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**Home Care Licensing Commission**

**Meeting Minutes of Wednesday, June 30, 2021**

WebEX

**Date of Meeting:** **Wednesday, June 30, 2021**

**Beginning Time:** 12:04 PM

**Ending Time:** 1:26 PM

**Committee Members Present:** The following (11) appointed members of the Home Care Licensing Commission attended on June 2, 2021, establishing the required simple majority quorum (7) pursuant to Massachusetts Open Meeting Law (OML): Chair and Acting Commissioner of the Department of Public Health Margret Cooke, Secretary of Elder Affairs Elizabeth Chen, Undersecretary of EOHHS Lauren Peters, Whitney Moyer, Representative Thomas Stanley, Julie Watt-Faqir, Patricia Kelleher, Lisa Gurgone, Tim Foley, Leslie Nolan, Danielle Lorde

The June 30, 2021 meeting of the Home Care Licensing Commission was called to order by Chairwoman Margret Cooke at 12:04 PM. She reminded the Commission that the meeting is being recorded and thanked the Commission members for attending. She noted that at the last meeting of the Home Care Licensing Commission, there was an overview by the Executive Office of Elder Affairs on their interactions with Home Care Agencies through the Aging Services Access Points and the Home Care Worker registry. She reviewed the agenda for the day, which would include a presentation on other states’ licensure process and an overview of the Bureau of Healthcare Safety and Quality’s Licensure Process.

Commissioner Cooke requested a motion to vote on minutes.

Motion to Vote on Minutes from the June 2, 2021 meeting: Whitney Moyer

2nd Motion: Lauren Peters

The motion passed and the minutes from the June 2, 2021 meeting were accepted.

Commissioner Cooke asked Marita Callahan to review the research by Bureau of Healthcare Safety and Quality staff on how other states license home care agencies.

Ms. Callahan presented slides 13-19.

Commissioner Cooke thanked Ms. Callahan for her presentation and asked if there were any questions from the Commission members.

Ms. Gurgone asked if the states also included online matching services in their definition of home care agency and if other states have included these types of services in their licensure requirements.

Ms. Callahan stated that states that have a home care registry do require online matching services to be registered. For example, both California and Connecticut have this in their requirements.

Ms. Kelleher asked about criteria for how states were chosen. She also asked if there was a commonality in the duration of the license.

Ms. Callahan noted that the states that were highlighted used different methods of overseeing home care and that is primarily why they were highlighted. She also stated that the states were also chosen because there were some different requirements. She also noted that most states had a 1-2 year licensure term.

Ms. Gurgone asked about funding and fees.

Ms. Callahan noted that every state has some fee involved in licensure and licensure renewal. There were also fees if there was a change in location. For Pennsylvania, it is a $100 annual fee. California is $5600 for every two years, for home care registry its $35 every two years. In Connectiut, it is $375 annual fee.

Undersecretary Peters asked if Ms. Callahan had a rough sense of what the cost structure goes towards- is it for personnel/staff or for IT systems?

Ms. Callahan responded that we would have to look more closely at that question. For California, for example, that fee is larger but the home care worker registration fee is low.

Ms. Kelleher noted that cost may reflect onsite licensure process versus a paper process and when states go onsite for licensure.

Mr. Foley asked if any of these states differentiate between payors? How many states used a determination of need? Finally, is there a suitability review for those states?

Ms. Callahan answered that there was no Determination of Need process and no differentiation between payors in the states that were presented. Pennsylvania has an extensive questionnaire for applicants for suitability. Connecticut does not have much of a suitability review for certification.

Secretary Chen asked if the same agency regulated both home health agencies and home care agencies?

Ms. Callahan replied that it was different for each state. Pennsylvania had the same agency regulating both, California is different agencies.

Secretary Chen asked if there was a way to think about issues that might come up if we were to go down a path of regulating between different agencies.

Ms. Kelleher stated that most states have to hold two different licenses.

Secretary Chen agreed that there should be two different licenses or certificates but noted that her concern is more about duplication of work over different licensing agencies. She also added that she is cautious about fees because those fees get passed onto consumers and how to keep those rates at a minimum to achieve that we really want.

Ms. Gurgone agreed that there should not be an additional burden for agencies, and that will impact the ability to serve consumers.

Commissioner Cooke thanked Ms. Callahan and introduced Steve Davis, the Deputy Director of the Division of Health Care Facility Licensure and Certification to give a presentation on the licensure process for facilities that are licensed by the Bureau of Healthcare Safety and Quality.

Mr. Davis presented slides 20-30.

Commissioner Cooke thanked Mr. Davis and asked if there any questions from the members.

Ms. Kelleher commented that while the state doesn’t license home health agencies, the state is still required to visit the home health agencies every three years and the entity is re-certified to bill for Medicaid/Medicare although it is not called licensure.

She also asked if maybe something we should look at is how Adult Day Health is licensed, since that might be a similar process.

Ms. Faqir asked if we would look at home health licensure regulations.

Commissioner Cooke thanked Ms. Faqir for the comment and stated that DPH may look to that in the future.

Mr. Foley asked if the certification also applies to private services.

Mr. Davis replied that DPH is the state agency for CMS for the certification for providers under CMS.

Secretary Chen commented that it might be helpful to know what DPH does on behalf of CMS.

Ms. Gurgone stated that some of the CMS requirements are also built into the ASAP contracts.

Commissioner Cooke asked if there were any further questions for Mr. Davis?

Seeing no more questions for Mr. Davis, Commissioner Cooke asked to review the questions on the final slide.

Secretary Chen asked when the deadline is for the report and how many more meetings there are.

Ms. Callahan answered that the recommendation is due October 1st and there will be 2 more meetings.

Secretary Chen asked to look at a straw man proposal to review for the next meeting.

Undersecretary Peters agreed and added that the proposal could be to create a framework first and then decide which agency should regulate.

Ms. Kelleher asked for confirmation that we are not reviewing home health agencies in this workgroup.

Commissioner Cooke confirmed that the commission is only tasked with reviewing licensure for home care agencies.

Secretary Chen noted that there are agencies that provide both and in that case, we should avoid duplication of efforts.

Ms. Moyer stated that within home health agencies, there are instances where they subcontract to provide home care services, and there is overlap and when services can be so similar, there should not be two different expectations.

Ms. Kelleher commented that the Home Care Alliance has been accrediting private home care agencies and National Association for Home Care has adopted a similar model. She will send both those documents to Ms. Callahan.

Secretary Chen asked if DPH accepts accreditation for hospitals in lieu of licensure.

Mr. Davis noted that accrediting organizations are used in place of a CMS survey. Most hospitals are deemed by an accrediting organization. Therefore, inspections are done by that accrediting organizations.

Secretary Chen asked if Home Care Alliance does something similar.

Ms. Kelleher noted that their accreditation is different than what Mr. Davis is talking about. Because there was no licensure at the time, the Home Care Alliance created their own accreditation that is free to members and voluntary. It allows them to submit documentation that they meet certain standards such as carrying workers compensation and that they are doing background checks. It is a paper review to ensure they are meeting a minimum credible standard.

Mr. Foley asked if there is any way to submit something to help formulate what the recommendations look like.

Undersecretary Peters suggested that DPH creates a strawman proposal and solicits feedback from the members to develop consensus.

The group agreed that this was the best way to get recommendations.

Commissioner Cooke noted that DPH will aim to get licensure framework out to the group so there is time to respond before the August 4th meeting.

Commissioner Cooke requested a Motion to Adjourn.

Motion to Adjourn: Undersecretary Peters

Motion 2nd: Tim Foley

Commissioner Cooke adjourned the meeting at 1:26PM.