

DAIL Advisory Board Meeting Minutes
September 10, 2020
Sally Fox Conference Center, Waterbury

ATTENDEES

Board Members: Ruby Baker, Nancy Breiden, Kim Fitzgerald, Joseph Greenwald, Jeanne Hutchins, Nick McCardle, Michelle Monroe, Delaina Norton, Diane Novak, Steven Pouliot, Beth Stern, Cathy Swain, Lorraine Wargo, Marie Zura

Guests: Lynne Cardoza, Sean Londergan, Emily Vivyan, Hannah Eye, Robert McDonald

State Employees: Monica Hutt, Liz Perreault, Kirsten Murphy, Megan Tierney-Ward, Angela McMann, Susan Aranoff, Bill Clark, Bill Kelly,

Motion to Approve Minutes: July 9, 2020 minutes: Move to Approve: Steve Pouliot
Seconded: Kim Fitzgerald

Abstained: Kim Fitzgerald

Minutes are approved as written.

DAIL Updates

Commissioner Monica Hutt and Deputy Commissioner Megan Tierney-Ward

Older Vermonter's Act:

H.611, the Older Vermonters Act, is poised to move forward. House of Health and Welfare recently heard testimony from stakeholders. The passage of this bill could create a body of work for DAIL. However, DAIL will partner with the Area Agencies on Aging (AAA) to complete certain pieces of that work. Update: H.611 was approved by both the Senate and House. Just awaiting Governor's signature.

Sale of Nursing Homes:

Commissioner Hutt and Laura Pelosi, who is a representative of the nursing home industry, met with the House Human Services (HHS) committee to discuss the potential sale of four nursing homes owned by Genesis. Genesis currently owns nine facilities in the state of Vermont. Neither Commissioner Hutt nor Ms. Pelosi have any information to share with the committee. There has not been any formal application for the sale. As information becomes available, Commissioner Hutt will report to the advisory board.

For sales of nursing homes, there is an interim process in place that reviews the buyers who apply to purchase nursing homes in Vermont. In the past that responsibility belonged to the Green Mountain Care Board, but it is now done by the Agency of Human Services. The chair of HHS, Rep. Ann Pugh, stated that a permanent process needed to be created and moved to. This task will create a huge body of work which DAIL can take it on with more staff.

Restorative Justice:

In late June there had been an incident in Middlebury between a home care provider, who is a person of color, and the local police. The home care provider was working with his client who has lived with him for years, and while out in public, a normal caregiver interaction with his client was misconstrued and led to a police response. Since that incident, NAACP, DAIL, Lisa Ryan, the home provider and the local police have been working together through a restorative justice process. The police department will be issuing a report to the public stating that the reported incident to the police was erroneous.

Work needs to be done to educate the police force on how to communicate with people with Developmental Disabilities (DD) and to understand how a person with DD communicates. DAIL also has many home providers and people with DD who are people of color and it is critical that the police are better equipped to assess situations.

Hiring Freeze:

For positions that DAIL is trying to fill, the request has to go through the Agency of Human Services (AHS), Agency of Administration (AOA) and then to the legislature for approval. This process will change at the end of September when the approval will only have to go to AHS and AOA.

COVID-19 Updates:

- LTC Facilities: DAIL launched final plan for further easing of restrictions for LTC Facilities which was announced 7/14/20. DAIL is very thankful to the VDH team and provider stakeholders who worked diligently to create the plan. LTC Facilities are reporting to DAIL Survey & Certification as they start moving into phase 2 and 3 of the facility reopening plan. Now, VDH and DAIL are exploring ways to support essential family caregivers to have a more active, close contact caregiver role in the facility, while maintaining infection control.
- Senior Centers: DAIL distributed a revised FAQ for Senior Centers that was created with input from VDH. Barriers most identified to reopening include the requirements around space/distancing and the need for more staff/volunteers to do screenings,

coordination, cleaning required. Most small centers are volunteer based and lack adequate space.

- DS Providers: Slowly restarting services. DAIL is worked with DS providers to revert to pre-COVID payment model.
- Adult Day: The reopening guidance document was completed, and the Adult Day provider all completed readiness self-assessments. The self-assessments showed that about 83% (10 out of 12 providers) appear prepared to reopen. All providers will need to reduce census by an average of about 50%, which will require continued CRF support to reopen. Adult Days are still not open and there is work being done on a plan to get them back open. The plan will be crafted with the help of Vermont Department of Health (VDH) and transportation. Providers have done self-assessments and 10 out of 12 are ready to reopen with a reduced census. With a reduced census, there must be a plan to financially support the Adult Days while they operate in a limited capacity. Update: DAIL worked with Adult Day providers to communicate a “soft” reopening of in-person adult day services 9/28/20.
- There have been two Adult Days that have closed permanently. That money that has not been spent on those programs will still be available for when a solution is found, and other services are brought back to those regions.
- ASD is implementing a protocol for the limited restart of staff in-person clinical visits with LTCCCs starting 9/1/20.
- We welcome Conor O’dea who is the new State Unit on Aging Director in ASD. He has taken the vacant spot that was left by Angela Smith-Dieng when she moved to the Director of ASD.

PPE:

1. DAIL completed a delivery of approximately 70,000 masks to providers on behalf of consumers who need them.
2. Masks now available at local Fire Stations.
3. DAIL sent two surveys on behalf of SEOC to LTC facilities on the use of Powered Air Purifying Respirators (PAPR) and reusable KN95 masks as an alternative to standard N95 respirators. The surveys will help the SEOC assess the benefits and determine interest for use with LTC facilities and the state’s capacity to support these options.
4. DAIL communicated with partner agencies to distribute available remaining 100 no-touch infrared thermometers leftover from the original distribution.
5. DAIL is working with the SEOC on the feasibility of purchasing N95 fit test kits for facilities/provider partners to obtain, for those who missed the initial state-facilitated ATC fit test opportunity this summer.

6. The national Supply Chain Task Force reported a plan to send a supply of N95 masks to nursing facilities that have reported a 0-3 day supply of respirators through the CDC National Healthcare Safety Network (NHSN). DAIL is working with the SEOC to confirm details.

Testing:

1. DAIL participated in conversations with UVMCC and VDH about how to manage testing for people that have “persistent” or “intermittent” positive tests. After discussing the science and evidence, there may be an opportunity to update testing guidance for people who have previously tested positive.
2. VDH coordinated universal testing with 19 nursing facilities through “Broad Laboratories” in August. This effort will bring all facilities up to baseline for moving into reopening phases.
3. DAIL is working with VDH and AHS to address the cost of testing for LTC facilities that are required to test as part of the reopening plan and new CMS requirements that recently came out. There is a possible opportunity to work through a vendor with state coordinated CRF support.
4. DAIL has scheduled a nursing home call for Friday 9/11 at 1pm to discuss the new CMS testing requirements.
5. DAIL will be meeting with VDH and SEOC next week to discuss the antigen testing kits from the Federal government (to be shipped ~9/30) to determine what guidance Vermont may need to put forth on this topic.
6. DAIL and VDH are coordinating testing needs for home health agency staff and for people on hospice in nursing facilities.

DAIL Budget Review

Commissioner Hutt and Financial Director, Bill Kelly

The Restatement Budget document found here: <https://dail.vermont.gov/resources/advisory-board/dail-advisory-brd-2020-items>, was reviewed with the advisory board. The department was asked to budget with a 5% reduction which was found mostly in administration costs. No services were reduced to people receiving services. The state currently has a hiring freeze so there are savings found there as well in less costs in traveling and conferences since all has been moved to virtual meetings.

Electronic Visit Verification (EVV)

Bill Clark, DVHA Managed Care Compliance Director

The development of EVV has been a multi-department project. The federal government has made the requirement that services that are provided in home must be electronically verified either by using an app on a smart phone or through a land line option the care provider would call when at the home where the services are being provided. These systems are being developed by Sandata Technologies in partnership with DXC and Vermont Medicaid. The

information that must be captured are the who, what, where and when of the services. This does not include case management.

There is a January 1, 2021 implementation date. Starting at the end of this month people will start testing the system that has been created. With the information that is captured during the test phase, changes will be made to improve the system prior to the full implementation at the new year. To learn more go to: <https://dvha.vermont.gov/initiatives/electronic-visit-verification>

LTC Ombudsman COVID Experiences

Sean Londergan, State Long Term Care (LTC) Ombudsman

The LTC Ombudsman program is a resource for people who are in facilities and are on Choices for Care (CFC). The Ombudsman is an advocate who represents the wants of LTC residents. During late winter and early spring of 2020, the LTC Ombudsman program in Vermont was in contact with other states that were experiencing the pandemic and were able to learn from their experiences before COVID reached Vermont. When Washington and New York state experienced outbreaks, Vermont had an opportunity to begin planning for an outbreak here.

Vermont has had 58 deaths and 50% of those deaths occurred in LTC facilities. Even though Vermont's death total is low, the percentage of deaths in LTC facilities is comparable to other states. There are resources and systems in place to keep residents safe, but the risk still exists.

The main topic that LTC Ombudsmen are fielding across the state is visitation restrictions. Residents are fatigued and frustrated by the isolation and restrictions. It is important to remember that the individual decisions in a facility impact the whole. Ombudsmen are not physically in the facilities but are working with residents virtually.

Complaints to the LTC Ombudsman program had gone down dramatically at the beginning of the pandemic. As things have progressed and begun to reopen, the complaints have risen to the pre-COVID levels. Most concerns and questions are about the reopening phases of facilities, what should facilities be doing in response to COVID and questions about visitation.

For those in CFC, the questions and complaints are about not receiving services in their home. People are not receiving all the hours and services that have been granted due to a lack of staffing.

Planning for the winter months is on the mind of facilities. Once a facility reaches phase three, indoor visitation is an option. However, if there is an outbreak, that would discontinue that option.

Advisory Board Updates & Requests for Agenda Items

Advisory Board

Agenda Requests:

- Workforce – Invite Voc Rehab to come to a future meeting, either October or November, to discuss the work they are doing with supported employment and hear from the transition team.
- A general conversation of understanding individual needs versus a one size fits all policy in facilities (like the wearing of masks for example).
- Health Care Worker Committee
- VDH, DAIL and UVM - work on Alzheimer's initiatives – an algorithm tool has been created and VDH received the Bold grant

Updates:

Kirsten Murphy- Disability Employment Month is October.

September is Falls Prevention Month.

Howard Goudreault is the new Alzheimer Association's new Director and he will start mid-September.

Discussion Regarding Chair & Operating Procedures

Jeanne Hutchins, DAIL Advisory Board Chair and Megan Tierney-Ward, Deputy Commissioner

Jeanne Hutchins was asked if she would like to continue her role as the advisory board chair and she stated that she would like to continue.

The DAIL Advisory Board Operating Procedures document was discussed, and the advisory board will read through to see what changes need to be updated. The DAIL Commissioner's office will collect the feedback and create a markup for the advisory board to review and vote on at the next meeting in October.

Meeting was adjourned 12:19