

Board of Directors Meeting
Board on Aging and Long Term Care
Conference Room 101
Madison, WI 53704
Feb 27, 2019

Chair Tanya Meyer called the meeting to order at 9:00 am. It was noted that this meeting was properly noticed under the Open Meetings Notice law.

Members Present: James Surprise Dr. Dale Taylor
Tanya Meyer Dr. Valerie Palarski
Barbara Bechtel via telephone

Members Excused: Mike Brooks

Staff Present: Heather Bruemmer Kellie Miller Vicki Buchholz
Chris McElgunn Vicki Tiedeman Matt Gannon
Jill Helgeson Christy Rohrmayer Kathleen Miller
Kim Marheine Sarah Oneil Sheryl Meyer

Guests Present: **Otis Woods**, Department of Health Services
Laurie Arkens, Department of Health Services
Jeff Becker, Department of Health Services
Mark Radcliffe, Legislature

Agenda: Approval of agenda as submitted M/S/C (Palarski/Taylor)

Minutes: Minutes of the October 31, 2018 board meeting were approved as presented. M/S/C (Palarski/Taylor)

Presentation: Kathleen Miller, Lead Ombudsman and Sarah Oneil, Ombudsman for the Board on Aging and Long Term Care: I Respect, I Self-Direct (IRIS) gave program updates.

- The number of consumers that are currently enrolled in IRIS is 18,421
- The number of consumers that are 60+ enrolled is 6072
- Have met with all ICAs and FEAs statewide
- 755 program activities – April – December
- 113 cases resolved

Discussion: Otis Woods, Administrator, Division of Quality Assurance and Laurie Arkens, Director of the Office of Caregiver Quality discussed the inspection of nursing homes and some of the violations they sometimes receive. If the result of an inspection is a determination violation have occurred, the nursing home loses the ability to run an in-house Certified Nursing Training Program. Recently, there have been significant state legislative changes proposed for the certified nursing assistant (CNA) programs, reducing both the total number of required training hours and the number of required clinical hours.

Nursing homes can meet certain training criteria to receive a waiver that will allow them to run their Certified Nursing Training Program despite the violations, after their systems have improved.

Nursing homes with violations are concerned their inability to provide CNA training programs or clinical settings have played a significant role in the current workforce crisis.

Legislators and industry trade groups are meeting with the Department of Health Services and other government agencies to propose modifying current legislation.

Legislative Updates, Mr. McElgunn, Counsel to the Board: Legislative and Other Updates

Mr. McElgunn commented on:

- Executive Budget Announcement - With the Governor (Democrat) and Legislature (Republican) being split by party, this is quite likely to be a contentious biennial budget process. The budget proposal regarding positions for the BOALTC will remain to be determined until the process concludes with the Governor's final signature.
- State Legislation Relating to Pre-Existing Conditions - Legislation addresses this issue with any relating financial aspects. Should the Affordable Care Act ever be overturned there would need to be companion legislation stipulating how pre-existing conditions would be addressed.
- Governor's Task Force on Caregiving - Announced, but with little detail to date.
- Caregiver Tax Credit - Would provide reimbursable subsidy for caregivers.
- Attorney General's Task Force on Elder Abuse - Hope is the Task Force will continue under authority of newly elected Attorney General. No clarity yet.
- State Legislation Related to Financial Exploitation of a "Vulnerable Person" - Would provide additional criminal penalties for crimes committed against vulnerable individuals, including elder adults.
- Temporary Extension of Senior Care - DHS submitted 10-year waiver for approval. CMS has granted temporary extension to 3/31/19 while it reviews the waiver application.
- Medical Marijuana Legalization - Some momentum for this to eventually occur in WI, but does not look to be in the immediate future. Governor is in favor, to start with, for certain medical conditions.
- State Legislation relating to CNA Training Requirements - Bills put forward in both State Senate and Assembly to reduce the requirement for CNA training hours in WI to federal standard of 75 hours from current 120 hours. Hearings to be held in short order and BOALTC will testify in opposition.
- Federal Legislation relating to CNA Training Lockout - As the law currently stands, if a nursing facility is found to provide substandard quality care, it is locked out from training new staff for a period of 2 years. The introduced legislation would change the mandatory Certified Nurse Assistant (CNA) training lockout for Skilled Nursing Facilities (SNF), and instead allow the Secretary of the Department of Health and Human Services to impose a lockout based on a substandard quality of care. There are pros and cons to this proposed legislation. The BOALTC will attempt to meet with Congressman Duffy to highlight potential concerns with the legislation as it currently exists.

Medigap Helpline Update, Ms. Buchholz, Medigap Helpline Services Supervisor:

Lead Medigap Counselor, Jill Helgeson talked about the Complaint Tracking Module at Centers for Medicare, Medicaid Services (CMS) that help beneficiaries when they have a complaint that they are not able to resolve with their Medicare Health and/ or Drug Plans. We have been very successful with this process and have helped 20 people to date in 2019.

Ms. Buchholz gave program updates:

- The Medigap Helpline Programs have had a very busy Annual Enrollment Season finishing up 2018 with 11,768 calls. Staff triaged calls to assure those who had the December 7th deadline were contacted. The student volunteers were a tremendous help in running Prescription drug plan-finders, data entry and returning calls.
- The data upload process has been updated by CMS to give a more immediate “snapshot” of the call volumes throughout the nation’s SHIP programs.
- Outreach:
The Medigap Team finished up 2018 with 87 outreach events compared to 75 the prior year. We contacted 9516 individuals by direct presentations at various consumer groups.
- Program Trends:
CMS (Centers for Medicare & Medicaid Services) has changed some of the enrollment opportunities for Medicare beneficiaries. New this year is the Medicare Advantage Open Enrollment Period (MAOEP) which is a Special Enrollment Period (SEP). This replaces the prior Medicare Advantage Disenrollment Period of prior years.

Another new SEP is for those persons who are considered “Duals”. This refers to persons who are both on Medicare and Medicaid who would automatically be eligible for full Extra Help for prescriptions.

The numbers of Medicare Advantage plans have dramatically risen this year. There are 97 total plans in Wisconsin. 1 Private Fee for Service, 29 Preferred Provider, 48 Managed Care, 2 Medicare Medical Savings Plans, 17 Medicare Cost plans. There are also 21 different Special Needs Plans also available, 15 Dual Eligible plans, 2 Chronic Illness plans, 2 Nursing Home only plans, and 2 Assisted Living plans.

Ombudsman Services Update, Ms. Marheine, Ombudsman Services Supervisor: Program Updates

Ms. Marheine reported the following:

- Facility Monitoring: Ombudsmen in every region have been involved with heightened monitoring of particular facilities. This has been made necessary by the rapid closures of several nursing homes. Under the leadership of the Relocation Ombudsman, where homes have closed outside of the Chapter 50 Relocation process ombudsmen have been involved in all processes leading up to resident transfers and are currently visiting each resident relocated to ensure that any signs of transfer trauma are attended to and that their needs are being met in their new homes. This agency has worked closely with DHS, DQA, APS and DRW throughout all these relocations.

- Program Monitoring: The agency's annual data has been sent to the Administration for Community Living (ACL). We are currently in the process of responding to the reviewer's questions of verification.

Monitoring of Rules & Regulations

- Calls continue to be quite high relative to contact restrictions placed on or by family members and/or legal decision-makers and requiring intensive support to residents as a result. Ombudsmen always open these cases by speaking first with the resident to determine what the resident's preferences might be for visitation.
- Letter of Guardianship Changes: As reported in October, this agency had been working with several advocacy agencies on making changes to the Letters of Guardianship that would include a description of the guardian's duty to use her or his authority in the least restrictive manner possible and after getting input from the ward. The issue has now been resolved by the Court's Forms Committee.
- Relative to the above, ombudsman staff will be presenting at the WI WINGS Summit in May, speaking specifically about issues relevant to guardian training regarding residents' rights.
- Ombudsmen continue to work with providers and their DQA regions about two aspects of the revised nursing home rules that continue to create confusion and rights issues for residents. Issues specific to discharge planning and notice and questions around newly-mandated grievance processes continue to be regular topics of consults with providers.

Workgroups

- Emergent Situations Workgroup: This workgroup is looking specifically at intra-agency responses to emergent issues largely related to facilities who seem to not have adequate staff or who communicate an intent to immediately close outside of the Chapter 50-mandated relocation process.
- Advocacy for Persons with Criminal Backgrounds formed in order to examine rights and access issues on behalf of persons released from correctional settings and who are in need of long-term care services.
- The Dementia Capable Wisconsin Initiative has recently announced persons selected to specific workgroups of the Plan. IRIS Ombudsman, Sarah Oneil, has been selected to serve on the Crisis Response System workgroup.
- Quality Workgroups: BOALTC staff remain involved in several workgroups that look at systems change necessary to improve and ensure quality in all long-term care settings. These include the Person-Directed Care Coalition, WCCEAL and the WI Quality Coalition. Additionally, ombudsmen participate in Interdisciplinary Teams and APS Roundtables in their respective service areas.
- The Managed Care Contract Review workgroup has finished reviewing the amendments to the new Family Care contract and are disseminating changes and the appropriate advocacy approaches to the Ombudsman Program staff.
- Personnel: Spring regional meetings will focus on topics relate to managed care and beginning training for upcoming changes to the Ombudsman Program's data system. Staff are also anxiously looking forward to the April in-service and concentrated work on self-determination and older adult protections with nationally-renowned advocate Paul Greenwood.

- **Managed Care Casework:** Requests for assistance continue to be higher than typical across all ombudsman service areas, and with some increases anticipated in specific areas where new member assessments are anticipated to result in requests for advocacy to maintain services.
- **IRIS Casework:** The IRIS staff continue to provide excellent service to IRIS participants, coming close to managing 100 cases since the program's beginning in April 2018. Thus far just one case has required intervention at the State Fair Hearing level, with all other cases being resolved informally to participant satisfaction.
- **Nursing Home Updates:** Nineteen Immediate Jeopardy cites (as compared to 18 in the previous reporting period) have been noted since the October board meeting.
- **Assisted Living Updates:** Staffing complaints continue to be the most common among assisted living complaints, translating to insufficient staff to assist residents with bathing, dressing, toileting, medication management and meals.
- **Closures and Relocations:** Closure and relocation activity is presently occurring in all regions of the Ombudsman program.

Volunteer Services Update, Ms. Miller, Volunteer Services Supervisor: Program Updates
Volunteer Coordinator, Sheryl Meyer gave updates on her efforts and successes with recruiting volunteers.

Ms. Miller provided the following updates:

- The Volunteer Ombudsman Program will be honoring the 15th recipient of the prestigious Louise Abrahams Yaffe Volunteer Ombudsman Program Award. This will be held on May 19th at the Alzheimer's Association's 33rd Annual State Conference at the Kalahari Resort in the Wisconsin Dells.
- The planning and celebration details are well underway for the Volunteer Ombudsman Program's 25th year anniversary. "The Big Gig" event will be held May 15, 2019 in Madison. The day will be filled with information, appreciation, and networking for the Volunteer Ombudsmen from the 32 counties in which the Volunteer Ombudsman Program advocacy services are provided.
- The current number of active Volunteer Ombudsmen to date is 94; covering 99 nursing homes.
- The VOP has revised the Volunteer Ombudsman Monthly report. It has a dedicated section that improves documentation of the calls made to the 800 line. The calls from the Volunteer Ombudsmen contain critical information observed or shared from residents regarding their quality of care, safety and well-being.
- The Volunteer Coordinators have scheduled topics with guest presenters:
 1. Alzheimer's Association: Effective Communicating with persons diagnosed with a form of dementia: "What it's Like: Through the Eyes of Someone with Alzheimer's Disease."
 2. Boundaries: What, When, Why...How.
 3. Infection control: The Importance of hand-washing- with interactive Glo Germ Kits
 4. Understanding the Survey process
 5. Evidenced Based Fall Prevention
 6. Review of Residents Rights

- The VOP has been supporting the residents during the current facility closures and relocations.
- The VOP continues with routine visits and communications, advocating for each resident as the closure and relocation takes place. The Volunteer Ombudsmen placed at receiving the facilities have a critical role in meeting and advocating for the relocated residents and their best interest while acclimating to their new home.
- Staff in-service will be conducted April 2nd & 3rd, 2019 in Madison.
- The Volunteer Ombudsman Program staff will be attending the Alzheimer's Associations 33rd Annual State Conference. The VOP staff will attend the awards banquet and run the agency exhibit booth at the Kalahari in May.

Comments from the Public: No comments from the public were received.

Administrative Report: Ms. Bruemmer, Executive Director/State Ombudsman: Administrative Report

- The Biennial Budget 2019-2020 has been released by the Governor's Office.
- The Agency's bandwidth has been increased resulting in a more responsive network experience.
- The ED and the management team met with Wisconsin Interactive Network (WIN) to begin work on the new Agency web-site.
- The ED and the Counsel to the Board continue to work on policies.
- The ED is serving on the Dementia Summit steering committee. The committee consists of 11 members and will focus on the five-year plan for Wisconsin.
- The guest speaker will be Paul Greenwood, Retired Deputy District Attorney of the Office of the San Diego District Attorney at the staff in-service April 2 & 3rd.

New Business: No new business.

Next Meeting Date: May 16, 2019

Other future meeting dates are:

August 7, 2019

October 30, 2019

Adjournment: Meeting adjourned at 2:30 pm; M/S/C (Palarski/Surprise)

Respectfully submitted,
Vicki Tiedeman, Recorder