

Board of Community Health
Meeting
January 12, 2017

Members Present

Norman Boyd
Roger Folsom
Donna Thomas Moses
Russ Childers
Allana Cummings
Mark Trail
Russell Crutchfield
Anthony Williamson
Michael Kleinpeter

Members Absent

The Board of Community Health held its regularly scheduled meeting at the Department of Community Health (DCH), Fifth Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia. (An agenda and a List of Attendees are attached hereto and made official parts 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 December 8, 2016 meeting were unanimously approved.

Opening Comments

None to report.

Committee Reports

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:

- Introduction of the new Executive Leadership Team

Andrew Johnson, Deputy Commissioner:

Mr. Johnson shared that he worked with Commissioner Berry over the last four years at the Department of Behavioral Health and Developmental Disabilities (DBHDD). Prior to working at DBHDD, Mr. Johnson worked with Congressman Dr. Phil Gingrey from 2007-2012 as well as in the mortgage business. Mr. Johnson expressed his enthusiasm to join the team that Commissioner Berry has assembled. Mr. Johnson will oversee the State Health Benefits Plan (SHBP), Legislative & Communications and Strategic Management.

Kate Pfirman, Deputy Commissioner:

Mrs. Pfirman shared that her tenure with the state is almost 21 years; 14 of which in healthcare. Ms. Pfirman was also Division Director with purvey over the Department of Human Resources (DHR), DCH and the Department of Juvenile Justice (DJJ) budgets during Governor Perdue's administration as well as implementation of the Department of Public Health (DPH). Mr. Pfirman is a graduate of Georgia State University. Ms. Pfirman will oversee Medicaid and Human Resources.

Joseph Hood III, Deputy Commissioner:

Mr. Hood was not in attendance due to a previously scheduled trip in Washington, DC. Prior to transitioning to DCH, Mr. Hood worked at the Governor's Office of Planning and Budget (OPB) and was the Governor's point person on criminal justice and reform. Mr. Hood will oversee the Office of Information Technology (OIT), Health Information Technology (HIT), Inspector General (OIG) and Healthcare Facility Regulation Division (HFRD).

Lisa Walker, CFO:

Ms. Walker shared that she has been in state government for 21 years. Ms. Walker worked at the Department of Revenue (DOR) for 1 ½-2 years, DHR central budget office for 10 years and then transitioned to OPB as Policy Coordinator and Division Director for the past 10 years.

Commissioner Berry also introduced Thorne Brown, Deputy CFO.

- **First 30-Day Assessment**

New team members are integrating and strategizing well with the exiting team members; resulting in a phenomenal partnership.

Meetings:

- January 13th: House Appropriations Health Subcommittee meeting will take place where the Department will present the AFY17 budget.
- January 17th: House and Senate joint budget hearing on the AFY17 and FY18 budgets.

- Centers for Medicare and Medicaid Services (CMS): Two productive meetings have taken place to discuss departmental challenges.
 - US Department of Justice (DOJ): DCH is a co-signature with DBHDD on a comprehensive settlement agreement for individuals with mental health, intellectual and developmental disabilities.
 - External Stakeholders: Discussion around their insight on how our Department can improve as well as our working relationship.
- AFY17 and FY18 DCH Budget

Lisa Walker, CFO, presented to the Board provided an overview of the AFY17 and FY18 DCH budget as recommended by the Governor. The budget overview was comprised of:

- 1) Cost drivers mandated by federal policies for the Aged, Blind and Disabled (ABD) Medicaid program and items for Indigent Care Trust Fund program;
- 2) Operational items for the Administration, Health Care Access and Improvement, HFRD, and Boards of Dentistry and Pharmacy programs.

The other funds overview for SHBP then followed.

Ms. Walker explained that the AFY17 budget included “have to” items such as increases in Medicare Parts B and D costs and Disproportionate Share Hospital (DSH) payments. FY18 included items in addition to “have to” items – such as provider rate enhancements for primary care and OB/GYN codes and autism services. Ms. Walker also noted that the State realized savings through a more favorable federal match rate for Medicaid benefits. Another significant budgetary update for DCH is the use of Tenet Settlement funding to fund the majority of the items in AFY17 and FY18 budget.

Linda Wiant, Chief, Medical Assistance Plans presented to the Board for final adoption the Medicaid Rate Increase for Nursing Home Mechanized Ventilator Care Public Notice. In FY17, the Georgia General Assembly appropriated funds to increase nursing home ventilator care reimbursement by 3% percent. The Board approved final adoption of this increase in May 2016 and a State Plan Amendment (SPA) was approved by CMS in September 2016.

The SPA submission included the incorrect daily rate for ventilator care due to a typographical error. The rate was listed as the current rate of \$494.68 rather than the new rate of \$509.52. To correct this, CMS required a new Public Notice and SPA.

In order to increase reimbursement for the entire state fiscal year of 2017 by an average of 3% percent, the ventilator rate for January 1, 2017 to June 30, 2017 will be increased by 6% to a daily rate of \$524.36. Beginning July 1, 2017, the daily rate will revert to

\$509.52 (a 3% increase over the pre-FY 2017 rate). There is no change to the fiscal impact to the State or the federal government. The increased rate to providers for the six-month period is to provide them with the full budgeted amount of the increase. The estimated impact for SFY17 is \$295,250 in total funds and \$95,041 in State funds. The estimated impact for SFY18 is the same.

An opportunity for public comment was held on December 14, 2016 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 December 21, 2016. No comments were received. Ms. Wiant respectfully asked for the Board's favorable consideration of final adoption.

Mark Trail MADE a MOTION to approve for final adoption the Medicaid Rate Increase for Nursing Home Mechanized Ventilator Care Public Notice. Russell Crutchfield SECONDED the MOTION. ON THE MOTION, the yeas were 9, nays 0, abstained 0, and the MOTION was APPROVED. (A copy of the Medicaid Rate Increase for Nursing Home Mechanized Ventilator Care Public Notice is attached hereto and made an official part of these minutes as Attachment #3).

Melanie Simon, Division Chief, Healthcare Facility Regulation presented to the Board for final adoption the proposed revised Rules and Regulations for Intermediate Care Homes, Chapter 111-8-47, to the board for final adoption. The revised rules are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

Board members were provided a copy of the synopsis of proposed rule changes and revised rules. During the oral presentation, the following was discussed:

- The rule revisions are necessary to comply with HB 920 which requires that intermediate care homes carry or be covered by liability insurance or have established for its benefit a self-insurance trust as a condition precedent to obtaining or maintaining a permit to operate a nursing home;
- The rule revisions include the repeal of Chapter 290-5-9 and the replacement of the rule at Chapter 111-8-47;
- No additional changes to the proposed rule were recommended.

An opportunity for public comment will be held on December 12, 2016 at 9:30 a.m. at the Department of Community Health (2 Peachtree Street, N.W., Atlanta, Georgia 30303) in the 5th Floor Board Room. Written were accepted on or before December 14, 2016. No 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 revised Rules and Regulations for Intermediate Care Homes. Donna Thomas Moses SECONDED the

MOTION. ON THE MOTION, the yeas were 9, nays 0, abstained 0, and the MOTION was APPROVED. (A copy of the revised Rules and Regulations for Intermediate Care Homes is attached hereto and made an official part of these minutes as Attachment #4).

Melanie Simon, Division Chief, Healthcare Facility Regulation presented to the Board for final adoption the proposed revised Rules and Regulations for Nursing Homes, Chapter 111-8-56, to the board for final adoption. The revised rules are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

Board members were provided a copy of the synopsis of proposed rule changes and revised rules. During the oral presentation, the following was discussed:

- The rule revisions are necessary to comply with HB 920 which requires that nursing homes carry or be covered by liability insurance or have established for its benefit a self-insurance trust as a condition precedent to obtaining or maintaining a permit to operate a nursing home;
- No additional changes to the proposed rule were recommended.

An opportunity for public comment will be held on December 12, 2016 at 10:15 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 December 14, 2016. No comments were received. Ms. Simon respectfully asked for the Board's favorable consideration of final adoption.

Allana Cummings MADE a MOTION to approve for final adoption the revised Rules and Regulations for Nursing Homes. Michael Kleinpeter SECONDED the MOTION. ON THE MOTION, the yeas were 9, nays 0, abstained 0, and the MOTION was APPROVED. (A copy of the revised Rules and Regulations for Nursing Homes is attached hereto and made an official part of these minutes as Attachment #5).

Melanie Simon, Division Chief, Healthcare Facility Regulation presented to the Board for final adoption the proposed revised Rules and Regulations for Licensure of Clinical Laboratories, Chapter 111-8-10-.03, to the board for final adoption. The revised rules are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

Board members were provided a copy of the synopsis of proposed rule changes and revised rules. During the oral presentation, the following was discussed:

- The rule revisions include a change in the definition of clinical laboratory necessary to comply with SB 273 which modifies the existing statutory definition to exclude laboratories which are non-diagnostic only and are regulated pursuant to the federal Clinical Laboratory Improvement Amendments;

- The rule revisions include an increase in the number of laboratories a laboratory director is licensed to oversee from three (3) to five (5) in line with federal laboratory regulations;
- No additional changes to the proposed rule were recommended.

An opportunity for public comment will be held on December 12, 2016 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 December 14, 2016. No comments were received. Ms. Simon respectfully asked for the Board's favorable consideration of final adoption.

Russell Crutchfield MADE a MOTION to approve for final adoption the proposed revised Rules and Regulations for Licensure of Clinical Laboratories. Michael Kleinpeter SECONDED the MOTION. ON THE MOTION, the yeas were 9, nays 0, abstained 0, and the MOTION was APPROVED. (A copy of the proposed revised Rules and Regulations for Licensure of Clinical Laboratories is attached hereto and made an official part of these minutes as Attachment #6).

Melanie Simon, Division Chief, Healthcare Facility Regulation presented to the Board for final adoption the proposed revised Rules and Regulations for Assisted Living Communities, Chapter 111-8-63, to the board for final adoption. The revised rules are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

Board members were provided a copy of the synopsis of proposed rule changes and revised rules. During the oral presentation, the following was discussed:

- The rule revisions are necessary to comply with HB 902 which requires that Assisted Living Communities provide each resident with educational information on influenza no later than September 1st of each year;
- No additional changes to the proposed rule were recommended.

An opportunity for public comment will be held on December 12, 2016 at 11:45 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 December 14, 2016. No comments were received. Ms. Simon respectfully asked for the Board's favorable consideration of final adoption.

Donna Thomas Moses MADE a MOTION to approve for final adoption the revised Rules and Regulations for Assisted Living Communities. 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 revised Rules and Regulations for Assisted Living Communities is attached hereto and made an official part of these minutes as Attachment #7).

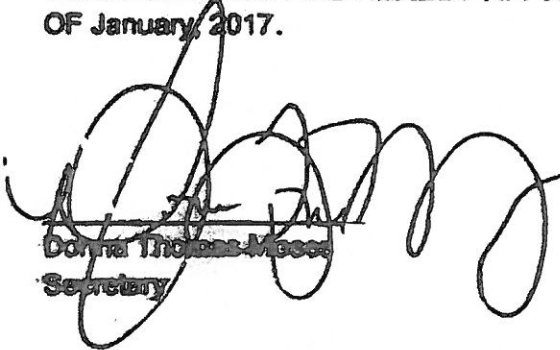
New Business/Closing Comments

Chairman Boyd thanked Commissioner Barry for the introduction of new staff members and expressed that the Board is looking forward to working the group. Mr. Boyd discussed the importance of customer service to the public and provider community within the State as a high priority.

Adjournment

There being no further business to be brought before the Board, Chairman Norman Boyd adjourned the meeting at 11:20 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE 12th DAY OF January, 2017.



Donna Thomas-Mason
Secretary



Norman Boyd
Chairman

Official Attachments:

- #1 List of Attendees
- #2 Agenda
- #3 Medicaid Rate Increase for Nursing Home Mechanized Ventilator Care Programs
Public Notice
- #4 Revised Rules and Regulations for Intermediate Care Homes
- #5 Revised Rules and Regulations for Nursing Homes
- #6 Revised Rules and Regulations for Licensure of Clinical Laboratories
- #7 Revised Rules and Regulations for Assisted Living Communities