

**MINUTES OF THE
BOARD OF COMMUNITY HEALTH MEETING
July 8, 2010**

Members Present

Richard Holmes, Chairman
Ross Mason, Vice Chairman
Norman Boyd
Dr. Inman C. "Buddy" English
Hannah Heck

Members Absent

Sidney Kirschner
Archer Rose

The Board of Community Health held its regularly scheduled monthly meeting at the Department of Community Health, Fifth Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia. Commissioner Clyde L. Reese, III, was present also. (An agenda and a List of Attendees are attached hereto and made official parts of these Minutes as Attachments #1 and #2). Chairman Holmes called the meeting to order at 10:37 a.m.

Minutes

The Minutes of the June 10, 2010 meeting were UNANIMOUSLY APPROVED and ADOPTED.

Commissioner's Comments

Commissioner Reese updated the Board on several items. The Department is in the midst of a Medicaid Management Information System (MMIS) conversion from Affiliated Computer Services (ACS) to Hewlett Packard (HP). Staff is actively working in the User Acceptance Testing phase with an objective "go live" date of November 1, 2010. Commissioner Reese stated that one very important component of any successful conversion or any successful Medicaid system is participation of the providers. The Department will begin shortly with provider outreach and provider training. He encouraged providers and provider associations to participate in the training. The Department selected some providers to begin testing as a pre-testing model. He encouraged providers to check for banner messages and updates on the Department's web site regularly and participate in training to the greatest extent possible because this will help with a successful conversion to the new MMIS. Hewlett Packard and DCH Communications staff will roll out the training schedule. He reiterated that it is very important for the providers to keep track of the implementation schedule and participate in the training as much as possible.

Commissioner Reese stated that it has been a year since the reorganization of health and human services agencies and the transfer of the Division of Public Health to DCH. In House Bill 228 a nine-member Public Health Commission was created; five members appointed by the Governor, two members appointed by the Lieutenant Governor, and two members appointed by the Speaker of the House of Representatives. The Commission would convene on July 1, 2010 and issue a report in December 2010 on whether the Division of Public Health would remain with DCH, become an independent agency, an attached agency or transferred to another agency such as the Department of Behavioral Health and Developmental Disabilities. Members have been appointed and the first meeting is scheduled for July 12.

Commissioner Reese informed the Board that Nancy Goldstein, who has served as the Chief of the State Health Benefit Plan, has decided to leave the Department and enter the private sector. He recognized Nancy for her excellent work in leading the Division. He introduced Trudie Nacin as the new Chief of the SHBP. Ms. Nacin previously served as the Deputy to the Chief of the SHBP. Commissioner Reese said he was gratified that Ms. Nacin is here to take over and to keep moving forward with the challenges the SHBP faces.

Department Updates

Dr. Jerry Dubberly, Chief, Medical Assistance Plans, began discussion on the Nursing Home Services Public Notice. Dr. Dubberly stated that at the June 10, 2010 meeting, the board approved for initial adoption the public notice to increase the nursing home provider fees. The Department received no oral or written comments during the public comment period. However, subsequent to release, there were additional reviews and additional data available that brought some of the source data into question. Dr. Dubberly said for that reason, he respectfully requested the Board to rescind the Nursing Home Services Public Notice. Dr. Dubberly said the Department will bring forward a new public notice when the source data has been fully validated and other technical adjustments to the language in the public notice is addressed. The Board UNANIMOUSLY CONSENTED to RESCIND the Nursing Home Services Public Notice.

Mr. Doug Colburn, Chief, Healthcare Facility Regulation Division, presented Rule 111-8-68, Residential Mental Health Facilities for Children and Youth. On May 13, 2010, the Board authorized the Department to release a second public comment period. The Department received no written or oral comments during the public comment period. The Board UNANIMOUSLY APPROVED for final adoption Healthcare Facility Regulation Rule 111-8-68. (A copy of Rule 111-8-68 is attached hereto and made an official part of these MINUTES as Attachment # 3).

Mr. Colburn asked Ms. Sharon Dougherty of the Healthcare Facility Division to present Rule 111-8-25, Enforcement of Licensing Requirements. The Board approved the amendments to Rule 111-8-25 for initial adoption on May 13. A public hearing was held on June 17 in which 16 oral comments were received. The Department considered and reviewed a total 67 oral and written comments. The rules as proposed will impact about 14,000 providers in the State of Georgia. The majority of the comments were the fees were too high for very small personal care homes, ambulatory surgery surgical centers, community living arrangements, home health, hospices, personal care homes and imaging centers.

Ms. Dougherty said the Department is requesting final adoption of the amendments to the rules, including the fee schedule as proposed. She said while the Department understands that the payment of any fee will have a negative impact on a small provider, the payment of \$350 on an annual basis for a personal care home would represent only 1.2% of the gross revenues received from two residents. Given the nature of surveys HFR perform in all personal care homes, the Department reasoned that it made more sense for the fee to bear some resemblance to the cost associated with performing the survey. Among the comments suggested no fees for small personal care homes to a maximum of \$60 per bed which would have generated \$44,000 in resources when the state expends over \$2 million regulating personal care homes.

Ms. Dougherty stated that the Department also considered carefully the comments made by representatives of the imaging center industry. Currently the Department does not have rules in place for imaging centers. When the fee schedule was set it was based on an estimate of the number of imaging centers in the State. During the course of the hearing, the Department learned that there are more centers in the state than first estimated. When the rules are finally adopted for imaging centers, DCH will make an adjustment so that those fees more accurately reflect the costs associated with regulating those programs. A discussion ensued about the impact of the fee for imaging centers. Ms. Dougherty stated the Department anticipates the fee will decrease in the future. Currently there are no rules for imaging centers. The fee stated in the rules will have no negative impact pending adoption of the imaging center rules. Ms. Heck asked if it will take legislative action to promulgate rules for imaging centers. Ms. Dougherty explained that there is an existing statute that requires DCH to regulate imaging centers; however, the Department made the determination that given the substantial cost associated and budget issues, it would not start a new program unless the Department had the money to implement. The Board UNANIMOUSLY APPROVED for final adoption Rule 111-8-25. (A copy of Rule 111-8-25 is attached hereto and made an official part of these Minutes as Attachment # 4).

Chairman Holmes asked Commissioner Reese to discuss Emergency Medical Services Rules 111-9-2-.12 and 111-9-2-.18. These rules are relative to administrative actions, fines, probations, suspensions, summary suspensions and/or revocation of the licenses of EMS personnel, ambulance zones and EMS base stations. A public hearing was held June 23, 2010. There were eight attendees and four oral presentations. The Department received three written comments during the public comment period. Comments included requests to clarify various provisions in the initial licensing requirements; recommendations regarding specific crimes that would be considered grounds for presumptive denial; recommendations to make distinctions between felonies and misdemeanors; concerns about sanctions the Department wanted to impose on licensees to protect the public from certain egregious offenses; concerns about summary suspension process; and concerns about hearings for disciplinary actions including those placed on probation. Generally, there were concerns that the rules had not been vetted with the Emergency Medical Services community. Commissioner Reese said in light of the different comments received, the Department is asking the Board not to vote for final adoption of the proposed rules and allow the Emergency Preparedness and Response Division to interact more with the EMS community to vet the rules further and present the proposed rules or revised rules to the Board at a future date. Emergency Medical Services Rules 111-9-2-.12 and 111-9-2-.18 were TABLED.

Adjournment

There being no further business to be brought before the Board, Chairman Holmes adjourned the meeting at 10:56a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE _____ DAY OF _____, 2010.

RICHARD L. HOLMES
Chairman

ARCHER R. ROSE
Secretary

Official Attachments:

- #1 List of Attendees
- #2 Agenda
- #3 Rule 111-8-68
- #4 Rule 111-8-25