

APPROVED

COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES

COMMISSIONERS

Michelle Anne Bholat, M.D., M.P.H., Chairperson*
Patrick Dowling, M.D., M.P.H., Vice-Chair*
Waleed W. Shindy, M.D., M.P.H.**
Jean G. Champommier, Ph.D.*

DEPARTMENT OF HEALTH SERVICES REPRESENTATIVE

Jonathan E. Fielding, Director of Public Health and Health Officer***

Angela Haley, Secretary*
Public Health Commission

PUBLIC HEALTH COMMISSION ADVISOR

Jonathan E. Freedman, Chief Deputy**
Public Health

PUBLIC HEALTH COMMISSION YOUTH ADVISOR

Vacant

*Present **Excused ***Absent

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
I. CALL TO ORDER	The meeting was called to order at approximately 10:05 a.m. by Vice-Chairperson Dowling at Central Health Center.	Information only.

**COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
II. ANNOUNCEMENTS & INTRODUCTIONS	Introductions of Commissioners and guests were conducted.	Information only.
III. APPROVAL OF MINUTES	MOTION: APPROVAL OF THE JUNE 14, 2012 MINUTES MOTION: APPROVAL OF THE JUNE 28, 2012 MINUTES	Chairperson Bholat entertained a motion from Vice-Chairperson Dowling, seconded by Commissioner Champommier and carried unanimously. Chairperson Bholat entertained a motion from Commissioner Champommier, seconded by Chairperson Bholat and carried unanimously.

**COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
IV. PUBLIC HEALTH REPORT	<p>Jonathan Freedman was on vacation and Carrie Brumfield had a family emergency. A public health report will be given at the next Commission meeting.</p> <p>Angela Haley, Staff Liaison, distributed the following informational handouts from Jon Freedman's office:</p> <ul style="list-style-type: none"> • High Desert Mortality Rates and Community Health Needs • Renew/Trust – Final Report • Interim Report on Integrating Alcohol and Drug Related Services 	

**COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V. HEALTH FACILITIES INSPECTION DIVISION</p>	<p>Ernest Pooleon, Chief, Health Facilities, provided the Commission with an overview of activities within Health Facilities Inspection Division (HFID).</p> <p>Mission of Health Facilities Inspection Division</p> <p>The mission of Health Facilities Inspection Division is to promote the highest quality of care provided to patients in health facilities and other settings throughout the County of Los Angeles.</p> <p><u>Primary Goal of HFID:</u></p> <ul style="list-style-type: none"> • To ensure quality health care services to each patient throughout the County of Los Angeles. • Through consistent and systematic enforcement of pertinent laws and regulations. • Assist in the upgrading patient care by health facilities and providers throughout the County. <p><u>Inspections of Health Facilities</u></p> <ul style="list-style-type: none"> • L.A. County is one of the nation's largest counties with 4,083 square miles. • Population: over 10 million residents • Los Angeles has over a third of all of the health facilities and providers in California. • Ongoing health care cuts has resulted in an increase of providers providing outpatient and/or in-home care. 	

**COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V. HFID CONTINUED</p>	<ul style="list-style-type: none"> • Over the years, there has been an increase in public demand for improvement of the quality of care provided by all provider types. <p>The Department, also known as the State Agency, works with:</p> <ul style="list-style-type: none"> • Center for Medicare and Medicaid Services (CMS) • The Long Term Care Ombudsman's Office • Department of Justice (DOJ) • State of California – Office of Attorney General's (AG) • State of California – Department of Public Health • Office of Legal Services (OLS) • L.A. County Board of Supervisors <p>Overview</p> <p>1935: Social Security Act was created 1965: Medicare/Medicaid began 1977: Health Care Finance Administration (HCFA) formed 1986: Congressional report on "Improving the Quality of Care in Nursing Homes" 1987: HCFA proposed regulations for Nursing Home's through the Omnibus Reconciliation Act '87 (OBRA) 1995-1997: Updated and full implementation of OBRA '87 2001: HCFA name changed to Center for Medicare and Medicaid Services (CMS)</p>	

**COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
V.HFID CONTINUED	<p>Statutes and Authority</p> <p>Since 1966, authority and responsibility to license and certify health facilities:</p> <ul style="list-style-type: none"> • General Acute Care Hospitals • Dialysis Units • Ambulatory Surgical Centers • Skilled Nursing Facilities • Home Health and Hospice Facilities • Congregate Living Health Facilities • Intermediate Care Facilities for the developmentally disabled • Clinics • Acute Psychiatric Hospitals • Transplant Centers • Outpatient Rehabilitation Therapy <p>Summary of Total Number of Facilities Types Requiring Inspections in L.A. County as of 4/25/2012</p> <ul style="list-style-type: none"> • 29 – Facility Types • 70,609 – Beds • 2,150 – Licensed Facilities • 2,051 – Certified Facilities • 645 – Deemed Facilities – meet L.A. County (LAC) HFID Requirements 	

COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
V. HFID CONTINUED	<p><i>Inspections of Health Facilities Contract</i></p> <ul style="list-style-type: none"> • A three year contract is written between the State of California and the County of Los Angeles, which confirms: • The delegation of the inspections of health facilities (29 different types) • Reimbursement from the State for costs of the program. • State funds are funded by federal monies. • Priority workload is defined as "Tiers". This defines what surveys will be performed within a certain timeframe. <p>Mr. Pooleon indicated that HFID is contracted by the State of California, and they ultimately have jurisdiction, and LAC HFID enforce regulation.</p> <p><u>Provider Type</u> <u>Frequency of Surveys</u></p> <p>General Acute Care Hospitals Every 3 years for deemed and every 5 years for non-deemed facilities</p> <p>Dialysis Units Every 3 years</p> <p>Ambulatory Surgical Center Every 6 years</p>	

COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V. HFID CONTINUED</p>	<p><u>Provider Type</u></p> <p>Skilled Nursing Facilities Home Health Agencies Hospice Congregate Living Health Facilities Intermediate Care for the Developmentally Disabled</p> <p><u>Frequency of Surveys</u></p> <p>Annually Every 36 months Every 6 years Every 3 years Annually</p> <p>Mr. Pooleon indicated non-deemed facility is located on Catalina Island, and it's certified.</p> <p>Compliance is based on laws or regulations:</p> <ul style="list-style-type: none"> • Health and Safety Code • Code of Federal Regulation (CFR) • California Code of Regulations – Title 22 • Welfare and Institutions (W&I) • State Operations Manual (SOM) • Complete Federal survey requirements are published in the Federal Register. • The requirements are further explained in the State Operations Manual. 	

**COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
V.HFID CONTINUED	<p> <i>Inspections evaluate the compliance of health facilities and provider types. Inspections are based on:</i> </p> <ul style="list-style-type: none"> • <i>Observations – of patient care</i> • <i>Interviews – from patients, staff, and family members</i> • <i>Record reviews – patients, facility staff members and facility policies</i> • <i>Through onsite visits to the facilities</i> <p> Surveyors or Evaluators </p> <ul style="list-style-type: none"> • <i>Surveyors or evaluators, who are nurses and environmental health specialists, conduct routine inspections or surveys and investigate complaints. Also, follow-up visits.</i> • <i>Evaluators also make follow-up visits to assure that problems which have been identified are corrected.</i> <p> Complaints </p> <p> <i>HFID responds to complaints regarding health facilities or providers.</i> </p> <ul style="list-style-type: none"> • <i>Complaint investigations may take from a few hours to several days depending on the allegations and complexity of the complaint.</i> 	

**COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V.HFID CONTINUED</p>	<ul style="list-style-type: none"> • Some complaint allegations include: Abuse, Neglect, Fiduciary neglect, Quality of care issues, Quality of life, Dietary concerns, and Environmental issues. • Non-compliance findings are documented on the Center for Medicare and Medical (CMS) form known as CMS 2567 or as citations. • These reports require the facilities to respond with a written plan of corrections and may serve as the basis for further legal action. <p>Deficiencies, Citations, and the 5 Star Rating System</p> <p>Deficiency: Federal Process non-compliance with regulatory requirements.</p> <ul style="list-style-type: none"> • Rated by a letter grade (A through L) "A" is the least serious and "L" is the most serious. • Level of harm to the resident or resident(s) involved • The scope of the problem within the nursing home. 	

COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V.HFID CONTINUED</p>	<ul style="list-style-type: none"> • Integral part of the nursing home scores • Timeframe for writing deficiencies • 10 working days for deficiencies after the investigation is completed. • Nursing Home Compare is a tool designed with detailed information about every Medicare and Medicaid-certified nursing home in the country. • May be accessed on the internet at www.medicare.gov/NHCompare/Home.asp <p>Mr. Pooleon discussed the Severity and Scope Grid that further explains the services being provided; such as, Isolated, Pattern, and Widespread. It's very important to have documentation.</p> <p>The citations, state or federal process monetary fines for different levels: AA, A, B, Willful Material Omission (WMO), and Willful Material Falsification.</p>	
	<ul style="list-style-type: none"> • Timeframe 3 days for citations to be written after the investigation is completed. • Citations, deficiencies, and complaints become part of the facility's record. <p>Inspections of Health Facilities</p> <ul style="list-style-type: none"> • The State Agency may recommend termination from the Medicare program. 	

COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V.HFID CONTINUED</p>	<ul style="list-style-type: none"> • But the authority to approve, disapprove, or terminate the participation of providers is delegated to the CMS Regional Offices (RO's). • Patients, family members, and the public have the right to know the outcome of surveys and complaint investigations. • The nursing home is required to post for public view the result of its most recent survey. This posting is kept in public view until the next annual survey. • The survey results can also be found on the internet. <p>District Offices:</p> <p><u>Skilled Nursing Units:</u> East District Office West District Office North District Office South District Office</p> <p><u>General Acute Care Unit:</u> North South</p>	

COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V.HFID CONTINUED</p>	<p><u>Home Health Units:</u> North South</p> <p>Intermediate Care Unit for the Developmentally Disabled Clinics Consultants Training Unit Life Safty</p> <p>Mr. Pooleon expressed his frustrations with the way the system currently works, HFID does enforcement regulation, and he explained how the State ultimately have jurisdiction over the majority of the program. Listed below are some of the issues that HFID is currently facing:</p> <ul style="list-style-type: none"> • Can't hire – positions are frozen • Can't reprimand due to policies and guidelines by the State • Information Technology (IT) <p>Chairperson Bholat asked does HFID cross paths at all with State hearings to help out patients. Mr. Pooleon stated no, HFID just handle complaints.</p>	

**COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>V. HFID CONTINUED</p>	<p>Commissioner Dowling stated that the demographics for the elderly population is going to surge, in regards to Medicare (with the upcoming election), and he knows that HFID is handcuffed in many ways in regards to this issue. Mr. Pooleon stated the penalties that HFID issued from January 1, 2011 through December 31, 2011 was \$453,250 in citation penalties and all of that goes to the state into a portion of a fund used to hire temporary staff for the State.</p> <p>Commissioner Champommier stated this was a lot of information that was presented to the Commission, and the first portion was troubling, and in terms of what was described as creative action in Mr. Pooleon's findings. Also, Commissioner Champommier indicated he's not use to problems being presented with no solutions, and he thinks the Commission has a sense of responsibility to follow-up and see what type of action the Commission can take, and hopefully be able to put a dent into some of the problems, and not feel a level of frustration that Mr. Pooleon does. Mr. Pooleon indicated that in past years, HFID received quick responses, but things have changed in recent years, in particular, the computerized system (that the State uses), has slowed progress within HFID.</p>	

**COUNTY OF LOS ANGELES
PUBLIC HEALTH COMMISSION
JULY 12, 2012
MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
V.HFID CONTINUED	<p>Chairperson Bholat requested that Mr. Pooleon provide the Commission with three top issues of workflow and barriers that HFID is currently facing with the State, such as, the software system.</p> <p>MOTION: INVITE STAFF FROM THE STATE TO THE COMMISSION TO ADDRESS THE ISSUES OF THE WORKFLOW AND BARRIERS THAT ARE CONCERNS OF HFID</p> <p>Mr. Pooleon informed the Commission that he has been invited to represent CDPH Licensing and Certification later this month, with a committee of medical professionals to discuss the extension of the medical assistant, to discuss what are their responsibilities, how can they be extended, and what they can do more. Mr. Pooleon indicated once he receives confirmation of the meeting, he can forward to the Commission who are also welcome to attend.</p> <p>Commissioner Champommier suggested the Commission discuss with Jon Freedman what action should be taken before inviting the State to attend the Commission meeting.</p>	

**COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES**

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
V.HFID CONTINUED	<p><i>The Commission thanked Mr. Pooleon for an informative presentation, and commended him on his passion and energy that he demonstrates with his leadership and knowledge to HFID.</i></p>	

COUNTY OF LOS ANGELES
 PUBLIC HEALTH COMMISSION
 JULY 12, 2012
 MINUTES

TOPIC	DISCUSSION/FINDINGS	RECOMMENDATION/ACTION/ FOLLOW-UP
<p>VI. NEW BUSINESS</p>	<p>The Chairperson and Vice-Chairperson both will be attending a conference on 8-9-12, as a result, the Commission decided to cancel the 8-9-12 meeting.</p> <p>The meeting adjourned at 11:36 a.m.</p>	