

***Division of Health Facilities
Long Term Care Advisory Committee Meeting Minutes
Virtual Meeting
November 17, 2021
1:00 pm to 3:00 pm***

Committee Members Present:

Tim Wiedrich, Chief, Health Resources & Response Section, ND Department of Health
Bridget Weidner, Director, Division of Health Facilities, ND Department of Health
Kathy Laxdal, Program Manager, Division of Health Facilities, ND Department of Health
Rocksanne Peterson, Recorder, Division of Health Facilities, ND Department of Health
Cynthia Tredwell, Chairman of the NDLTC Association, Hatton Prairie Village, Hatton
Peggy Krikava, Education Director, ND Long Term Care Association
Shelly Peterson, Executive Director, ND Long Term Care Association
Karla Backman, State LTC Ombudsman, ND Department of Human Services
Dave Nelson, Division of Life Safety & Construction, ND Department of Health
Lisa Thorp, Quality Health Associates
Natasha Green, Quality Health Associates
LeeAnn Thiel, Administrator, Division of Medical Services, DHS
Dr. Bruce Hetland, Bismarck Medical Director, Nursing Home Medical Directors Association

Also, present:

Committee Members Absent:

Michelle Lauckner, Quality Health Associates
Pete Antonson, Board of Examiners for Nursing Home Administrators
Char Schmidt, Regional Vice President, Edgewood Healthcare
Carole Watrel, AARP
Joan Ehrhardt, Consumer Representative
Randal Albrecht, Consumer Representative
Representative Gary Kreidt, ND House of Representatives (New Salem)

Welcome

A meeting of the Long-Term Care Advisory Committee was called to order at 1:00 p.m. on November 11, 2021. The meeting was held virtually via Microsoft Teams. Tim welcomed everyone and introductions were made; each of us explained who we represent.

Public Comment (1:07 pm)

No Comments.

Approval of Minutes

The minutes of the July 8, 2021, the Long-Term Care Advisory Committee meeting were distributed and reviewed. Bruce Hetland made the motion to approve minutes; Shelly Peterson second. Motion carried.

Organizational Update – Tim Wiedrich

- Tim Wiedrich gave an organization update regarding the integration of the Department of Human Services and the Department of Health. A governance structure has been established; Executive Steering Committee (Tammy Miller, Dr. Wehbi, Chris Jones), Integration Leadership Team (Chris Jones, Dr. Wehbi, Krista Fremming, Stacey Breuer, Dirk Wilke, Sara Stolt, Brenda Weisz, Arnold Strebe, Marie Moe, Lynn Bargmann, Doran Eberle, Caprice Knapp). We are currently in the decide phase. This will be completed in December and in January/February we will be in the designing phase. Once the design process has been completed will need to start the implementation phase this will start around June.

Vision Setting – Tim Wiedrich

Purpose of the Advisory Committee: we want to be transparent and address issues and concerns when they arise. The major area we would like to look at is to look at is programs and program areas and to make improvements or make changes where we have control over. Tim hopes this can be more where we have a dialogue versus reporting.

Reports & Updates

Legislative Update: – Rep. Gary Kreidt

- No report.

Long Term Care Association: Shelly Peterson

- Shelly gave a legislative update from the special session. They were very efficient in their work; one area was spending their billion dollars. She spoke about the amount of money that went to basic care and skilled nursing and when it will go into effect. Shelly spoke about the vaccination bills related to COVID-19 and her concerns. Number of lawsuits have been filed nationally related to COVID-19. She is concerned with what will happen in the next two weeks regarding the lawsuits. Shelly asked how the exemptions will impact facilities that have multiple facility types within their building/facility. Bridget did reach out to the DOH attorney general regarding the question, what is the impact on basic care facilities/assisted living? Do they have to follow the legislative rules in HB1511 and SB2345?
- The new visitation guidance QSO-20-39 Revised: 11/12/2021. What does that mean? Looking forward to the guidance on the tactical call. They have singing groups that want to come back into the facilities. Are singing groups volunteers or visitors? Are there definitions on volunteers?
- Shelly asked about the 24-hour RN requirement, there is a three-year phase in for that.
- Bed layaway went into effect October 1, 2021; there has never been such a drop in bed capacity before. Heart of America Medical Center, Rugby, ND is building a new hospital and will care for residents in Swing bed, so will be closing their nursing home. There are currently 746 beds in lay away.
- Shelly stated the new rate setting system will begin on January 1, 2022. Facilities will have the option to run under either the old system or new system for a couple of years.

- Vaccination mandate goes into effect on December 6, 2021. Cindy Tredwell stated they have a vaccination rate of 80%. If this goes into effect, she stated they will lose employees. Most of those in LTC are supportive of the vaccination. Shelly is wondering if the state has enough staff available to help with staffing issues. The committee discussed the religious exemption, this is pretty open right now; at this time Bridget has no guidance from CMS on the religious exemption. Bridget stated CMS is accepting comments related to concerns regarding the federal rule.
- Shelly spoke about being interested in the strike team money, HCA, and price gouging of contract nursing.
- The Long-Term Care Association will be holding an in-person conference in December. It will be held in Fargo; Kathy Laxdal, Kelly Beechie, and Karla Backman will be presenting. Their spring conference will be held on May 3-6, 2022. That will be a hybrid conference which will be a combination of in-person and virtual.

Quality Health Associates (QHA) of North Dakota: Michelle Lauckner/Lisa Thorp/Natasha Green

- Natasha gave an update from Quality Health Associates of North Dakota on the projects and education they are providing to facilities in the state. They have been providing education to staff regarding vaccination. She also talked about getting weekly reports regarding NHSN data.
- Natasha reports they have a new staff member that will be helping Michelle.

Nursing Home Medical Directors Association: Dr. Bruce Hetland

- Bruce gave an update from the Nursing Home Medical Directors Association. Some of the things they have been doing is establishing is a medical directory, as well as national medical directory. Shelly asked if the medical director information could be collected; the DOH is already collecting the information and is a part of the licensing process.

Board of Examiners for Nursing Home Administrators

- The Board of Examiners for Nursing Home Administrators is going through administrative rule changes. They will be following the national standard of AIT training.

State Ombudsman: Karla Backman

- Karla reported that it is a crazy time for the ombudsman. With the current CMS memo coming out, they are hoping they will be able to meet with residents again.
- Karla reported they are trying to keep their fingers on the pulse of psychiatric facilities taking residents with behavioral health issues.
- Karla also reported they were fortunate to be able to have received some funding. These funds will go towards a marketing campaign.

Medicaid Program: LeeAnn Thiel

- LeeAnn reported they are working on the new payment system and looking at basic care payments.

Division of Health Facilities: Bridget Weidner/Kathy Laxdal/Kelly Beechie

- Bridget gave an update on the new licensing database. This year facilities are still having to mail in their paperwork for their annual facility licensing. Licensing applications and bed fees are due by November 15, 2021. Next year the licensing renewal will be done electronically.

- The Division of Health Facilities is concerned with staffing in facilities. It effects the quality of care of residents which is made worse by staffing shortages.
- Bridget spoke about the vaccine mandate. We will be conducting vaccination compliance with during our survey process. They have not provided a lot of details other than what you have been told. When they have provided additional guidance Health Facilities will share with you.
- Kelly gave an update from the Nurse Aide Registry and the temporary Nurse Aide. Peggy asked about the full CNA course on AHCA. This has not been done yet. Tim was wondering if we could identify where the temporary nurse aides are located at. Todd Friesz could possibly run a Query.
- Kathy reviewed the most recent QSO memo: QSO-20-39 Visitation Guidance: CMS is issuing new guidance for visitation in nursing homes during the COVID-19 PHE, including the impact of COVID-19 vaccination. Visitation is now allowed for all residents at all times.
- Kathy also spoke about the how far Health Facilities surveys are backlogged because of Covid. It is approximately 18-24 months. We will just move forward from here. She also reported on the most frequently cited deficiencies in ND F0880 and the Nation F0884 which is a Civil Money Penalty tag.
- We feel we are doing well with our overdue or backlog plan. The committee discussed the facilities that have closed or will be closing.

Division of Life Safety and Construction (LSC): Dave Nelson

- Dave reported his division is working on utilizing third party reviewers for two projects that they have. LSC will oversee the projects the third party will review. He also reported SB2241 has set limits on the time LSC has to work on project. We now have 4 trained and experienced plan reviewers. Dave reached out to Steve Hoepfner to join the LTC Advisory Committee. Life Safety Connection, LSC Newsletter was suspended during COVID and will be started up again and sent out quarterly. Some of the projects the reviewers are working on is a free-standing hospice facility and a basic care.

Consumer Representatives:

- Rick Boehm asked if we could add the pharmacy consultant to the information collected in the licensing database.

Old Business:

- Committee Membership: Bridget Weidner
 - Bridget welcomed new members; Faye Salzer, Rick Boehm, Steve Hoepfner. It was recommended to remove Randy Albrecht, Carole Watrel, and Joan Ehrhardt as committee members.

New Business:

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Next Meeting Date and Time:

- Date – Please bring your calendars. Sometime in February will put together dates and email.
- Future Agenda Items

Adjourn at 3:10 pm