

**TENNESSEE COMMISSION ON AGING AND DISABILITY  
MINUTES  
COMMISSION MEMBER MEETING**

**Tuesday, May 12, 2009  
Training Room #3  
1st Floor, James K. Polk Bldg.  
9:00 A.M. CST**

**Members Present:**

John Arriola, Chair  
Bernard Danzig  
Mickey Eldridge  
William Johnson  
Ronald Jordan  
Timothy Martin  
Beauton Matthews  
Frankie McCord  
Barbara McIntyre  
Patricia Miller  
Judson Palmer  
Mary Stockley  
Seth Stanger  
Renee Bouchillon  
James York  
Wanda Willis  
Carolyn Waugh  
Jackie Talley  
Lynne O'Neal

**Members Absent**

Diane Cormell  
Virginia Davidson  
Shelburne Ferguson, Jr.  
Kenneth Kisiel

**TCAD Staff**

Mike Hann, Exec. Dir.  
Phil Barnett  
Jeanne Caudill  
Ryan Ellis  
Janet Lamb  
Cynthia Minnick  
Perry Register  
Lucy Utt  
Kathy Zamata  
Cindy Warf

**Call to Order**

Chair Arriola called the meeting to order.

**Pledge of Allegiance**

Chair Arriola asked for Commission Members, staff and guests to stand for the Pledge of Allegiance.

**Roll Call**

Chair Arriola asked for Cindy Warf to call roll. The attendance is listed above.

**Approval of Minutes**

Chair Arriola: The minutes of the Commission Members meeting held Tuesday, February 10, 2009, were brought before the Commission for approval. Chair Arriola recognized Mr. Seth Stanger who advised that on page 29 and 30, that Rep. Lois DeBerry

and Senator Jim Tracy needed to be removed because they are Ex-Officio's and do not vote. Chair Arriola asked for a motion to approve the February 10, 2009, Commission meeting minutes with those corrections. The motion was made by Mr. Judson Palmer to approve the minutes with those corrections and seconded by Ms. Barbara McIntyre. There were no objections or abstentions and the motion was carried. Chair Arriola announced that the February 10, 2009, Commission meeting minutes were approved.

### **Commission Members Update**

None

### **TCAD Staff Update**

- None
  - Positions Assigned: 56
  - Positions Currently Filled: 41
  - Vacancies: 15
  - Note: 12 vacancies are in the Waiver Program and 3 vacancies are in the traditional program
  - Hiring freeze remains in effect
  - TCAD staff changes when we introduce our new Waiver assignments

### **Executive Director's Report – Mike Hann**

Items included:

- Alzheimer's Task Force
  - Alzheimer Task Force worked on by Kathy Zamata and Jean Renfro
  - State Alzheimer's Plan sent to Governor and Legislature on February 15, 2009
  - Presented to Senate Government Ops on April 1, 2009
  - Senator Crow commented on the quality of the report and its timeliness
  - Task Force is now in sunset mode – in June, 2010, the Task Force goes away
  - Next Step: Recommendation to transition the Tennessee Alzheimer Task Force to the Alzheimer's Advisory Committee under TCAD
    - Committee would take the recommendations that were listed in the report to the Governor and try to get those implemented
    - After discussing the Alzheimer Task Force, Chair Arriola may recommend to the full Commission that we establish an Ad Hoc Committee for the first year, and then a permanent Committee, thereafter
    - Recommend representation from the TCAD Commission
    - Recommend representation from professional group that was on the initial write up of the report
    - Will have a TCAD staff member to serve as an uplink between TCAD and the Committee
    - May wish to have representation from both a Senator and a Representative to also serve
  - If the Commission decides to accept recommendation, the Alzheimer Task Force would need to be fully functioning by May of 2010
  - Position is funded at least until next year

- Grants
  - Alzheimer’s Innovation Grant
    - Purpose: To reach rural and minority populations
    - Length of Grant: 18 months
    - Amount of Grant: \$236,253
    - January – Contracted with three AAADs, Tennessee Respite Coalition, and the Alzheimer’s Association
    - 24 families admitted to the program to receive respite care
- Single Point of Entry (SPOE) Update
  - SPOE stakeholders and AAADs met on January 27 and 28, 2009, and again on April 29, 2009 (Jim McConnell – Consultant)
  - Medicaid Waiver SPOE incorporated into AoA SPOE
  - Phil Barnett to present the TCAD plan of action to full Commission for approval
- Budget Update
  - ARRA (Stimulus money) has to be spent within 18 months – TCAD is granted \$1.9 million
    - 2/3 of funds – Congregate Meals - \$1,321,639.00
    - 1/3 of funds – Home Delivered Meals - \$650,653
  - Presented FY 2009 – 2010 Budget to Senate and House Budget Hearings
  - Presented ARRA Funding Plan to Senate and House Committees
- Planning and Evaluation – Chair Wanda Willis will review
  - Conducted Quality Assurance site visit at the Aging Commission of the Mid-South
  - Reviewed AAAD Area Plans
  - Statewide Needs Assessment completed by The University of Tennessee – \$75,000.00
  - Started the process for completing the 2010 – 2014 State Plan on Aging; due to AoA August, 2009
- Consumer Directed Care “Cash and Counseling” Update
  - Goal: To provide an opportunity for the consumer to receive care in his/her home rather than in a nursing home. Care provider is a person of the consumer’s choice
  - 3 year Pilot Program underway at GNRC
  - \$80,000 per year
  - 10 persons have been enrolled to receive services (\$1,600 to \$4,200 for each budget)
  - Services available are personal care, homemaking, transportation and equipment, and supplies
  - 7 individuals on wait list
- Options for Community Living Update
  - Options provides services that delays spend down into Medicaid
  - Future funding concern
  - Received additional \$3.9M in July 2008
  - | Month    | Active Consumers | Waiting List |
|----------|------------------|--------------|
| January  | 2,122            | 5,119        |
| February | 2,133            | 5,065        |
| March    | 2,418            | 4,796        |

- Emergency Preparedness
  - LaVerdia McCullough
    - participated in a day long “mock” disaster training drill
    - trained Senior Center Directors in two districts in the preparation of their continuity of operations plan for emergency preparedness
- Other
  - Department Bill SB 1171 / HB 1410
    - Study Group – 3 Senators and 3 Representatives appointed by the Speaker of the House and the Speaker of the Senate
    - Will report by February 1, 2010 – to see if it will become a Bill
    - Will replace TCAD Commission and Executive Director
    - Fiscal Note (start up costs)
      - State Note of \$103,000
      - Federal Fiscal Note of \$309,000
  - Horizon Issues
  - Any potential additional budget reductions
  - CMS Biller implementation – Program – streamline billing for the AAADs for the Providers; will allow a provider to get with the AAADs for their bill, and the bill will go directly to TennCare; takes TCAD out of the loop; will increase efficiency and the accuracy of the billing
  - State Plan submission – Kathy Zamata will discuss
  - Single Point of Entry – Phil Barnett will discuss
  - Upcoming Legislation
  - Contract with TennCare – effective July 1, 2009 – TCAD will no longer be the State operating Agency for the Waiver program
    - TennCare will contract directly with the AAAD
  - TCAD’s new role effective July 1, 2009
    - Quality Assurance (QA)
    - Single Point of Entry (SPOE)
    - Marketing program
  - Some TCAD staff will be transferring to TennCare

**Ombudsman Program Discussion– Janet Lamb, Staff Attorney**

- Currently, the Ombudsman program is funded entirely through AoA, with only a \$15,000 contribution from the State of Tennessee
- TennCare requested TCAD to contract for HCBS Ombudsman program and a plan had to be formulated
- Operating two Ombudsman programs for similar services appears duplicative and a waste of government funds
- Research was conducted on how to blend the money to improve the current under funded program
- Research revealed perceived conflicts of interest
- AAAD Directors are aware of the conflict of interest concern
- AAAD Directors and TCAD agree that the end product will be the result of joint collaboration between TCAD and the AAADs
- Cannot use AoA funding to support HCBS programs
- Long-Term Care Ombudsman program is under funded

- Looking for ways to improve and better fund the LTC Ombudsman program

Chair Arriola recommended that at the end of today's meeting he would like a list of an ad hoc group of people who can review the Ombudsman program to talk about some of the challenges and to report back to the full Commission at the next quarterly meeting.

Chair Arriola recognized Ms. Mary Stockley who asked permission to respond to the LTC Ombudsman program and the existing tension between the AAADs and TCAD so that Commission Members are aware of how the problem occurred.

- Timeline:
  - April 13, 2009 – Conference Call – Ombudsman were told about plans regarding the AAAD; three new staff members in TCAD, raises for the Ombudsman, increase in funds for travel. When asked if the AAADs were aware of it, the Ombudsman were asked not to mention it to them
  - Conference call to the AAADs immediately after that and nothing was said to them about the changes that were to take place
  - Following Wednesday, the AAADs in Ms. Stockley's area were advised about what was going on
  - April 20, 2009 – AAADs demanded that they be heard
  - April 23, 2009 – Advisory Council meeting was given a full report
- Ms. Stockley represents AARP and West Tennessee and feels that what appeared to be secrecy and deceit is unacceptable. It showed a lack of respect for the Commission, for the AAADs, for the Ombudsman and should have been out front to begin with.
- Not recommending micromanagement
- Understands that there is the perception of a conflict of interest.
- N4A state – 95% of the Ombudsman are under the AAADs and there has never been a conflict of interest
- TennCare says that there is no conflict of interest

Chair Arriola advised the Commission that there was some miscommunication that was started at the Administrative Staff level that got out of control. He reminded the Commission, that at the Executive Committee meeting on Monday he stated that nothing could be passed or approved until it came through the Commission. There was concern about how the discussion was carried, and some of the comments that had been made. In Monday's meeting there was discussion on this topic, and apologies were made that there would be corrections made for the future. Chair Arriola stated that he believed that the problem had been addressed and recommended for the Commission to go forward.

## **Break**

Chair Arriola excused the Commission from the meeting for a 15 minute break.

## **Call to Order**

Chair Arriola called the meeting to order.

## **Discussion on the Ombudsman Committee Appointments**

Chair Arriola recommended to the Commission Members the following appointments for the Ad Hoc Ombudsman Committee to look at the issue of the Ombudsman at the AoA end as well as the TennCare side, and the contract that will be discussed between both. The Commission was advised that they need to make sure that the AAADs and TennCare are informed and have open discussions in that regard.

- Patricia Miller – Appoint to Chair of the Ad Hoc Ombudsman Committee
- Ronald Jordan
- Timothy Martin
- Shelburne Ferguson, Jr.

Chair Arriola asked Chair Pat Miller to report back to the full Commission at the August, 2009, quarterly meeting.

Mr. Bernard Danzig asked to be recognized by Chair Arriola to further explain the detailed discussions on the Ombudsman issue and the tension between the AAADs and TCAD:

- Janet Lamb apologized at the Executive Committee meeting on Monday for the process not being handled correctly
- There was acknowledgement that the relationship between the AAADs and TCAD was tense; some tension because TCAD controls the money; Commission needs to be aware that the tension exists but not to let it get out of hand, but work with it
- Agreed with Chair Arriola that they need to move on

Chair Arriola confirmed that he knows that the Executive Director has regrets on how it was handled, as well as the staff. Reminded everyone that they are in partnership together and should work together and stay focused on the families across the State who need assistance. He advised that the Commission has to make certain that the policies, the procedures and the processes that are being worked on at today's meeting stays focused on the families who need assistance.

## **Committee Reports**

Chair Arriola announced that the meeting would turn to the TCAD Committee reports.

- Audit Committee – Chair Judson Palmer
  - 92% Rule
    - Funds that are sent to the AAADs are to be spent within the year that they are allocated
    - All unexpended funds at the end of each fiscal year in excess of 8% will be returned to TCAD
    - Audit Committee was asked by TCAD to review the 92% Rule
    - AAADs are getting a pass this year
    - If additional funds are allocated, late in the fiscal year (4<sup>th</sup> quarter), the additional funds amount may be exempt from the 92% rule for that fiscal year

- Audit Committee provided to the AAADs a copy of the 92% Rule to review in April, 2009
- No comments on the 92% Rule from the AAADs
- 92% Rule will be presented on Tuesday for a vote by the full Commission

### **Motion**

Mr. Palmer recommended to the full Commission that a motion be made that they adopt the 92% Rule as presented, and also a motion that they adopt it to the rule making process. The motion was seconded. Chair Arriola asked Chair Palmer if the 92% Rule handout would be the policy that they would adopt and then passed onto the rule making process.

Chair Arriola opened the floor to the Commission members for discussion on the 92% Rule. After a discussion on the rule making process, Chair Arriola asked for the Commission members to vote on the 92% Rule as discussed by Chair Judson Palmer. After additional discussion on the rule making process (more official) versus making it a policy, Chair Arriola asked for a motion from Chair Palmer. Therefore, Chair Palmer amended his motion to making it a 92% Policy for now and then having a future discussion to see about amending the 92% Rule Policy to the 92% Rule. Chair Arriola acknowledged the amendment to that motion and asked for a second. The motion was seconded. Chair Arriola asked for an oral vote and all Commission members voted in favor of this motion. There were no objections or abstentions and the motion was carried. This will become effective July 1, 2009.

- **TCAD Audit Finding**  
Discussed the TCAD Audit finding – June 1, 2005 – March 31, 2008
  - Audit Report is on the Controller's office website
  - Executive Director is required to send in a report annually to the Comptroller that he was looking at the oversight of fraud, waste and abuse and risk assessment
  - FY 2006 and 2007 – Those letters were not sent
  - Letter was supposed to be sent to the Comptroller at the end of each year to address the same subject and that was less than a month after Mike Hann came to work at TCAD. That report was late by about two months.
  - Commission has responded to that discrepancy and it has been accepted
- Reviewed the complaint process – Should have additional information by the August, 2009, quarterly meeting
- Reviewed completed and signed Conflict of Interest forms – TCAD Commission Members' – all of those are current except for one
- At the August, 2009, quarterly Commission meeting, the Audit Committee will review completed and signed Conflict of Interest forms for the TCAD staff
- Reviewed QA Assessments – Summary of what the QA people had completed over the last three months. There was nothing glaring in those reports.

- By-Laws Committee – Chair Judson Palmer
  - Tab 12 Discussion - Minimal changes – edited some of the language in the By-Laws:
    - Article IV change on page 3:
      - Name Change: Planning Committee was formerly known as the Finance and Program Committee
      - Changes in the Audit Committee section – added language that was required as a result of the Audit Charter that was placed into effect (spells out the Audit Committee duties)
      - Name Change: Advocacy Committee was formerly known as the Issues Committee
      - Name Change: Long Term Care Committee was formerly known as Health Issues Committee and Home and Community Based
    - Article VI – Change on page 5:
      - Section 2: Last sentence in statement we added “Mailing may be accomplished either electronically or by postal delivery.”

**Motion**

Chair Judson Palmer asked Chair Arriola for permission to make a motion that the Commission members adopt the By-Laws. Chair Arriola acknowledged the motion made to adopt the By-Laws as described by Chair Palmer and asked for a second to the motion. The motion was duly seconded. Chair Arriola asked for discussion from the Commission Members. There was no discussion.

Chair Arriola announced that the Commission would have a roll call vote to accept the By-Laws. Below is a breakdown of the vote:

COMMISSION MEMBER	AYE	NO	ABSTAIN
John Arriola – Chair	X		
Renee Bouchillon	X		
* Diane Cormell			
Bernard Danzig	X		
* Virginia Davidson			
Mickey Eldridge	X		
* Shelburne Ferguson, Jr.			
William Johnson	X		
Ronald Jordan	X		
* Kenneth Kisiel			
Timothy Martin	X		
Beauton Matthews	X		
Frankie McCord	X		
Barbara McIntyre	X		
Patricia Miller	X		
Lynne O’Neal	X		
Judson Palmer	X		
Mary Stockley	X		
Seth Stanger	X		
Jackie Talley	X		
Carolyn Waugh	X		
Wanda Willis	X		
James York	X		

Rep. Lois DeBerry  
Senator Jim Tracy

Ex officio  
Ex officio

\*Members absent

Chair Arriola acknowledged that the By-Laws had passed by role call vote by the Commission. Chair Arriola commended both the Audit Committee and the By-Laws Committee on their outstanding work to bring issues before the Commission and that they are appreciated. Chair Arriola signed the By-Laws and those became effective May 12, 2009.

Chair Arriola recognized Chair Carolyn Waugh to present the Advocacy Committee Report

- Advocacy Committee – Chair Carolyn Waugh
  - Tennessee Department of Aging Act of 2009 – Establishes department of aging to plan, develop and administer programs and services for disabled persons and older persons in this state, including all state activities related to the Older Americans Act. Transfers the duties of the commission on aging and disability to the department. Broadly captioned (13 pp.). AMENDMENT: Senate Government Operations Committee, House Health & Human Resources Committee Amendment 1 rewrites the bill. Creates a special joint committee to study the creation of a department of aging and adult services. Requires the committee to study issues relating to the creation of a new department of aging and adult services. Requires all appropriate state agencies to provide assistance to the committee and must timely report its finding and recommendations, including any proposed legislation, to the One Hundred Sixth General Assembly no later than February 1, 2010. (SENATE: SB 1171, Finney L.; Senate Government Operations 04/01/2009 recommended with amendment.) FISCAL NOTE: Dated: March 26, 2009 Increase state expenditures – net impact - \$103,000 Increase federal expenditures – net impact - \$309,000 Funding in the amount of \$51,095,900 is included in the Governor’s proposed FY09-10 budget for the Commission on Aging and Disability.

Chair Waugh asked Chair Arriola if he would like to have discussion on this topic. Chair Arriola advised that this bill has been reviewed for the past couple of years and that they were trying to determine where Tennessee should go in the future.

Ms. Mary Stockley advised that the Advocacy Committee discussed in their meeting that they felt the Bill, as it is now, is not acceptable and that changes needed to be made. The Advocacy Committee felt that it was important that the Bill be corrected before it went any further.

Chair Arriola opened the floor for discussion on the Department Bill. Chair Arriola advised the Commission that they needed to look at the Department Bill closely.

- Some people believe that the Commission would become an Advisory commission.
- Executive Branch: Department in State government
  - Governor would appoint the Commissioner and a number of assistant Commissioners – executive level positions – make decisions

- Other assistant Commissioners - civil service level positions - manage day to day activities – procedure and information

Chair Arriola recognized James York for discussion. Mr. York advised that the Advocacy Committee discussed their concerns that if this became a Bill, then they needed to be proactive and have a voice during the study. Then that person could bring back to the Commission the Study Committee information to let them know in which direction it is going. There were expressed concerns about what would happen to their constituency if the Tennessee Commission on Aging and Disability is dissolved; what would happen if it became a Department; would we have a better ear of the Governor or administration?

Chair Arriola recognized Lynne O’Neal and then Mary Stockley for additional discussion points. The Advocacy Committee felt that the Commission needs a face at the Legislative Plaza. It was asked if the Advocacy Committee could be the Study Committee for the Department Bill. Chair Arriola confirmed that would be best and then could add in other Commission members who wanted to volunteer their services. Mickey Eldridge asked to be considered as a volunteer to be added to the Study Committee.

Chair Arriola recognized Chair Carolyn Waugh. The Commission was advised that the Advocacy Committee was in favor of asking the Commission to appoint a Study Committee within the Commission to look at issues they should study, to get recommendations from the Commission, and make those recommendations to the Legislative Study Committee.

- SB2297 HB2284 - Consumer Protection Act – Creates a framework to ensure that the appropriate consumer protection for persons receiving long term care services including background checks, abuse, neglect, reporting, public guardianships
- SB2275 HB2282 - Long Term Care Bill – Establishes licensing requirements for a new category of Long Term Care facilities known as Adult Care Home
- Advocacy Committee feels that the Advocacy Committee is the face of the Commission at the Legislature and feel there is a need to become more involved in recommending what the Commission endorses as far as upcoming legislation.
  - They are interested in meeting more than just for the Commission meetings
  - They are recommending to be allowed to meet additional in-between times because there are times that the Legislature is convened this late in the year
  - They are interested in meeting once a month in March and April to discuss pending legislation and then stay overnight. The next morning they would meet with the Legislators to discuss the Commission recommendations and the Committee would be seen and also have a presence there.

Chair Arriola summarized to the Commission the following points:

- The Advocacy Committee is requesting for the Commission to approve extra meetings (in addition to the regularly scheduled quarterly meetings) to continue to advocate and talk about issues representing the Commission on its position.
- Asking for approval of funding allocation for 2, 3 or 4 additional days per year so that the Advocacy Committee can be an advocate for the Commission

- Take effect in the next Legislative cycle

Chair Arriola asked TCAD staff to prepare a cost analysis to provide to the Commission members.

Chair Arriola opened the floor to the Commission members to discuss the pros and cons of the Advocacy Committee being part of the Study Committee on the Department Bill. After the discussion, Chair Arriola advised that the Commission should review the cost analysis at the next quarterly meeting in August and have additional discussion.

- Long Term Care Committee – Chair Bernard Danzig
  - Waiver was taken away from TCAD
  - CMS has not approved the contract amendment yet
  - Reviewed the contract between TennCare and TCAD – Long Term Care Committee approved the wording of the contract – Long Term Care Committee’s recommendation would be to recommend approval of the contract to the full Commission
  - Discussion on how the quality assurance of MCOs will be monitored
  - Discussion on “What is Long Term Care?” “How does AoA programs go into what is Long Term Care?”
    - Each person on the Long Term Care Committee was asked to survey one of the AAAD Directors; ask them to select three issues or services that they thought that the Long Term Care Committee ought to look at in terms of improving those issues or services, etc.
    - CMS Biller is working well – Already in 8 AAADs, the 9<sup>th</sup> will be on-line soon
  - Reviewed the Options Chapter – Section on the policy that the Long Term Care Committee will recommend to the full Commission those changes as presented. Long Term Care Committee approved the following:
    - Discussion: Added “what is considered income of several people living within one household” – Decided that it was the income of the person who is eligible for the service that would be considered (not the other people living within the household)
    - Discussion: Person on Options is interrupted for service - Person goes into the hospital, long term rehab, and is out of the Options program for 30 days, the AAAD has the ability to terminate them.
    - Discussion: Person was taken off the waiting list because of the 30 day interruption, does that person have to go to the end of the line? Shouldn’t there be some sensitivity to knowing that if they are taken off the Options program they may not be able to get back on again.?
    - Discussion on what is fair and equitable - If there is a waiting list, what would be the criteria to show how a waiting list should be handled?
- Planning Committee – Chair Wanda Willis
  - Highlights on the Area Plans:
    - Each Committee Member reviewed a couple of the Area Plans that was submitted by AAADs

- Planning Committee met with TCAD staff and reviewed their collective responses and impressions on each of the Area Plans; and everything is in order
- All Commission members received a disk of the complete Area Plans several weeks ago to review
- The fiscal piece has been examined by Mr. Perry Register (TCAD)

**Motion**

Chair Wanda Willis advised that the Planning Committee was bringing to the Commission Members the motion for the Commission to approve all of the nine Area Plans at today’s meeting. Chair Arriola summarized the motion for the Commission to approve all nine Area Plans as discussed. Chair Arriola asked for questions and/or discussions on this motion. There were no questions or discussions. Chair Arriola asked for Cindy Warf to process a roll call vote to accept the nine Area Plans as submitted. Below are their responses:

COMMISSION MEMBER	AYE	NO	ABSTAIN
John Arriola – Chair	X		
Renee Bouchillon	X		
* Diane Cornell			
Bernard Danzig	X		
* Virginia Davidson			
Mickey Eldridge	X		
* Shelburne Ferguson, Jr.			
William Johnson	X		
Ronald Jordan	X		
* Kenneth Kisiel			
Timothy Martin	X		
Beauton Matthews	X		
Frankie McCord	X		
Barbara McIntyre	X		
Patricia Miller	X		
Lynne O’Neal	X		
Judson Palmer	X		
Mary Stockley	X		
Seth Stanger	X		
Jackie Talley	X		
Carolyn Waugh	X		
Wanda Willis	X		
James York	X		

Rep. Lois DeBerry                      Ex officio  
 Senator Jim Tracy                      Ex officio

\*Members absent

- Highlights of the State Plan Timeline Development:
  - State Plan for Tennessee will be submitted to the Administration on Aging
  - Review of key dates:
    - May 20, 2009 – TCAD Planning Staff – the first draft of State Plan sent to Executive Director and AAAD Directors
    - May 21, 2009

- Draft plan posted on TCAD’s website
  - Send notice of Public Hearings to Commission
  - Posted notice of Public Hearing on TCAD website
  - Posted draft of the State Plan on TCAD website
  - Sent e-mail key informants about Public Hearing & Draft Plan
  - Legal Notice for hearing published in metropolitan newspapers
  - June 11, 2009 – Commission - Conference Call Vote to accept the final State Plan
  - July 1, 2009 – Send State Plan to AoA for approval
- Highlights on the Intrastate Funding Formula – 3 year plan
    - Intrastate Funding Formula is not changing
    - Intrastate Funding Formula passed in 2004 prior to the last State Plan that went to the Administration on Aging (AoA)
    - Based on Census data – last Census data was in 2000
    - Recommendation from the Planning Committee to the Commission to approve the current funding formula, with no changes, for another year
    - Required by Administration on Aging (AoA) as part of our submission for the State Plan is that the Commission has to approve, one more time, that we keep the same funding formula
    - Program instruction from the U.S. Administration on Aging tells us that TCAD is required to look at the funding formula
    - Intrastate Funding Formula – Section in the State Plan that has already been written as a draft of what will be written about the funding formula
    - AoA requires the Commission to vote on it for approval before the submission of the State Plan

**Motion**

Chair Wanda Willis advised that since there is not any new information, the Planning Committee recommended to Chair Arriola that the funding formula not be changed and be approved. Chair Willis suggested that with the next census the Planning Committee will use the new data. Chair Arriola opened the floor for discussion on the Intrastate Funding Formula. Chair Arriola recognized the motion to approve the Interstate Funding Formula document and asked for Cindy Warf to process a roll call vote. Below are their responses:

COMMISSION MEMBER	AYE	NO	ABSTAIN
John Arriola – Chair	X		
*Renee Bouchillon			
* Diane Cormell			
Bernard Danzig	X		
* Virginia Davidson			
Mickey Eldridge	X		
* Shelburne Ferguson, Jr.			
William Johnson	X		
Ronald Jordan	X		
* Kenneth Kisiel			
Timothy Martin	X		
Beauton Matthews	X		
Frankie McCord	X		

Barbara McIntyre	X		
Patricia Miller	X		
Lynne O'Neal	X		
Judson Palmer	X		
Mary Stockley	X		
Seth Stanger	X		
Jackie Talley	X		
Carolyn Waugh	X		
Wanda Willis	X		
James York	X		

Rep. Lois DeBerry            Ex officio  
 Senator Jim Tracy           Ex officio

\*Members absent

### Lunch

Chair Arriola dismissed the Commission Members for lunch at 12:00 P.M. CST.

### Call to Order

Chair Arriola called the meeting to order at 1:15 P.M. CST.

### Tennessee Commission on Aging and Disability Finance Report – Perry Register, Supervisor of Fiscal and Administrative Services

- Last Commission meeting discussion
  - TCAD - approximate 15% cut in State funds – over \$2M reduction
  - Options Program – most cuts
  - Eliminate Alzheimer Task Force
  - Cutting Senior Centers
  - Small amount of reduction in Guardianship Program
- Stimulus money discussion
  - Budget office was able to realign some of that Stimulus money
  - None of the \$2M is being cut from the TCAD budget - State funding is staying level – We have the Governor’s office to thank for there being no cuts in funding.
  - Increase in funding from the Stimulus money
    - \$1.9M added for 2/3 congregate meals and 1/3 for home delivered meals
    - 18 month money – TCAD has to spend it before September 30, 2010 – if it’s not spent within that timeframe it reverts back to the Federal government
  - TCAD received Title III Award money – taking us off the continuing resolution and giving us our actual award for the year ending September 30, 2009 – Increase of \$1.75M or \$1.8M additional increase in funding for congregate meals and home delivered meals
  - To keep from having a major impact in funding after 18 months, TCAD took the increase from the Title III funds added it to the Stimulus money and spread it over a 30 month period instead of an 18 month period so that the time frame is longer and not be such a sudden drop off

- Our entire Award from TennCare - \$9.9M was taken out of our budget in it's entirety along with 28 positions and then put back into the budget as non-recurring (if something is not done in the next Legislative session, there will be no waiver funds in our budget)
- New TCAD contract with TennCare will put back into the budget \$1.1M
- \$9.9M that was taken out of TCAD's budget, the major portion of that was money that was being paid to the Area Agencies that will now be paid directly to the Area Agencies by TennCare rather than by coming through TCAD
- Actual impact on TCAD's budget:
  - TCAD is not losing all 28 positions – TCAD is retaining 12 positions
  - Move some employees to TennCare – 5 positions
  - Add a couple of employees at TCAD for marketing

### **Suggestion to send a “Thank You” Note to Governor Bredesen**

#### **Motion**

Chair Arriola recognized Mr. Danzig who acknowledged that from what Mr. Register explained the Governor was responsible for funds not being cut from the TCAD budget and he recommended that the Commission should send Governor Bredesen a “thank you” note. Chair Arriola agreed with that suggestion. Chair Arriola recognized the motion from Mr. Danzig that the Commission draft a letter thanking the Governor for his support for preserving the funds for TCAD and allowing services to continue for the elderly and disabled citizens of the State. The motion was seconded. Chair Arriola asked for an oral vote and all Commission members voted in favor of this motion. There were no objections or abstentions and the motion was carried.

### **Statewide Medicaid Waiver and Single Point of Entry – Phil Barnett**

- Provider deficiencies as of March 31, 2009: 44
  - Adult Day Care – 33 counties
  - In-Patient Respite – 2 counties
  - Assisted Care Living Facilities – 8 counties
  - Pest Control – 1 county
- Provider deficiencies as of December 31, 2008: 61
  - Adult Day Care – 45 counties
  - In-Patient Respite – 8 counties
  - Assisted Care Living Facilities – 8 counties
  - TennCare granted all but 24 of the Provider Waiver requests
- Provider deficiencies as of September 30, 2008: 72
  - Adult Day Care – 55 counties
  - In-Patient Respite – 9 counties
  - Assisted Care Living Facilities – 8 counties
  - TennCare granted all but 12 of the Provider Waiver requests
- January – March 2009, Quality Assurance:
  - 8 on-site surveys of AAADs and CMAs
- The current Cost Cap is \$50,100 per year or \$4,200 per month.
- Current enrollment as of April 30, 2009 – 5,033 with 302 available slots
  - January – March, 2009 enrollment – 879

- October – December 2008 enrollment – 804
- July – September 2008 enrollment – 806
- Claims
  - January – March, 2009 claims – 53,335
  - October – December 2008 claims – 51,277
  - July – September claims – 30,016
- CMS Biller “go live” dates:
  - First TN and East TN – February 26, 2009
  - ACMS, South Central, Upper Cumberland – April 16, 2009
  - Southeast TN – April 23, 2009
  - Northwest, Southwest, GNRC – Early May, 2009
- Service Providers, April 30, 2009 total – 369
  - 333 on February 2, 2009
  - 316 on November 6, 2008
  - 230 on April 30, 2008
- Single Point of Entry ( SPOE)
  - Definition of SPOE – A local network that offers seniors, adults with disability, caregivers, family members and providers one point of access to current and comprehensive information, eligibility determination and access to long term care services.
  - SPOE Goals and Guiding Principles
    - Person-centered, promoting independence, choice, and quality of life
    - Enable people to direct their own services as much as possible
    - “No wrong door” access for long term care options information, eligibility determination for public programs, and access to services
    - Build on the strengths of existing system
    - Meaningfully engage consumers and consumer advocates in the design and development of programs
    - The system will have easy access to a seamless continuum of high quality services, housing, and career development counseling that will enable consumers to live at home and in their local communities
    - Engage community and state partners in a fully comprehensive and coordinated system of supports
    - Engage in continuous quality improvement (CQI) so that all programs and services will be of high quality, efficient, effective, timely and consumer-focused
  - SPOE Coordinating Committee
    - Kathy Whitaker – AAAD First Tennessee
    - Aaron Bradley – AAAD East Tennessee
    - Judy Roberson – AAAD Upper Cumberland
    - Dora Ivey – AAAD ACMS
    - Shelley Matthews – AAAD Southwest
    - Rebecca Kelly – AARP
    - Carol Westlake – Tennessee Disability Coalition
    - Wanda Willis – Council on Developmental Disabilities
    - Phil Barnett - TCAD

Chair Arriola thanked Mr. Barnett for the information and thanked the committee for their hard work. Mr. Barnett asked the Commission for their vote of approval of this plan. Chair Arriola asked for a motion to approve the plan as submitted by Mr. Barnett. There was a question if there was consensus on the plan or was there anything that was outstanding that had to be compromised and if so, what were those issues. Chair Arriola opened the floor for discussion on the issues. Chair Arriola asked Mr. Barnett if the SPOE needed to be approved at this meeting or could it be carried over to the August quarterly meeting. Mr. Barnett advised that he would like the plan approved at this meeting, because it was the hope to begin the implementation process on July 1, 2009.

Chair Arriola suggested that the Commission move ahead with the approval process. Chair Arriola recognized Mr. Danzig who advised that he was at the SPOE meetings and he read the documents and in his opinion the consultant captured the thoughts of the attendees. Mr. Barnett confirmed that the consultant wrote the SPOE document. Ms. Wanda Willis advised that on page 3 that there was discussion at the meetings on the “Target Populations” and that it was her recollection that some members of the group weren’t quite ready to insert “intellectual disabilities” in with the target populations. Mr. Barnett advised that they would go back to the minutes and verify that.

Chair Arriola suggested to the group that if the Commission felt that they should have a vote on the SPOE but with the caveat that the Commission could make an adjustment on the definition of the “Target Population” it at the next quarterly Commission meeting in August, then the Commission could have the flexibility to do that. The Commission had a discussion. Chair Arriola asked Mr. Barnett for clarification on the SPOE document if the Commission approved it at this meeting. Mr. Barnett advised that it would be a part of future conversations that the Steering committee has as they continue to grow the State-wide Single Point of Entry system. Chair Arriola summarized that the SPOE document would be guidelines for what they are going to follow, but it would not be an absolute policy.

### **Motion**

Chair Arriola summarized the discussion that the Single Point of Entry will not be a “Final Plan” but will be a (Guidance Document) and the issues will be brought up at the June conference call, and the issues can be discussed at that time. Chair Arriola asked the Commission members to vote on the approval to begin the process for the SPOE. A motion was made by Wanda Willis to accept that, and was seconded by Seth Stanger. Chair Arriola asked for an oral vote and all Commission members voted in favor of this motion. There were no objections or abstentions and the motion was carried.

Chair Arriola recognized Ms. Jeanne Caudill for her presentation.

### **Proposed Revision of the Guardianship Fee Schedule – Jeanne Caudill, LCSW**

- Reasons for increasing the Guardianship fees
  - The last time the Commission approved an increase in fees – 1999
  - No discernable raise in Guardianship money, state dollars only, since program’s beginning in 1986

- With economic downturn, raise in fees has become critical for the survival of the program
- Fees of other Guardianship Programs in Tennessee
  - Guardianship & Trust Corporation – raised their fees in 2008 from \$75.00 per hour to \$83.00, plus mileage of 0.59 cents
  - Senior Services, Inc.
    - 1 designated case manager to provide limited guardianship services for caseload of 20 or less clients
    - \$100.00 for initial assessment with \$55.00 per hour for monthly visits and \$35.00 per hour outside of monthly visits
    - Limited to Person Only cases or Property Only cases, not both
    - They have a contract with the State to provide a few Bordeaux Nursing home patients guardianship services for \$45.00 per hour
  - Comcare, Inc.
    - A for-profit Contract Agency based in Greenville, TN
    - Until 2008, contracted with the Department of Mental Health and Developmental Services
    - Recently contracted with Division of Mental Retardation Services
    - Charge \$45.00 per hour with a cap of 20 hours per year, or \$700.00 per year
    - Offer vary limited guardianship services of person only cases while they are placed in institutional settings only

<b>CURRENT FEE SCHEDULE PUBLIC GUARDIANSHIP FOR THE ELDERLY PROGRAM</b>	
<b>CLIENT'S INCOME</b>	<b>SERVICE COST</b>
<b>Income under \$11,000/year With liquid assets* less than \$2,000 in value (Medicaid, Supplemental Security Income eligible)</b>	<b>No fee</b>
<b>With liquid assets less than \$50,000 in value</b>	<b>\$ 27.00 per hour</b>
<b>With liquid assets between \$50,000 and \$100,000 in value</b>	<b>\$ 38.00 per hour</b>
<b>With liquid assets more than \$100,000 in value</b>	<b>\$ 55.00 per hour</b>
<b>In the case of Veteran's Administration clients, the compensation is determined by the amount established by the Uniform Veteran's Guardianship Law, T.C.A., 34-5-102, <u>et seq.</u></b>	
<b>*The American Institute of Certified Public Accountants ( AICPA) defines liquid assets as: Cash in banks and on hand, and readily marketable securities</b>	

<b>CURRENT GUARDIANSHIP FEE SCHEDULE</b>	
<b>CLIENT'S INCOME</b>	<b>SERVICE COST</b>
<b>Income of \$11,001 - \$50,000 per year <u>and</u> with liquid assets* less than \$50,000 in value</b>	<b>\$ 38.00 per hour</b>
<b>With liquid assets \$50,000 and more in value</b>	<b>\$ 55.00 per hour</b>
<b>Income of \$50,001 and above per year</b>	<b>\$ 55.00 per hour</b>
<b>In the case of Veteran's Administration clients, the compensation is determined by the amount established by the Uniform Veteran's Guardianship Law, T.C.A., 34-5-102, <u>et seq.</u></b>	
<b>*The American Institute of Certified Public Accountants ( AICPA) defines liquid assets as: Cash in banks and on hand, and readily marketable securities</b>	

- Proposal to tie the Guardianship fee increase to the Federal Benefit Rate
  - Since this is a tried and true formula based on the Cost of Living Adjustment (COLA) established by the Federal Government
  - Once approved by this Commission body, the approved fees would take effect March 1, 2009, and will be set to have yearly increases which take effect January 1<sup>st</sup> of each year, thereafter
- Proposed revision of Guardianship sliding fee scale
  - Based on using the FBR calculations which would entail approximately a 30% - 40% increase of the current guardianship fees
  - This would make the fees in line with the current cost of living standards

<b>PROPOSED CHANGES IN FEE SCHEDULE PUBLIC GUARDIANSHIP FOR THE ELDERLY PROGRAM EFFECTIVE MARCH 1, 2009</b>	
<b>CLIENT'S INCOME</b>	<b>SERVICE COST</b>
<b>Income under \$11,000/year With liquid assets* less than \$2,000 in value (Medicaid, Supplemental Security Income eligible)</b>	<b>No fee</b>
<b>With liquid assets less than \$50,000 in value</b>	<b>\$ 37.00 per hour</b>
<b>With liquid assets between \$50,000 and \$100,000 in value</b>	<b>\$ 52.00 per hour</b>
<b>With liquid assets more than \$100,000 in value</b>	<b>\$ 75.00 per hour</b>
In the case of Veteran's Administration clients, the compensation is determined by the amount established by the Uniform Veteran's Guardianship Law, T.C.A., 34-5-102, <u>et seq.</u>	
*The American Institute of Certified Public Accountants ( AICPA) defines liquid assets as: Cash in banks and on hand, and readily marketable securities	

<b>PROPOSED REVISION OF GUARDIANSHIP FEE SCHEDULE EFFECTIVE MARCH 1, 2009</b>	
<b>CLIENT'S INCOME</b>	<b>SERVICE COST</b>
<b>Income of \$11,001 - \$50,000 per year <u>and</u> with liquid assets* less than \$50,000 in value</b>	<b>\$ 52.00 per hour</b>
<b>With liquid assets \$50,000 and more in value</b>	<b>\$ 75.00 per hour</b>
<b>Income of \$50,001 and above per year</b>	<b>\$ 75.00 per hour</b>
In the case of Veteran's Administration clients, the compensation is determined by the amount established by the Uniform Veteran's Guardianship Law, T.C.A., 34-5-102, <u>et seq.</u>	
*The American Institute of Certified Public Accountants ( AICPA) defines liquid assets as: Cash in banks and on hand, and readily marketable securities	

Chair Arriola opened the floor to the Commission to discuss this proposal. Chair Arriola advised that the information on the increase of the Guardianship fees should probably be moved to the August quarterly meeting. It was recommended that additional information was needed on the T.C.A.s on both the legal side as well as the financial side, so that the Commission would have a better understanding of what can and cannot be done. Chair Arriola thanked Ms. Caudill for her presentation and advised that the discussion would be continued after they were presented with additional information from TCAD for the Commission's review and consideration.

Chair Arriola recognized Ms. Janet Lamb for her presentation.

**Legal Assistance – Janet Lamb**

- 36. - Only one Memorandum of Understanding (MOU)
  - Each legal assistance provider shall demonstrate a cooperative relationship with government and private agencies, service groups, community-based organizations established for the benefit of victims of Alzheimer’s Disease and their families, and advocacy groups serving older persons in the planning and service area, which insures the availability of mutual referral and direct service. A Memorandum of Understanding shall be executed and kept on file with the District Ombudsman program.
- 40. - No more separate files
  - Each legal assistance provider shall have a written procedure that assures an effective and meaningful assessment of consumer satisfaction. The procedure should guarantee that the consumer does not return the assessment to the same person who provided the service. The procedure shall insure that each client be given an opportunity to evaluate anonymously the service received from the provider.
- 1. - Priority setting standards
  - Each legal assistance provider shall assure that the following major categories of legal assistance are given priority to older persons throughout the service area and shall ensure that at least 51% of the legal assistance caseload will consist of cases from the priority subcategories starred (\*) under each major category. [OAA, Sec. 307(11)(E)]
- Other changes
  - No manual
  - Updated all references to the Commission on Aging to Commission on Aging and Disability
  - Deleting outdated references, as in Tennessee Commission on Aging and Disability’s “Guide to Contract Preparation and Reporting,” July 1994

**Motion**

Chair Arriola asked Ms. Lamb if the Commission needed to approve those recommendations. Ms. Lamb confirmed that an approval was needed. Chair Arriola asked for a motion to approve the recommendations of the changes. A motion was made and was seconded. Chair Arriola recognized the motion to approve the changes dealing with our Legal Assistance and the changes recommended and asked for Cindy Warf to process a roll call vote. Below are the responses:

COMMISSION MEMBER	AYE	NO	ABSTAIN
John Arriola – Chair	X		
Renee Bouchillon	X		
* Diane Cormell			
Bernard Danzig	X		
* Virginia Davidson			
Mickey Eldridge	X		
* Shelburne Ferguson, Jr.			
*William Johnson			
Ronald Jordan	X		

* Kenneth Kisiel			
Timothy Martin	X		
Beauton Matthews	X		
Frankie McCord	X		
Barbara McIntyre	X		
Patricia Miller	X		
Lynne O'Neal	X		
Judson Palmer	X		
*Mary Stockley			
Seth Stanger	X		
*Jackie Talley			
Carolyn Waugh	X		
Wanda Willis	X		
James York	X		

Rep. Lois DeBerry  
 Senator Jim Tracy

Ex officio  
 Ex officio

\*Members absent

Chair Arriola recognized Ms. Janet Lamb for her presentation.

**Definition of a Meeting – Janet Lamb**

- Open Meeting Act aka The Sunshine Law  
 Pamela A. Hayden-Wood, Senior Counsel, Office of the Attorney General advises:  
 “It is always dangerous for two Commission members to discuss Commission business without the formality of a meeting, if only due to perception, and I do not recommend it. The key is: What is a meeting? TCA 8-44-102(b)(2) defines “meeting” as “the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.” If the purpose of the discussion is not to make a decision or to deliberate toward a decision, it is not a meeting under this definition. However, TCA 8-44-102(c), cautions against violating the spirit of the statute.”
  - Electronic teleconferences – Statute says that if you have two or more Commission members discussing business toward a decision that would be considered a meeting
  - All conference call meetings have to be announced because of The Sunshine Law
    - Notice of Public meeting will be posted as follows:
      - TCAD Website
      - Tennessean Newspaper
      - Two physical locations
    - Statement of Public Necessity has to be read at the beginning of the meeting to the attendees of the conference call
    - Letter of Public Necessity addressed to Secretary of State, Tre Hargett and signed by Mr. Mike Hann, Executive Director, TCAD, advising the purpose for the teleconference; and a copy of the letter e-mailed to the full Commission for their review

Chair Arriola advised that he never thought that this was a problem. He advised that when they call each other, they are discussion some general concerns, but, a decision is not made between those two people or those few people; certainly, not until it gets before

one of the Committees or one the full Commission. Chair Arriola opened the floor to the Commission for discussion on this topic.

### **Options for Community Living – Tabitha Satterfield, Aging Program Coordinator**

Chair Arriola recognized Mr. Bernard Danzig for discussion on the Options for Community Living. Mr. Danzig advised that the Long Term Care Committee discussed the Options for Community Living and asked for permission to bring it before the Commission Members for approval. Mr. Danzig advised that they reviewed the Options and they had one concern in regards to the section on “Interrupted Service”.

- Household
  - Under 16-2(7), included a definition for “household”
  - This definition is used for the purpose of determining poverty status and cost share
- Interrupted Status
  - Statement was made about interrupted status, clear that it was 30 days
  - Under 16-9(1) last paragraph, it now states: “The AAAD may terminate a consumer from the program after the consumer has been in Interrupted Status thirty (30) days.”
- Fair and Equitable Policy for Distributing Service Reductions
  - Criteria was included for a fair and equitable policy for distributing service reductions among consumers.
  - Criteria includes:
    - The Agency will suspend new enrollment
    - Upon the discharge or death of a consumer, the Agency will not fill the vacant slot
    - The Service Coordinators will reduce all service plans not to exceed \$2,500 per plan
    - And if necessary, the Agency will terminate consumers from the program on a case-by-case basis based on the priority level with persons with Low Priority (see Section 16-8) terminating first
- Options – Consumers who are Eligible for Waiver
  - Added statement to 16-13 last paragraph for clarification:  
The Service Coordinator will strive to build a relationship with the consumer and arrange for minimum OPTIONS services to assist the consumer in remaining in the home. When additional services are needed, the Service Coordinator will introduce the Waiver again to the consumer. Service Coordinators will also counsel consumers about the Waiver program to provide them a better understanding of the program and its services.

### **Motion**

Chair Arriola restated that these are guidelines and that TCAD worked with the AAADs to come up with some language. Mr. Danzig made a motion to approve the changes, and the motion was seconded by Mr. James York. Chair Arriola opened the floor to the Commission Members for discussion. There was no discussion or questions. Chair Arriola asked for an oral vote and all Commission members voted in favor of this motion. There were no objections or abstentions and the motion was

carried. Chair Arriola stated that those changes would be approved in the Options Chapter.

Chair Arriola recognized Mr. Aaron Bradley, TN4AD President, for his presentation:

- Tennessee Association of Area Agencies on Aging and Disability (TN4AD)
  - “We are making a difference!”:
    - These stories represent consumers who are served now or have been served through the aging and disability network
      - “I just want to go fishing”
      - “There is no place like home”
  - Planning and Administration
    - Working with TCAD staff to finalize Area Plan information and revisions
    - Working with TCAD to support the Statewide Needs Assessment
    - Meeting with TennCare to work out a direct contract for Waiver administrative and enrollment duties beginning July 1, 2009
  - CMS Biller
    - We are in production in most of the AAADs with the new CMS Biller system
    - This development moves the Waiver invoice and billing responsibilities out to the AAADs
    - Costs and demands continue to grow at our level with the Waiver
  - Options for Community Living
    - The AAADs are in full swing again with Options enrollment
    - Most of the AAADs had slowed or stopped enrollment efforts because of the state budget crisis
    - With the federal stimulus, the state decided not to reduce Options funding so we are back to active enrollment across the state.
    - We should encourage budget committees to allow all AAADs to retain any fund balances at June 30, 2009, to assure a continuation of service next year
  - Nutrition
    - We are working with TCAD staff to review the nutrition chapter of the policy manual
    - We are working with our provider network to increase home delivered and congregate meals due to receiving new stimulus funding and new Title III allocations
  - Waiver Update
    - Enrollment is moving along well and all 6,000 slots should be enrolled by June, 2009
    - We are meeting with TennCare and the MCOs to discuss how the LTC Choices Transition will be managed
    - We are looking forward to CMS approving the 1915 Amendment so the LTC Choices program can be implemented
    - We are experiencing some difficulties with the 2008-2009 Waiver contract:
      - We are still concerned about contract payments for several components in the contract
      - One of the biggest hurdles is finding and enrolling Adult Day Care providers

- Limited funding from QA and Network Capacity provisions in the contract
- Legislative Issues
  - There is renewed interest in an Aging Department Bill this session
  - The Bill has been amended to create a legislative study committee to meet over the summer and fall to examine the benefits of a new department and how it may be structured
- Single Point of Entry discussions
  - We are working closely with TCAD and TennCare to fine tune the existing SPOE process so we can meet the new demands of the LTC Choices implementation next year

Chair Arriola thanked Mr. Bradley for his report.

### **TCAD's Role in the 2010 Waiver Program**

Chair Arriola recognized Phil Barnett for his presentation for TCAD's Role in the 2010 Waiver Program.

- Contract between TCAD and TennCare
  - TCAD will be used as Consultants as we improve the quality of the Choices program and the Tennessee Long Term Care program
  - Scope of Services
    - Long-Term Care Policy and Program Leadership
    - Expansion of LTC Ombudsmen Program to Persons in Alternative HCBS Residential Settings
    - SPOE Compliance Monitoring and QA/QI Activities
    - CHOICES SPOE Statewide Marketing Activities

Chair Arriola thanked Mr. Barnett for his presentation. Chair Arriola opened the floor to the Commission Members for discussion of this contract.

### **Motion**

Chair Arriola asked for a motion for a vote from the Commission Members that they are in agreement to allow the TCAD Executive Director to proceed with the contract with another State Agency. Chair Arriola advised that there is a motion for approval of the contract between the State of Tennessee, Department of Finance and Administration, Bureau of TennCare and The Tennessee Commission on Aging and Disability as it was described by Mr. Barnett. A motion was made, and the motion was seconded by Mr. Judson Palmer. Chair Arriola asked for an oral vote and all Commission members voted in favor of this motion. There were no objections or abstentions and the motion was carried. Chair Arriola summarized that the Commission Members have given TCAD permission to proceed with the contract. Any changes that occur, TCAD will notify the Commission of any corrections in the wording.

## **New Business**

- Adult Day Care Home Act of 2009 – SB2275
- Consumer Protection Bill – SB2297

### **Motion**

Chair Arriola asked for a motion for a vote that the Commission would let the sponsors know that the Commission on Aging approves those two bills and that we are in agreement with the concepts of what that legislation is attempting to do as described in the summary. Chair Arriola recognized the motion, and seconded by Ms. Patricia Miller. Chair Arriola opened the floor to the Commission Members for discussion. Chair Arriola asked for an oral vote and all Commission members voted in favor of this motion. There were no objections or abstentions and the motion was carried. Chair Arriola summarized that they would take care of writing up the approval of those two bills, and that a copy would also be sent to each Commission Member.

- Mr. Mike Hann
  - Commissioner Goetz recommended approximately nine months ago, that as much as possible to be held at the State parks
  - Commission Members recommended for TCAD Commission meetings to stay downtown
  - May 12, 2009, quarterly TCAD Commission meeting will be held at the James K. Polk Bldg, 1<sup>st</sup> Floor, Training Room #3
  - August, 2009, quarterly meetings will be held at a new location to be announced at a later time
  - TCAD was advised that the conference rooms managed by the State of Tennessee were needed for training purposes and that we needed to find a new location for our meetings
  - Chair Arriola was provided with this information and he recommended for TCAD to find a new meeting location in the downtown area
  - TCAD is looking at the Doubletree Hotel and the Sheraton Hotel
  - TCAD will keep the Commission Members in the loop
- **Discussion on the Ombudsman Committee Appointments**

Chair Arriola recommended to the Commission Members the following appointments for the Ad Hoc Ombudsman Committee to look at the issue of the Ombudsman at the AoA end as well as the TennCare side, and the contract that will be discussed between both. We also want to make sure that the AAADs and TennCare are informed and have open discussions in that regard. See how we can blend it to make it work for all concerned. Make sure that we understand who we are serving which is the families across the State who really need help and who need someone to represent them.

  - Patricia Miller – Appoint to Chair of the Ad Hoc Ombudsman Committee
  - Ronald Jordan
  - Timothy Martin
  - Shelburne Ferguson, Jr.

Chair Arriola asked Chair Pat Miller to report back to the full Commission at the August, 2009, quarterly meeting.

Chair Arriola recommended to the Commission the following appointments for the Ad Hoc Advocacy Task Force:

- Ad Hoc Advocacy Task Force
  - Carolyn Waugh – Appoint to Chair of the Ad Hoc Advocacy Task Force
  - Virginia Davidson
  - William Johnson
  - Ronald Jordan
  - Mary Stockley
  - James York
  - Add Volunteer – Mickey Eldridge
  - Add Advisor – Seth Stanger

Chair Arriola recommended to the Commission the following appointments for the Ad Hoc Alzheimer Task Force:

- Ad Hoc Alzheimer Task Force – Appoint Committee members to work with the Legislature
  - Mickey Eldridge – Appoint to Chair of the Ad Hoc Alzheimer Task Force
  - Timothy Martin
  - Beauton Matthews
  - Frankie McCord
  - Jackie Talley
- Discussion on new location of the August, 2009, quarterly Commission meetings. Chair Arriola discussed with the Commission Members that future meetings needed to be moved from the James K. Polk Building and the William Snodgrass Tennessee Tower locations. Chair Arriola advised that TCAD would probably have to book future meetings at the Doubletree Hotel, Downtown, Nashville, TN, if the conference rooms were available on the dates we needed. Chair Arriola asked the Commission if there were any objections. There were no objections.

### **Commission Members Questions/Discussions/Suggestions**

Mickey Eldridge – Discussion on Weather Tap – Website Address:

[www.weathertap.com](http://www.weathertap.com):

- Request for Mr. Mike Hann to ask the Emergency Preparedness Staff to be available for a discussion about Weather Tap:
  - Weather Tap has been endorsed by Jim Cantore at the National Weather Service
  - \$75.00 fee annually for emergency preparedness
  - Tracks weather by updating your computer with notices and alarms and saves lives
  - Senior Centers, Area Agency's, Nursing Homes – Make them aware of Weather Tap
  - Recommends for Commission Members to at least look into this and making those out in the community aware of the service

- Used nationwide and housed in Middle Tennessee
- Used by hospitals, emergency responders, policy department, and ambulance services

### **Old Business**

None

### **Travel Expense Forms**

Chair Arriola recognized Mr. Perry Register on instructions for completing the travel expense forms. Mr. Register

### **ADJOURN**

Chair Arriola asked for a motion to adjourn today's meeting. The motion was made and Chair Arriola adjourned the meeting at 4:40 P.M.

The next meeting of the Commission Members will be Tuesday, August 11, 2009, at 9:00 A.M. in the Davidson Conference Room located at the Doubletree Hotel, Downtown, Nashville, TN.

**Cindy Warf**  
**Recorder**