

Board of Community Health  
Meeting  
June 10, 2021

**Members Present**

Norman Boyd  
Roger Folsom (delayed)  
Mark Trail  
David Crews  
Russell Crutchfield  
Anthony Williamson  
Russ Childers  
Kenneth Davis

**Members Absent**

The Board of Community Health held its meeting via WebEx teleconference. (An agenda and a List of Attendees are attached hereto and made an official part of these Minutes as Attachments #1 and #2). Chairman Norman Boyd presided and called the meeting to order at 10:40 a.m. (technical delay).

**Minutes**

The Minutes of the May 13, 2021 meeting were unanimously approved.

**Opening Comments**

Chairman Boyd congratulated Russell Crutchfield on obtaining his Doctor of Philosophy (PhD) at Vanderbilt University.

**Committee Update:**

Anthony Williamson, Chairman of the Care Management Committee advised that the next meeting is scheduled to take place on July 8, 2021.

**Commissioner's Report**

Commissioner Berry thanked the Board, members of the public and staff for their participation via WebEx.

Commissioner Berry updated the Board on the following:

- Publicly thanked the following individuals:
  - Governor's Office staff: Caylee Noggle, David Dove and Ryan Loke
  - DCH staff: Marial Ellis, Joseph Hood, Lisa Walker and Shawn Walker

- Chairman Boyd inquired about face-to-face meetings. Commissioner Berry advised, potentially in the fall after consideration for the health and safety of individuals in the building.

Kim Morris, Director of Reimbursement, Financial Management presented to the Board for final adoption the three percent increase in dental reimbursement rates for 15 select dental codes Public Notice.

Effective date of July 1, 2021; pending Centers for Medicare and Medicaid Services (CMS) approval.

	State Cost	Federal Cost	Total Cost
SFY 2022	\$116,647	\$237,490	\$354,137

An opportunity for public comment was held on May 18, 2021 at 10:00 a.m. via WebEx. Written comments will be due on or before May 25, 2021. No comments were received.

Ms. Morris respectfully asked for the Board's favorable consideration of final adoption.

Mark Trail MADE a MOTION to approve for final adoption the three percent increase in dental reimbursement rates for 15 select dental codes Public Notice. Kenneth Davis SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the three percent increase in dental reimbursement rates for 15 select dental codes Public Notice is attached hereto and made an official part of these minutes as Attachment #3).

Kim Morris, Director of Reimbursement, Financial Management presented to the Board for final adoption the Increase of 18 select Primary Care and OB/GYN codes to the 2020 Medicare Level Public Notice.

Effective date of July 1, 2021; pending Centers for Medicare and Medicaid Services (CMS) approval.

	State Cost	Federal Cost	Total Cost
SFY 2022	\$7,097,618	\$14,345,336	\$21,442,954

An opportunity for public comment was held on May 18, 2021 at 10:45 a.m. via WebEx. Written comments will be due on or before May 25, 2021. No oral comments were received. Three written comments were received.

- Richard Ward, CAE, Patient-Centered Physician Coalition of Georgia
- Lisa Perry-Gilkes, MD, FACS, President, Medical Association of Georgia

- Thomas D. Fausett, Jr, MD, FAAFP, President, Georgia Academy of Family Physicians

Summary of comments received:

All responders expressed support for the increase in the 18 select primary care and OB/GYN codes to 2020 Medicare levels.

DCH Response:

The Department appreciates the support and thanks the commenters for their response.

Ms. Morris respectfully asked for the Board's favorable consideration of final adoption.

Roger Folsom MADE a MOTION to approve for final adoption the Increase 18 select Primary Care and OB/GYN codes to the 2020 Medicare Level Public Notice. Russ Childers SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Increase 18 select Primary Care and OB/GYN codes to the 2020 Medicare Level Public Notice is attached hereto and made an official part of these minutes as Attachment #4).

Kim Morris, Director of Reimbursement, Financial Management presented to the Board for final adoption the Medicaid Rate Increase for Nursing Home Mechanical Ventilator Care Program Public Notice.

Effective date of July 1, 2021; pending Centers for Medicare and Medicaid Services (CMS) approval, DCH proposes to increase nursing home mechanical ventilator reimbursement per diem from \$556.77 (awaiting CMS approval) to \$589.62 per day.

The increase in funding is through the Appropriation Bill (HB81).

	State Cost	Federal Cost	Total Cost
SFY 2022	\$447,921	\$903,274	\$1,351,195

An opportunity for public comment was held on May 20, 2021 at 10:00 a.m. via WebEx. Written comments will be due on or before May 27, 2021. No oral comments were received. One written comment was received.

- Donna Nackers, Georgia Health Care Association (GHCA)

Summary of comments received:

Responder expressed support for the 5.9% increase in nursing home ventilator per diem.

DCH Response: The Department appreciates the support and thanks the commenter for their response.

Ms. Morris respectfully asked for the Board's favorable consideration of final adoption.

David Crews MADE a MOTION to approve for final adoption the Medicaid Rate Increase for Nursing Home Mechanical Ventilator Care Program Public Notice. Mark Trail SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Medicaid Rate Increase for Nursing Home Mechanical Ventilator Care Program Public Notice is attached hereto and made an official part of these minutes as Attachment #5).

Kim Morris, Director of Reimbursement, Financial Management presented to the Board for final adoption the Increase nursing home reimbursement rates to include updating rates to 2019 cost report, the general and professional liability, property tax pass through rate, a 5% growth allowance inflation factor and a hold harmless provision for the first year.

Effective date of July 1, 2021; pending Centers for Medicare and Medicaid Services (CMS) approval.

The FY 2022 Appropriation Bill (HB81) includes funding for the Department to update the nursing home reimbursement rates, the general and professional liability, and property tax pass-through rate components to reflect the 2019 cost reports with a 5% inflation factor. The cost report year will be updated at a minimum, every two (2) years. During the transition year, the Appropriation Bill also includes funding for the Department to apply a hold harmless provision to the nursing home reimbursement rate. The hold harmless provision will be in effect for the first-year transition to the 2019 cost report.

	<b>State Cost</b>	<b>Federal Cost</b>	<b>Total Cost</b>
SFY 2022	\$32,948,636	\$71,484,443	\$104,433,079

An opportunity for public comment was held on May 20, 2021 at 10:45 a.m. via WebEx. Written comments will be due on or before May 27, 2021. No oral comments were received. One written comment was received.

- Donna Nackers, Georgia Health Care Association  
Summary of comments received:

Responder expressed support for the proposal, which includes a variety of updates to the NH rate formula.

DCH Response:

The Department appreciates the support and thanks the commenter for their response.

Ms. Morris clarified the dates for the public hearing and noted that the dates originally stated were correct and apologized for any confusion.

Ms. Morris respectfully asked for the Board's favorable consideration of final adoption.

Mark Trail MADE a MOTION to approve for final adoption the Increase nursing home reimbursement rates to include updating rates to 2019 cost report, the general and professional liability, property tax pass through rate, a 5% growth allowance inflation factor and a hold harmless provision for the first year Public Notice. Russ Childers SECONDED the MOTION. ON THE MOTION, the yeas were 8 , nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Increase nursing home reimbursement rates to include updating rates to 2019 cost report, the general and professional liability, property tax pass through rate, a 5% growth allowance inflation factor and a hold harmless provision for the first year Public Notice is attached hereto and made an official part of these minutes as Attachment #6).

Lynnette Rhodes, Executive Director, Medical Assistance Plans presented to the Board for final adoption the Elderly and Disabled (E&D) Waiver Program Rate Increase Public Notice.

Effective date of July 1, 2021; pending Centers for Medicare and Medicaid Services (CMS) approval, DCH proposes to increase the reimbursement rates for all services provided in the Elderly & Disabled (E&D) Waiver Program.

The increase will affect all services provided through the waiver program which includes the Community Care Services Program (CCSP) and the Service Options Using Resources for Community Environments (SOURCE) Program.

The services impacted are listed in the Public Notice. The chart includes the current rates, the proposed rates, and the fiscal impact to state and federal funds.

This rate increase is based upon the provisions of HB 81 (Appropriations Act for SFY22).

	State Cost	Federal Cost	Total Cost
SFY 2022	\$9,948,202	\$21,583,343	\$31,531,545

An opportunity for public comment was held on May 18, 2021 at 11:30 a.m. via WebEx. Written comments will be due on or before May 25, 2021. No oral comments were received. Two written comments were received:

- Donna Nackers, Vice President of Reimbursement, Georgia Health Care Association (GHCA)
- Ginny Helms, President, LeadingAge Georgia

Summary of comments received:

Both commenters were in full support of the proposed 10% rate increase and thanked the Governor’s Office, the legislature, and DCH.

DCH response:

The Department thanked the commenters for their support.

Ms. Rhodes respectfully asked for the Board’s favorable consideration of final adoption.

Kenneth Davis MADE a MOTION to approve for final adoption the Elderly and Disabled (E&D) Waiver Program Rate Increase Public Notice. Roger Folsom SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Elderly and Disabled (E&D) Waiver Program Rate Increase Public Notice is attached hereto and made an official part of these minutes as Attachment #7).

Lynnette Rhodes, Executive Director, Medical Assistance Plans presented to the Board for initial adoption the Independent Care Waiver Program (ICWP) Renewal and Rate Increase Public Notice.

Effective date of July 1, 2021; pending Centers for Medicare and Medicaid Services (CMS) approval, DCH proposes to renew the Independent Care Waiver program for an additional five years and to increase the reimbursement rates for all services provided in the Independent Care Waiver Program by ten (10) percent.

The Independent Care Waiver program is a 1915(c) Waiver that authorizes the provision of home and community-based services to adult individuals, ages 21-64, with physical disabilities or traumatic brain injuries who live in the community. Individuals

served by the program are required to meet the same level of care for admission to a hospital or nursing facility and be Medicaid eligible.

DCH is not proposing any changes to the service types, description of services, or maximum allowable units. The services impacted by the 10% rate increase are listed in the Public Notice Document. The chart includes the current rates, the proposed rates, and the fiscal impact to state and federal funds. The rate increase is based upon the appropriations outlined in HB 81 (Appropriations Act for SFY22).

Fiscal Impact:

The Fiscal Impact for SFY2022 is as follows:

The Total Costs is: \$19,254,830.66

SFY 2022					
Service	Current Rate	Proposed Rate	State Funds	Federal Funds	Total Funds
Adult Day Health Level I Full Day	\$55.62	\$61.18	\$465,167	\$1,009,213	\$1,474,381
Adult day Health Level I Partial Day	\$33.37	\$36.71	\$5,813	\$12,611	\$18,424
Adult Day Health; Physical Therapy	\$44.15 / visit	\$48.57	\$75	\$163	\$238
Adult Day Health; Speech Therapy	\$44.15 / visit	\$48.57	\$17	\$36	\$53
Adult Day Health; Occupational Therapy	\$44.15 / visit	\$48.57	\$93	\$202	\$296
Adult Day Health Level II Full Day	\$69.53 / day	\$76.48	\$468,391	\$1,016,207	\$1,484,598
Adult Day Health Level II Partial Day	\$41.73 / day	\$45.90	\$7,314	\$15,867	\$23,181
Alternative Living Services - Group Model	\$50.00 / day	\$55.00	\$864,502	\$1,875,598	\$2,740,100

<b>Service</b>	<b>Current Rate</b>	<b>Proposed Rate</b>	<b>State Funds</b>	<b>Federal Funds</b>	<b>Total Funds</b>
Alternative Living Services – Family Model	\$50.00 / day	\$55.00	\$507,173	\$1,100,347	\$1,607,520
Structured Family Caregiver	\$90.20 / day	\$99.22	\$168,651	\$365,901	\$534,552
Out of Home Respite (12 hours)	\$42.57 / night	\$46.83	\$44	\$96	\$140
Out of Home Respite (hourly)	\$3.00 / 15-minute unit	\$3.30	\$19	\$41	\$61
Personal Support Service	\$5.07 / 15-minute unit	\$5.58	\$486,892	\$1,056,348	\$1,543,240
Extended Personal Support	\$4.51 / 15-minute unit	\$4.96	\$3,806,526	\$8,258,532	\$12,065,057
Fiscal Intermediary	\$80.00 / month	\$88.00	\$11,073	\$24,023	\$35,096
Emergency Response Monitoring (Monthly)	\$36.69 / month	\$40.36	\$141,494	\$306,982	\$448,477
Emergency Response Monitoring (Weekly)	\$9.17 / week	\$10.09	\$65	\$141	\$206
Emergency Response Installment	Up to \$110.10 / one installment	\$121.11	\$5,054	\$10,965	\$16,020
Home Delivered Meals	\$6.74 / meal	\$7.41	\$1,054,213	\$2,287,191	\$3,341,404
Skilled Nursing Services RN	\$65.00 / visit	\$71.50	\$7,908	\$17,156	\$25,064
Skilled Nursing Services LPN	\$50.00 / visit	\$55.00	\$62,715	\$136,065	\$198,780



<b>Service</b>	<b>Current Rate</b>	<b>Proposed Rate</b>	<b>State Funds</b>	<b>Federal Funds</b>	<b>Total Funds</b>
Care Coordination Services	\$175 / month	\$192.50	\$617,574	\$1,339,871	\$1,957,445
Enhanced Care Coordination Services	\$192.27 / month	\$211.50	\$1,267,431	\$2,749,782	\$4,017,212
<b>Total Fiscal Impact</b>			<b>\$9,948,202</b>	<b>\$21,583,342</b>	<b>\$31,531,545</b>

An opportunity for public comment will be held on June 15, 2021 at 10:30 a.m. via WebEx. Written comments will be due on or before July 12, 2021.

Ms. Rhodes respectfully asked for the Board's favorable consideration of initial adoption.

Russ Childers MADE a MOTION to approve for initial adoption the Elderly and Disabled (E&D) Waiver Program Rate Increase Public Notice. Mark Trail SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Independent Care Waiver Program (ICWP) Renewal and Rate Increase Public Notice is attached hereto and made an official part of these minutes as Attachment #8).

Lynnette Rhodes, Executive Director, Medical Assistance Plans presented to the Board for initial adoption the Increase Supplemental Quality Incentive Payments to Eligible Nursing Facilities Public Notice.

Effective date of July 1, 2021; pending Centers for Medicare and Medicaid Services (CMS) approval, DCH proposes to increase the supplemental quality incentive payments to eligible skilled nursing facilities. House Bill 81 (FY 2022 Appropriation Act) includes funding for the Department to increase the supplemental quality incentive payments to eligible nursing facilities.

In 2007, the Department implemented a Quality Improvement Incentive Program for Skilled Nursing Facilities. Facilities must enroll in the Quality Incentive Program and meet the required metrics in order to receive the incentive payments. In FY 2021, the Department added two new quality incentives: American Health Care Association (AHCA) and The Joint Commission quality awards.

In order to receive the newly proposed supplemental quality incentive payments, skilled nursing facilities must meet certain requirements related to nurse staffing hours, Brief

Interview for Mental Status (BIMS) percentages, hiring and retaining an Infection Control Specialists, and clinical and non-clinical measures. Each category is outlined below:

I. Nursing Staff Adjustment

- a. Facilities will receive an incentive payment for maintaining a certain level of daily nurse staffing hours. DCH proposed the following:

Daily Nursing Hours	Current Incentive Percentage	Recommended Incentive Percentage
2.5	1.0%	1.0%
2.7	1.0%	1.5%
3.0 +	1.0%	2.0%

II. Brief Interview for Mental Status (BIMS) Score

- a. Facilities must meet the BIMS score percentages outlined in the Public Notice document.

III. Infection Control Specialists

- DCH proposed that all nursing facilities hire and retain an Infection Control Specialist for an additional incentive payment of 2%.

IV. Clinical Measures

- a. Facilities must meet all clinical and non-clinical measures.

SFY 2022 Expenditures for the quality incentive payments are as follows:

- a. Total Funds are \$36,253,776  
a. State Funds represent \$12,000,000  
b. Federal Funds represent \$24,253,776

Board member Mark Trail asked if DCH continued to observe the positive results and improvements expected from the implementation of the quality incentive program. Ms. Rhodes responded that DCH is seeing positive results. However, the intent is to develop a robust quality incentive program over the next few years. Commissioner Berry acknowledged that there is room for improvement and that DCH is working in partnership with the Governor's Office, the General Assembly, the Georgia Healthcare Association, Senator Blake Tillery, Representative Terry England, Senator Dean Burke, and Representative Butch Parrish on this initiative. Commissioner Berry further noted that the nursing home industry is working with DCH to address quality related issues.

An opportunity for public comment will be held on June 17, 2021 at 10:30 a.m. via WebEx. Written comments will be due on or before June 29, 2021.

Ms. Rhodes respectfully asked for the Board's favorable consideration of initial

adoption the Increase Supplemental Quality Incentive Payments to Eligible Nursing Facilities Public Notice.

Mark Trail MADE a MOTION to approve for initial adoption the Increase Supplemental Quality Incentive Payments to Eligible Nursing Facilities Public Notice. David Crews SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Increase Supplemental Quality Incentive Payments to Eligible Nursing Facilities Public Notice is attached hereto and made an official part of these minutes as Attachment #9).

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for initial adoption the Rules and Regulations for Personal Care Homes, Ga. Comp. Rules & Regs., R. 111-8-62 Public Notice.

This change is necessary to comply with portions of House Bill 987, the "Disabled Adults and Elder Persons Protection Act," pertaining to staffing and memory care services.

An opportunity for public comment will be held on July 14, 2021 at 10:00 a.m. via WebEx. Written comments will be due on or before July 16, 2021.

Ms. Simon respectfully asked for the Board's favorable consideration of initial adoption.

Russ Childers MADE a MOTION to approve for initial adoption the Rules and Regulations for Personal Care Homes, Ga. Comp. Rules & Regs., R. 111-8-62 Public Notice. Roger Folsom SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Rules and Regulations for Personal Care Homes, Ga. Comp. Rules & Regs., R. 111-8-62 Public Notice is attached hereto and made an official part of these minutes as Attachment #10).

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for initial adoption the Rules and Regulations for Assisted Living Communities, Ga. Comp. Rules & Regs., R. 111-8-63 Public Notice.

This change is necessary to comply with portions of House Bill 987, the "Disabled Adults and Elder Persons Protection Act," pertaining to staffing and memory care services.

An opportunity for public comment will be held on July 14, 2021 at 10:30 a.m. via WebEx. Written comments will be due on or before July 16, 2021.

Ms. Simon respectfully asked for the Board's favorable consideration of initial adoption.

Mark Trail MADE a MOTION to approve for initial adoption Rules and Regulations for Assisted Living Communities, Ga. Comp. Rules & Regs., R. 111-8-63. Russ Childers SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Rules and Regulations for Assisted Living Communities, Ga. Comp. Rules & Regs., R. 111-8-63 is attached hereto and made an official part of these minutes as Attachment #11).

### **New Business/Closing Comments**


None to report.

### **Adjournment**

There being no further business to be brought before the Board, Chairman Norman Boyd adjourned the meeting at 11:32 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE 10<sup>th</sup> DAY OF June, 2021.

  
Russell Crutchfield  
Secretary

  
Norman Boyd  
Chairman

### Official Attachments:

- #1 Agenda
- #2 List of Attendees
- #3 Three percent increase in dental reimbursement rates for 15 select dental codes  
Public Notice
- #4 Increase 18 select Primary Care and OB/GYN codes to the 2020 Medicare Level  
Public Notice
- #5 Medicaid Rate Increase for Nursing Home Mechanical Ventilator Care Program  
Public Notice

- #6 Increase nursing home reimbursement rates to include updating rates to 2019 cost report, the general and professional liability, property tax pass through rate, a 5% growth allowance inflation factor and a hold harmless provision for the first year Public Notice
- #7 Elderly and Disabled (E&D) Waiver Program Rate Increase Public Notice
- #8 Independent Care Waiver Program (ICWP) Renewal and Rate Increase Public Notice
- #9 Increase Supplemental Quality Incentive Payments to Eligible Nursing Facilities Public Notice
- #10 Rules and Regulations for Personal Care Homes, Ga. Comp. Rules & Regs., R. 111-8-62 Public Notice
- #11 Rules and Regulations for Assisted Living Communities, Ga. Comp. Rules & Regs., R. 111-8-63