



## Meeting Minutes



### Detroit Long Term Care System Change Task Force Legislation & Regulations Subcommittee Meeting Minutes

**Date:** Monday, November 17, 2008

**Time:** 10:00 a.m.

**Place:** Detroit Wayne County Long Term Care Connection  
1333 Brewery Park Boulevard  
SPE Conference Room  
Detroit, MI 48207

#### **MEMBERS PRESENT**

Eric Foster, Co-Chair  
Kay Andrzejak  
Martha Little  
Mildred Madison  
Wanda Bailey Jenkins  
Mariilyn Lawson  
Tom Rau  
Liv Boykins  
Kendra Howard

#### **MEMBERS EXCUSED**

Jerry Gumbleton  
Ronald Hewitt  
Avis Holmes  
Dorothy Stone Montgomery  
Laurie Solotorow  
Brenda Sowash

#### **MEMBERS ABSENT**

Patricia Anderson  
Faiz Esshaki  
Bob Allison  
Helen Hicks-Kozlowski  
Bernice Morrison  
Melissa Samuel  
David Stobb

#### **STAFF**

Gloria Hicks Long

#### **RECORDER**

Leah Phippen

#### **I. CALL TO ORDER**

Eric Foster called the meeting to order at 10:10 a.m.

#### **II. CO-CHAIR REMARKS**

Eric Foster stated that the committee meeting is expected to be brief, as long as members were able to review the meeting minutes and revised work plan in advance. Unfortunately, Plante & Moran representation will not be in attendance today. He said that he will work to get an update as it relates to their portion of the review of the current policies and laws in time for our next meeting.

#### **III. REVIEW / APPROVAL OF MEETING MINUTES OF OCTOBER 23, 2008**

Eric Foster asked members for any questions about the minutes. There were no questions. Mildred Madison made a motion to accept the Meeting Minutes of October 23, 2008; seconded by Kay Andrzejak. **Motion carried.**

#### **IV. REVIEW/ FINALIZE REVISED WORK PLAN FOR LEGISLATIVE SUBCOMMITTEE**

Mr. Foster brought the committees attention to the Scope of Work and Mission for the Legislation & Regulations Subcommittee and asked for any questions. Kendra Howard made a motion to accept the committees Work Plan and Mission; seconded by Mildred Madison. **Motion carried.**

#### **V. REVIEW/ DISCUSSION OF THE MICHIGAN BILLS AND PRIORITIZE FOR FOLLOW-UP/ ADVOCACY**

Mr. Foster referenced the list of bills that were distributed at the last meeting. DAAA and the committee were asked to review and take a position on these bills at the Nursing Home Study presentation at Sacred Heart Seminary in September. The nursing home owners expressed that the bills added unnecessary regulations, stipulations and cost. Kendra Howard commented that since the Legislative session is going to end at the end of this calendar year and because some of these bills had opposition by republicans in the house and are going to a republican led senate, these bills may not be in the highest priority of the leadership to move before the end of the calendar year. If they do not pass before the end of this year, they would have to be re-introduced in the next legislative session which begins in January 2009. Because it is likely that they will not move, Kay Andrzejak made a motion that DAAA and the Legislation & Regulations Subcommittee will take a neutral position on the package of bills at this time; seconded by Tom Rau. **Motion carried.**

#### **VI. ESTABLISH LIMITED PRIORITY LISTING OF ISSUES OF CONCERN TO THE TASK FORCE AND SUBCOMMITTEE (I.E., STATE FUNDING FOR REPAIRS) THAT THE COMMITTEE SHOULD CONCENTRATE ITS EFFORTS**

Mr. Foster said that other subcommittees are currently identifying barriers or challenges that they may face in their area of focus. The update from Plante & Moran will help us to identify topics of priority as it relates to Legislation & Regulations. We will work to get that information and send out by email and mail prior to the next meeting for review.

Mr. Foster opened up the floor for committee members to suggest their opinions regarding areas of focus for the committee. Gloria Hicks Long said that upon contact with Plante & Moran, they asked for committee members input and would be calling some members to discuss topics to include with their research to present at the next meeting.

Tom Rau expressed his concern about the 2-year lag for reimbursement on the cost of operation from the state. State reimbursement no longer includes inflation. It is based on what was spent two years prior. He said that Detroit area nursing homes have mostly Medicaid patients, but more Medicare patients are needed to make up for the variance in reimbursement loss between the two programs. He suggested getting certification so that nursing home owners can get their money up front. They need MDS nurses and social workers to attract and handle more Medicare patients.

Another main issue identified by Tom Rau is that there is a variable side and a planning side to ownership of a nursing facility. The state looks at the variable side; whereas owners look at the planning/ operation side. They make the system so complicated. The bottom line is that if you do not have Medicare patients (only Medicaid) your facility will suffer financially. Therefore, you have to have money to make money.

Ms. Mildred Madison commented that the committee should be sure not to overlap the work of another committee of the DAAA's Board, Legislative and Public Policy and the Medicaid/ Medicare Committees. Clarity should be stressed on each role of each LTC Task Force Subcommittee. The focus should be as narrow as possible for each subcommittee, to avoid overlapping. Eric Foster explained the role of the L&R subcommittee in three points:

1. To act as a "driver" on the legislative side, regulatory side and appropriation side for all of the LTC Task Force Subcommittees using all of their policy points to create the language and the writing points to draft and introduce Legislation.
2. On a State level hold a hearing with all key legislatures (Detroit Delegation and various policy committees and appropriation subcommittees) that deal with this issue.
3. On a Federal level, after gaining help from the Michigan Delegation, we want to request that they reconvene a committee to deal with this issue.

With enough support and voices, we can let the federal legislators know that this is a very big issue and needs an assigned committee to make things better.

The committee discussed how dollars were being spent and ideas on how money can be generated faster for nursing facilities improvement. Eric Foster said that there would have to be a redistribution of dollars.

The persons identified as “pro-nursing home” and could serve as good advocates for us are:

- Representative George Cushingberry, 8<sup>th</sup> District
- Senator Roger Kahn, 32<sup>nd</sup> District
- Senator Ron Jelinek

Tom Rau pointed out the following issues:

- Overbedding in the city. Four and three-bed wards should be reduced to two-bed units (On the plant side B&E Dev. Committee assigned to find ways of reimbursements for funding)
- Attention to the old houses and poorly kept plants. We could try to pay the debt on the buildings or pay legacy to owners to turn them over and shut them down.

Liv Boykins commented that pressure should be placed on owners to bring their buildings up to code or get out of business. In 5 years, sprinkler systems will be required. If owners add sprinkler systems they will be creating jobs and enhancing the environment; therefore attracting more patients to generate more income.

Mrs. Gloria Hicks Long brought the committees attention to the hand-out on the Olmstead and added that it was for information purposes.

#### **VII. STATUS REPORT FROM UCG ON OTHER AAA'S AND URBAN POPULATION**

Kendra Howard contacted other AAA's with exception to one, Flint Area Agency on Aging despite repeated efforts. Kalamazoo was the only Agency to respond to a 9-question survey to identify challenges in their urban communities. As more agencies respond and update will be provided to the committee. A copy of the 9-question survey will be provided to the committee prior to the next meeting date.

Ms. Boykins commented that there should be a legislative guideline to prevent the manipulation of dollars toward the city. Discharge planners are sending patients to suburban facilities until their medicare dollars are exhausted; those patients are then returned to the city's facilities and placed on Medicaid leaving the urban facilities with the problem of more Medicaid vs. medicare patients. Eric Foster responded that there are a number of ways to address that issue. Maybe the issue of facilities not being reimbursed if they are marketing is the greater focus in that particular issue. Nursing facilities are forced to wait for patients to be referred to them, mostly by biased discharge planners. There occupancy rate would be increased if they were enabled to advertise without penalty.

#### **VIII. UPDATE LEGISLATIVE PROCESS TRAINING**

An update on the legislative process training will be provided at the next meeting.

#### **IX.**

##### **AGENDA BUILDING**

Items up for discussion at the next meeting are as follows:

- Plante & Moran update with regard to the discussions held today on Legislation & Regulations Subcommittees priorities
- Status Report from UCG on other AAA's and urban population
- Update legislative process training
- Questions/ Comments
- Projected meeting date schedule through September 2009

#### **X. NEXT MEETING DATE – WEDNESDAY, DECEMBER 10, 2008**

Members are expected to bring to the next meeting, their planners/ calendars for scheduling future meeting dates, times and locations for the Legislation & Regulations Subcommittee.

**XI. ADJOURNMENT**

Meeting was adjourned at 11:34 a.m.

Respectfully submitted by:

Leah Pippen

GHL/lp

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