

Board of Community Health
Meeting
February 13, 2020

Members Present

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

Members Absent

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). Chairman Norman Boyd presided and called the meeting to order at 10:30 a.m.

Minutes

The Minutes of the January 9, 2020 meeting were unanimously approved.

Opening Comments

None to report.

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:

Recognitions

- Lisa Walker, CFO and Kellee Richards, Deputy CFO on their 2020/2021 budget presentations.
- Communications and Legislative teams have done a remarkable job responding to inquiries.

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for final 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.
- No additional changes to the proposed rules were recommended.

An opportunity for public comment was 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 were accepted on or before January 17, 2020. No oral or written comments were received.

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

Roger Folsom MADE a MOTION to approve for final adoption the Rules and Regulations for Hospices, Chapter 111-8-37. Allana Cummings SECONDED the MOTION. ON THE MOTION, the yeas were 9, 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 #3).

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for final 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.
- No additional changes to the proposed rules were recommended.

An opportunity for public comment was 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 were accepted on or before January 17, 2020. Two oral and seven written comments were received.

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

Mark Trail MADE a MOTION to approve for final adoption the Rules and Regulations for Personal Care Homes, Chapter 111-8-62. Kenneth Davis SECONDED the MOTION. ON THE MOTION, the yeas were 9, 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 #4).

Melanie Simon, Executive Director, Healthcare Facility Regulation presented to the Board for final 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.
- No additional changes to the proposed rules were recommended.

An opportunity for public comment was 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 were accepted on or before January 17, 2020. Two oral and five written comments were received.

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

Russ Childers MADE a MOTION to approve for final adoption the Rules and Regulations for Assisted Living Communities, Chapter 111-8-63. Roger Folsom SECONDED the MOTION. ON THE MOTION, the yeas were 9, 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 #5).

Lisa A. Walker, CFO presented to the Board for final adoption the Graduate Medical Education (GME) Add-on Payments for Community Service Boards (CSBs) Public Notice.

Pending Centers for Medicare and Medicaid Services (CMS) approval and effective for services effective on or after July 1, 2019, the Department proposes to include a per claim GME add-on payment to each paid claim to Community Service Boards (CSBs) with GME programs that are accredited by the Accreditation Council for Graduate Medical Education (ACGME). The total annual payment of each eligible CSB GME payment will be calculated as follows:

- (1) Determine the percentage of the CSB claims attributable to Medicaid in the previous fiscal year.
- (2) Multiply the percentage of the CSB claims attributable to Medicaid by the total GME annual expenses for the current fiscal year.
- (3) Divide the last four state fiscal years average CSB annual Medicaid claim count into the GME expenses reimbursable by Medicaid.
- (4) This payment is the per claim GME add-on payment.

This is estimated to increase expenditures in state fiscal year (SFY) 2020 by \$711,734 total funds (\$232,168 state funds).

An opportunity for public comment was held on January 2, 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 were accepted on or before January 9, 2020. No oral or written comments were received.

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

Mark Trail MADE a MOTION to approve for final adoption the Graduate Medical Education (GME) Add-on Payments for Community Service Boards (CSBs) Public Notice. Russell Crutchfield SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 1, and the MOTION was APPROVED. (A copy of the Graduate Medical Education (GME) Add-on Payments for Community Service Boards (CSBs) 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 Lead Investigations Rate Increase Public Notice.

Pending Centers for Medicare and Medicaid Services (CMS) approval and effective January 1, 2020, the Department proposes to increase the reimbursement rates for Lead Investigation services and Post Hazard Abatement Services as follows:

- a. The rates for Initial Lead Investigations will increase from \$229.60 to \$964.00.
- b. The rates for Post Hazard Abatement will increase from \$197.34 to \$345.00.

Lead investigations are conducted when a child between the age of six months to age six has a confirmed elevated blood lead level. Further, the investigations may only be conducted at the member's primary place of residence and are limited to one (1) per member per lifetime.

Expenditures for Lead Investigation Services for SFY2020 are as follows:

Total Funds are \$22,052:

- State Funds represent \$7,668. DPH will provide the state match.
- Federal Funds represent \$14,384.

Expenditures for Lead Investigation Services for SFY2021 are as follows:

Total Funds are \$44,103:

- State Funds represent \$15,148. DPH will provide the state match.
- Federal Funds represent \$28,955.

An opportunity for public comment was held on January 16, 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 were accepted on or before January 23, 2020. No oral or written comments were received.

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

Allana Cummings MADE a MOTION to approve for final adoption the Lead Investigation Rate Increase Public Notice. David Crews SECONDED the MOTION. ON THE MOTION, the yeas were 9, nays 0, abstained 0, and the MOTION was APPROVED. (A copy of the Lead Investigations 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 final adoption the Newborn Rate Increase Public Notice.

Pending Centers for Medicare and Medicaid Services (CMS) approval and effective January 1, 2020, the Department proposed to increase the reimbursement rates for Newborn Screening from \$63 to \$80.40.

Georgia's rules and regulations require that all newborn babies in Georgia be tested for certain conditions that pose a threat of severe illness, physical or developmental

disability, or death. Testing is mandatory unless the family objects based on religious beliefs. Testing is performed by approved laboratories licensed in Georgia within 24 hours after birth. The additional reimbursement will cover testing for four (4) additional disorders that were approved by the Georgia Newborn Screening Advisory Committee.

Expenditures for Newborn Screening Fees for SFY20 are as follows:

- a. Total Funds are \$572,608. Of this amount,
 - State Funds represent: \$186,734
 - Federal Funds represent \$385,875

Ms. Rhodes paused to address a question that was raised during the January 9th Board meeting by Board member David Crews regarding the cost for SFY20 and SFY21. Specifically, the question posed was “why is the cost impact less for SFY21 in comparison to SFY20?”

In response, Lynnette Rhodes indicated that upon further review, it was noted that the financial impact for SFY20 was reported incorrectly. A correction to the public notice was made in advance of the posting date to accurately reflect the expenditures for SFY20 (total funds) as \$572,608 as compared to the expenditures for SFY21 (total funds) which is \$1,107,997. No further questions were raised regarding this matter.

Expenditures for Newborn Screening Fees for SFY21 are as follows:

- a. Total Funds are \$1,107,997. Of this amount,
 - State Funds represent \$361,331
 - Federal Funds represent \$746,666

An opportunity for public comment was held on January 16, 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 were accepted on or before January 23, 2020. No oral or written comments were received.

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

Roger Folsom MADE a MOTION to approve for final adoption the Newborn Rate Increase Public Notice. Mark Trail SECONDED the MOTION. ON THE MOTION, the yeas were 9, nays 0, abstained 0, and the MOTION was APPROVED. (A copy of the Newborn Rate Increase Public Notice is attached hereto and made an official part of these minutes as Attachment #8).

New Business/Closing Comments

None to report.

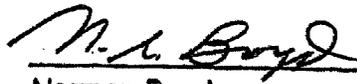
Adjournment

There being no further business to be brought before the Board, Chairman Norman Boyd adjourned the meeting at 11:07 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE 13th DAY OF February, 2020.



Allana Cummings
Secretary



Norman Boyd
Chairman

Official Attachments:

- #1 Agenda
- #2 List of Attendees
- #3 Rules and Regulations for Hospices, Chapter 111-8-37
- #4 Rules and Regulations for Personal Care Homes, Chapter 111-8-62
- #5 Rules and Regulations for Assisted Living Communities, Chapter 111-8-63
- #6 Graduate Medical Education (GME) Add-on Payments for Community Service Boards (CSBs) Public Notice
- #7 Lead Investigations Rate Increase Public Notice
- #8 Newborn Rate Increase Public Notice