the website.

**7. Adjournment:**

The meeting adjourned at 11:04 am. The next meeting is scheduled for Tuesday, December 18<sup>th</sup> at 10:00 am.

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