

Board of Trustees
A. Luke Crispe Room
14 February 2024
1100 hours

Present:

COL Gary De Gasta, President
 COL Peter Fagan, Vice President
 Michael Klopchin, Secretary
 SFC Clark Adams, PA-C
 Kent Butterfield

Jennifer Carmichael
 CPT Brenda Cruickshank
 Lawrence Cupoli
 Charly Dickerson
 BMCS Michael diMonda

LTC David Fabricius
 Melissa Hurt
 Dr. Jacqueline Kelly
 Joyce Scribner

Excused: Robert Hooper
 Cathy Tester

Sandra Pinsonault
 Joseph Chip Troiano

Rev. Richard Setzer
 Robert E. Burke, Director, Vermont Office
 of Veterans Affairs

Guests: Dr. Peter King
 Jon Endres, Environmental
 Jean Cody, QA Nurse
 Thomas Innis from Gibbous
 Robyn Boland, Executive Assistant

Steve McClafferty, Finance
 Donna Richards, Director of Nursing
 Ellen, Vt State University student intern
 Eric Sheehan from Gibbous

Mary Ryan
 Lisa Sloan, DAV
 Melinda Crawl, Marketing/Admissions
 Mark Rondeau, Bennington Banner

The meeting was called to order by President De Gasta at 1100 followed by the Pledge of Allegiance.

Roll call was taken by Secretary Klopchin and a quorum was announced.

Motion made by COL Fagan to accept the 13 December 2023 minutes as written, second by Mrs. Scribner. Motion carried.

TOPIC	DISCUSSION	ACTION
PRESIDENT WELCOME	<p>President De Gasta welcomed the Board, Lisa Sloan of the DAV and members of the staff and thanked them for attending the meeting and wished everyone a Happy Valentine’s Day.</p> <p>Lisa Sloan of the DAV too wished everyone a Happy Valentine’s Day.</p> <p>COL Fagan noted that Representative Mary Morrissey offered regrets to the Board that she was unable to attend today’s meeting. On her behalf, COL Fagan provided an update on the Bill that Rep. Morrissey sponsored which, if passed, would enable the Home to render services to veterans outside of the Bennington facility. Yesterday, the bill passed out of Committee by a vote of 12-0-0 and is anticipated to be up for legislative action this Thursday or Friday.</p>	INFO
RECOGNITIONS	<p>CEO Jackson has been accepted to the Healthcare Administration PhD program at the University of New Haven, Connecticut and was congratulated and offered best wishes for a successful academic pursuit.</p>	INFO

MARKET STUDY

The Board congratulated the Home and its employees for achieving “Best in Class” ratings in all categories on the Pinnacle report for 2023! This accomplishment ranks the VVH in the top 15% of all nursing homes nationwide using Pinnacle -- a truly outstanding accomplishment!

Michele Burgess, Activities Director, will be retiring in March after 47½ years of dedicated service. Michele was congratulated on her retirement and thanked for her service.

Gibbous Market Study PowerPoint Presentation (PPP): Thomas Innis, CEO & Principal, and Eric Sheehan, Managing Director & Project Lead used a PPP to address the 15 Market Study questions posed by the Home, the Board, and the Strategic Planning Committee.

The speakers commented that their Report is not a “recommendation report”. Rather, it offered data for the Board and the Home’s leadership team to review, process the data, and determine recommendations for further actions -- the data “needs to be looked at in its totality, not just one area”. The Report focused on 5 major components: How many veterans and where are they; Workforce; Healthcare coverage; Healthcare utilization; and Competition.

Discussion: Lengthy discussion focused on a number of the key questions:

Partnering: There are formal and informal partnerships and both have advantages and disadvantages: a key reason to partner is to increase the likelihood of success and lower risks; could require legislative and/or regulatory change and/or approval; it is important for us to not lose our identity and our sustainability is important. Current VA regulations do not allow the purchasing/sharing of “slots” for nursing home beds -- likely that such arrangement would only be available through a pilot program; oversight and “financials” cannot be overlooked. If we decide to adopt partners, we also adopt their competition!

Financial Strategy/workforce “shift”: Quality must be maintained -- organizations cannot require or ask staff to work outside their scope of practice/license; staff levels need to be consistent with the care levels. We should take an active role in being educators to help with staffing shortages.

Gaps in Service (Strategic Scenarios): Before arriving at decision-making, our next step should be to “take a deep dive” into 2-3 options (for purposes of comparison); collect more data/information on staffing, geography, veteran population demographics and services not available. What do veterans want or need in those areas, support services available, identify the competition, community engagement, partnerships, collaboration, sustainability and legislative and regulatory adherence. What are our goals/benchmarks. Need to maintain our level of excellence. We all need to advocate.

Legislative Concerns: The first question the State likely will ask is how much will it cost and then how soon will it be profitable? Need to make sure legislators are on board -- make sure legislators are aware of the plans, that they understand what we are planning, and also understand why we want to do what we are proposing. Continue to invite legislators to visit the Home. Develop consistent talking points with the Executive Summary. Additionally, since staffing will be an issue for the next decade in Vermont and nationwide, it will be a team effort with other healthcare facilities in the state to educate legislators about staffing concerns and the effects on quality and the budget. There currently is no

INFO

central repository for veterans' data in Vermont. However, with an intent to begin to address the problem, House Bill H-168 has been introduced in the legislature.

Telehealth: A must! Technology will be a part of any solution moving forward.

Commandant's House: CEO Jackson previously submitted a report with her recommendations -- to demolish the building. There is now an additional issue -- expenses associated with the building's oil tank. There are many issues to address before a new facility could be erected.

Summary, conclusions, and next steps: "It is always time to consider expansion" -- we now have the data (which we should update annually). We need to continue our strategic planning so "when the time is right to make our investment and implement our plan actions (which might be years into the future), we will be prepared". We will need to have an outreach and communication strategy; understand our opportunity costs, and secure data to back up our final decision when we present our budget, regulatory matters, etc., to the State.

Need to keep pace with the always-evolving ever-changing healthcare industry. Now may not be the time to take action; however, it is always time to consider, plan and be prepared to make a decision. The Market Study looked "outside" the Home, not "inside". Consequently, our "stability" to undertake expansions is for us to determine. The data will also be changing, possibly yearly, and will need regular (preferably annual) updating.

Recommendation was made to "test the waters" to determine if there are any opportunities for potential partnership(s) and community engagement. We likely will also need a Certificate of Need for programmatic expansion. When considering investing "elsewhere", what "tradeoffs" (time and effort relating to growing and improving the Bennington Home and maintaining quality of care) might be necessary. Rather than spending money in another part of the State, would that money be better used with an opportunity on the Bennington Campus? We have to fundamentally believe we can provide better services than the current market is delivering prior to expanding.

The VVH's advantage over private entities is its clientele and mission -- "we serve and care for our veterans". Since long term care needs are different from Adult Day health needs, when looking at staffing models we need to consider many factors including acuity and services. In addition to new clinical staff and support staff, there will need to be another level of management (leadership) in order to expand programs and activities off our Bennington campus. We need to continue our efforts to "grow our own" staff in critical areas.

On behalf of the Board, President De Gasta presented Board Challenge Coins to Mr. Innis and Mr. Sheehan as thanks and recognition for work on the Market Study.

A lunch break was taken from 12:33pm to 1:03pm.

COL Fagan thanked Trustees for their input on the October Training Evaluation Form. He submitted a compilation of all the comments provided. All five Workshops were rated as Very Good or Outstanding. The summary report is posted on the Board Teams page with the Committee Reports. It is

LUNCH BREAK

**EDUCATION &
TRAINING UPDATE**

INFO

INFO

<p style="text-align: center;">CORPORATE COMPLIANCE</p>	<p>important that Trustees understand their job and ask the right questions of the leadership team to ensure that we are doing what is necessary to fulfill the Home’s mission. Topics for the 2024 program, again being held at Lake Morey, will likely include Corporate Compliance and fiduciary responsibilities.</p> <p>COO/CO Morin reiterated COL Fagan’s remarks that Trustees have the responsibility to question leadership; “don’t take everything at face value” -- ensure leadership is doing what they are saying they are doing; ask questions; read all Board reports; review financial statements and dig deeper in what you are being told. Educate ourselves and ask for more education when needed. The Home and its Board are expected to follow regulations from CMS, the VA, OSHA and the State of Vermont, etc.</p> <p>A request was made to have CO Morin email the Board the definition of abuse, now determined by what a “reasonable person” would have felt. CO Morin reviewed the 2024 Work Plan. Some areas under consideration for continuous improvement in the Plan include: whether to have an Enterprise Risk Management Assessment; Risk assessment; audits in place to protect us; reviewing new policies; improving the Compliance Handbook; and certification of the CO.</p> <p>After 2 years, CO Morin is now eligible to take the Compliance exam. She continues to work with VVH management and VSEA on our Home’s culture and making sure everyone understands that the Home does not condone misconduct and will do everything possible to protect employees against retaliation. She reiterated she and other personnel are available to listen to concerns and provide follow up to ensure employees know they are being heard. CO Morin will continue reporting issues to the Board and conduct discussions on sensitive personnel issues in Executive Session.</p> <p>A motion to accept the 2024 Compliance Work Plan as written was made by COL Fagen, second by Mr. Dickerson. No further discussion. Motion carried unanimously.</p>	<p style="text-align: center;">INFO</p>
<p style="text-align: center;">BREAK</p>	<p style="text-align: center;">Break from 2:39pm to 2:46pm.</p>	<p style="text-align: center;">CLOSED</p>
<p>TOPIC</p>	<p>DISCUSSION</p>	<p>ACTION</p>
<p>HOME REPORTS CEO CMS L&P SURVEY</p> <p style="text-align: center;">FY 25 BUDGET CHALLENGES</p>	<p>The Home is now back in compliance from the CMS L&P annual survey. L&P visited on Monday and Tuesday of this week regarding a reportable and 2 family complaints -- no findings were found. Waiting for official compliance paperwork. The VVH has regained its 5-Star rating for staffing!</p> <p>Prior to the meeting, CEO Jackson provided Trustees the Home’s Budget Brief. The State Office of Finance and Management requested the Home to not include any expenses that exceed the (3%) increase in its budget and/or any expenses covered by our Medicaid Settlement. Due to CEO Jackson’s honesty and integrity in the budget presentation, the House Appropriations Committee concurred with her proposal to submit a full budget. CEO Jackson will be seeking further budgetary guidance. Agency staffing is the largest cost increase in our budget.</p>	<p style="text-align: center;">INFO</p> <p style="text-align: center;">INFO</p>

<p>CMS STAFFING MANDATE</p>	<p>By the end of the year, CMS intends to enact staffing mandate regulations. There were 46,000 individual staffing mandate comments submitted. A significant concern is LPN's are not addressed in the proposed regulation. Fortunately, VVH currently continues to meet the staffing mandate. Over 68,000 applicants have been turned away from nursing schools in our country this year. Nursing homes continue to close and hospitals are constantly calling nursing homes to take emergency room patients due to the absence of inpatient hospital beds.</p>	<p>INFO</p>
<p>MARKET STUDY RECOMMENDATIONS</p>	<p>CEO Jackson reported VVH could benefit with the Board's advocacy in the budget meetings with the legislature, Finance and Management, CMS staffing measures and support to help recruit staff more quickly. Vermont needs to streamline its hiring process -- a major delay is background checks.</p> <p>We also need to grow/enhance the leadership/management. As a State governmental agency, and partly due to the Willis pay scale (a pay equity system that began in 1974 and which only allows a 5% pay raise each step), the Home's salaries are not competitive with the private sector.</p> <p>To increase its understanding, the Board requested the CEO to provide a presentation on the hiring process and the key issues.</p>	<p>INFO</p>
<p>COMMANDANT'S HOUSE RECOMMENDATIONS</p>	<p>As previously stated, it is the CEO's recommendation that the Commandant's House be demolished. Presently, there are no available funds to demolish the Commandant's Home. We are not eligible for VA funding. A decision has been made to turn off the building's heat and drain its plumbing. The Home's leadership will try to get bids for asbestos abatement and demolition. Further discussion on this topic will be scheduled for the April 10 Board meeting along with CEO Jackson's other Reports mentioned today.</p>	<p>INFO</p>
<p>NASVH LEGISLATIVE PRIORITIES</p>	<p>CEO Jackson previously submitted to the Board documents from the NASVH (National Association of State Veterans Homes) convention held last week and attended by the CEO and COO. The VA will not issue <u>any</u> waivers per the BABA (Build America, Buy America Act). In sum, any construction funded with federal dollars must have 55% or more of its products made in America. Unfortunately, many HVAC and elevator replacement parts are not made in America. Not having a waiver may impact our ability to secure A-wing construction grant funding.</p> <p>Another key topic NASVH is working on is the high cost of medication. A private nursing home with a VA contract to care for 70% or more service-connected disabled veterans receive an 8.5% daily medication rate and the VA provides the monies. This arrangement does not apply to state Veterans nursing homes. NASVH is asking for legislation requiring the VA to provide reimbursement with a monthly medication payment exceeding the 8.5% payment. The cost of medications is one important reason we deny some admission applications. Our current agreement with the VA mandates that we pay for everything including medications for 70% or more service-connected veterans.</p>	<p>INFO</p>

FACILITY ASSESSMENT	Prior to today’s meeting, CEO Jackson submitted the updated annual Facility Assessment to the Board of Trustees for review and approval. A motion to accept the Facility Assessment as written was made by COL Fagan, second CPT Cruickshank. No further discussion. Motion carried unanimously.	CLOSED
TOPIC	DISCUSSION	ACTION
HOME REPORTS DONNA RICHARDS, DNS	Interviews are conducted as soon as applications for vacant positions are submitted. Many have come in for interviews, but then we don’t hear back from them. It is difficult to compete with local facilities (wages), large signing bonuses and tuition payments.	INFO
DR. KING, PROVIDER	Recently, Dr. Barbara O’Mara started working at VVH 3 days a week. Dr. Bobba is working on obtaining his Vermont license.	INFO
STEVE MCCLAFFERTY, FINANCE	An inquiry was made regarding the ADS (Agency of Digital Services) bills. All ADS bills are paid. There had been an issue in receiving the invoices.	INFO
JON ENDRES, ENVIRONMENTAL	No further inquiries were made from the report previously submitted.	INFO
MELINDA CROWL, MARKETING	Residents from A-wing continue to be moved to other units. We are putting people that are on the waiting list in non-compatible rooms of current residents. A request was made to include a line in the report indicating the sources for those actually admitted to the Home, i.e. from home, hospital, etc. Until we have more beds available for referrals, we are doing informational marketing.	INFO
JEAN CODY, QA	No further inquiries were made from the report previously submitted.	INFO
TOPIC	DISCUSSION	ACTION
COMMITTEE REPORTS BUDGET AND FINANCE	COL Fagan reported the Budget Committee met 1/19/24 and he provided a summary of their report. Dates have been scheduled for 2024 quarterly meetings.	INFO
BUILDINGS & GROUNDS	Mr. Cupoli reported during their committee meeting much discussion was on projects needing to be addressed/considered. Dates have been scheduled for 2024 quarterly meetings.	INFO
OUTREACH & MARKETING	Quarterly committee meeting scheduled for 3/11/24. Dates have been scheduled for 2024 quarterly meetings.	INFO
QUALITY ASSURANCE	Quarterly committee meeting scheduled for 3/19/24. Dates have been scheduled for 2024 quarterly meetings.	INFO

EXECUTIVE	Quarterly committee meeting scheduled for 2/28/24. Dates have been scheduled for 2024 quarterly meetings.	INFO
STRATEGIC PLANNING	President De Gasta provided a brief summary of the Report previously submitted. Quarterly meetings have been scheduled for 2024. Many of the questions discussed earlier today during the Gibbous presentation came from the 1/17/24 Strategic Planning Committee meeting. We are fortunate to have a good working relationship with the White River Junction VA. CEO Jackson and President De Gasta have conferred with personnel from the VA and anticipate having their support with any VA joint ventures. VA national level sharing agreements are routinely taking 2-3 years to process.	INFO
NOMINATING/BY-LAWS	<p>Mr. Dickerson is working on several Board policy documents. One will address notifications for Board meetings -- postings on websites, the state calendar, etc.</p> <p>The State Office of Boards and Commissions now uses February 28 instead of January 31 as the date for expiration of Trustee appointments. There are 8 terms ending in 2025, but there should only be 7. Mr. Dickerson is working with the State to resolve these issues.</p> <p>Finally, he is working on a policy regarding our elected classified employee Trustee. The Governor informed the Board that he does not appoint the elected Trustee. Mr. Dickerson is drafting a Board policy outlining the process, including guidelines pertaining to the statute (which states the elected employee can be removed for cause by the Governor).</p>	INFO
TOPIC	DISCUSSION	ACTION
OTHER	<p>President De Gasta thanked the Chairs for submitting their dates and times for the 2024 quarterly committee meetings.</p> <p>Mr. Dickerson reported to the best of his knowledge, the Vermont Veterans' Home, founded in 1887, is the oldest operational State facility.</p>	INFO
TOPIC	DISCUSSION	ACTION
ADJOURNMENT	A motion to adjourn the meeting made by Mr. diMonda, second by Ms. Carmichael. No discussion. The motion carried unanimously to adjourn the meeting at 1605.	CLOSED

Meeting adjourned at 1605.

Next Board meeting is 10 April 2024.