



Meeting Minutes

Nevada Commission on Aging
(Nevada Revised Statute [NRS] 427A.034)

Date and Time of Meeting:

October 21, 2020

1:00 pm until adjournment

1. Call to Order/Roll Call

Dena Schmidt called the meeting to order at 1:02pm

Committee Members Present:

Senator Chris Brooks
Jeff Klein
Mary Liveratti
Barry Gold
Leilani Kimmel Dagostino
Niki Rubarth
Natalie Mazzullo
Lisa Erquiaga
Esther Gregurek

Committee Members Absent:

Stan Lau
Daniel Corona

Staff:

Jeff Duncan, Social Services Chief
Jennifer Richards, Elder Rights Chief, ADSD
Miles Terrasas, Executive Assistant, ADSD

Public:

Marcia Blake, Three Square

2. Public Comment

(No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments.)

Barry Gold stated concerns wondering if there are some new things happening with CMS guidance allowing family visitation for nursing homes and long-term care. The ombudsman program released a plan and started doing in person visits two days ago on October 19th. Heard or seen nothing about family members visiting their loved ones

in nursing homes, CMS guidance has prevented them from doing that. Frustration is Division of Public and Behavioral Health (DPBH) and Bureau of licensure are doing the approval of the criteria and plans for the nursing homes. The surveyors are the ones making sure they meet the criteria. Will someone in the state have a clearing house so family members know if a facility is meeting the criteria and they are able to visit, also to find out what the criteria is and to find out what they may need to do to visit? The state agency should be involved in the process of sharing this information with family members.

CMS came out with vaccine programmer plan CVS and Walgreens which administers vaccines for COVID-19 and at no cost for long-term care facilities. The state submitted their vaccine plans, priorities, etc. He sent an email asking CMS agreements CVS and Walgreens is voluntary. Is the state planning on signing up for the plan? Is the state plan for vaccines available or in draft form?

Ms. Schmidt stated she will have staff follow up and have seen links to the plan and will share as she can.

Jeff Klein commended the Bureau of Health Care Quality and Compliance (HCQC) for their released best practices and for following up as a coach and consultant to the facilities to encourage them to adopt those practices. Thrilled they are releasing a best practices guideline and helping facilities modify procedures to see how they comply with those best practices. He did not ask them if they are doing the same with other provider groups such as Personal Care Agencies. One of the best practices is associated with visitation in the skilled nursing facilities (SNFS).

3. Review and Approve the Commission's Letter of Support for the Governor's Proclamation regarding Malnutrition

Ms. Schmidt suggested that the committee write a letter of acknowledgment and refer to the attached draft letter for approval. Mary Liveratti asked if we were not aware he was going to do this in the beginning of October? She also asked if we could do a telephone call meeting in the future for approval? She would like the Commission to offer support, especially during legislative session. She asked the Chair to contact the Attorney General's (AG) to see if there is an ability to make a quick decision, such as responding individually back to the Chair.

Ms. Schmidt responded she was not aware and will ask the AG's office for clarification. She stated would like all members names and titles listed but is open to suggestions.

Mr. Klein stated there is a federal proclamation that is similar and was fortunate to work with Senator Rosen's office whose is a national sponsor of the proclamation at the federal level senatorial sponsorship.

Ms. Liveratti asked if the letter would be stronger if we received data from the food banks such as: increases they have seen, how many seniors coming to them, data from Nevada Care Connection (NCC) and Nevada 211.

Ms. Schmidt will request the data from them.

Barry Gold moved to approve as written with the data points. Jeff Klein seconded the motion. The motion passed unanimously.

4. Review and Approve Letter of Concern for the Impact of Rate Cuts on Community Living

Ms. Schmidt stated the last several months they have seen the impacts of COVID such as rate cuts, and budget reductions in programming. There has been concerns with nursing facilities having outbreaks, and as an example a large nursing facility with an outbreak. Their solution was to reduce census and first thing they did was give notice to Medicaid recipients. The ADSD is working with Medicaid recipients to find placement. An Assisted living facility in Reno is closing and the ADSD has to move and find relocation for about 40 individuals with various pay sources with the most difficult ones being Medicaid recipients. There's a handful of individuals they cannot find placement for because most places do not want to take Medicaid.

Addus our largest Personal Care Agency (PCA) in the state has given notice they are leaving the state. We keep seeing more outbreaks. HCQC finds more concerns with staffing. We are starting to see the impact on the lives of our seniors. What can we do? Who can we write to? What issues can we support? The agenda item is to raise concerns prior to session so that the Governor is aware of where were coming from and what the issues we are seeing are.

Jeff Klein stated we will potentially see a wave with the next spike of more and more people requiring services and being damaged, increases the complexity of demand for those services. Providers rates are low to start out with, some got modest increases but the budgetary cut on the Medicaid side and the 6% increase puts them at the lower level then they were before they got the increases. Addus is the perfect example. We will potentially see significant closures, particularly on the for-profit side. The for-profit entity and you have responsibility to a bottom-line whether on a personal basis, or on corporate basis franchised with a public bottom line unless they can make their margins, there is no reason for them to be in business. No mission driven basis that some of the not for profits have. The issue we have is heading toward a wave of need with an aging population that is more impacted by the virus and a shrinking provider network. Urban areas like Washoe county out of Adult Day Care (ADC).

There is not a significant Medicaid provider left in the North for ADC. Also, with the shrinking of PCA services. Those still in PCA are dropping Medicaid and moving towards private pay. With an increase in based wage, it is more difficult for them to operate. He expressed worry it is too late to do something about it unless we start visioning where we go to salvage the provider network. Adopt and provide hybrid services that can be reimbursed by Medicaid. If finding a provider that wants to do it, get reimbursed at a level to remain in. Afraid for the rural communities, it is difficult to be in urban community, but it will be even worse in the rural communities. From what has happened to managed care, managed care conversations companies that would like business in Clark and Washoe counties do not want to take business in other counties. We need to strategize

innovations for reimbursement even at times when the state has a restricted budget. Being an advocate for some of those strategies. If we wait 6-9 months from now it will be too late.

Barry Gold stated the Department of Health and Human Services (DHHS) and divisions are putting together budgets, and knows there's certain constraints of what the budgets is, and terms of building the budgets, but putting the request into the agency budgets that ADSD needs the money and ask the COA to support it. He concluded putting it into the budget request has to happen.

Ms. Schmidt stated we already submitted our budgets to the Governor's Office and the agency request became public October 15th. Agency requests are available for people to see. The Governor's budget is confidential until it is released. We have not gotten a lot of questions. Do not know how we would want to put that into the budget. We did request shifting of dollars to support some of our senior services. Mr. Klein would love to see Dena and Administrator's, and the Director on how they move funds. Ability for Dena to say we see a problem; we want to move funds around. Change ground rules to adapt operations to fit problems. Giving leadership that discretion is important and would advocate to add discretionary rule.

Ms. Schmidt added discretion happened during special session and it is important to continue that discretion into next session and to include in the letter.

Connie McMullen asked if she could have public comment. Ms. Schmidt approved.

Connie McMullen stated she attended a meeting with PCAN this morning which is the Personal Care Association of Nevada and we have some concerns. Primarily less and less agencies are going to take the Medicaid state plan service. The other problem is HCQC is not enforcing their laws. Primarily caregivers are not being TB tested and unlicensed agencies are not being notified that they have to get a license. A lot of the agencies had to fire caregivers because they are not complying with the Electronic Visitation Verification (EVV) system which Medicaid insisted everyone be compliant with. Now agencies are letting caregivers bypass regulations as caregivers themselves believe they do not have to be a part of an agency. Heading into January home health industry now signing onto EVV – everything is falling apart. The last Health Care Committee Chair Cohen put in BDR 554 to demand training of unlicensed caregivers. We do not mind being asked to step up care even if it bumps with the skilled care providers but cannot do it for less than minimum wage, they will not do it for minimum wage. They cannot keep raising Medicaid rates, or minimum wage for everyone else, and not look at the Medicaid rates set up that is currently going. Anybody is not scheduled to have a rate review at this time. The agencies are really nervous, are very upset and the people are the ones that are going to suffer. There are few companies that are taking Medicaid primarily because there is no communication. HCQC is really not enforcing. We asked for a meeting with Paul Shubert but do not expect much especially since they absolved the advisory board at that level.

Mr. Klein asked from PCAN side, any numbers you can share with the commission? Out of business, closed doors, or those elected to drop out of Medicaid to show the impact?

Ms. McMullen stated they have tried to get those numbers throughout the years from Medicaid, and the health division. The health division has given numerous names of those agencies who are licensed and a little under a 200. Problems with both agencies is that they do not purge their system, so if an agency goes out of business they really do not know until later on. As far as Medicaid, Kirsten Coulombe, they do not purge their system as to which agencies has elected not to provide it. They were using EVV with the PIN that would determine who was providing the service. They have yet to get those numbers, and because of their cancelled advisory boards, they do not know who to talk to.

Ms. Liveratti asked if we can request Directory Whitley to hold a virtual stakeholder meeting to talk to providers directly. If they are cutting back they would be able to provide those percentages. Going to the wrong level and need to go up higher.

Ms. McMullen responded she tried to have that conversation with the Governor prior to him taking office. He stated they had increase of the 14-cent increase for PCA. Now with the rollback they are lower than back in 2000.

Ms. Schmidt mentioned the Guinn Center Personal Care document might have that information that took Medicaid.

Ms. McMullen expressed her view on the study that is associated with AB122 rural provider. She gave testimony as opposed to doing it on Medicaid rates and gave a very definitive explanation that included travel time. Ms. Schmidt stated the AB122 report was submitted to LCB. Mr. Klein agreed that ADSD should ask Richard Whitley as he has influence over it and to get from licensing, their perspective who surrendered licenses from all provider types including, Medicaid, LTSS, nursing homes, PCA, ADC, and ask Medicaid whether they received a list of agencies that have noticed them they are discontinuing their Medicaid contracts or have seen a change. Unless they get a client specific referral, we do not know whether they are open or closed. If someone closes they are supposed to notify HCQC. Ms. Schmidt stated she can request that information from Data Analytics.

Ms. Kimmel-Dagostino, Mr. Gold, Ms. Erquiaga and Mr. Klein discussed the following:

- Distribution plan for covid vaccine; no plan on how they are going to distribute that. Who is priority and do we have the resources on how to implement it?
- Vaccine plan, long term care facilities would hopefully be towards the top of the list. How else that will be happening towards older Nevadans. How to get a hold of the document and plan.
- The need to advocate for flu and pneumonia Vaccinations. Flu strategy for vulnerable seniors and trusted sources of information and vaccination because they are skeptical. The need to campaign between now and flu season, as we get opportunity to interact with the state plan. Campaign there as well.
- Clark county commissioners holding events for people dropping off ballots
- Ms. Erquiaga stated what they learned from COVID 19, that is being very creative change a lot of programs and coming up with new stuff. One thing in line with flu shots, is partner with hospital and held a flu shot clinic out the back door in the afternoon, lunch and over 150 people received shots. Very successful, the hospital has every Thursday night 5-8 drive through the opportunity. The rurals are going to suffer and have always suffered.

Ms. Schmidt clarified the letters focus which included, data regarding number of people who have closed or surrendered their licenses (any information on discontinuation by provider type). Write a letter saying that we have major concerns regarding this type of withdrawal from the Medicaid system for personal care services. Going forward because of that we also want the Governor's Office to support the budgets related to senior services and ensuring all home and community based services that people are able to stay safe and not go into facilities during covid – in order to do that we need discretion within our funding across DHHS to make sure we have the ability to be flexible to wrap around services as COVID continues to change. Ms. Schmidt asked for any feedback; none was given. Ms. Schmidt asked for a motion to draft that letter.

Barry Gold moved to approve. Mary Liveratti seconded the motion. No discussion. The motion passed unanimously.

5. Approval of Agenda Items for Next Meeting

- Best practice updates from HCQC if they are issuing for any services related to family visitation and status is. Ask what the plan is.
- State vaccination plan if they are going to be joining the CVS/Walgreens Partnership. Folks give us a presentation.
- AB122 Presentation – Send out report today.
- ADSD Budget Overview of what was submitted to the Governor's Finance Office.

6. Next Meeting Date

November 10th, 2020

7. Public Comment

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- Mary Liveratti shared the Reno/Sparks Walk to End Alzheimer's is this weekend 10/24. Anyone that would like to register, she is happy to send the link out. The walk in Las Vegas is Saturday, November 7th. Shout out to the Alzheimer's Association, if you have any family with dementia they are available to assist.
- Jeff Klein shared a report on a case reacquiring COVID-19, and it is Nevada Senior Services Hospital to Home client. They are working with CDC and putting the case data together now. Ms. Liveratti and Mr. Klein discussed immunity and resistance. Mr. Klein stated the need for discretion of funds for ADSD to take immediate action.
- Natalie Mazzulo stated NGEA is offering a FREE CEU program on Abuse in Later Life. In addition, our 2021 virtual caregiver conference: Supporting Residents' Autonomy, Choices, and Decisions will be held February 9 and 23 from 1:15 to 4:30 pm and again on February 11 and 25 from 8:30 am to 11:45 am. Registration opens Tuesday, November 3 and is \$45. Up to 8.0 CEUs will be available and will include ethics, suicide prevention, and regulations for long-term care administrators.
- Barry Gold stated AARP has been busy with their voter engagement campaign. Working with community stakeholders. All the ways to vote, from home or in person and encouraging people to take advantage of early voting to avoid the lines.

- Dena Schmidt stated accessible voting, SILC, DD Council, Deaf and Hard of Hearing they are producing an accessible video on voting and ways to vote. Hoping to be done at the end of the week.
- Marcia Blake stated as a member of the Governor's Food Council, they definitely have data that could be used for the letter. The council can cosign and/or provide an additional letter. Second comment, current climate, senior legislative day is not on the calendar. A day where we can do some zoom calls, set a day where we can email legislators, to focus on seniors. Making the needs of the seniors known to the legislature. Would hate to lose momentum. Reach out to legislators and inform them of what the needs are in the community and how they can get behind us and support us.

8. **Adjournment** – Meeting adjourned at 2:13pm