

Aitkin County Health & Human Services

204 First St. NW
AITKIN, MINNESOTA 56431
PHONE 1-800-328-3744 or 1-218-927-7200 - FAX # 927-7210

DATE: June 20, 2012

TO: Aitkin County Board of Commissioners
Commissioner Wedel
Commissioner Marcotte
Commissioner Napstad
Commissioner Niemi
Commissioner Westerlund

FROM: Tom Burke, Director

RE: Chappy's Golden Shores

As directed, our agency met with Keith and Theresa Olson on June 14. Commissioners Marcotte and Niemi, along with Administrator Patrick Wussow were also present. Prior to the meeting it was recommended by Commissioner Marcotte that our agency prepare a document that would outline concerns that would need to be addressed if the Board was going to enter into a contract with Chappy's Golden Shores. Our agency did that and the document is attached. Also, please find attached Chappy's response to the document.

Aitkin County Health and Human Services does not recommend contracting with this provider.

This decision is based on a difficult working relationship Aitkin County Health & Human Services has had in the past along with concerns shared in recent dialogues with Cass County, Itasca County, UCARE, and the provider themselves. The areas that are most concerning to Health & Human Services include the means in which Chappy's recruit/admit, inconsistencies in their communication and lack of knowledge of their business practices. Despite operating for some 18 years, this provider lacks an expected level of understanding of the referral/admission process and an understanding of the complexities of taking residents from other counties who have not been properly reviewed/screened. This provider, who self reports to have no residents from Aitkin County, causes unnecessary stress on Aitkin County resources when incomplete admissions occur and Aitkin County staff have to scramble to complete work that should have been done prior to admission and/or by other counties. While placements should occur in a sequential fashion, placements at Chappy's consistently seemed rushed and not well planned. In comparing our working relationship with Chappy's to other providers, there is a general feeling that working with Chappy's is chaotic.

There has been an extraordinary amount of time revisiting our decision to discontinue contracting with Chappy's. After another exhausting episode, we remain strong in our recommendation to not contract with this provider. If in the event the Board desires to enter into this contract, I will request that we fill the .5 FTE Public Health Nurse position we presently have open to assist in the extra work we will encounter in dealing with this provider.

cc: Patrick Wussow, Aitkin County Administrator

PERFORMANCE EXPECTATIONS

The terms and conditions of the Contract refer to the Chappy's Golden Shores facility in its entirety.

ADMISSIONS

1. The Contractor shall not allow new residents to move into their facility until an LTCC screen has been completed by the County and the placement is deemed appropriate for that client. The Contractor must contact the Aitkin County intake to request the screen prior to admittance. (Refer to previous contract Performance Expectations and contract item 4)
2. The Contractor shall notify the County licenser of new residents placed in the facility no longer than twenty-four (24) hours after occupancy. This notification will be in the form of a faxed document. (Refer to previous contract Performance Expectations and contract item 8-C and 9-D)
3. Residents moving into the Contractor facility from another facility should never be admitted as an emergency placement. The discharging facility will be the referral source and will request a screen from the appropriate County of Responsibility prior to the move rather than the Contractor.
4. No residents will be admitted to Contractor's facility upon leaving another facility Against Medical Advice (AMA).
5. When an out of county resident is preparing to move in to the Contractor's facility, the referral made to Aitkin County will be from the County of current residency.

SERVICE PROVISION

6. The Contractor shall notify the County HCBS Supervisor of any status changes related to a client including deaths, falls, Emergency Room visits, medication changes, new diagnosis, etc. within twenty-four (24) hours of the change. This notification will be in the form of a faxed document to the HCBS Supervisor. (Refer to previous contract Performance Expectations and contract item 3-A7)
7. The Contractor will provide private space for case managers, family members, advocates, etc to have private time with the residents if requested. The Contractor will be removed from the meeting space upon request.

CONTRACTING PROCESS

8. The County HCBS Supervisor will make available to the Contractor, a checklist of documentation requested in the content of this contract. Upon approval of this contract, these documents will be provided to the County and kept on file with the signed contract. (Refer to previous contract Performance Expectations)
9. The County HCBS Supervisor will conduct on site visits during the month prior to the annual contract renewal. At the time of the site visit, the required documentation will be reviewed along with other aspects of the contract, such as Performance Expectations, facility policies, procedures and standards of practice, Contractor financial reports, and Aitkin County case manager records. (Refer to previous contract Performance Expectations and contract item 10-A, 11-A, D)

QUALITY IMPROVEMENT EXPECTATIONS

10. The Contractor will establish an annual training schedule for all staff. The training schedule and proof of CEU's will be made available for review by the County HCBS Supervisor. The number of hours required are to follow licensing requirements. Topics for annual training includes but not limited to: completion of documents, medications, elderly and/or aging issues such as dementia, Alzheimer's, disability issues, chronic disease, and vulnerable adult training. (Refer to contract items 8-A, B, D and 11-G)
11. Contractor will be knowledgeable and follow all regulations and guidelines including: Minnesota Rule, Minnesota Statutes, Federally Approved waiver plan, Department of Human Services guidelines and expectations, MDH licensing, and county policies regarding program service delivery. For example:
 - a. Visitors staying overnight, who are not a resident of the Contractor facility, must pass a background check prior to the overnight.
 - b. Contractor will not take on the role of alternative decision maker or assume responsibility to sign legal or eligibility documents for residents.(Refer to contract items 3-A1, 8-C, and 9)
12. Contractor will use all resources available, (i.e. DHS web site, DSPM manual, Train Link, and DHS email list serves), to learn and keep up to date on new information about waiver program process and County operations regarding program areas that involve eligibility of Residents. (Refer to contract items 3-A1, 8-C, and 9)
13. Resident relatives and/or support systems will be invited to participate in a satisfaction survey about the Contractor by the County. This survey will be random and private.

TERMINATION CLAUSE

14. This contract will be terminated immediately for cause by Agency. This contract may be terminated without cause by either party upon 30 calendar days written notice by either party. *

SIGNATURES:

Chairperson, Aitkin County Board of Commissioners

Date

Chappy's Golden Shores

Date

*** This document (Appendix A) must be approved by the Aitkin County Attorney prior to submission to the Aitkin County Board of Commissioners.**

JUN 19 2012

To the Aitkin County Commissioners:

These are the concerns of Chappy's Golden Shores, regarding the new, proposed performance expectations for the Home and Community Based Waiver contract as presented to us by Aitkin County.

1) Re: Performance Expectations. It is not within our power to force another county to do the LTCC screening on a private pay client. Neither Itasca County, nor Cass County, screen private pay clients. Chappy's is in a unique position, unlike the homes in McGregor and Aitkin, because we border the two counties. Most of our clients do come from Itasca and Cass County because of this unique position of proximity. We have a Class F license, a Board and Lodge license, an adult foster care license, a housing with services license. Our home is different than the surrounding homes in Aitkin County. That is why we must abide by more rules and regulations than surrounding homes in Aitkin County, which we have done.

Enclosed is documentation from Itasca County, and we do have a recording from Cass County that a private pay client does not need a screening done prior to placement. A private pay client has the freedom to decide which facility they wish to reside in, and if the chosen facility accepts the client, the client can then be admitted to the facility of their choice.

(Documentation regarding private pay clients.)

- A) Letter from Supervisor Barb Hayes of Itasca County Health and Human Services.
- B) Long-term Consultation Screening Rules Form that clients must sign if additional help is needed through the county. Form is given to family members from our RN at time of admit.
- C) Information from the DHS website on LTCC screenings and why they are performed. See LTCC Referrals which state "must make a referral to the county LTCC Team when." Please see guidelines subd.1a, No. 5 and No. 7. Also Subd.3a letter G and 1 and Letter 1. Also Subd.3c to show is always done since rule became effective in October of 2011. Also Subd.6d.
- D) Rules on Foster Care Side letter from Aitkin County, Licensor, Deb Jensen concerning admits to facilities for all licensed homes.

If not too much of a burden on Aitkin County, we are asking that LTCC screenings be optional for private pay clients throughout Aitkin County only if the client, and/or the legal representative so choose that the screen be completed -- this due to the fact that **surrounding counties do not require LTCC screenings for their clients only in such cases where family needs help with finding placements for their loved ones.**

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2) Re: Submission of documents: Past practice for the Foster Care Side has been to notify Deb Jensen within 24 hours of placement of any client. Our facility has five bedrooms licensed as Foster Care. Eight other bedrooms in our facility are Board and Lodge. Ms. Deb Jensen has previously informed me that I do not need to notify of the Board and Lodge residents. (See documentation on this issue.) The change now being that written notification must be provided to the Aitkin County Licenser of new residents to the Foster Care side.

3) Discharges from Grand Itasca Hospital are facilitated by Head Social Worker, Ms. Darcey Moore and appropriate contacts and referrals are made by her. Discharges from Essentia Deer River Hospital are facilitated by their Social Worker, Ms. Mary Weber. Ms. Weber also follows the same procedures. At Evergreen Terrace the same policy is in place. Whereas, private pay clients are under no obligation to notify anyone, unless requested by the client or their Legal Power of Attorney.

4) Clients are only admitted into our facility with families consent. Then within three days of admit, clients meet with their admit doctors. During their admit visit with their doctor, all documentation is signed for the client's safety and health. As we all know, physicians can suggest, but it is still the client's decision, unless such client is incapable of such decision making where then the family would make such a decision on where they want their loved one to reside. Chappy's Golden Shores keeps all documentation concerning this decision-making process.

5) Re: When an out-of-county resident is preparing to move into our facility, Chappy's Golden Shores, the referral made to Aitkin County will be from the County of current residency. In reply; this can be done, if a client isn't private pay ie: past practice. The family looks at options and visits potential homes for their loved one. A county would not be involved, if private pay, nor should they be as this would be time consuming and costly to the county.

6) The Contractor shall notify the county HCBS Supervisor of any status changes related to a client managed by Aitkin County within 24 hours of the change. This notification will be in the form of an emailed document to the HCBS Supervisor so as to insure that Aitkin County and Chappy's Golden Shores both have a paper record. We cannot give information concerning a Medica client to the county caseworker who is not that client's case manager. Aitkin County would not know anything about that person, and they don't have a release-of-information for such client so it would not be legal according to HIPPA guidelines.

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7) Chappy's Golden Shores has no problem with this suggestion as we already have a care planning area where all meetings are held, or they can go to the client's bedroom for more privacy.

8) No concerns.

9) No concerns.

10) The Contractor will establish an annual training schedule for all staff. The training schedule and proof of CEU's will be made available for review by the County HCBS Supervisor . The number of hours required are to follow licensing requirements. Topics for annual training includes but not limited to: completion of documents, medications, elderly and/or aging issues such as dementia, Alzheimer's, disability issues, chronic disease, and vulnerable adult training. In reply; The training schedule has been given every year to Ms. Deb Jensen. We have to have a lot more training than for Foster Care license so we make sure we meet all training requirements.

11) Contractor will be knowledgeable and follow all regulations and guidelines including: Minnesota Rule, Minnesota Statutes, Federally Approved waiver plan, Department of Human Services guidelines, MDH licensing, and county policies regarding program service delivery for example.

B) Chappy's Golden Shores does not take on the role of any client to make decisions for a client. My husband has Medical Power of Attorney on one client because that client has no family, and the client has a Financial Power of Attorney through the court. The doctors and social workers needed a Health Care Power of Attorney on this particular client and put Mike on as Health Care Power of Attorney only if client was unable to speak for himself. This was okayed by the caseworker, from Itasca County, and the Financial Power of Attorney. Other than that, all families make decisions on a client, if doctors need to know what to do for that client. Most families are close by and able to be reached by telephone to make any medical changes with their loved ones.

C) It would be my understanding that no foster care facility in Aitkin County is equipped to do background checks on anyone. Thus having a family member sitting with someone overnight would be left up to the client's judgment the same as their medical decisions are. Aitkin County can be assured that Chappy's Golden Shores, or anyone employed there, would not allow anyone to stay overnight in their facility that wasn't a family member requested by the client or that the employees were

suspicious of.

12) Contractor will use all resources available, (ie DHS web site, DSPM manual, Train Link, and DHS email list serves,) to learn and keep up-to-date on new information about waiver program process and County operations regarding program areas that involve eligibility of Residents. **See document emails to show we are up-to-date on all new alerts.**

13) **Resident relatives and/or support systems except for client's from Medica and Ucare , do not have a release-of-information from your agency to speak to you about them. This would be a breach of confidentiality. Client managed by Aitkin County will be invited to participate in a satisfaction survey about the Contractor by the County.**

14) **The contract may be terminated immediately for just cause by either party.**

Note: We, Chappy's Golden Shores, feel this is the way the performance expectations should be written and agreed to.

We have abided by all the rules and regulations of the State of Minnesota
We have been proven innocent of all charges and accusations by the State of Minnesota.
We should not be forced to sign a contract that does not abide by the state rules and regulations. We should still not be considered guilty. Our contract was taken for not doing a preadmission screening on a private pay client in 2010. As you can see, by our evidence, that we cannot do a private pay screening when this is not a part of the rules and regulations. If we have to sign an illegal contract which does not follow rules and regulations, we will have to sign for the wellbeing of our clients.

Most Sincerely,

Mike and Trish Olson,

Subject: RE: phone conversation about private pay screening
From: Barb Hayes (Barb.Hayes@CO.ITASCA.mn.us)
To: keitholson46@yahoo.com;
Date: Monday, June 18, 2012 12:04 PM

Hi Theresa,

There is no requirement for private pay individuals to have a Long Term Care screening prior to entrance to a customized living setting. We do offer a Long Term Care Consultation to anyone regardless of their financial status to offer options regarding their long term care needs.

Thanks, Barb

From: Keith Olson [mailto:keitholson46@yahoo.com]
Sent: Thursday, June 14, 2012 5:05 PM
To: Barb Hayes
Subject: phone conversation about private pay screening

Dear Barb,

Anne Marcotte would like to know if you can write in email form, a statement that if we were to call and ask for a screening for a private pay client, would itasca county do the screen? For a private pay client we know that we need to call senior linkage and get a verification code, and do an intake assesement of the client. This is done by our Registered Nurse and the client or legal representative. If we received a private pay client from Grand Itasca Hospital, who was private pay, and they contacted you, and explained this client was private pay, would you do a screening?

Also we know if a person had signed up for ma and hadn't been screened that we would need to have a screening completed before this client could move into our facility. If a person is already ma and has a case manager, would a screening need to be done, or could the case manager be contacted, and let them know they are moving to our facility.

I am so sorry to bother you, just need your policy and procedures and input for the commissioners to know the policy on a private pay client and how itasca county does this with a client.

thank you for your time in answering my question and talking with me today.

Theresa Olson

Chappy's Golden Shores

218*697*8145

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CHAPPY'S GOLDEN SHORES
LONG TERM CARE CONSULTATION SCREENING RULES
HOUSING WITH SERVICES CLASS F

Chappy's Golden Shores is informing you _____ of the availability of a Long term care Consultations Screening done by Aitkin County Health and Human Services telephone number 1-800-328-3744. The purpose of a long term care consultation is to support you with current or anticipated long term care needs in making informed choices among options that include the most cost effective and least restrictive setting and to delay spend down to eligibility for publicly funded programs by connecting people to alternative services in their homes before transition to housing with services. Regardless of the consultation screening you maintain the right to choose housing with services or assisted living if that option is your preference. This is provided to you at no charge from the county. You will be visited by the Long Term Care consultation team within 15 calendar days after the date on which an assessment is requested or recommended. LTCC screening may be completed in a hospital nursing facility intermediate care facility for persons with developmental disability, regional treatment centers or the persons current or planned residence. To initiate LTCC services a person or their representative with the persons consent may contact the LTCC team in the county which they are located at the time of their request. The county where their person is located at the time of request of referral for LTCC service is responsible to provide the LTCC services.

Signed: [Signature] Date: 1/01/11
Provider of the housing with services license

Signed by: [Signature] Date: 1/01/11
Client or legal representative for client

www.state.us-long term care consultation to see more information about long term care consultation rules and regulations.

This is signed on Admit, to any client.

2011 Minnesota Statutes

256B.0911 LONG-TERM CARE CONSULTATION SERVICES.

Subdivision 1. Purpose and goal. (a) The purpose of long-term care consultation services is to assist persons with long-term or chronic care needs in making long-term care decisions and selecting options that meet their needs and reflect their preferences. The availability of, and access to, information and other types of assistance, including assessment and support planning, is also intended to prevent or delay certified nursing facility placements and to provide transition assistance after admission. Further, the goal of these services is to contain costs associated with unnecessary certified nursing facility admissions. Long-term consultation services must be available to any person regardless of public program eligibility. The commissioner of human services shall seek to maximize use of available federal and state funds and establish the broadest program possible within the funding available.

(b) These services must be coordinated with long-term care options counseling provided under section 256.975, subdivision 7, and section 256.01, subdivision 24, for telephone assistance and follow up and to offer a variety of cost-effective alternatives to persons with disabilities and elderly persons. The county or tribal agency or managed care plan providing long-term care consultation services shall encourage the use of volunteers from families, religious organizations, social clubs, and similar civic and service organizations to provide community-based services.

Subd. 1a. Definitions. For purposes of this section, the following definitions apply:

(a) "Long-term care consultation services" means:

- (1) assistance in identifying services needed to maintain an individual in the most inclusive environment;
- (2) providing recommendations on cost-effective community services that are available to the individual;
- (3) development of an individual's person-centered community support plan;
- (4) providing information regarding eligibility for Minnesota health care programs;
- (5) face-to-face long-term care consultation assessments, which may be completed in a hospital, nursing facility, intermediate care facility for persons with developmental disabilities (ICF/DDs), regional treatment centers, or the person's current or planned residence;
- (6) federally mandated screening to determine the need for an institutional level of care under subdivision 4a;
- (7) determination of home and community-based waiver service eligibility including level of care determination for individuals who need an institutional level of care as determined under section 256B.0911, subdivision 4a, paragraph (d), or 256B.092, service eligibility including state plan home care services identified in sections 256B.0625, subdivisions 6, 7, and 19, paragraphs (a) and (c), and 256B.0657, based on assessment and support plan development with appropriate referrals, including the option for consumer-directed community supports;
- (8) providing recommendations for nursing facility placement when there are no cost-effective community services available; and