

SB 914 Council Meeting

Minutes

MARCH 8, 2016

9:00AM – 5:00PM

WINTERS – PUBLIC HEARING ROOM

MEETING CALLED BY	Chris Traylor, Executive Commissioner, Health and Human Services
TYPE OF MEETING	SB 914 Council Meeting
CHAIRPERSON	Lisa Hayes, Presiding Council Chair
NOTE TAKER	Jon Bayh
COUNCIL IN ATTENDANCE	Lisa Hayes, Martin Tomerlin, Jane Steur, Vickie Ragsdale, Beth McCurdy, Phillip Hopkins, Leonard Douglas Svien, Jacque Donnell, Rhonda Edwards, Anne Wilson, Betty Bertrand, Cezar Cervantez Jr., Kathy Duke, Tammy Dougan, Martha True, Roger Clark, Tina Festi, Joelle Henao, Hilarie Thompson
ABSENT	None
OTHER ATTENDEES	Assistant Commissioner Mary T. Henderson, Calvin Green, Linda Lothringer, Renee Blanch-Haley, Allison Levee, Robert Ochoa, Jon Bayh, Patty Ducayet, Shareen Addison, Michael Roberts

Agenda Item 1: Welcome and Call to Order

The Long Term Care Facility Surveys and Informal Dispute Resolution Council (S.B. 914 Council) meeting commenced at 9:00 a.m. with Lisa Hayes serving as chair. Lisa Hayes opened the meeting. Assistant Commissioner for DADS Regulatory Services, Mary T. Henderson, welcomed everyone to the meeting.

Agenda Item 2: Introductions and Roll Call and Review and Approval of Minutes (1/28/16)

Lisa Hayes called the roll and all council members were present. Review of the council meeting minutes from January 28, 2016 was conducted and minutes were approved without objections or corrections.

Agenda Item 3: Public Comment

Maxcine Tomlinson, LMSW, Director of Governmental Relations with Texas & New Mexico Hospice Organization (TNMHO) provided public comment. Ms. Tomlinson indicated that hospice providers do business with nursing facilities and assisted living facilities and there are times when surveys can involve a hospice recipient residing there. She stated that it is a good business practice for a hospice provider to be available for the survey and complaint process, but also to be available and support the providers when they appeal decisions. Ms. Tomlinson indicated that TNMHO encourages its membership to extend their support during these times and that TNMHO is available as an information resource to the council as needed.

Public Comment was closed by the Chair, Lisa Hayes.

Agenda Item 4: Speaker and Questions

- Centers for Medicaid and Medicare Services (CMS) – A conference call with CMS was scheduled, however, the CMS team lead could not participate on this date. A scan-call with CMS will be scheduled at a later date.
- DADS Consumer Rights and Services – Shareen Addison, Director, Consumer Rights and Services gave a high-level overview of her section and how calls and facility self-reports are

handled. She explained how calls are prioritized by the Professional Review Unit and according to CMS and state guidelines.

Agenda Item 5: Break

Agenda Item 6: Speakers and Questions (continued)

- DADS Survey Operations representative – Linda Lothringer, Director of Survey Operations, DADS Regulatory Services, presented an overview of Survey Operations. Director Lothringer provided numerous data sets in her presentation that are available on the S.B. 914 Council [webpage](#)

Agenda Item 7: Lunch

The council recessed for lunch at approximately 12:15 p.m. and reconvened at 1:38 p.m.

(next speaker continued from Agenda item 6)

- DFPS APS Abuse/Neglect/Exploitation Policy Representative – Michael Roberts, APS State Office Manager. Mr. Roberts gave a high-level overview of APS' investigative authority regarding the various facility types. He indicated that APS investigates ICF-IDDs. He stated that APS does not investigate a provider licensed by another agency if said agency has the authority to investigate the abuse, neglect, and exploitation of the licensed provider.

Agenda Item 8: Speakers and Questions

- HHSC IDR Representative – Tina Festi, IDR Team Leader, reviewed a handout that was prepared for the council. The handout contained statistics that the council had previously requested. The handout is available on the S.B. 914 Council [webpage](#).
- DADS Regulatory Services Representative – Robert Ochoa, Nursing Facility and Life Safety Code Policy Specialist, Policy Rules and Curriculum Section, answered several questions from the council including a question from council member Hopkins that asked who should be notified if a resident goes home on a pass and may have been allegedly abused by a family member while on a home pass. The response from Mr. Ochoa, with assistance from Director Calvin Green, was that a report should be made to Adult Protective Services regarding the alleged abuse and the resident should be protected.
- Long-term Care State Ombudsman Representative – Patty Ducayet, State Long-term Care Ombudsman. Ms. Ducayet provided a high level overview of her section and how the Ombudsman operates in the counties through a relationship with the Area Agency on Aging. She provided the council the state and federal rules that mandate the Ombudsman requirement and govern her program. She emphasized her office is resident-first focused.
- HHSC Medicaid Managed Care Representative – Sylvia Salvato, Nursing Facility Specialist, Program Management/Program Operations. Ms. Salvato gave the council a presentation regarding nursing facility service coordination. The presentation provided an overview of Managed Care and STAR+PLUS, nursing facility services, dual demonstration, and client and resident enrollment activities.
- HHSC Health Plan Management – Rudy Villarreal, Director, Health Plan Management, was unable to attend the council meeting.

Agenda Item 9: Discussion on information from presentations and background materials and early formulation of recommendations from SB914 Council

Chair Person, Lisa Hayes, led a discussion about possibly polling NF, ICF, and ALF residents via a Survey Monkey and more data gathering. Several council members wanted to begin a discussion about preliminary recommendations. Several ideas about possible recommendations were put forth by council members.

Agenda Item 10: Assignments and Deadlines for Council Members for Next Meeting

Chair Person, Lisa Hayes, led a discussion about a timeline regarding the formulation of draft recommendations and the draft report. It was agreed that draft recommendations would be sent to Robert Ochoa on or before April 20, 2016. A scan with CMS will be scheduled as soon as possible.

Next meeting was set for May 10, 2016.

Agenda Item 11: Adjournment

The council meeting was adjourned at 5:00 p.m. by Chair Person, Lisa Hayes.

DRAFT Pending Approval