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2009 Legislative Session Preview

The 2009 Minnesota legislative session begins tomorrow and we will waste no time this week as we brief members of the capitol press corps on Thursday about our priorities for this session.

Our advocacy staff also has a full slate of meetings with key legislative supporters this week and is working to finalize our bills for introduction. The materials used in these meetings will be available on our web site later this week so that you may use these materials with your own legislators, press, families and staff.

With the state facing a projected \$4.8 billion deficit, Minnesota lawmakers say they need to find ways to cut spending and streamline state government. On Jan. 27, Gov. Tim Pawlenty will unveil his budget proposal for the next two years as part of a \$32 billion budget proposal to the Legislature.

The Constitutional deadline for this year's session is May 18. The final deadline for lawmakers to pass a budget is July 1, the start of the next fiscal year.

As we move into the 2009 session, Aging Services will continue to advocate for protection of current programs, an increase in funding, and innovative ways to finance our long-term care system.

Below is a recap from 2008 and a look ahead to this year's session.

Legislative Successes for 2008

The 2008 legislative session was a success for older adult services. Despite a deficit, nursing facilities received \$5.754 million in new funding. In addition, nursing home rate rebasing was adjusted to ensure all facilities receive at least a 1 percent increase.

We were also able to fend off the complete elimination of the 2 percent COLA increase for home and community-based services providers, although there was a short delay.

In the policy arena, older adult services again won with the passage and signing of a community consortium pilot program. This legislation will make it possible for local communities to determine what kinds of older adult services make the most sense for them, and then create the infrastructure for those services. We also secured favorable changes to the Moratorium Exception Process and successfully fought efforts to require a four-year college degree for housing managers.

Looking Ahead to the 2009 Legislative Session

Aging Services will focus on new opportunities for reform. The budget deficit presents a unique opportunity for Minnesota to create a more manageable, responsible, and sustainable financing stream for long-term care.

Aging Services is also discussing different financing options to responsibly balance our request for additional funding. In addition, we will be seeking regulatory reforms to address costly, unnecessary duplication.

Finally, Aging Services will be pursuing legislation to reform older adult services by streamlining the continuum of care and ensuring the appropriate care is delivered seamlessly to clients who need it, while also bringing some cost-savings to the system.

These initiatives will be discussed in greater detail at January District Meetings.

Long-Term Care Imperative Legislative Agenda Highlights

Please visit our website at <http://www.agingservicesmn.org/index/advocacy> for the full legislative agenda (look for 2009 Long-Term Care Imperative Legislative Agenda in the right side bar).

Funding Initiatives:

- Provide a COLA to nursing facilities and home-and-community based services providers, for each year of the biennium, with the percentage based on the SNF market basket. The current estimate is 2.38 percent.
- Make permanent the 1 percent temporary rate increase that took effect October 1, 2008.
- Invest \$3 million in moratorium funding for FY2010-2011 to support capital improvements in care centers.

Continuity of Care and Access Act:

- Include "incidental nursing services" that are provided by a Class A or Class F home care agency in the definition of customized living and 24 hour customized living, if those services are not covered by Medicare.
- Permit non-Medicare certified home care providers (e.g., Class A, Class F and possibly Class B) to receive Alternative Care (AC) reimbursement on a fee-for-service basis.
- Create an exemption to the requirement of 24/7 supervision to qualify as a provider of 24 hour customized care for settings serving 12 or fewer clients.
- Eliminate the customized living cap.

Regulatory Reform:

- Address Minnesota regulations regarding two-hour toileting and two-hour repositioning in nursing facilities, by exempting federally-certified facilities from compliance with the state regulation.
- Modify Minnesota Nursing Home Rules and Home Care Rules to replace current staff Mantoux testing requirements for nursing facilities and Class F Home Care Agencies with the CDC 2007 guidelines/protocol for conducting TB risk assessments for health-care facilities, and following the staff guidelines as outlined in the CDC guidelines.

Reduce Bad Debt / Accounts Receivable Resulting from Program Administration:

- Address Medical Assistance application and disenrollment problems.
- Make Elderly Waiver reimbursement retroactive to the date of the client's application or to the date on which the client had a change in condition.

Financing Options:

- Long Term Care Financing Reform.
- Repeal of the nursing home rate equalization law.
- Allow for local referenda for funding older adult services.
- Capture of forecast savings. Actual expenditures for nursing home care are typically below the forecasted expenditures. Policymakers could pass legislation that would mandate that any money budgeted for older adult services, but not spent as forecast, should be used for other older adult services.
- Use a portion of the \$188 million surplus in the Health Care Access Fund to increase access to insurance for long-term care workers, which will improve job retention.
- Advocate for an enhanced federal Medicaid match.

We will keep you informed throughout the session with news alerts and audio broadcasts.

For Further Information:

Contact Kari Thurlow at kthurlow@agingservicesmn.org or Jennifer McNertney at jmcnertney@agingservicesmn.org.

Individuals In Seven County Metro Area Transitioned To MSC+

Managed Care for Seniors Update (DHS Bulletin #08-24-08) provides background on managed care programs for seniors and discusses the final phase of the Minnesota Senior Care Plus (MSC+) transition in the seven-county Twin Cities area.

The bulletin is a valuable resource for both care enters and EW providers because it provides background on the differences between MSHO and MSC+ and what each of them covers, as well as addressing issues like the enrollment process and the treatment of spend downs and waiver obligations. The bulletin also provides contact information for all health plans that participate in state managed care programs.

On Thursday, Jan. 1, individuals enrolled in MSC in the seven county metro areas were automatically transitioned to MSC+ with the same health plan. The bulletin provides detail on how that transition works, including how assessments and billing will be handled. The bulletin is available at <http://tinyurl.com/96rl4d>.

For Further Information:

Contact Jeff Bostic at jbostic@agingservicesmn.org.

Jan. 19 is Deadline to Participate in Responder's Videoconference

The Minnesota Department of Human Services (DHS) is seeking proposals from qualified responders for state fiscal year 2010 (July 1, 2009-June 30, 2010) to expand and integrate home and community-based services for older adults that allow local communities to rebalance their long-term care service delivery system, support people in their own homes, expand the caregiver support and respite care network and promote independence.

Approximately \$6.4 million is available annually for the CS/SD Grant Program. Individual grants may not exceed \$250,000 per year. An optional Responders Videoconference will be held Friday, Jan. 22, at 1:30 p.m.

Responders interested in attending the Responder's Videoconference must register online at <http://agingtraining.dhs.state.mn.us> no later than 5 p.m. on Jan. 19.

The complete RFP and application including directions is available online on the DHS Community Service/Community Services Development Web site at: <http://www.dhs.state.mn.us/cssd>

The deadline for receipt of proposals is Friday, March 27, at 4 p.m.

For Further Information:

Contact Jacqueline Peichel, the Aging and Adult Services Community Program Policy Consultant at Jacqueline.s.peichel@state.mn.us or 651-431-2583.

Videoconference Will Focus on Alzheimer's and Dementia Basics

Marsha Berry, MA, CAEd, Professional Education Manager, Alzheimer's Association Minnesota-North Dakota, will present a videoconference on the basics of Alzheimer's disease and the related forms of dementia - vascular cognitive impairment, Lewy Body Dementia, and Frontal Temporal Dementia Thursday, Jan. 29, at 9 a.m. and 1:30 p.m. at various locations around the state.

The session will focus on resources for early diagnosis and for supporting individuals with dementia and their families.

Pre-registration is required for the videoconference by going to <http://agingtraining.dhs.state.mn.us>. Persons unable to attend the conference can register to receive the handouts. Registration closes at 5 p.m. on the Monday prior to the session.

By registering, you understand that the session will be videotaped with the possibility of your visual and audio likeness being recorded for reproduction and distribution.

For Further Information:

Contact Mary Youle at myoule@agingervicesmn.org.

Certificates of Rent Paid Are Due By Jan. 31

Entities that own property, paid 2008 property tax or payments in lieu of property tax (PILOT) and rent living space to others--including nursing homes, assisted living properties and adult foster care homes--must issue a Certificate of Rent Paid (CRP) to each married couple or unmarried adult living in your building by Saturday, Jan. 31.

If the facility is exempt from property taxes and does not make any payments in lieu of taxes, then no CRP must be provided.

Nursing homes, adult foster care homes, intermediate care or other health-care facilities use a flat dollar amount per month to determine the rent paid by a resident. The rate is used only for purposes of determining rent constituting property taxes and will be adjusted annually for inflation. Specific instructions for various types of providers are available from the Department of Revenue:

- Instructions for nursing homes:
http://www.taxes.state.mn.us/prop_refund/other_supporting_content/crp_nursinghome.shtml
- Instructions for assisted living:
http://www.taxes.state.mn.us/prop_refund/other_supporting_content/crp_assist_living.shtml
- Instructions for adult foster care:
http://www.taxes.state.mn.us/prop_refund/other_supporting_content/crp_adult_foster.shtml
- Instructions for intermediate care facilities:
http://www.taxes.state.mn.us/prop_refund/other_supporting_content/crp_icf_mr.shtml

General instructions for 2008 CRPs, including how to order additional forms, is found at http://www.taxes.state.mn.us/prop_refund/instructions/crp_ldin_08.pdf.

For Further Information:

Contact Mary Youle at myoule@agingervicesmn.org or Jeff Bostic at jbostic@agingervicesmn.org.

Dementia Training Tool Kit, Free In-Services Available

The National Council of Certified Dementia Practitioners has developed a comprehensive, free tool kit to use in training staff working with persons with dementia.

The tool kit includes:

- PowerPoint in-services for health care staff, tests and answers, seminar evaluation forms and certificates
- 54 ways to recognize Alzheimer's
- Dementia staff education week (Feb. 14-21, 2009)
- Movies and books about Alzheimer's you don't want to miss, and more.

To find this free tool kit, visit <http://www.nccdp.org/>.

Seven free monthly in-services on dementia are available from Senior Living University and Novartis and are found at http://www.seniorlivingu.com/ALZ_Free.html.

HUD Issues Document on 2009 NOFAs

HUD has published a 38-page notice in the Federal Register which provides policy requirements and all General Section language for the FY2009 discretionary funding programs.

In the announcement, HUD states that this year it will release the program specific funding announcements as they are approved, instead of issuing a combined program SuperNOFA. The full notice can be found at <http://edocket.access.gpo.gov/2008/pdf/E8-30600.pdf>.

As HUD has done in recent years, this announcement is in advance of the release of actual program section funding announcements. According to Colleen Bloom at the American Association of Homes and Services for the Aging (AAHSA), the notice is intended to help prospective applicants prepare for the submission process and offers an overview of DUNS (Data Universal Number Systems) numbers, online submission, processing and technical filing requirements.

It also includes reminders about various executive orders and recommendations (including Limited English Proficiency, visitability/accessibility, green design, etc), the need to register with Grants.gov, and places specific limitations on the salary that may be paid to consultants.

The notice encourages prospective applicants to read and follow the early registration requirements found at <http://edocket.access.gpo.gov/2008/pdf/E8-28868.pdf>.

Appendix A of the Dec. 29 notice provides anticipated dates for the actual program funding announcements. Though subject to change, indications currently are that the ALCP program NOFA can be expected between January and March 2009, while the Section 202 and 811 programs are projected to be announced between February and April 2009, and the pre-development demonstration could occur between March and May 2009.

Bloom notes that the notice has no mention of any new funding expectations for the multifamily Service Coordinator program. She reports that HUD program officials have indicated that given funding levels under the current Continuing Resolution, there is not enough money to provide for any new service coordinator grants.

However, once the HUD FY09 appropriation is completed (either independently or as part of an omnibus appropriation), should there be funding in excess of current grant extension needs, then a funding announcement would go out.

For Further Information:

Contact Mary Youle at myoule@agingservicesmn.org.

Volunteer Sought for Pharmaceutical Project

The Minnesota Technical Assistance Program (MnTAP) is soliciting long term or assisted care facilities to participate in a project to pilot the use of automated distribution systems (Pixis, Omnicell).

The intent of the project is to reduce pharmaceutical waste and costs, improve pharmaceutical management and reduce medication errors. The use of an automated distribution system would significantly reduce waste associated with controlled substances and also reduce waste disposal costs as hazardous waste regulations apply to pharmaceuticals.

The project would be conducted during the summer of 2009 as part of MnTAP's intern program. Please contact Catherine Zimmer at 612.624.4635 or zimme053@umn.edu.

For Further Information:

Visit www.mntap.umn.edu.

Institute Early Bird Deadline is Friday

Don't wait any longer to register for this year's Institute scheduled for Feb. 11-13 because the early bird registration fee ends **Friday, Jan. 9**.

This is your chance to take time for yourself and your staff -- feed your mind and refresh your spirit.

By taking advantage of the early bird registration, you'll save \$100 on your facility registration fee. Visit www.agingservicesinstitute.org for full details and to register online today.

Institute Brochures were sent to the main contact person for each of our members - care centers, housing, campuses, corporate offices, etc. View the brochure at <http://www.agingservicesmn.org/inc/data/2009Institute.pdf>.

To order additional copies of the brochure:

Contact Kellie Carlson, at kcarlson@agingservicesmn.org and include your name, facility, complete mailing address and the number of brochures requested (limit is five).

For questions regarding Institute registration:

Contact Kellie Carlson or Rebecca Fritz at rfritz@agingservicesmn.org.

For general questions regarding the Institute:

Contact Jenny Prosser at jprosser@agingservicesmn.org.

For information regarding the Leadership Intensive, CFO Intensive, Chip Bell Workshop, Pre-Conference Intensives, Networking Lunches, Concurrent Sessions or CEUs:

Contact Heidi Simpson at hsimpson@agingservicesmn.org.

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