

**PENNSYLVANIA
DEPARTMENT OF AGING**

LONG-TERM CARE COUNCIL

EST. 2015

Meeting Minutes

Meeting:	Pennsylvania Long-Term Care Council
Date:	Thursday, August 20, 2020
Start & End Time:	10:00 a.m. to 11:56 a.m.
Location/Format:	WebEx Meeting w/ Dial-In Option

Council Members in Attendance

Insurance Cmmr. Jessica Altman (Designee: Emily Holladay)*	Anne Henry - <i>Nonprofit SNFs</i>	Kenneth Potter, Esq. - <i>PA Bar Association, Elder Law Section</i>
Eric Beittell - <i>LTC Insurance</i>	Lydia Hernandez-Velez - <i>Consumer Advocacy</i>	Nicole Pruitt - <i>Adult Day Centers</i>
Sen. Michele Brooks (Designee: Ryan Dellinger)*	Nancy Hodgson, PhD - <i>Academic Research</i>	Mike Sokoloski - <i>Homecare</i>
Janice Cameron - <i>PA Council on Aging</i>	Samella Hudson-Brewton - <i>Senior Community Centers</i>	Sec. of Aging Robert Torres <i>Council Chair</i>
Brig. Gen. Anthony Carrelli (Designee: Andrew Ruscavage)*	Sec. of Health Dr. Rachel Levine (Designee: Lori Gutierrez)*	Lon Wible - <i>Area Agencies on Aging</i>
Sen. Maria Collett (Designee: Tom Holroyd)*	Robert Marino - <i>Caregiver</i>	PA Housing Finance Agency Executive Director/CEO Robin Wiessmann (Designee: Gelene Nason)*
Rep. Gary Day (Designee Shannon Walker)*	Joyce McClary - <i>LTSS Nurse</i>	Margie Zelenak - <i>Assisted Living Residences & Personal Care Homes</i>
Rep. Pam DeLissio Designee Charles Miller also attended	Sec. of Human Svcs. Teresa Miller (Designee: Jennifer Hale)*	Heshie Zinman - <i>Consumer Advocacy</i>
Shona Eakin - <i>LTSS Consumer</i>	David Nace, MD - <i>LTSS Physician</i>	Matt Yarnell - <i>Consumer Advocacy</i>
Mark Gusek - <i>LTC Managed Care</i>	Teresa Osborne - <i>Consumer Advocacy</i>	
George Hartwick III - <i>County Commissioners Assoc. of PA</i>	Vini Portzline - <i>LTSS Consumer</i>	

*Attended on member's behalf

Council Members Not in Attendance

Sec. of Transp. Yassmin Gramian (Designee: Danielle Spila)	Shane Nugent - <i>For-Profit SNFs</i>
Diane Menio - <i>Caregiver</i>	Kimberly VanHaitsma, PhD - <i>Academic Research</i>

PDA Staff in Attendance

Maria Dispenziere, Deputy Legislative Director	Denise Getgen, Director of Protective Services
Glenda Ebersole, Policy Director	Carolyn Green, Legislative Director
Jack Eilber, Deputy Communications Director	Chuck Quinnan, Council Executive Director
Faith Haeussler, PA Council on Aging Exec. Director	Sasha Santana, Executive Secretary
Karen Gray, Communication Director	Barbara Valaw, Quality Assurance Bureau Director

Committee Members & Guests in Attendance*

Pam Auer, Center for Independent Living of Central PA	Dylan Lindberg, PA House of Representatives
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Carl Berry, PA Providers Coalition Association WC	Kaori Kelly, At-Home Quality Care
Jamie Buchenauer, PA Department of Human Services (DHS)	Keara Klinepeter, DOH
Jeff Blume, PA Department of Labor & Industry WC	Rebecca May-Cole, P4A OC
Kathy Cubit, Center for Advocacy for the Rights & Interests of the Elderly (CARIE)	Laura Ness, Bayada Home Health Care WC
Art DiLoreto, PA Association of Area Agencies on Aging (P4A) WC	Jeanne Parisi, DHS
Katie Dotto, PA Homecare Association (PHA)	Matthew Seeley, PA SILC
Jennifer Ebersole, Alzheimer's Association	Andrew Sharp, Governor's Office of Intergovernmental Affairs
Kristin Faust, PA Department of Health (DOH)	Kimberly Shetler, PA Department of Aging
Carl Feldman, DHS	Missy Shupe, Long-term care nurse WC
Christine Filipovich, DOH	Pete Tartline, PA Health Care Association (PHCA) WC
Kathy Gillespie, Clearfield County Area Agency on Aging QC	Maggie Tracy, Bayada Home Health Care
Maria Maletta Hastie, LIFE Geisinger OC	Linda Walker, Central Susquehanna Intermediate Unit AC
Terri Henning, PHA	Lou Wolkenstein, The Investment Advisor QC
Jeff Iseman, PA Statewide Independent Living Council (PA SILC)	

OC = Outreach Committee; AC = Access Committee; QC = Quality Committee; WC = Workforce Committee

*Only the attendance of guests who logged into the meeting via the WebEx platform was able to be captured unless the individual indicated otherwise.

Meeting Minutes

#	Discussion Items	Summary
1	Welcome	Council Executive Director Chuck Quinnan opened the meeting as Secretary of Aging Robert Torres was delayed due to technical issues. During his welcoming remarks, Mr. Quinnan announced that he will be leaving state government on September 18, 2020 to work for AARP Pennsylvania as an associate state director for advocacy and outreach. Mr. Quinnan thanked the council and committee members for their dedication and service on behalf of older Pennsylvanians and individuals with disabilities, and Secretary Torres for his leadership and support. He also extended a special thank you to former Secretary of Aging and current councilmember Teresa Osborne for bringing him to the Department of Aging to lead the council during its infancy.
2	Approval of June 4, 2020 Meeting Minutes	A motion was made by Mathew Yarnell and seconded by Teresa Osborne, and the June 4, 2020 meeting minutes were unanimously approved.
3	Governor's Office Stakeholder Update	Andrew Sharp, Deputy Secretary of the Governor's Office of Intergovernmental Affairs, thanked the council members and other stakeholders for their feedback and expertise during the pandemic and noted that the administration is in the process of developing and updating COVID-19-related guidance. Deputy Secretary Sharp explained that some decisions are in motion and will need to be made quickly in order to best support long-term care consumers and those providing these vital services and supports, which is why the administration wants to ensure that all stakeholders have an opportunity

		<p>to share and provide feedback. With that said, he shared that the Governor’s Office and the Department of Health have begun convening regular stakeholder calls. In addition, Deputy Secretary Sharp explained that Council Executive Director Chuck Quinnan will be sending out a feedback form to all council and committee members so that they can share any COVID-19 long-term care-related ideas, thoughts, concerns, etc. that they do not get to express during the meeting. He informed the members that this information will be promptly shared with the Governor’s Office and all relevant state agencies, so that it can be considered as decisions are made in the next few days, weeks, and months. Deputy Secretary Sharp also encouraged stakeholders to reach out to him directly with any thoughts or questions.</p>
4	<p>SNF Guidance Process & Updates Overview</p>	<p>Keara Klinepeter, Special Advisor to the Secretary of Health, provided an overview of the Department of Health’s (DOH) guidance development process. Ms. Klinepeter discussed the following during her PowerPoint presentation:</p> <ul style="list-style-type: none"> • The Technical Planning and Guidance Development Team, which was established on March 18, 2020 by Secretary Levine to develop timely, actionable, and proactive guidance to meet the needs of facilities, providers, and other key stakeholders during the COVID-19 pandemic • Guidance development inputs (e.g., the latest science, data analysis, stakeholder input, federal guidance, etc.) • The Long-Term Care Facility Data Dashboard • Guidance issued to date • Upcoming changes to guidance, including analyzing options to expand visitation, finalizing a “screening testing strategy” for continuous testing, etc. <p>The following is additional information Ms. Klinepeter provided in response to questions:</p> <ul style="list-style-type: none"> • DOH uses NEDSS (National Electronic Disease Surveillance System) county level data.* <ul style="list-style-type: none"> ○ While this information is not verified by DOH, the department will investigate if an individual believes the data is incorrect and files a complaint.* • Facilities must continue to retest until there are no more positives. • Under the recent personal protective equipment (PPE) order, PPE is required for individuals providing direct care of COVID-19 positive patients. <ul style="list-style-type: none"> ○ This creates parity in the field because the same order was issued to hospitals in June. ○ Long-term care facilities must have a policy in place on how to comply by August 27, 2020, but most facilities are already doing this. • DOH will supply PPE if there are emergency supply issues, and the Regional Response Health Collaboration Program partnerships can assist with acquiring PPE. • DOH does not have access to claims data but keeps in close contact with facilities and provider associations to monitor the impact of resident isolation.

		*Represents a response to a pre-submitted question(s).
	<p>Commonwealth Updates</p>	<p>PA Department of Human Services (DHS) – Jennifer Hale, Director of the Bureau of Policy and Regulatory Management for DHS’ Office of Long-Term Living (OLTL), provided departmental updates on COVID-19, enrollment services, and the Community HealthChoices (CHC) 1915(c) Waiver Amendment. The following are highlights of Ms. Hale’s presentation:</p> <p><u>COVID-19</u></p> <ul style="list-style-type: none"> • The 1915(c) Waiver Appendix K Transition Plan issued by OLTL on June 26, 2020 outlines changes, extensions, and transition activities now that counties have entered the green phase. <ul style="list-style-type: none"> ○ This guidance is subject to change based on lessons learned or due to a resurgence or other identified need. • The Regional Response Health Collaboration Program (RRHCP), which was established by the General Assembly by <i>Act 24 of 2020</i> and funded with <i>Coronavirus Aid, Relief, and Economic Security (CARES) Act</i> dollars, is now available to provide operational and administrative support to protect residents in nursing facilities, personal care homes, and assisted living residences from COVID-19. <ul style="list-style-type: none"> ○ The regional partners were selected through a request for applications. • OLTL began distributing the <i>CARES Act</i> funding allocated through <i>Act 24 of 2020</i> to its providers in July. <ul style="list-style-type: none"> ○ Guidance for providers has been sent out on the OLTL listservs and is posted at https://www.dhs.pa.gov/coronavirus/Pages/COVID19-PROVIDER-RESOURCES.aspx. <p><u>Enrollment Services</u></p> <ul style="list-style-type: none"> • On August 3, 2020, DHS issued a request for applications seeking an enrollment services vendor. <ul style="list-style-type: none"> ○ The vendor will provide enrollment services, choice counseling, and beneficiary support services for individuals who need long-term services and supports through OLTL. <p><u>CHC 1915(c) Waiver Amendment</u></p> <ul style="list-style-type: none"> • The purpose of the amendment is to revise service definitions and add clarifying language to the waiver based on stakeholder feedback, etc. • A public notice was published in the Pennsylvania Bulletin on July 25, 2020, which initiated a 30-day public comment period. • The amendment, which will be effective on January 1, 2021, does not contain COVID-19-related changes. • DHS was unable to add new services in the amendment due to the fiscal constraints, which is why many of the LTCC’s recommendations were unable to be included. <ul style="list-style-type: none"> ○ However, clarifying language was incorporated regarding how and when transportation may be provided by a personal assistance services worker and how the costs associated with the transportation are covered. <p>Additional details regarding the above can be found in Ms. Hale’s PowerPoint presentation.</p>

During the question and answer period, Councilmembers Nicole Pruitt and Margie Zelenak commented that adult day centers and personal care homes/assisted living residences, respectively, have not yet received CARES Act funding. Ms. Hale noted that she would reach out to their finance staff and work directly with them to address any issues. In addition, Ms. Hale also clarified that occupational therapy/physical therapy is still required for home adaptations and suggested that the questioner submit any concerns they may have during the CHC 1915(c) Waiver Amendment public comment period.

PA Department of Aging (PDA) – Secretary Torres provided the following updates:

State Plan on Aging

- To date, PDA has taken the following steps to solicit feedback regarding the upcoming 2020-2024 State Plan on Aging:
 - Conducted a community and stakeholder survey in June.
 - AARP shared the survey with its members and helped boost the total number of respondents to approximately 5,600.
 - The top six factors respondents indicated that they are looking for in order to support more age-friendly communities over the next five years were affordable prescription medications, access to in-home care and services, available and affordable housing, available and affordable transportation, dementia friendly communities, and access to mental health.
 - We will be putting together a more detailed summary of the responses we received.
 - The department also held virtual forums in which community members and stakeholders provided testimony and feedback.
 - This included a statewide virtual community conversation and several virtual forums with the Pennsylvania Council on Aging and its regional councils, as well as an LGBTQ Aging in PA virtual townhall, which included discussion of the state plan among other things (e.g., the progress made since the last summit in 2018).
 - Altogether, approximately 400-500 individuals participated in the different forums.
 - Finally, we put the draft state plan, specifically the goals, strategies, objectives, and action plans on the department's website so that people could review it and provide feedback.
- Tomorrow, we will be submitting our draft 2020-2024 State Plan on Aging to the Administration for Community Living (ACL).
 - Once the ACL does a preliminary review and provides feedback, we will work to finalize the plan and get the governor's signature as representation of our intent and his approval to move forward with it.
 - The final plan, which must be resubmitted to ACL by September 15, goes into effect on October 1.

Area Agencies on Aging

- The department formed a COVID-19 Resurgence Workgroup with the area agencies on aging (AAAs) and will be issuing resurgence guidance for the area agencies on aging, adult day centers, senior centers, and protective services as we plan for the fall.
- Certain counties have seen a spike in cases over the last few weeks, and the AAAs have the flexibility of stepping back to a more virtual service delivery model (e.g., going back to the guidance that we had in place earlier in the pandemic.).

Online Mandatory Abuse Reporting Training

On June 15, 2020, coinciding with World Elder Abuse Awareness Day, the department launched an online training for mandatory reporting of elder abuse, which you will learn more about later in the meeting from PDA's Protective Services Director Denise Getgen.

Trauma-Informed PA Plan

- The Wolf Administration, through the Office of Advocacy and Reform, released the Trauma-Informed PA Plan.
 - It is important for our department to align with any initiatives that come out of Trauma-Informed PA Plan, particularly training around trauma-informed issues and how they impact older adults.
 - As a result, we will be putting some extra action items related to that in our state plan.

Virtual Family Council

- I participated in the July 28, 2020 meeting of the Virtual Family Council (VFC), which was established during the pandemic by the department's Office of the Long-Term Care Ombudsman to connect families with local ombudsmen and other experts.
 - The primary concerns voiced by families on the council focused on visitation, compassionate care visits, and essential caregivers.*
 - There has been expanded stakeholder engagement on these and other issues, as the Department of Health works on updated nursing home guidance.*
 - During the VFC call, Secretary Torres informed the group that Secretary Levine had, earlier that day, announced the completion of universal testing at all nursing homes and explained the Department of Health's reopening guidance (including visitation) for nursing homes who meet certain benchmarks, etc.

Social Isolation

- The department continues to move forward with various initiatives and efforts to address social isolation through the work of the Pennsylvania Council on Aging (PCoA) and partnerships with the state university system.
 - The PCoA launched a pilot program to connect its members across the state with different technologies and are assessing hurdles, resources, and figuring out what works best for older adults.
 - For example, they have assessed over a dozen different technology hardware and technology-based education programs through the lens of

	<p>older adults (iPads, GrandPads, laptops, etc.) for features such as dynamic font and affordability.</p> <ul style="list-style-type: none"> ➤ PCoA members have also taken an inventory of available telephone reassurance programs across the state (e.g., who do they serve, how big are they, etc.) and are working with the Aging and Disability Resource Center (PA Link) to develop a way to connect the most at-risk of social isolation to technology and assess potential reductions in social isolation. <ul style="list-style-type: none"> ○ PDA put together a memorandum of understanding and formalized an agreement with Slippery Rock University for the fall semester to have students in the school’s recreational therapy and behavioral science programs engage with older adults. <ul style="list-style-type: none"> ➤ The Butler County Area Agency on Aging is involved in this effort and is conducting outreach to older adults to develop a participant roster. ➤ A partnership is also in the works with Kutztown University to work on a grant to research social isolation in rural older adults. ➤ Other state universities that may partner with the department in the spring semester include Bloomsburg, East Stroudsburg, Edinboro, Indiana, and West Chester. ➤ We also have met with representatives from Messiah College and Harrisburg University to discuss opportunities to partner and collaborate. ○ The department’s partnership with AARP Pennsylvania to provide communication devices to approximately 50 long-term care facilities has been an overwhelming success because of its simplicity, timing, and cost effectiveness.* <ul style="list-style-type: none"> ➤ PDA’s Office of the Long-Term Care Ombudsman collected testimonials from residents, which can be viewed by clicking here. <p>*Represents a response to a pre-submitted question(s).</p> <p>Secretary Torres received a question regarding whether PDA has considered partnering with the centers of independent living (CILs) to assist with addressing social isolation, especially those involved with the Nursing Home Transition Program. In response, Secretary Torres noted that while the department has not worked with the CILs on this issue, he did attend their quarterly statewide meeting last week during which they discussed collaborating together.</p> <p><u>PA Department of Military & Veterans Affairs (DMVA)</u> – Andrew Ruscavage, Director of the DMVA’s Bureau of Veterans Homes (BVH), provided the following COVID-19 updates on the status of the six state veterans homes:</p> <ul style="list-style-type: none"> • Currently, there are no residents with COVID-19, but two staff members have test positive for the virus.
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- These individuals are out of work until they complete a quarantine period and have been retested.
- Across Pennsylvania's veterans homes system, there have been 44 COVID-19 deaths, 14 additional deaths that were COVID-19-related or presumed, and 74 residents who have recovered from the virus.
- DMVA has made the decision to begin reopening its veterans homes to visitors on September 1, 2020 with extreme caution.
- Throughout the reopening process, the department will have guidance in place to support the best public health practices.
 - This guidance will reinforce and build on both the Centers for Disease Control and Prevention (CDC) and the Pennsylvania Department of Health (DOH) guidance for reopening and safety orders.
 - The plan will also be flexible to adapt to changes with the nature of the pandemic, as well as implement lessons learned from each home and the surrounding communities.
- DMVA will use a four-phase matrix to determine when individual veterans homes can begin easing some restrictions (e.g., on admissions, visitation, social interactions, activities, and outings).
- To enter reopening Phase Alpha (the first phase), veterans homes must meet all DOH prerequisites and not have any new facility onset of COVID-19 cases for 14 consecutive days for both residents and staff immediately before entering Phase Alpha.
- If at any time a veterans home identifies a new onset COVID-19 case during any phase, the facility must return to the highest level of mitigation and start over (even if the community is in a less restrictive phase).

PA Insurance Department (PID) – PID Deputy Legislative Director Emily Holladay provided the following COVID-19-related updates:

- On July 24, the U.S. Departments of Health and Human Services and the Treasury approved Pennsylvania's Section 1332 Waiver application for its reinsurance program.
 - The reinsurance program will strengthen Pennsylvania's individual insurance market by partially reimbursing individual market insurers for high cost claims.
 - This minimizes the risk gap for insurers and helps lower premiums compared to what they would have been without the program in place.
- Additionally, on August 7, the Insurance Department released 2021 requested rate filings for health insurance plans under the Affordable Care Act.
 - The average rate request will result in an average decrease in premiums in the individual market.
 - As filed, no county will lose an on-exchange insurer, and 13 counties will gain at least one new insurer.
 - This is the third year that the commonwealth has seen an increase in competition and decrease or moderate increase in premiums.

		<ul style="list-style-type: none"> ○ Specifically, insurers selling in the individual market filed plans requesting an average statewide decrease of 2.6%, and insurers currently selling in Pennsylvania’s small group market filed plans requesting an average statewide increase of 2.2%. <ul style="list-style-type: none"> ➤ These are proposed rate changes that vary by plan and region and are subject to change as the department conducts its review process. <ul style="list-style-type: none"> ❖ Final rates will be made public in the fall. ● Finally, based on the proposed filings, the reinsurance program’s impact will make premiums 5.3% lower than they would have been without this program in place. <p>Ms. Holladay received a question regarding insurance coverage of non-symptomatic COVID-19 testing to which she replied that PID is following federal guidance and watching for any changes at the federal level. She added that the federal guidance requires coverage of diagnostic medically appropriate testing at this time.</p> <p>A question was also asked whether PID was aware of liability insurers refusing to cover COVID-19-related claims. In response, Ms. Holladay asked the questioner to follow up with her directly with more details so that she could look into it.</p>
6	White House Coronavirus Commission for Safety & Quality in Nursing Homes	<p>Councilmember David Nace, MD, who is a member of the White House Coronavirus Commission for Safety and Quality in Nursing Homes, provided an update on the 25-member commission, which was convened in June 2020. Dr. Nace explained that the purpose of the commission is to identify best practices to implement during the COVID-19 pandemic and beyond as well as identify new sources of data. He also noted that the commission’s report is due on September 1, 2020. While Dr. Nace was unable to discuss specifics due to a non-disclosure agreement, additional information on the purpose, focus, and timeline of the commission can be found in his PowerPoint presentation.</p> <p>In response to a question on home and community-based services, Dr. Nace clarified that the focus of the commission is solely on nursing homes because of Center for Medicare and Medicaid oversight.</p>
7	Older Adult Protective Services Mandatory Abuse Reporting Training	<p>Denise Getgen, Director of the Department of Aging’s Protective Services (PS) Office, provided an overview of the department’s Online Mandatory Abuse Reporting Training, which was released on June 15, 2020. Ms. Getgen explained that the training course, which was developed as a result of Governor Wolf’s July 31, 2019 executive order on vulnerable populations, provides an overview of the mandatory abuse reporting provisions of both the <i>Adult and Older Adult Protective Services Acts</i>. She noted that 1,391 individuals have completed the training to date. Additional information regarding the training, including an outline of the course, can be found in Ms. Getgen’s PowerPoint presentation.</p> <p>During the question and answer period, Ms. Getgen provided the following clarification and information:</p>

		<ul style="list-style-type: none"> • Any allegation of abuse or neglect is investigated, regardless of whether the person is receiving services through one of the managed care organizations (MCOs). <ul style="list-style-type: none"> ○ If a person is enrolled through one of the MCOs and is alleged to be receiving inadequate services (caregiver neglect), PS does its normal investigation as well as works with the MCO, the service coordination entities, and the Department of Human Services' Office of Long-Term Living to address those cases and to identify trends and solutions. • The Adult Protective Services regulations are still under review as of the last update she received. • Protective Services resumed face-to-face investigations when counties entered the green phase. <ul style="list-style-type: none"> ○ We are currently working to address protocols when a county experiences a resurgence of COVID-19 cases. ○ There was some drop in PS reports with the stay-at-home order, but cases are now increasing again. <ul style="list-style-type: none"> ➤ Case trends have remained the same during this period.
8	Open Session	There were no public comments during the open session portion of the meeting.
9	Adjournment	The meeting was adjourned at 11:56 a.m.

New Action Items

#	Action Item	Actionee(s)	Deadline	Status
1	Send council and committee members link to LTC COVID-19 Feedback Form	Chuck Quinnan	Friday, August 21, 2020	Completed

Old Action Items

#	Action Item	Actionee(s)	Deadline	Status
1	Submitted questions from Rep. DeLissio	Chuck Quinnan & Relevant Agency Designees	Two weeks upon receiving questions	Removing from action items as questions were not submitted after the June 4, 2020 meeting