

EXECUTIVE OFFICE OF ELDER AFFAIRS
MEETING OF THE ASSISTED LIVING ADVISORY COUNCIL (ALAC)
Minutes – January 29th, 2018

Those who attended the meeting included:

ALAC members: Mary Jo Boynton, Karen Bresnahan (By Phone), Brian Danaher, Lucian Leape, Kimberly 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, Martha Chamberlin, Mass-ALA, Tom Grape, Benchmark Senior Living, Pierce Haley, Serlin-Haley, Andrew Salmon, Salmon Health, Elissa Sherman, LeadingAge Massachusetts, Micha Shalev, Dodge Park, and Beth Vittori, Rockridge Retirement Community.

Documents: January 29th, 2018 Meeting Agenda, September 26th, 2017 Minutes, and 2018 ALR Survey.

1. **Call to order**: The meeting was called to order at 2:05pm by Secretary Bonner.

2. **Welcome and Introductions**

3. **Review of Minutes:**

Brian Danaher suggested that on page one of the minutes that the word “begin” should be changed to “began.” Brian made a motion to approve the minutes as amended. May Shields seconded the motion and the minutes were approved unanimously as amended.

4. **EOEA Updates:**

A. Annual Aggregate Data Report:

Trisha Marchetti, ALR Certification Program Manager – EOEA, began by stating that under the regulations there is certain information that EOEA needs to collect with regard to Assisted Living Residences. Since 2006, EOEA has been collecting data from ALRs and periodically questions have been added or removed. For instance, this year a question is being added that asks ALRs if they have emergency generators. Under the regulations, this report is due back to EOEA by March 1st.

May Shields suggested adding a question that would ask how many ALRs take consumers with a SCO, PACE, or OneCare plan.

Trisha Marchetti said that she would check with EOEA’s analytics team to add that as a question.

Kim Martone asked if a question could be added that would ask how many elders required assistance with transfers.

Trisha Marchetti said that, that could be a data point that would be harder to collect because

transfer assist would first need to be defined, such as; whether it's a one person or a two person transfer assist. Trisha said it's something that could be added to next year's survey and that if so, the industry would be alerted in advance so that they can track the number of assisted transfers from month-to-month.

Brian Danaher offered that it would be helpful to know the language of the question in advance of the question being added to the survey.

Trisha Marchetti said that the goal would be to get the survey out to the industry by Thursday, February 1st. The question about the SCO, PACE, and OneCare Plans, is something that can be added for this year. Council members should submit any comments in writing by close of business on Tuesday, January 30th. Trisha also said that the ALR and analytics teams would discuss how to add the assisted transfer question(s).

Mary Jo Boynton had a question regarding the ALR unit percentage question.

Trisha Marchetti responded that at the time that question was added, the goal was to determine how many double occupancy units there are in a residence.

B. Website Revisions:

Emily Cooper, Chief Housing Officer – EOE, said that there is no new news. Recently Mass.gov migrated to a new platform and that the focus has been to move information and resources from the old site to the new site.

Secretary Bonner asked the Council if there are materials that are not on the old site that they would like to see on the new site.

Dr. Lucian Leape said that it would be helpful to see comparative data of ALRs. Or, share the information about each ALR that EOE collects.

Emily Cooper responded that the hope is to make information about each assisted living available on the website as soon as possible.

Trisha Marchetti suggested that consumers can also file a public records request.

Secretary Bonner said that the Centers for Medicare and Medicaid Services (CMS) have information on their websites (Nursing Home Compare, Hospital Compare) that compare facility data. Consumers can also find certification reports as well as summaries. She mentioned that these websites were designed with much feedback in mind and the hope is for EOE to do the same with ALRs here in Massachusetts. The Secretary mentioned that she recently spoke at a Mass-ALA Board Meeting about posting ALR rates, so that it would be helpful for the general public. The goal is to post information with disclaimers so that consumers would have an idea of what staying in an ALR

would cost without overwhelming them with too much information. EOEA would like to post a price range for each residence.

Kim Martone mentioned that she would like to help EOEA find a way in which that information could be posted. She said that she hears requests from families all the time about how much it could cost their loved ones to live in an ALR.

Emily Cooper suggested that one way this information could be posted, is that the consumer could take a survey in order to find potential compatible ALRs. Possible questions could include: food plans, room size, services available, etc.

Elissa Sherman, LeadingAge MA, mentioned that if the website showed a base rate for each residence it would help a consumer determine if they could afford that property or not. Elissa mentioned this rate would need to come with a disclaimer that the amount paid would be more because of services added on.

Dr. Lucian Leape suggested that EOEA could set a standard for what is included in a base rate.

Matt Casey, General Counsel – EOEA, said that in the current regulations EOEA requires that a base rate be bundled together with services. However, the regulations do not specify how it is bundled. Matt replied to Dr. Leape that while EOEA could recommend criteria that should be included in a base rate, the ALRs would not be required to follow them.

Dr. Lucien Leape asked why facilities package their rates differently, especially when the people who need to access these rates are a vulnerable population. Dr. Leape added that ALAC has an obligation to ensure information is posted in a way that is easily understandable and useful.

Secretary Bonner asked the Council if it would be helpful if a small working group were convened in order to help develop some policy recommendations with regard to posting ALR rates. The group could meet in-person or on conference calls.

Barbara Chamberlin, Mass-ALA, mentioned that Mass-ALA previously had a section on their website that showed ranges of pricing of Mass-ALA member ALRs. It also included some parameters that consumers could search residences for. This portion of the website is currently unavailable because of changes to the Mass-ALA website.

Tom Grape, Benchmark Senior Living, said that it comes down to simplicity or consumer choice. He mentioned that some residents want to bundle their services versus others want to only pay for services as they need them.

5. **SCR Staffing; non-compliance, the exemption process and discussion on alternate options for appropriate coverage:**

Secretary Bonner asked if there are different models of ALRs that the Council members have seen in other states that might work in Massachusetts. In addition, she asked if the Council has a strong sense of staffing ratios in ALRs. In Massachusetts, the minimum staffing requirement is two staff on duty, but it is up to the residence to have the appropriate number of staff available to meet the needs of their residents.

Mary Jo Boynton asked what the average number of residents is in a Special Care Unit.

Trisha Marchetti said the average number is 26. The average number of residents in a Special Care Unit that applied for the exemption is 15-18.

Dr. Lucian Leape asked if there is any correlation between resident falls, the size of the residence, and the number of staff.

Trisha Marchetti said that there is not a direct correlation because ALRs are not required to report all instances of a fall.

Secretary Bonner stated that ALRs are required to report staffing on critical incident reports.

Dr. Lucian Leape asked how many critical incident reports are submitted to EOEa for falls and elopements every year.

Trisha Marchetti indicated that thousands of critical incident reports are submitted per year.

Matt Casey noted that there are between 17,000-18,000 consumers in ALRs. Matt also stated that not all falls are created equal. For instance, a resident could suffer a fall that is not related to staffing levels in an ALR.

Emily Cooper introduced Micha Shalev, Owner of Dodge Park, a rest home in Worcester that serves people with dementia. Micha Shalev stated that his facility falls under DPH regulations. At his facility a nurse is available 24/7. There are two nurses available during the day and sometimes there are two nurses on the night shift as well. The night shift runs 11:00 pm to 7:00 am. He said that he has a 50 bed and 60 bed facility. At both facilities, the consumer to staff ratio is 7-1 at night and 5-1 during the day. He also mentioned that the regulations under Chapter 22 - Community Licensing for the State of California are concise. If Massachusetts wanted to change its regulations, perhaps the Commonwealth could adopt something similar. Micha also noted that the only state that has enacted resident to staff ratio regulations is the State of Florida.

Matt Casey asked how residences' determine what is sufficient staffing. He noted that "sufficient staffing" is not tied to a number in the regulations. Matt also asked how frequently do residences' assess their residents to determine if a higher or lower number of staff is needed.

Brian Danaher replied that Benchmark will do an initial assessment of a resident at the time of

move-in. A reassessment will be done a “period” after that, followed by an assessment every year. An assessment will also be done whenever there is a major change in the resident’s health. He went on to say that these assessments then inform what the staffing needs are. Brian noted that EOEa has determined, in some cases, that buildings with a special care unit are treated as two buildings because of the geographic layout of the building. This would mean that each wing would be required to have 2 staff persons available.

Matt Casey noted that in situations like that, it would make sense for that property to apply to be considered for the exemption because each wing could have one staffer and then a 3rd person could act as a floater between those two wings.

Emily Cooper noted that EOEa, from time to time, has received reports that some ALRs have not met the 2 person staff member requirement.

Several Council members asked what the repercussions are for not coming into compliance.

Trisha Marchetti mentioned that an ALR could be suspended, but noted that the breach of the regulation is not always purposeful. For instance, if a staff person calls out of work. In cases such as that EOEa works with the ALR to ensure that there is a plan in place so that the ALR is in compliance.

Matt Casey said that it is on a case by case basis. However, if there are repeated violations it could mean a: modified certification, attrition, or suspension.

Mary Jo Boynton mentioned that from the perspective of a family member to an elder, it is important that enough staffing is available for the residents. Mary Jo pointed out that staff working the night shift are performing other tasks, in addition to monitoring residents who might need help.

Secretary Bonner added that she has visited the residences that have requested the exemptions.

6. Industry Updates:

Brian Danaher said that since the last meeting the Branches at North Attleboro has been built and certified. It is open for business and residents have begun to move in.

Secretary Bonner asked that with technology in mind, what incentivizes a consumer to enter an ALR instead of living at home with services or living in a rest home.

Elissa Sherman, LeadingAge MA, mentioned that there are some challenges with some of the models. For instance, there is a moratorium on building nursing homes in Massachusetts and there are regulatory challenges with the rest home model. She also said that some developers have found that residential buildings that accept SSI provides for a more flexible model than GAFC.

Brian Danaher said that he has noticed that a lot of Benchmark's residents came there because they were looking for a place that felt more like "home" and was not institutionalized. He also mentioned that rest home regulations require that doors to a unit not have locks. He believed that because of regulations like that, that consumers are drawn to assisted living residences instead.

Micha Shalev, Oasis at Dodge Park, mentioned that one of the cool features about his building is that residents have a wifi enabled wrist bands that will lock and unlock their unit's doors as they enter and leave.

7. Legislative Update:

There was discussion about the Common Sense Bill. Brian Danaher and Kim Martone said that they were in favor of it. May Shields said that while she is in favor of the bill, it would not be conducive for her residence. This is because they would not be able to bill or be reimbursed for services provided under it since they are not a certified home health agency. Many of her residents are also low income and therefore would not be able to pay out of pocket for those services either. However, under this bill it is up to the ALR if they would like to opt-in or not.

Mary Jo Boynton asked if anyone knew what the status of the bill is.

Pierce Haley, Serlin-Haley, said that the bill is in committee that February 7th is the last day for committees to act on a piece of legislation. He felt that the committee would request for an extension so that they can continue to work on the bill.

Brian Danaher mentioned that at the hearing there was no verbal opposition. He added that if the bill is passed, injections would be added to the Benchmark levels of care.

8. Other Topics for Discussion:

Brian Danaher said that Sen. Dick Moore retired from MA-ALA. The association is currently conducting a search for a new President.

Secretary Bonner asked about whether EOEA staff should post a notice when they are visiting an ALR, like DPH staff do when they are visiting a nursing home. The Secretary offered that this could be good for residents, so that they could speak to the EOEA staff if they had any questions.

Kim Martone thought it would be a good idea because it lets residents know that EOEA is out in the field working to certify residences.

9. Adjournment:

The meeting adjourned at 3:59 pm. The next meeting is scheduled for Tuesday, March 27th at 10:00 am.