RESIDENTIAL OR ASSISTED LIVING FACILITIES
SURVEY & LICENSURE
RESTRUCTURING PROJECT WORK GROUP

MEETING NOTES

Meeting Date: June 18, 2004
Meeting Location: 1720 Westgate Drive, Suite D, Room 119

Participants: Debby Ransom, Jerry Mitchell, Virginia Loper, Chris Baylis, Angela Browning, Robert Vande Merwe, Bill Southerland, Linda Simon, Suzie Hanks, Sharon Ashcraft, Sarah Scott

Sponsor: Randy May

Facilitators: Marsha Bracke

Support Staff: Steve Millward

Observers: Gordon Hapke, Bev Barr, Shyla Smith, Wendy Shell, Jim Shadduck, Jimmy Markham, Ione Springer, Michelle Glasgow, Penny Swygart, Rep. Bill Sali, Rep. Kathie Garrett

Meeting Objectives:
1. Confirm task list assignments; project schedule deadline
2. Refine Inspection Guides
3. Articulate outstanding items and forward to Integration Subcommittee

Handouts:
- Agenda
- Transformation Flyer
- Consolidated Task List
- Administrator Inspection Guide
- IDR Comments

Decisions:
1. Will pursue new IDR model as proposed with attention to additional comments from panel members.

Action Items:
1. Steve to send out Policy & Procedures Inspection Guide to the workgroup by the close of business today.
2. Workgroup will review the Policies & Procedures Inspection Guide by June 23, 2004, and be prepared to crosswalk other Inspection Guides to Policies & Procedures.
3. Randy May to define when the State would appeal beyond the contractor's decision by June 23, 2004.
4. Workgroup to read through consolidated work document by June 23, 2004.
5. Workgroup to refer to proposal feedback document as they carryout their tasks on the task list.

Agenda Items for June 23, 2004

- Review the Policies & Procedures Inspection Guide.
- Randy May's clarification on post-contractor appeal by the State.
- UAI/NSA update
- Task List Items 8.3.1….

Public Comments:
See Attachment A

Flip Chart Notes:

Inspection Guides

- Administrator
- Resident Rights
- Nursing Services
- Sanitation Health Standards

Inspection Guide Editing Key

- Green → Keep
- Red → Delete
- Blue → Modify
- Yellow → Add
- Orange → Combine
- Pink → Policy & Procedure

Administrator Inspection Guide

1.	How many hours/facilities/Beds? Full-time? Part-time? Some-time? Responsible, on-site "at least one" to "a"
1B.	Contingent on grandfather clause
1C.	See comments under 1 Reflect presence in facility in daily operation
2.	Relates to 1 & 1C. Plan for administrator oversight Administrators have to be responsible…they decide how the facility is managed – Program stands or falls on its merits How to hold accountable – how detailed do we get? Proposal – someone who is certified to do that work is there

	Only proof is outcome of inadequate provision of care (Vote: 5 for, 5 against, 1 undecided)
5.	Part of blue discussion Part of Program Given Put a period behind personnel Put where shared Not necessarily orange
7.	Staffing issues might be addressed in other areas, perhaps redundant here
8.	Could go under Programs Needs to be more than personal care (especially in large facilities) May be captured in other areas Policies & Procedures could address
10.	Perhaps can go to staffing/programs of care Keep
11.	Perhaps can go to staffing/programs of care Keep
12.	Perhaps can go to staffing/programs of care Keep
13.	Keep Combine if possible Consider in blue discussion
14.	Keep & Combine
15.	Keep To Nursing
16.	Keep To Training
17.	To Policies & Procedures Delete
Add	→ Protecting residents from someone on sex offender list → Potential to incorporate all

→ Protection from residents on sex offender list
→ Protection from employees with repeated criminal conviction
→ Administrator bring back training component to facility (add to #9)

IDR Discussion

- Robert – group accepted overall framework – Phase I & II
- Questions about Phase II
  - Role of peer review
  - Affordability
  - Contract out
  - Veto authority
- Like idea of Department/Facilities at same table – drop objection to hearing "mistakes"
- Idea of Nursing Association IDR
- Jerry – Neutral 3rd good idea
  - Don't like veto power
  - Desire to stay with mediation decision
  - "Loser" pays
  - Charge to encourage valid complaints only
- Bill – correct process costs
  - Staff time
  - Hearing office approximately $350
  - 3rd party neutral – arbitration ends there
  - Support neutral contractor decision
- Virginia – What is veto power?
  - Decision goes back to the Department
  - Intent – if finding violates state law, go back to contractor for re-decision – doesn't mean Department wins – just ensures state law is followed
  - Not set up for the Department to overturn
- Bill – 3rd Party guidelines would have to be State Statute
- Debby – need to ensure contract performance and standards – needs to hold them accountable.
  - If "loser" pays, need a right to appeal
  - Obligates going through phase I first
- Suzie – With winner/loser, its not mediation, its arbitration.
  - Thought you wanted a mediation model

IDR Proposal

- 2 phases
  - Phase 1 first – required; free to provider
  - Phase 2 – split costs 50/50; use contractor (who/how)
- State appeals only if violation of state law/rule
- Provider can appeal to hearing officer
- Contractor
  - Clinical judgment
  - *Split costs 50/50 (no matter what outcome) (Workgroup Approved)
  - State appeals only if violates state law
- *Phase 1 free to provider (Workgroup Approved)

- Question about clinical judgment
  - concerns about peers
  - both sides must feel comfortable
- 2 neutral contracts
  - peer review
  - *contractor (after level 1) (Workgroup Approved - all but Robert)
- Objective
  - fair & impartial outcome
  - look objectively at performance to validate/or not deficiencies
  - was this a deficient practice?
  - Probably "deadly sins" type issues we will be addressing here
- Use with 3 strikes/core issues approach
- Want to make a decision
- Core Issues? Can you argue if it was a core issue or not?

New Proposal Outline

On-site →
Phase I (Department Review) →
Phase IIa **OR** Phase IIB →
(a=Department Administrative Review; b = Neutral 3rd Party Contractor)
Hearing Officer →
Board of Health & Welfare →
District Court

New IDR Proposal Voting

1. SH yes
2. LS yes
3. DR yes
4. AB yes
5. VL yes – State cannot abdicate its role of upholding state law to the contractor – must have hearing officer
6. SS yes
7. CB yes
8. JM no – want to see more detail, binding arbitration
9. RV yes
10. BS yes – but no hearing officer option or beyond
11. SA no – more to be worked out in previous steps

Evaluation

Positive	Change
Made progress	Lots to do
Beneficial to start checklist – to go to P&P next	IDR – have to have a balance to make people feel comfortable
Like set time frames	Painful
Feel like we're able to work our way through (elbowing)	IDR being what I want it to be
Good stuff done today	Don't want to talk IDR 4 times
Think we can make it – further ahead than we realize	