

Board of Community Health
Meeting
December 12, 2019

Members Present

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

Members Absent

Allana Cummings

The Board of Community Health held its regularly scheduled meeting at the Department of Community Health (DCH), 5th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia. (An agenda and a List of Attendees are attached hereto and made an official part of these Minutes as Attachments #1 and #2). Vice Chairman Roger Folsom presided and called the meeting to order at 10:30 a.m.

Minutes

The Minutes of the October 10, 2019 and November 4, 2019 meetings were unanimously approved.

Opening Comments

None to report.

Committee Reports

Russ Childers, Chairman reported the following:

- All members were present
- 2018 corrective action plans are in order
- Next scheduled meeting: March 2020

Commissioner's Report

Commissioner Berry thanked the Board, members of the public and staff for their attendance.

Commissioner Berry updated the Board on the following:

- Grady Hospital water main break
 - WellStar, Piedmont, Emory and Atlanta Medical have assisted in accepting many patients during this situation.
 - Grady has provided updates on a regular basis and maintains daily contact with DCH, Public Health and Georgia Emergency Management Agency (GEMA).

Rachel L. King, General Counsel presented to the Board for final adoption Rules and Regulations for Hospital Transparency 111-8-41 related to HB 321, passed during the 2019 session of the General Assembly.

Ms. King provided a summary of the public comments to the Board which included requests for clarification, requests for removal of some language, and requests related to definitions. The response of the Department was also provided and final adoption by the Board was requested.

An opportunity for public comment was held on November 12, 2019 at 9:00 a.m., at the Department of Community Health, 2 Peachtree Street, N.W., Atlanta, Georgia 30303 in the 5th Floor Board Room. Written comments were accepted on or before November 15, 2019. One oral comment was received, and five written comments were received.

The commenters were Monty Veazey, President and CEO, Georgia Alliance of Community Hospitals (GACH); Keri Conley, General Counsel and Senior Vice President of Healthcare Policy, Georgia Hospital Association (GHA); Julie Windom, Vice President of Governmental Affairs, Navicent Health; Paul Hinchey, President and CEO, St. Joseph's Candler Health System, Inc.; and Draffin Tucker, LLP.

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

David Crews MADE a MOTION to approve for final adoption the Rules and Regulations for Hospital Transparency 111-8-41. 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 Hospital Transparency 111-8-41 is attached hereto and made an official part of these minutes as Attachment #3).

Blake Fulenwider, Chief Health Policy Officer presented to the Board the Georgia Pathways to Coverage 1115 Demonstration Waiver Public Notice update.

Mr. Fulenwider began by summarizing activities that have taken place since the Board voted to initially adopt the public notice of the Georgia Pathways to Coverage 1115 Demonstration draft waiver on November 4, 2019. He stated that following Board adoption, the stakeholder work group was convened to review the draft waiver; Ryan

Loke from Governor Brian P. Kemp's office and Mr. Fulenwider testified at a joint hearing of the Senate and House Health and Human Services Committee the following day; and, six public comment hearings were held across the state in the following cities: Savannah, Macon, Bainbridge, Gainesville, Rome and Kennesaw.

Until December 4, 2019, written public comments were accepted by the Department through the online web portal and U.S. Mail. Mr. Fulenwider stated that comments received was approximately 1,000 in number.

Mr. Fulenwider identified two issues that occurred during the final period of the public comment window. During the night of December 3, 2019, a statewide systems outage may have caused the webform for comment submission to be unavailable. Further, an external organization incorrectly addressed a U.S. Mail package containing several hundred comments. To address the possible webform inaccessibility, Mr. Fulenwider stated the Department extended the public comment period into the following morning rather than closing access at midnight. To address the misaddressed package, he further stated the Department will accept the comments despite having been received by the department after the close of the public comment period.

Mr. Fulenwider stated the Department continues to catalogue and review all public comments submitted to the Department and, therefore, asked for the Board to consent to postpone consideration of the Georgia Pathways to Coverage 1115 Demonstration Waiver Public Notice for final adoption until a later meeting of the Board. He further stated it was the Department's request to reconvene the Board during the week of December 16, 2019.

He further stated that comments received include six (6) to 12 specific topic areas and the Department is confident comments can be processed within the stated timeframe.

Acting Chairman Roger Folsom asked the Board if members had any questions or if there was any discussion. Chairman Norman Boyd stated no objection to the request to postpone consideration pursuant to the Department's request; no Board member signaled objection. Mr. Folsom stated the action item is therefore tabled until a later meeting of the Board.

(A copy of the Georgia Pathways to Coverage 1115 Demonstration Waiver Public Notice is attached hereto and made an official part of these minutes as Attachment #4).

Lisa A. Walker, CFO presented to the Board for initial adoption the Ambulance Upper Payment Limit (UPL) Supplemental Payment Program Public Notice.

Pending Centers for Medicare and Medicaid Services (CMS) approval and effective December 1, 2019, the Department proposes to implement a new Ambulance Upper

Payment Limit (UPL) supplemental payment program for ambulance providers that are affiliated with a hospital. Under the program, participating ambulance providers will receive increased Medicaid funding via a lump sum UPL payment twice a year.

Participation in the program is voluntary and dependent upon the ambulance provider securing a commitment from a hospital authority to make an inter-governmental transfer (IGT) of funds to the Department to finance the state share of the ambulance UPL payment. This change is estimated to increase expenditures for SFY 2020 by \$33,018,829 in total funds (with the state share provided through intergovernmental transfers in the amount of \$10,797,157).

An opportunity for public comment will be held on December 18, 2019 at 10:30 a.m., at the Department of Community Health, 2 Peachtree Street, N.W., Atlanta, Georgia 30303 in the 5th Floor Board Room. Written comments will be accepted on or before December 26, 2019.

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

Mark Trail MADE a MOTION to approve for initial adoption the Ambulance Upper Payment Limit (UPL) Supplemental Payment Program 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 Ambulance Upper Payment Limit (UPL) Supplemental Payment Program Public Notice is attached hereto and made an official part of these minutes as Attachment #5).

Lisa A. Walker, CFO presented to the Board for adoption the Alma Property Transfer Resolution.

The Resolution requests the State Properties Commission (SPC) to transfer custody of real property located in Alma, Georgia from the Georgia Department of Community Health (DCH) to the Georgia Department of Human Resources (DHR).

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

Russell Crutchfield MADE a MOTION to approve the Alma Property Transfer Resolution. 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 Alma Property Transfer Resolution is attached hereto and made an official part of these minutes as Attachment #6).

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for initial adoption the Rules and Regulations for Hospices, Chapter 111-8-37.

- The proposed revisions add language to require owners (governing body),

administrators and direct access employees to comply with the new criminal background check requirements found at O.C.G.A. § 31-7-350 et seq. and in the Rules and Regulations for Criminal Background Checks, Chapter 111-8-12, adopted by the Board in August of 2019.

- The proposed revisions modify the disaster preparedness section to require annual training exercises, instead of quarterly training exercises, in order to be consistent with the federal emergency preparedness rules applicable to facilities certified by the Centers for Medicare and Medicaid Services (CMS).
- The proposed revisions add requirements necessary to comply with Senate Bill 374 from the 2019 session of the General Assembly which allows liquid morphine to be administered to hospice patients in assisted living communities under certain circumstances.

An opportunity for public comment will be held on January 14, 2020 at 11:00 a.m., at the Department of Community Health, 2 Peachtree Street, N.W., Atlanta, Georgia 30303 in the 5th Floor Board Room. Written comments will be accepted on or before January 17, 2020.

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

David Crews MADE a MOTION to approve for initial adoption the Rules and Regulations for Hospices, Chapter 111-8-37. Russell Crutchfield 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 Hospices, Chapter 111-8-37 is attached hereto and made an official part of these minutes as Attachment #7).

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for initial adoption the Rules and Regulations for Personal Care Homes, Chapter 111-8-62.

- The proposed revisions remove previous criminal background check language that is now obsolete due to the passage of Senate Bill 406 in the 2018 session of the General Assembly, codified at O.C.G.A. § 31-7-350 et seq. as the Georgia Long-term Care Background Check Program.
- The proposed revisions add a requirement that the personal care home post copies of inspection reports online on its website, if maintained, to provide greater transparency for residents and potential residents of the community.

An opportunity for public comment will be held on January 14, 2020 at 10:00 a.m., at the Department of Community Health, 2 Peachtree Street, N.W., Atlanta, Georgia 30303 in the 5th Floor Board Room. Written comments will be accepted on or before January 17, 2020.

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

Russell Crutchfield MADE a MOTION to approve for initial adoption the Rules and Regulations for Personal Care Homes, Chapter 111-8-62. 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 Personal Care Homes, Chapter 111-8-62 is attached hereto and made an official part of these minutes as Attachment #8).

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for initial adoption the Rules and Regulations for Assisted Living Communities, Chapter 111-8-63.

- The proposed revisions remove previous criminal background check language that is now obsolete due to the passage of Senate Bill 406 in the 2018 session of the General Assembly, codified at O.C.G.A. § 31-7-350 et seq. as the Georgia Long-term Care Background Check Program.
- The proposed revisions add a requirement that the assisted living community post copies of inspection reports online on its website, if maintained, to provide greater transparency for residents and potential residents of the community.
- The proposed revisions add requirements necessary to comply with House Bill 374 from the 2019 session of the General Assembly which allows liquid morphine to be administered to hospice patients in assisted living communities under certain circumstances.

An opportunity for public comment will be held on January 14, 2020 at 10:30 a.m., at the Department of Community Health, 2 Peachtree Street, N.W., Atlanta, Georgia 30303 in the 5th Floor Board Room. Written comments will be accepted on or before January 17, 2020.

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 Assisted Living Communities, Chapter 111-8-63. 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 Rules and Regulations for Assisted Living Communities, Chapter 111-8-63 is attached hereto and made an official part of these minutes as Attachment #9).

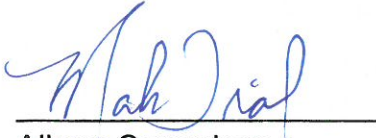
New Business/Closing Comments

None to report.

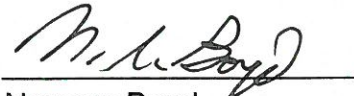
Adjournment

There being no further business to be brought before the Board, Vice Chairman Roger Folsom adjourned the meeting at 11:28 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE 12th DAY OF December, 2019.



Allana Cummings
Secretary



Norman Boyd
Chairman

Official Attachments:

- #1 Agenda
- #2 List of Attendees
- #3 Rules and Regulations for Hospital Transparency 111-8-41
- #4 Georgia Pathways to Coverage 1115 Demonstration Waiver Public Notice
- #5 Ambulance Upper Payment Limit (UPL) Supplemental Payment Program Public Notice
- #6 Alma Property Transfer Resolution
- #7 Rules and Regulations for Hospices, Chapter 111-8-37
- #8 Rules and Regulations for Personal Care Homes, Chapter 111-8-62
- #9 Rules and Regulations for Assisted Living Communities, Chapter 111-8-63