

DAIL Advisory Board Meeting Minutes

July 9, 2020

MS Teams Video Conference

ATTENDEES

Board Members: Ruby Baker, Nancy Breiden, Avril Cochran, Joseph Greenwald, Jeanne Hutchins, Frances Keeler, Laura McDonald, Nick McCardle, Michelle Monroe, Delaina Norton, Diane Novak, Steven Pouliot, Beth Stern, Cathy Swain, Marie Zura

Guests: Lucie Garand, Lynne Cardozo, Toby Howe, Chris Davey, Virginia Renfrew, Grace Gilbert Davis

State Employees: Monica Hutt, Megan Tierney-Ward, Liz Perreault, Susan Aranoff, Angela McMann, Monica White

Motion to Approve Minutes: June 11, 2020 minutes: Move to Approve: Steve Pouliot
Seconded: Nick McCardle

Minutes are approved as written.

DAIL Updates:

Commissioner, Monica Hutt and Deputy Commissioner, Megan Tierney-Ward

Commissioner Hutt and Deputy Commissioner Tierney-Ward went over the list that had been shared with the advisory board prior to meeting. I have included that text here and it can also be found here: [List of DAIL Updates](#)

DAIL updates:

1. Restart Plans Approved:
 - Senior Centers reopening
 - LTC Facility Outdoor Visitation
 - AAA Network WorkSafe Plan
 - VABVI Plan for Restarting in-person services
 - Limited OPG In-Person Visitation
 - Voc Rehab Limited In-Person Work
2. Restart Plans in process:
 - Adult Day Sector plan – Currently self-assessing readiness and working through final plan details, including transportation protocol.
 - DS Sector Plan – Finalizing draft plan with VT Care Partners
3. DAIL Essential Services Memo – Easing Restrictions for In-Person HCBS services.
4. New DAIL web page for restarting services resources and approved sector plans.
5. A few positive cases in LTC facilities. So far, they are doing a very good job of containing infection.

6. New challenge: When a nursing facility has one positive patient, how do they best contain the infection within the facility and how to use local hospital as a resource.
7. DAIL participating in a mask-wearing campaign with AHS.
8. Monica White will provide detailed updates on DAIL LTC Team efforts including PPE.
9. RCH regulations update from DLP:

The Division of Licensing and Protection contracted with Flint Springs Associates from May 2019 through February 28, 2020 to update the regulatory sets for the Residential Care Home and Assisted Living Facility Licensing Regulations. The current Residential Care Home Regulations are dated as effective 10/3/2000 and the Assisted Living Residence Regulations are dated March 15, 2003.

Flint Springs evaluated the current set of regulations and interviewed stakeholders (Fire Safety, Choices for Care providers and program staff, Vermont Health Care Association, Governor's Commission on Alzheimer's and related Diseases, Ombudsman Program) to determine the areas in which updates were needed. Over the summer of 2019 Flint Springs also hosted meetings throughout the state to solicit input from care home providers. Flint Springs incorporated the desired changes into a draft of the regulatory sets and presented them to The Division of Licensing and Protection at the beginning of 2020. DLP was in the process of reviewing the proposed changes when a series of articles in The Seven Days newspaper (Worse for Care) spoke about Vermont Residential Care Homes and discussed if there was enough regulatory oversight. Specifically, the articles criticized the Division that the enforcement for homes that demonstrated egregious negative outcomes for residents may not be strict enough to garner change in practice. DLP and the legal team were poised to view the draft regulations and consider the criticism in the Seven Days articles in March of 2020.

When COVID19 rolled into the national picture, DLPs attention was completely redirected to assisting providers in controlling outbreaks. When the pandemic is under control, DAIL plans to resume the work on the Residential Care Home and Assisted Living Facility regulations. The pandemic has also made us realize that we will need to strengthen and clarify the infection control demands of the proposed regulatory sets.

Budget:

- DAIL received a 25% budget approval for the first quarter of SFY21.
- DAIL is working on the new SFY21 budget exercise which will determine the budget for the rest of the year and is expected to be finalized in September. This is also the same timeframe in which the State starts working on SFY22 budget.
- H.961 added \$2.45M to the SFY21 first quarter DAIL budget for adult day CRF July-Sept. Working on getting payment out by 7/20/20.
- H.961 added \$100K to the SFY21 first quarter DAIL budget for VABVI assistive technology training for people who are blind and visually impaired, to address isolation and telehealth needs resulting from COVID19.

Legislation:

- H.965 –

- \$275M for CRF healthcare stabilization funds. DVHA creating an application process that will be launched 7/15/20.
- \$28M for Hazard Pay. First come first serve, expected to be launched early August.
- AAA nutrition funding adequacy report due in August.
- H.966 - \$213,200,000.00 from the CRF to cover necessary broadband connectivity, information technology, housing, and economic relief expenses incurred due to, or as a result of, the COVID-19 public health emergency
- H.635 - Receivership statute updated. (1) authorizing the Department of Disabilities, Aging, and Independent Living to take immediate enforcement action to eliminate a condition that can be reasonably expected to cause mental harm to residents or staff; (2) adding a definition of “insolvent” to be applied in the context of the regulation of long-term care facilities; and (3) prohibiting any actions taken by a court-appointed temporary receiver from being used by a long-term care facility in support of its opposition to the Department’s request for a receivership.
- H.611 - Older Vermonters Act approved by House. The Senate will likely take it back up later this year.

DAIL COVID-19 Team Initiatives & PPE Information:

Monica White, Director of Operations

The DAIL COVID-19 Team was created approximately four months ago with Monica as the lead through her role as Director of Operations. Monica began her COVID-19 work in the offices and command center of the Vermont Department of Health (VDH). As things progressed, the state created the team called State Emergency Operations Center (SEOC) and Monica lead the Long-Term Care (LTC) branch of that team.

The SEOC LTC team has been working on the following for the past four months:

1. One of the first things DAIL set up was a call center that could address LTC questions the VDH call center could direct calls to. This center all fielded emails and web inquiries that were coming in around LTC facilities.
2. Helped identify and set up surge sites for various levels of care.
3. “DAIL Delivers” is a cute moniker the group came up with which well describes some of what they have been doing. When they coordinated and delivered donated Ben & Jerry’s Ice Cream to nursing home and assisted living residents and staff across the state, they really did deliver!
4. Did a weekend emergency delivery of Personal Protection Equipment (PPE) to a facility that was not going to make through the weekend on what they had for supplies.
5. Coordinated the required fit tests of N95 face masks for LTC facilities and partners.
6. Helped get infrared thermometers distributed to partners through VDH.
7. Distributed 70,000 face masks to providers.

The state of Vermont does have a stockpile of PPE that is to be used as a last resort and is being saved in case of an emergency need. If partners are unable to obtain PPE any other way, they can apply for some here: [Apply for PPE from State Stockpile](#)

Advisory Board Updates and Requests for Agenda Items:

Advisory Board

A concern was raised about Memory Care Units and residents not social distancing and congregate eating being allowed. With the guidance that has been given, DAIL has known that for this population some would be difficult if not impossible to follow. People with dementia have a very hard time following distancing and infection control standards. Also, the testing methods for COVID-19 are invasive and are not well tolerated by a person with dementia. Even though Memory Care Units are not able to follow all guidance those units are usually very separate from the rest of the facility and other residents. The units do follow all protocols that work with their population and there is intense scrutiny of employees coming in.

Adult Protective Services will respond to any concerns that are reported. Sean Londergan could speak to the board about what the Ombudsmen are able to do.

Ruby Baker – Ruby announced that COVE has the completed guide and would like to send it to advisory board members. It will be a yearly publication so any feedback on this first edition is welcomed so improvements can be made for future publications.

Megan Tierney-Ward – DAIL met Xusana Davis, Vermont’s Racial Equity Executive Director, during an all DAIL staff meeting. It was a great initial conversation about racial equity that will be followed up with more in-depth conversations soon.

Joe Greenwald – With the state preparing to reopen schools this fall there does not seem to be a good plan to address the needs of students who receive special education supports. This is an issue that should be followed.

Developmental Services Conflict Free Case Management Update:

Selina Hickman, Director of Developmental Services Division (DDSD)

DDSD is taking steps to keep the work moving on creating a system for conflict free case management. There was a temporary break when the pandemic first hit the state, but this project has been picked back up. However, implementation may be further postponed until the pandemic is more on the decline. Currently there is a draft that has been created based on the feedback that was given prior to the pandemic. The base model would allow for case management to remain at the agency who develops the service plan or individuals could choose to have the case management offered from a separate agency. This base model plan has been brought to the Center for Medicare and Medicaid Services (CMS) for their approval.

This late summer early fall, there will be meetings with stakeholders to go over the next steps in implementing the conflict free case management plan. Once updates are made based on feedback, the plan will be submitted to the legislature 20/21 session and July of 2022 would be the projected implementation date. The implementation will unlikely be an all or nothing approach, but a more phased approach will be taken.

Developmental Services Payment Reform Update:

Clare McFadden, Director of Payment Reform

The DS payment reform will change how the state pays a provider for services. There will be more transparency and accountability with this reformed process. There will be an assessment tool used to determine the services needed. The new process will also rely on better encounter data to determine what services were given. The rate being paid to the providers will be reviewed to ensure a fair rate is being given for services.

As with many things, when the pandemic came to Vermont the work on payment reform was suspended to redirect staff to supporting the COVID-19 work that DAIL was taking on. This suspension is still in place. Once the work restarts, there may be a need to readjust the scope of work due to available resources.

The work to improve the encounter data is still moving forward because of a CMS requirement. A Request for Review (RFR) has gone out. There is some overlap between the DS payment reform and DS conflict free case management work. In the areas of that overlap, the work will resume to meet the CMS deadlines.

DS staff have met with providers to discuss picking the work back up, but the agencies are not able to do that yet. They are still trying to move staff back to work and providing services to individuals that had stopped since the Stay Home, Stay Safe order was implemented.

Before the end of July there will be an internal meeting at DAIL to discuss what to resume and when to start. By the next DAIL Advisory Board meeting, there should be more information available.

The DAIL Advisory Board usually doesn't meet in August however, to discuss the FY21 budget we will set a special meeting. This meeting will be on August 13 from 10:00 AM to 11:00 AM.

Meeting was adjourned: 12:22