

**ADULT FOSTER CARE LICENSING ADVISORY COUNCIL
MEETING MINUTES**

February 25, 2009

MEMBERS PRESENT

Lacey Charboneau, Andrew Farmer, Cynthia Farrell, Phillip Lancaster, Paul McClain, Sandy Mabery, Brian Sabourin, Lauren Swanson

MEMBERS ABSENT

Ellen Sugrue-Hyman
Kathleen Murphy

ABSENT MEMBERS REPRESENTED

Linda Lawther (Proxy Phillip Lancaster)

ADULT FOSTER CARE/HOME FOR THE AGED LICENSING STAFF

Deborah Wood, Division Director,
Tom McWhorter, Program Specialist
Marva Chambers, Secretary

VISITORS

Allen Adams, DHS - Office of Adult Services
Brenda Roberts, MALA
Nancy Winter, Deaf and Hard of Hearing Services
Janna Bennett, Deaf and Hard of Hearing Services
U Wen Wong, Deaf and Hard of Hearing Services
Valerie Klasko, Private Citizen

Phillip Lancaster, Chairperson called the meeting to order. Roll call showed a quorum was present.

Approval of Agenda

Andy Farmer made a motion to approve the agenda as presented. Lauren Swanson seconded the motion. All in favor.

Approval of Minutes – November 19, 2008 meeting

Brian Sabourin made a motion to approve the minutes as written. Lacey Charboneau seconded the motion. Minutes were approved as written.

Elect Chairperson and Vice Chairperson

Lauren made a motion that Phillip Lancaster remain chairperson and Linda Lawther remain Vice Chairperson. Andy seconded the motion. Motion passed.

Phil agreed and Linda had given pre approval that she would be willing.

Public Comment

U-Wen Wong, Mental Health Supports Coordinator, Deaf & Hard of Hearing Services (DHHS), Grand Rapids, Michigan

Mr. Wong was introduced for public comment. Mr. Wong said he is a Mental Health Support Coordinator with the Deaf and Hard of Hearing Services (DHHS) in Grand Rapids, Michigan. The Agency covers the Kent County area and many of their clients live in adult foster care deaf homes. DHHS provides interpreter services, smoke detectors designed for deaf and hard of hearing, TTY's for telephones and any problems their clients have. Mr. Wong suggested going to their website, DeafHHS.org and click on "contact us" to learn more about their program. Also, he said they were having an open house in March and everyone is welcome to come and visit.

Deborah asked Mr. Wong if there was anything the Bureau of Children and Adult Licensing needed to do to improve services to his clients. Mr. Wong gave examples of some problems his clients have encountered.

Deborah responded that if the problems are rule violations the Division would want to know so an investigation could be conducted and the problem corrected. Lacey also told Mr. Wong that Citizens for Better Care is an advocate for residents. Brian also advised Mr. Wong that he could contact Michigan Protection and Advocacy Services for assistance with clients' problems.

Valerie Klasko was introduced and gave comment and concerns regarding Rule 400.15206 being outdated. Her Grandmother was in an adult foster care before she died in October 2008 and Ms. Klasko witnessed the needs of residents when she visited her Grandmother. Many times direct care workers were needed to care for a resident leaving other residents alone. The direct care workers also did housekeeping. Ms. Klasko said older adults revert back to child-like behavior; however, the ratio for child care and adults is extremely different.

Phil supported Ms. Klasko's concern and said often direct care staff is afraid they will lose their job if they speak up regarding needing more staff.

Lauren thanked Ms. Klasko for her comment and attending the Council meeting and asked Deborah about the schedule for reviewing large group home rules. Deborah responded the rules were promulgated in 1994 and were reviewed 3 years ago.

Andy suggested in regard to clarification of Rule 400.15206 (1) "The ratio of direct care staff to residents shall be adequate as determined by the department, to carry out the responsibilities defined in the act and in these rules . . ." that

consultants could make it routine to look at the ratio according to residents' needs during onsite inspections.

Deborah added that subrule (1) cannot be looked at independently and must be evaluated in conjunction with Rule 400.15206 (2) as well. The ratio depends on the needs of the population served.

The Council discussed ways to identify staffing insufficiencies. Sandy said his experience is that during the inspection the consultant doesn't have time to look at ratio unless there are complaints and then the consultant would look deeper.

Deborah clarified that though it may not be observable to others, her staff are continually evaluating adequacy of staffing ratios when conducting onsite inspections.

After discussion the Council was in agreement of the following immediate solution:

- Division re-emphasize consultants taking a purposeful look during inspection to evaluate the adequacy of staffing levels.
- Have consultant(s) attend Council Meeting to explain how they determine sufficient ratio assessment and their findings.
- Council members visit adult foster care large group homes to observe direct care/resident ratio needs.

Brenda Roberts will contact Council members by email to identify those who want her to schedule facility visits. The facilities will be made aware that the visits are to make observations and that we will want to talk to direct care workers.

Lacey will work with Tom McWhorter to put a note on BCAL's website information for family members.

Bureau of Fire Services AFC Rule Committee Update – Lacey Charboneau

Lacey reported that the Bureau of Fire Services completed their review of the fire safety rules.

The Council's main interest was the sprinkler requirement. Lacey reported the final decision was to follow the NFPA Code. Existing facilities that have a 3-8 minute evacuation would not need to have a sprinkler system. Evacuation results above 8 minutes have to improve their evacuation time or have a sprinkler system installed.

At the last Committee meeting, it was decided they would like to work on the technical assistance for an emergency evacuation plan. The technical assistance would give licensees instruction on completing fire drills (getting residents dressed and exiting).

Deborah suggested the Council's committee may want to work with a fire safety inspector on the technical assistance.

Mr. Wong commented that some homes he has visited do not have a flashing light for the deaf.

Sandy Mabery pointed out that the fire safety rules do not require flashing lights but adequate staff is required. Deborah added that the facility must demonstrate how they are able to meet the needs of residents who may be deaf.

Phil and Lauren suggested that Mr. Wong be invited to the Council's Fire Safety Committee to represent the deaf residents' perspective and Sandy Mabery be invited to be on the Council's Fire Safety Committee for a licensee's perspective. All were in favor and invitations were accepted.

Division Bureau Updates – Deborah Wood

Staffing Issues – Deborah provided licensed facilities and staffing statistics for 2001-2008 for the Council to review. The statistics reflect the continued need for more staff.

Due to the support of the Council last year by sending a letter to all Legislators and Linda Lawther's testimony at the Senate Appropriations Committee, the Bureau received 9 new positions in 2008-2009; 4 were allocated to AFC of which 2 went to pick up the 2 background check analysts.

Two more consultants are leaving this month; a Home for the Aged Consultant received a promotion to another Department and an adult foster care consultant is retiring from the Pontiac field office. Both positions have been approved to be back filled.

Deborah said that Area Managers met last week to look at ways to make better use of our resources by streamlining our process. They will meet again next month bringing in ideas from their staff. Proposed ideas thus far include:

- No longer reviewing substitute form requests. Licensees will be required to use Department forms.
- Development of templates for required policies that can be provided to applicants and licensees.
- Development of template for the financial documents to make them easier for staffs' review.

Andy suggested a letter be developed quickly to send to the Appropriations Hearing regarding staffing needs. Further, this should be anticipated each year.

In regard to keeping the Council informed of the Legislative schedule, Brenda Roberts will follow up with MALA to see if they can keep the Council updated with the Legislative schedule.

Deborah presented the following documents to the Council for their individual review:

- Results of Focused Onsite Renewal Inspection questionnaires completed since the last Advisory Council meeting.
- Notice of Intent Log for November 2008 through January 2009
- Special Investigation Statistics for October 1, 2008 through February 23, 2009
- Division Activity Report and Special Investigation Performance Activity statistics for 10/1/07 – 1/31/09

Background Check statistics provided for the period ending February 23, 2009 reflected 120,422 AFC and HFA facility employees have been entered on the Long-Term Care Background Check System of which 3,758 were excluded from employment due to registry hits. 1,025 of the people fingerprinted had criminal records that excluded them from employment by the AFC/HFA background check analysts.

A letter was sent notifying AFC/HFA licensees of the requirement to have their exempt employee (hired prior to April 1, 2006), information entered on the LTC Workforce Background Check website by January 15, 2009.

LEGISLATIVE ISSUES –

Deborah said Senator Olshove introduced a bill in 2008 requiring applicants for adult foster care licenses to have background checks the same as direct care workers. That bill conflicted with other sections of the statute. The Department has forwarded suggested alternative language to Senator Olshove.

Tom McWhorter gave a brief summary on legislation passed and introduced since the last Council meeting that has relevance to adult foster care/home for the aged licensees:

PA 441 of 2008 (effective 1/9/09) – Amends PA 218 of 1979 – the Adult Foster Care Licensing Act, Section 400.734b (regarding criminal background checks) to remove reference to the federal pilot grant as a source of funding for criminal background checks in adult foster care homes. The costs are now the responsibility of the department.

PA 442 of 2008 (effective 10/31/10) – Amends PA 218 of 1979 – the Adult Foster Care Licensing Act, Section 400.734b (regarding criminal background checks), to add a conviction of “a moving violation causing death,” as a misdemeanor with a 5 year exclusion from employment as direct access staff in an AFC home.

PA 443 of 2008 (effective 1/9/09) – Amends PA 368 of 1978, Public Health Code, Section 20173a (regarding criminal background checks) as follows:

- Changes the date whereby exempt employees must be fingerprinted to begin April 1, 2011 (previously April 1, 2009).
- Removes reference to the federal pilot grant as a source of funding for criminal background checks in health facilities. Now states that health facilities (other than HFA's) shall pay the cost of fingerprinting direct access employees.

PA 444 of 2008 (effective 10/31/10) – Amends PA 368 of 1978, the Public Health Code, Section 20173a (regarding criminal background checks), to add a conviction of “a violation of Section 601d (1) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.601d, (i.e., a moving violation causing death) as misdemeanor with a 5-year exclusion from employment as a direct access staff in a health facility.

OTHER

The draft Adult Foster Care Family Home Technical Assistance Handbook was provided to the Council. The Technical Assistance was developed to be used as guidance and consultation for licensees and staff. The Technical Assistance Handbook will not be posted on BCAL's website until the consultants have used them and feedback has been received.

ADJOURNMENT – Andy moved to adjourn the meeting, Sandy seconded. The meeting was adjourned.

NEXT MEETING: Wednesday, May 27, 2009, 9:30 a.m, 7109 W. Saginaw, 2nd Floor Large Conference Room. If you are unable to attend, please call Marva Chambers at 517-373-8580.