

# Senior Care Task Force: WGA – Quality of Care and Protective Services Recommendation Development: Adult Care Home Surveys and Fines

Mar. 22, 2022  
9:00am-10:30am  
WebEx

**Facilitator:** Hina Shah - KHI **Note taker:** KHI

**Attendees:** **Working Group Members:** Bill Persinger, Valeo Behavioral Health; Rep. Charlotte Esau; Rachel Pirner, Triplett Woolf Garretson, LLC; Camille Russell, Long-Term Care Ombudsman; Ernest Kutzley, AARP; Tracy Davies, Washburn University; Chrisy Khatib, DCF; Jan Kimbrell, Silver Haired Legislature; Mitzi McFatrach, Kansas Advocates for Better Care; Debra Zehr, Leading Age Kansas; Carter Olson, Long Term Care Administrator;  
**KHI Staff:** Hina Shah, Emma Uridge  
**KLRD Staff:** Leighann Thone

**Reviewed Documents**

- Agenda
- KDADS Data Request Response from March 8 meeting
- SWOT Matrix via Google Jamboard (Strengths, Weaknesses, Opportunities, Threats)

**Agenda:**

9:00AM	Welcome and Introductions
9:10AM	Recommendation Development via Google Jamboard
10:25AM	Administrative Updates and Next Steps
10:30AM	Adjourn

## Minutes

**Agenda item:** Introductions / Opening Remarks / Review Agenda

**Note:** Meeting start time delayed due to technical difficulties

### Discussion:

Hina Shah provided a review of the agenda and outlined working group roles

- Ground Rules Reviewed
  - Come ready to discuss and compromise.
  - Keep remarks succinct and on topic.
  - Don't hesitate to ask clarifying questions.
  - Start and end on time.
- Group Introductions and Prompt: "What would you like the members of this working group to keep top of mind as you develop recommendations around adult care home surveys and fines today?"
  - Bill Persinger: Establish framework for developing recommendations by procedure, policy, regulation, and statute.
  - Rep. Charlotte Esau: What can we do legislatively to make changes to policy and statutes, and we need to make sure we are addressing everyone's needs.
  - Camille Russel: Any issue an individual does not get addressed is a problem for all.
  - Jan Kimbrell: Emphasize the importance of updated inspection results for caregivers and family members to see. Many decisions are based on those reports, and they need to be current.
  - Carter Olson: Stress that nursing home reforms need to reflect scalability. Kansas needs to focus on protecting rural nursing homes who are in a fragile state.
  - Chrisy Katib: Make sure an individual in a facility can make informed decisions about their care, and how their voice is amplified in those settings to make sure needs are met.
  - Ernest Kutzley: Look at quality, safety, and choice for older Kansans and their caregivers, and to look at short-term bills as well as long-term bills for the legislature.
  - Mitzi McFatrach: Focus on statues and regulations that we can implement that advances resident's rights and person-centered care, and to address prevention for abuse, neglect, and exploitation, such as getting more surveyors, and updating the Certified Nurse Aide (CNA) registry.
  - Debra Zehr: Let's go for low hanging fruit, regulation changes are a mid-term item.
  - Rachel Pirner: Second Ernie
  - Tracy Davies: Recognize rights of the individuals and reduce adversarial process for surveys.
- Hina Shah pointed to the KDADS responses to the data requests from March 8 meeting, which was distributed to the group via email at the beginning of the meeting. Working group member indicated discrepancy in the number of surveyor positions and vacancies noted in the response document, and what was shared in a previous meeting. KHI will follow up with KDADS before next meeting on April 12.
- Vision Statement: "Older Kansans will have access and the ability to choose and receive high-quality, person-centered services wherever they reside."

**Agenda item:** Recommendation Development via Google Jamboard

**Discussion:** Adult Care Home Surveys and Fines

### Preliminary Recommendations List – Adult Care Home Surveys and Fines

No.	Recommendation
1	Use directed plan of correction and education as remedy for infractions more often
2	Revisit/re-examine/perhaps modify Informal Dispute Resolution (IDR) process for adult care homes
3	Increase the duration for plans of correction that do not involve actual harm to allow systems level implementation that is meaningful and sustainable.

4	Update current progress of facilities online on care and management surveys within the past 18 months.
5	Provide a timely appeal process for facilities who are assessed financial penalties under corrective action reporting.
6	Add an educational audit report to the survey which is informational not punitive
7	Alerts on Kansas Department for Aging and Disability Services (KDADS) on individuals' licenses to promote awareness of infractions occurring under certain individuals.
8	Fund a technical assistance or consultant position to aid regulatory knowledge and achieve high-quality person-centered care
9	Create a technical assistance department that long term care facilities can access to help with regulatory compliance, developing quality improvement and writing sustainable plans of correction
10	Increase knowledge and practice intent of person-centered care for survey and providers to all a quality practice of Person-Centered Care without fear of citation.
11	KDADS survey teams training of person-centered care and implementation for more effective facility review.
12	Fully fund multidisciplinary team of surveyors familiar with long-term care, and attract workforce by enhancing pay and benefits
13	Acknowledge excellence of facilities care and management, KDADS used to provide public recognition for nursing homes (Exemplary Care Program) that they identified as having exemplary care systems in specific areas of quality of life and care. Consider reviving this program.
14	Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation deemed status for long-term care.
15	National accreditation for nursing homes.
16	Develop incentives or recognition for well performing facilities.
17	Partner with a consultant for a monthly publication of efforts and recent infraction details.
18	Easy access to results for consumers, families, and caregivers.
19	Consideration of a statewide conference to create networking opportunities and foster relationships among professionals. Create opportunities to share what's working, evidence-based practices, and national themes.
20	Acknowledge the improvements in patient care of facilities in comparing past surveys on file
21	Designate a percentage of civil monetary penalties' to be used for specific categories of facility improvement.
22	Establishing a percent (i.e., 15%) of civil monetary penalties to be used for specific facility improvement in quality of life and care offered.
23	Address lack of individual address to Abuse, Neglect, and Exploitation (ANE) with survey only process. DCF conduct ANE investigations regarding staff as well as ANE allegations by a person from the community.
24	Provide more consumer education on the state website re: survey frequency, levels of harm, dates of surveys, etc. Help consumers understand role of staffing and staff competence, quality measures etc. In quality care
25	CNA registry review and update process. Add CNAs as mandated reporters.
26	ANE prevention and intervention - provide state licensed assisted facility residents with right to appeal eviction/involuntary discharge to state fair hearing.
27	Appeal rights for improper discharge in state licensed facilities

**Overview of Discussion:**

- Working group established framework for recommendations that could be accomplished via procedure, policy, regulation, and statute. Once recommendations were made, working group revisited and evaluated which recommendations would warrant immediate action, and what level of the framework the recommendation would be accomplished at.
- A prominent theme that emerged included adequate staffing by funding more full-time positions, as well as having a multidisciplinary survey team with expertise in long term care. Working group indicated that once an adequate workforce has been recruited, training in person-centered care will result in more in-depth, quality surveys.
- Another topic that emerged was the duration of surveys, and if the procedural process would change for the number of surveys given to correct or modify previous surveys that are used for facility ratings. It was determined that a potential solution for this issue would be adding more surveyors.
- The group discussed creating or inquiring about current accreditation programs for nursing homes. A working group member indicated that this recommendation would have to be accomplished at the federal level due to no accreditation currently existing for nursing homes, and that this recommendation may be beyond the scope of this working group to accomplish. KHI facilitator noted that any recommendations not included in the final report recommendation list may be added to the appendices for future task forces to utilize as a starting point.
- Lastly, the group discussed how an alleged perpetrator is addressed when a referral to KDADS is made regarding abuse, neglect, and exploitation (ANE). Long-Term Care Ombudsman indicated that while referrals to KDADS Legal Department have decreased the past three years, ANE complaints to the State Long-term Care Ombudsman Office have increased. To date, KDADS Legal Department has not confirmed if any 2021 referrals resulted in a Case Closure, Notice of Finding, or Admonishment. Working group members requested additional follow-up from KDADS Legal Department regarding data presented by the State Long-Term Care Ombudsman.

ANE Complaints/Referrals made to KDADS		ANE Complaints to Kansas Long-Term Care Ombudsman
2019	166 / 75	26
2020	77 / 26	66
2021	52 / 22	131

**Agenda item:** Administrative Updates and Next Steps

**Discussion:**

- **Next Meeting:** April 12<sup>th</sup>
- **Next Topic:** Refining and Characterizing Recommendations
- **Tentative date for the next Senior Care Task Force meeting:** May 26<sup>th</sup>
- Hina Shah introduced and will distribute recommendation characterization rubric to utilize for future meetings

**Data Request for KDADS:**

- How many actions were taken against CNAs from referrals sent to the KDADS Legal Department in 2021?
- Confirm the number of surveyor positions and vacancies and reconcile differences from March 8 discussion and written responses provided on March 22.