

MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF HEALTH CARE QUALITY

ASSISTED LIVING FORUM

Wednesday, June 9, 2004 – 9:30 AM to 11:30 AM
Spring Grove Hospital Center – Dix Building
Basement Conference Room
Catonsville, Maryland

MEETING NOTES

Individuals in Attendance:

1. Denise Adams, MDoA
2. Michael Banscher, Anne Arundel County
3. Maribeth Bersani, Sunrise
4. Fran Blacker, Provider
5. Carol Benner, OHCQ
6. Linda Day Butler, Baltimore City
7. Dennis Byrne, SALA
8. Debra Campbell, Montgomery County
9. Lauren Carbo, Tranquility Assisted Living
10. Carol Carnett, Legal Aid Bureau
11. Linda Cofiell, Assisted Living Centers, Inc.
12. Linda Cole, MHCC
13. Sabrina Cooley, Lorien Health Systems
14. Donna Delano, AARP
15. William Dorrill, OHCQ
16. Michele Douglas, Alzheimer's Association
17. Otto Dregwitz, Vocies for Quality
18. Sister Irene Dunn, Victory Housing
19. Rosemary Desmond, Assisted Living Centers, Inc.
20. Ann Christine Frankowski, UMBC
21. Helene Gardel, Baltimore County
22. Ann Gaylor, Voices for Quality
23. Marcy Gouge, Baltimore City
24. Margaret Gunzelman, Hopkins Elder Plus
25. Mayer Handelman, Catered Living & Board of Pharmacy
26. Carolyn Henn, Augsburg Lutheran
27. Marie Ikrath, BMHS
28. Danna Kauffman, LifeSpan
29. Karin Lakin, Senior Network
30. Peg Lattin, Summerville Senior Living
31. John Lessner, Ober, Kaler, Grimes and Shriver
32. Wesley Malin, Hillhaven
33. Shelia Mackertich, HFAM
34. Susan Masters, Autumn Meadows
35. Kimberly Mayer, OHCQ
36. Tom Maxwell, Anne Arundel County
37. Ted Meyerson, AARP
38. Phyllis Meyerson, AARP
39. Phyllis Meyerson, AARP
40. Martin Ndefru, SALA
41. Barbara Newman, Maryland Board of Nursing
42. Jane O'Leary, MSCAN
43. Sharon Ohlaver, MHA
44. Betty Otar, Howard County
45. Leanne Pujrvis, Summerville Senior Living
46. Susan Quast, Montgomery County
47. Cheryl Reddick, OHCQ
48. Valerie Richardson, OHCQ
49. Kathy Sarnecki, DHR
50. Susan Shubin, Legal Aid Bureau
51. Sushant Sidh, LifeSpan
52. Jill Spector, DHMH
53. JoAnne Stough, Project Home
54. Alicia Sumilas, Maryland Health Enterprises
55. Nanci Target, Heartlands
56. Metak Townsend, SALA

I. Call to Order

Ms. Carol Benner, Director of the Office of Health Care Quality, called the Assisted Living Forum meeting to order at approximately 9:30 AM. Ms. Benner thanked every present for their interest in Maryland's Assisted Living.

II. Updates

A. Medication Management – Ms. Barbara Newman from the Board of Nursing provided an update on the medication management policy changes currently being considered. Delegating Nurse: The curriculum for the case manager delegating nurse is currently being developed by a workgroup of the Board. The training will, most likely, be 16 or fewer hours and consist of: a history of assisted living; the corresponding regulations (both Assisted Living and Board of Nursing regulations); delegation – what is it and how do you do it effectively; principles of case management that allow an nurse to operate effectively within the role of delegating nurse, i.e., communication and coordination; communication – written and verbal; tools; ethical and legal implications of nurse delegation, etc. All nurses who currently serve as a delegating nurse – approximately 1,200 to 1,500 - will be required to take the course. The Board of Nursing does plan to turn over the course components to the community colleges around January 2005. This will increase accessibility of course statewide. Medication Administration: The curriculum for the medication administration course is being developed by a workgroup of the Board within put from various stakeholders. The training, which is now 16 hours, will most likely increase to 20 hours. The core content of the course, which will be broken into population specific categories – i.e., assisted living, juvenile justice, school health and developmental disabilities - will include additional chapters on common disease processes, high risk and PRN medications, abbreviations, and special routes of administration. The Board has asked the community colleges to prepare a basic math and reading examination to be used as a screening tool for the course. With the certification of medication technicians beginning in October 2001, those medication aides – approximately 29,000 - already registered with the Board will be automatically issued a certificate.

B. Assisted Living Manager Training Core Curriculum – Ms. Benner reported that the Department is nearing completion on development of a core curriculum for assisted living managers. The Department has solicited input from various stakeholders and anticipates being able to present the curriculum to the Assisted Living Forum at the meeting in July.

C. Assessment Tool – Ms. Benner reported that the assessment tool workgroup, which was convened last year by the Assisted Living Workgroup, has been evaluating the accuracy of the scoring for Level 2 and Level 3 residents. Specifically, the workgroup looked at the impact of the more medically complex resident and those that require more time from the manager to address and manage certain conditions or behaviors. The workgroup has just completed a revision of the scoring tool aimed toward capturing more of these behavioral issues. The tool is ready for piloting by a core group of providers that have already been identified. The Department is seeking a partnership arrangement to validate the tool. The cost of the statistical validation, of course, will depend on the breadth and depth of the statistical analysis. Regardless of whether or not a statistical validation is completed, the Department plans to move forward with implementing a revised tool. It was requested that at the next meeting for a summary of the revised tool.

III. Discussion – Washington Post and USA Today Assisted Living Series

Ms. Benner led a discussion of the recent Washington Post and USA Today articles on assisted living. It was very interesting that the horror stories presented in the articles were given to the reporters by the regulators. Many providers present thought that the story focused on the mentally ill population and that it did not pertain to traditional assisted living providers. However, Ms. Benner pointed out that there are many individuals served in assisted living that have some form of mental illness. Moreover, she noted that in all of the articles you could replace Virginia with Maryland and it would be 95-percent accurate.

There has been some discussion about the television show 20/20 picking up the articles and doing a story on assisted living. There has been legislative interest in the articles and concerns being echoed statewide. In addition, it has been noted that David Fallis is planning to do another series on assisted living and Maryland may be the focus of that series.

The Department has issued approximately 20 sanctions – which represent the entire legal process - against assisted living providers during the course of last year. However, when surveyors find deplorable conditions which require immediate closure and transfer of residents they call Adult Protective Services and close the facility on the spot. Because these interventions are immediate, statistics are not available.

Industry representatives commented on the lack of resources at the Department level for enforcement, which is evidenced by less than five-percent of annual surveys being completed. The industry is concerned that it is being tainted by poor quality providers. The Department acknowledged its lack of resources. However, it indicated that even with the allocation of additional resources, the increased need of technical assistance required by these marginal providers would only consume more surveyor time. There simply exists a huge health care knowledge deficit with certain providers. The need to develop a more appropriate regulatory structure for assisted living is required.

Some suggestions for regulatory improvement mentioned during the discussion included: a three-strikes policy for providers; an optional licensure program; licensure based solely on level of acuity; developing some types of incentives for licensure; preventing hospitals from discharging to an unlicensed assisted living provider; a registry program akin to the domiciliary program, but that it has enforcement; or, re-regulation of smaller providers that address the areas where they have trouble achieving and maintaining compliance.

IV. Quality Standards for Assisted Living Programs with 16 or fewer Beds

Ms. Benner led a discussion on what should the quality standards be for assisted living programs with 16 or fewer beds. Should awake overnight staff, a nursing presence, and manager training be required? Should it be required for just specific levels of care? There was significant discussion about awake overnight staff requirement for level 2 and level 3 providers. This topic will be explored further at the next forum meeting.

V. Next Steps

The Department is tentatively planning to hold Assisted Living Forum meetings: July 7, 2004, in the Maryland Psychiatric Research Center Auditorium, Spring Grove Hospital Center, Catonsville, Maryland; August 11, 2004, at the Department of Health and Mental Hygiene, 201 W. Preston Street,

Lobby-Level Conference Room L3, Baltimore, Maryland; September 8, 2004, Dix Building, Basement Conference Room, Spring Grove Hospital Center in Catonsville, Maryland.

The new assisted living regulation booklets are available and may be ordered from the Office of Health Care Quality. Individuals may contact the Office of Health Care Quality at 410-402-8015 or toll-free at 1-877-402-8218 for more information or an order form can be downloaded from the Office's website at <http://www.dhmh.state.md.us/ohcq/html/reg.htm>.

A smaller group of core stakeholders will meet sometime before the next Forum meeting to discuss the regulatory structure of assisted living. A report will be prepared for the Forum to review at its July meeting.

VI. Adjourn

There being no further business before the Assisted Living Forum, the meeting was adjourned at approximately 11:50 AM.