

HB 2661 Rule Advisory Committee
October 19, 2017, Minutes

Attendance: Mike McCormick, Max Brown, Kim Hector, Jamie Callahan, Jonathan Eames, Gwen Dayton, Petronella Donovan, Mary Rita Hurley, Jennifer Cook-Buman, Jen Corbridge, Ruth McEwen, Tory Thompson, Meredith Williamson, Roberta Yambasu, Liz Fischer, Beth Jackson, George Adams, Allison McKenzie, Patrick Shannon, Cassie Bruske, Fred Steele, Bob Hoover.

Introductions were made. Participants expressed why they had an interest in serving on this RAC.

Mike McCormick provided an overview of HB2661.

George asked that after rule is finalized, extra training be provided for employees working with people with disabilities in wheelchairs. Mike had no objections to the concept, but said the timing is wrong. Our charge now is to focus on adopting rules and implementing the requirements of this bill.

Max Brown provided the outline of the rules. There was a request to not use the word "client" in rule. Participants discussed that this term was used in the bill itself. DHS can use the term "consumer" when appropriate.

There was discussion about using the term "Legal representative" to protect referral agencies.

There was discussing regarding whether "referral agency" and "referral agent" are interchangeable? The RAC concluded the answer was no. Referral agencies hires referral agents – (employees). The group also discussed the need to address the use of independent contractors in this industry.

Discussion ensued on background checks. Participants asked whether background checks are performed at the state or federal level. Mike explained that if an applicant had an out-of-state residence, they are generally subject to federal level background checks.

There was discussion about the backlog that exists at the Background Check Unit. Mike acknowledged this issue and said it is a simple function of workload and resources. The agency is trying to address it.

There was significant discussion regarding distinctions between employees and employers. Can each be "fined" for abuse allegations? An issue was raised as to whether the rules should include a tier of fees for employees and the agency?

Rule drafting approach – DHS will draft rules and provide discussion draft at next RAC.

The group decided to form two subgroups. One to focus on disclosure forms/ privacy policies. The second to focus on the application for registration.

There was a robust discussion around the need for wide communication at implementation. Some of the topics addressed included:

- How do long-term care providers verify agencies are registered with DHS?
- Have they been suspended or revoked?
- Will there be a website to search?
- Need a robust communication strategy and a website to check if an agency is registered.
- Long term care facilities are just as important as the referral entities themselves.

The meeting was adjourned with a reminder of the next meeting on November 16, 2017 from 9:00-11:00 at 3406 Cherry Ave NE. Room 123.