



## **Task Force on Long Term Care**

**September 29, 2020, 1:00 PM**

**Governor's 8th Floor Conference Room**

**1700 West Washington Street, Phoenix, Arizona 85007**

A general meeting of the Task Force on Long Term Care was convened on September 29, 2020, via Zoom and at the Governor's 8th Floor Conference Room at 1700 W. Washington, Phoenix, Arizona 85007, notice having been duly given.

### **I. Call to Order**

- A. Ms. Christina Corieri, Chair**, called the Task Force on Long Term Care to order at 1:01 p.m. with thirty (30) members and two (2) staff members present.

### **II. Roll Call**

- A. Ms. Christina Corieri, Chair**, welcomed everyone that had joined Zoom and on the public call-in line. **Ms. Corieri** welcomed a new task force member, **Ms. Gina Griffiths**. She is the Director of Programs for The Opportunity Tree. **Ms. Gina Griffiths** introduced herself and expressed that she is very excited to be included and explained that her team has been extremely impacted by COVID-19. **Ms. Christina Corieri** stated that we will be adding a parent of a family member with disabilities.
- B.** The following members were excused from the meeting: **Ms. Tonsa Price-Edwards, family member**;

### **III. Approval of Minutes**

- A. Ms. Chistina Corieri, Chair**, requested a motion to approve the September 22, 2020, meeting minutes.
- B. The Honorable Kate Brophy McGee, Arizona State Senator**, motioned to accept the minutes as drafted. **Mr. Dave Voepel, CEO, Arizona Health Care Association**, seconded the motion.
- C. The Honorable Regina Cobb, Arizona State Representative**, explained that last week we talked extensively about "in-room visits" and they were not talked about in the minutes. Additionally, "in-room visits" were not very addressed in the newly updated guidance. **Ms. Christina Corieri** stated what would be in the FAQ sheet in regard to in-room visits. We will make an addendum under **Representative Cobb's** comments to include the need for in-room visits. After that, the motion passed with no dissenting votes.
- D. Ms. Chistina Corieri, Chair**, announced that the next meeting will be **Tuesday, October 13th at 1 pm** and that we will continue to have these meetings for the foreseeable future as long as the task force members are available.

### **IV. Discussion on "Access for Residents of Long Term Care Facilities to Legal Professionals"**

- A. Ms. Corieri** stated that the FAQ sheet will be posted to the Department of Health Services' website by the end of the day. Additionally, she explained that the task force had an open issue from last week that **Representative Longdon** brought up, "Access for Residents of Long Term Care Facilities to Legal Professionals". **Ms. Corieri** asked **Representative Longdon** if she would like to speak to this issue. **Ms. Grace Appelbe** stated that she is not here yet. **Ms. Corieri** asked **Mr. Colby Bower** if he would like to add to this.
- B. Mr. Colby Bower, Assistant Director of Policy and Intergovernmental Affairs, Arizona Department of Health Services**, stated that his team has looked into this, however, CMS has not provided direct guidance on this topic. Most attorneys are offering virtual services. However, DHS would recommend that attorney visitation should be allowed, unless they are subject to a work exclusion due to exposure to COVID-19 or show signs or symptoms of COVID-19 after being screened. Arizona Center for Disability Law (ACDL) plays an important role and must be permitted into facilities unless the ACDL staff member has an active COVID-19 case or the resident they seek to visit is actively infected.
- C. The Honorable Tyler Pace, Arizona State Senator**, expressed that one of the first things that this Task Force discussed was about the questionnaire that facilities were going to be used when screening guests and healthcare personnel. He would like some clarification on this topic because questions have

been varied amongst different homes and facilities. Some of the facilities are asking questions that are really tough for some people to answer confidently and correctly. **Ms. Corieri** asked **Senator Pace** if it would be helpful to have “recommended screening questions”? She added if **Senator Pace** has any ideas, please send those to her in an email and we will note that for the next meeting.

- D. **The Honorable Kate Brophy McGee, Arizona State Senator**, shared with the Task Force that there is confusion about healthcare professionals having access to the facilities, whether those are speech therapists, podiatrists, etc. **Ms. Christina Corieri** stated that the question is addressed in the FAQ being posted. “Health care workers who are not employees of the facility, but provide direct care to the facility’s residents, such as doctors, nurses, physical therapists, podiatrists, psychologists, licensed behavioral health professionals, chiropractors, hospice workers, Emergency Medical Services (EMS) personnel, dentists, home health personnel, dialysis technicians, laboratory technicians, radiology technicians, social workers, clergy, etc., must be permitted to come into the facility as long as they are not subject to a work exclusion due to exposure to COVID-19 or show signs or symptoms of COVID-19 after being screened. They have to be providing services to that individual.” **Senator Kate Brophy McGee** explained that if you are not on the list, many are thinking that you are not allowed to come in. How could we correct that? **Ms. Corieri** stated that we could say, “...perhaps a licensed healthcare professional who is offering services”?
- E. **Ms. Becky Hill, family member**, would like approval of the screening questions before they go out. **Ms. Corieri** said that we can put a list together and circulate that.
- F. **The Honorable Lela Alston, Arizona State Senator**, asked **Ms. Corieri** if the hearing impaired concern had been addressed. **Ms. Corieri** stated that yes, that language is in there.

V. **Discussion on “Residents Leaving and Entering their Long Term Care Facilities”**

- A. **Ms. Christina Corieri** shared with the holiday season approaching, we know that residents and loved ones will want to see their families. Maybe taking a loved one home for a meal or perhaps a weekend. However, the visitation could be in a different town or part of the state. So she would like to open the discussion up to how facilities handle going about that? Would we want them to stay in their room for 14 days? **Ms. Corieri** would like to hear from all of the members.
- B. **Mr. Scott McCutcheon, Chief Operating Officer, LivGenerations**, stated that his team has created “offsite mobility” for residents who want to leave for purposes other than essential medical appointments. They have established some basic rules such as testing on residents two times per month. He would recommend something like that. **Mr. McCutcheon** has not allowed any overnight stays, but if they do, then they must be quarantined for 14 days. This might not be the right rule, but this is what they have in place so far. One other comment, residents sign a pledge on the way out. Additionally, if being escorted by a son or daughter, they also must sign it. It basically promises that they will be adhering to CDC guidelines when out and about. **Ms. Corieri** asked what testing they use? **Mr. McCutcheon** stated that access to the tests are very difficult, but they do 1 antigen a month and 1 antibody a month. Antigen tests are \$60 and antibody tests are \$10. That they are splitting the cost with families but would like to be provided for more.
- C. **Ms. Tiffany Wilkins, Vice President for Operations, Spectrum Retirement**, stated that her team does a questionnaire, asking residents, is this a doctor’s appointment or other? She added that as testing becomes more available, they will want to test more often. If residents want to leave for longer than 24 hours, then we would do protective isolation.
- D. **Ms. Gina Griffiths, Director of Programs, The Opportunity Tree**, stated that they have not been having folks go out unless it is medically necessary. That access to testing is an issue and they are nervous about the holidays and how that is going to come into play.
- E. **Ms. Dana Kennedy, State Director, AARP Arizona**, shared that this is a good discussion to have and hopefully we can get some more testing so residents can stay with their families if they want.
- F. **Mr. Joseph E. LaRue, CEO, Sun Health**, stated that many others have covered the operating side and that his team is doing the same things. Testing becomes an issue for them, and the cost is significant.
- G. **The Honorable Kate Brophy McGee, Arizona State Senator**, asked, how do the facilities handle testing around the flu? What does that look like? Can we follow those paths? She added that COVID-19 is going to be with us for a while and these are our most vulnerable adults. Are there resources that can be deployed for these facilities specifically? She would really like to know if there are available resources

to support this population? **Ms. Corieri** stated that our federal partners announced that they are sending out millions of the 15-minute Abbott rapid tests and that our first shipment should be available next week. We are looking at schools that have some in stock, looking at some DD facilities, etc. There might be an opportunity for some of those to go into facilities for residents who come back from holiday visits. If the facilities can talk with their associations and help us get an idea for the quantity during November and December, that would really be helpful. **Ms. Corieri** asked **Ms. Pam Koester, CEO, Arizona LeadingAge**, and **Mr. Dave Voepel, CEO, Arizona Health Care Association**, if they could get that information back to us before October 13th? They both agreed, yes.

- H. The Honorable Regina Cobb, Arizona State Representative**, stated that we are working on a goal and working with the idea that this is going to be long term. Glad to be addressing this now.
- I. The Honorable Joanne Osborne, Arizona State Representative**, stated that this is a proactive item that will make people feel good and that she is thankful that we are looking at holidays now. She added that yes, these are our most vulnerable but they are also not prisoners. We want families to be together!
- J. Ms. Gaile Dixon, President, Dream Catcher Assisted Living**, explained to the group that she owns and manages a 10-bed assisted living home and that most of the people that they take care of our hands-on care. When they go out to see family and they come back, we can't have them self-isolate. We have caregivers that provide care to all residents. She added that they have been so good about keeping the virus out! She thinks the big item is getting rapid testing. She stated that they have an affidavit that all families sign that state they are adhering to CDC guidelines.
- K. Ms. Lisa Pollock, State Long Term Care Ombudsman, Arizona Department of Economic Security** echoed the sentiments about testing. That has been a challenge for many.
- L. Ms. Karen Barno, President and CEO, Arizona Assisted Living Federation of America**, believes that all of the operators have spoken well. She stated that this industry really needs testing in the facilities. **Ms. Corieri** stated that we can talk later this week about parameters around this.
- M. Ms. Virginia Rountree, Deputy Director of Programs, Arizona Department of Economic Security**, echoes what many said. She added, would you like an estimate from AAPPD for group homes? That we could work together to get that. She added, in the beginning, we looked at what other states were doing in terms of visitation. What about this issue? **Ms. Corieri** said absolutely and that we will have **Ms. Tuesday Elias** look into that and send out a presentation before the next task force meeting (10/13).
- N. The Honorable Tyler Pace, Arizona State Senator**, stated that as we get into cooler months, Arizona will be in better shape than other states who typically are snowed in. He thinks that prioritizing outdoor visits will be a lovely thing to do. Senator Pace shared some concerns: COVID-19 symptoms are similar to flu symptoms, seasonal colds, and seasonal coughs. The problem that I foresee is not so much the families and visitors, but employees. We see employees who also get sick and in return can create a potential staff shortage. Question is, how long should they stay out? Isolation for non-COVID individuals who have the flu will be an issue. Will there be testing for residents that show flu-like symptoms? Let's develop a recommendation around people who are sick, but not sick with COVID-19. **Ms. Corieri** stated that some companies are trying to develop a covid+flu test. Senator Pace expressed that you would have to go back to the nasal swab to get that and we don't want people to get swabbed 8-9 times, that is not fun.
- O. Mr. Justin Stein, District Director of Operations, Brookdale Senior Living**, stated that he has similar procedures to **Mr. McCutcheon** and **Ms. Wilkins** and echo their sentiments.
- P. Ms. Heather Friebus, Administrator, Devon Gabels Rehab Center**, shared with the group that her team is not allowing residents to go out unless they are medically needed and many SNFs have that mindset. They have let residents go out with families if they choose, but they will have to adhere to isolation. She agrees that adequate access to testing would really be great.
- Q. Ms. Donna Taylor, Chief Operating Officer, LifeStream Complete Senior Living**, stated that we need to give consideration when we are talking about adults because they are not children and not prisoners. I know that we aren't saying this, but it's a fine line when talking about restrictions. All providers are looking to support and encourage our residents and when talking about testing, it is all point-in-time. Taking a test upon someone's return, someone might not be able to test positive if they

were exposed in the last few hours. Additionally, at one facility Ms. Taylor's team received 40, 15-minute test kits. **Ms. Corieri** stated that HHS is sending some directly to assisted living facilities. We have asked for a list of who has got them, but they have not provided that yet.

- R. Ms. Becky Hill, family member**, explained that the task force has talked about day to day living and the holidays. She would like to see **Ms. Gaile Dixon's** affidavit and **Mr. Scott McCutcheon's** attestation form as well. Families have a responsibility when they take their loved ones out, so that little outings don't become a big deal. She explained that her mom is not an outing person, but she has thought of taking her to the front porch to enjoy the nice weather. **Ms. Corieri** told **Ms. Dixon** and **Mr. McCutcheon** said that if they are willing to share their documents, they can send them to Tuesday and she can share them with the task force members.
- S. Mr. Dave Voepel, CEO, Arizona Health Care Association**, echoed **Ms. Donna Taylor** and **Ms. Becky Hill's** comments and that we need to keep in mind the different settings; SNF, assisted living, care homes, etc. If someone leaves for a couple of hours, and they are exposed, they might not show symptoms yet.
- T. The Honorable Jennifer Longdon, Arizona State Representative**, would like to echo **Ms. Donna Taylor's** comments that yes we are balancing safety in the facilities, but these are not incarcerated individuals. We want to give them as much freedom as able. When I think of the holidays, I think of the lights or going to the church of your choice. I appreciate that we are working collaboratively to get this done ahead of time.
- U. Ms. Tiffany Wilkins, Vice President for Operations, Spectrum Retirement**, shared that her team has also received some of the 15-minute rapid testings in their communities, about 40. Ms. Courier stated that we will work with **Ms. Karen Barno** and get the numbers for the holidays moving forward.
- V. Ms. Becky Hill, family member**, shared that it is important that there is a policy for residents to leave, so they can live a normal life with safeguards. However, she explained to the task force members that many know that residents are going to "medical appointments" and then extending their outing to personal visits. So, we need to have some structure and protocols in place.
- W. Mr. Scott McCutcheon, Chief Operating Officer, LivGenerations**, stated that pandemic or no pandemic, residents have the right to go home for the holidays. That is not in the cards in my opinion. Testing is the safest thing to do to make this possible and two testings per month is what all should do. He added that making testing affordable could make that happen. 50% of our residents signed up for our "offsite mobility" the other 50% weren't ready. I would estimate 75% of them would like to leave and go home to their families for the holidays. Perhaps we could quarantine residents in their room post-holiday? Although this is something they wouldn't want to do, this could isolate if someone has the virus.
- X. Mr. Mark Clark, President and CEO, Pima Council on Aging**, shared that he still has concerns about testing for the Ombudsman program.
- Y. The Honorable Kate Brophy McGee, Arizona State Senator**, asked that if someone is not following the guidelines, what do we do? Where are we supposed to send our constituents? **Ms. Corieri** asked **Mr. Colby Bower** if there is a DHS phone number or email to refer folks to and if he can get that to **Ms. Tuesday Elias** or share now? **Mr. Colby Bower** said that will get that to **Ms. Tuesday Elias** and get it sent around. **Ms. Corieri** said that we will add it to the FAQ sheet.
- Z. Ms. Heather Friebus, Administrator, Devon Gabels Rehab Center**, asked if operators are to use CMS data or DHS data to understand where their county is. **Ms. Corieri** said that it would be the DHS data that is on the website and that there are some helpful links in the FAQ sheet. **Ms. Friebus** asked, for testing requirements, we are referring to CMS, correct? **Ms. Corieri** said, yes. **Ms. Friebus** added, visitor versus designated essential visitor (DEV), does the DEV need to test first before coming into a facility? **Ms. Corieri** stated that the DEV would need to test before their first visit and then go by the CMS guidelines. **Ms. Friebus** asked as facilities are making policies and procedures, could we alter the phrase "pre-COVID hours"? For her facility, pre-COVID hours meant 24/7, and right now that is an unreasonable accommodation, especially with ensuring adequate staffing. **Ms. Corieri** stated yes, we can reduce the 24/7. The last question, **Ms. Friebus** asked that in the substantial phase, can you clarify

visitation; if someone provided a negative COVID-19 test, they could visit inside or outside. **Ms. Corieri** stated that we can add that to the FAQ sheet.

**AA. Ms. Donna Taylor, Chief Operating Officer, LifeStream Complete Senior Living**, asked, in regard to the testing frequency, there are two different metrics being used. Maricopa County announced guidance that is consistent with our guidance. However, is it based on percent positivity? What is determining to test versus what is determining the other items? **Ms. Corieri** said that will try to clarify that in the FAQ sheet. Ms. Taylor stated that Maricopa County has additional guidance on what to do during outbreaks. They are saying that visitation can resume 14 days following an outbreak, which should be consistent. Can clergy, doctors, etc, during an outbreak, can they come in? I believe the answer is yes. If we are substantial, can DEVs still be permitted in? **Ms. Corieri** said that Dr. Cara Christ said yes but will confirm that.

**BB. Ms. Christina Corieri, Chair**, stated that we will look at what other states are doing in regard to holiday visits, DES and AAPPD will look into an estimate of testing, and we will be working with DHS and facilities to look at best practices for screening questions. Lastly, we will get the FAQ done and sent later today.

## VI. Upcoming Meeting Dates

- A. **Ms. Christina Corieri, Chair**, asked members to send any comments to either Ms. Tuesday Elias or Ms. Grace Appelbe.
- B. The next meeting will be **Tuesday, October 13, 2020**, at 1:00 p.m - 2:30 pm. For members of the task force, Zoom information will be provided at a later time. Call in for the public is made available here: <https://goyff.az.gov/meeting/tcf/2020/08/11>

## VII. Call to the Public

- A. **Ms. Christina Corieri, Chair**, reminded members on Zoom and within the public call line, that call to the public are written only, submitted here: <https://goyff.az.gov/webform/written-public-comment>
- B. The following remarks were submitted before September 29, 2020, and if needed, have been redacted and summarized for confidentiality purposes:
  - “I was just turned away from a scheduled visit with my mother at a memory care facility because my negative test was the saliva test administered by the Arizona Department of health services, referenced by Dr. Christ in the September 22nd minutes of the Task Force. If Dr. Christ is advocating for this test, why are the facilities insisting on the nasal tests, which are definitely not free?” - *Janice Castro*
  - “A member of the public wanted to know the implementation date of the newly updated guidance. Furthermore, they responded, “Thank you again to everyone for the hard work getting visitation back into LTC facilities. I had left a previous comment asking for an effective date for the new guidelines. I just checked the guidelines again, and they have been updated to show an effective date of 10/1/20. Thank you for updating that so I can present this correct and current information to my father's facility.” - *Vonda Lattin*
  - “Since the update effective 10-1-2020 for the CIVIC-19 Guideline for Visitation at Congregate Care Setting for Vulnerable Adults and Children, the Executive Director, Director of \_\_\_\_\_ and Director of \_\_\_\_\_ of the facility my father resides have refused services to my father as they believe per their response email “Although you are stating that you have a degree in social work, it is not a true representation of the reason for your visit. The state guidelines clearly indicate that to enter the community as a health care worker you must be providing direct care to the resident in that capacity. Since the reason for your visits is not to provide social work services and is clearly to visit your father on a personal level, we feel that this request is not a reasonable interpretation of that guideline.” I have cared for my father for the last 13 years as a representation as a Caregiver, Fiduciary, Legal Aid as Power of Attorney, and as a Social Worker. Yes, I am family but I have many roles to get the services needed for my father. WHO else will advocate for him if I don't have these roles?” - *Debra Ohlinger*
  - “I have a 98-year-old Mom who is in an assisted living facility in Maricopa County. I have 1 question for the task force. How do we (family members/POA) get a facility to comply with the recommendations and guidelines that the task force is putting forth? My Mom's facility is not allowing inside visitations at all. Who can we contact? What recourse do we have? Very frustrated?” - *Patsy Wing*

- “How can you take your Mother out to a doctor’s appointment and remain six feet apart? If you are the DEV why would you have to? It’s not in the guidelines that the DEV can take their Mother to their doctor appointments instead of medical transport.” - *Dianne Heuel*
- “We are now going into the eighth month of the lock of long-term care facilities, such as memory care units in senior living homes. Also, the holidays of Thanksgiving and Christmas are coming up. While we have been allowed to visit our loved ones (including mine) in Memory Care in person, outdoors, through a window, that has not been a satisfying experience due to the issues of weather, traffic, and window situations. We can in some cases do FaceTime or some such platform, and that is a great help. But residents with advanced conditions cannot easily cope with virtual meetings. Through early September the number of cases of COVID had been decreasing in Pima County and we were looking forward to meeting the goal upon which face-to-face meetings indoors might become available. But of late that has turned around primarily because of the testing of returning students at the U of A. Now that goal is further and further away. And so any improvement in memory care visitation is now being held hostage to that situation. Aside from the visiting issue, seven months of isolation has led to the deterioration of those with Alzheimer’s or other memory conditions. A recent article in the Washington Post detailed the adverse effects of residents of the long absence of direct contact with any loved one. Recent developments in the sports world show: where there’s a will there’s a way. Now rapid turnaround testing is available. It’s now possible for an outside visitor to get tested and cleared a day or two before the visit. So it seems that some amelioration of the current complete lockdown is in order. Again where there are a will and a real health reason for doing so, there will be a way of applying this rapid testing to permit indoor face-to-face visitation. Regarding the holidays, Thanksgiving is now two months away. It would be a great boost to the morale of the visitors and residents if they could have dinner in person together knowing that the visitors had been appropriately screened. A one 2-3 hour meeting might not seem to amount to much, but as a harbinger of improved meeting conditions coming it has great significance. I encourage you to develop policies that allow for the relaxation of current restrictions safely and propagate them through the County channels to the various long-term-care homes for implementation.” - *Leon J. Radziemski, Resident of Tucson AZ*

#### VIII. Adjourn

- A. **Christina Corieri, Chair**, called for adjournment at 2:06 p.m.
- B. **Ms. Gaile Dixon, President, Dream Catcher Assisted Living**, motioned to adjourn, and **The Honorable Kate Brophy McGee, Arizona State Senator**, seconded the motion, and the task force voted unanimously to adjourn.

Dated September 29, 2020  
Task Force on Long Term Care  
Submitted by Tuesday Elias  
Policy Assistant, Office of Governor Doug Ducey