

**Board of Directors Meeting**  
Board on Aging and Long Term Care  
Virtual Meeting via Zoom  
May 12, 2021

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                      Barbara Bechtel  
Tanya Meyer    Michael Brooks                      Abigail Lowery  
Dr. Valerie Palarski

**Staff Present:** Heather Bruemmer                      Kellie Miller                      Vicki Buchholz  
Jessica Trudell    Vicki Tiedeman                      Rachel Selking  
Cheryl Zautcke    Jill Helgeson                      Joan Schmitz  
Kathi Miller    Kim Versteegen                      Sheryl Meyer  
Steve Shapiro

**Guests Present:** Travis Martin, Budget and Policy Analyst, Department of Administration  
Katherine Cullinan, Health Equity Consultant, Department of Health Services  
Michelle Furr, Department of Health Services

**Agenda:** Approval of agenda as submitted M/S/C (Lowery/Brooks)

**Minutes:** Minutes of the February 10, 2021 board meeting were approved as presented M/S/C (Taylor/Brooks)

**Presenter:**

**Katherine Cullinan**, Health Equity Consultant, Office for Physical Disabilities and Independent Living, Bureau of Aging and Disability Resources, Department of Health Services

Health Equity-Building a Future We Are Proud Of

- Health Disparities vs. Health Inequity
- Equality vs. Equity
- Social determinants of health
- Power as a driver of health
- Building equitable, flourishing communities
- Principles of health equity strategies
- Racism
- Racism and aging
- Implicit biases
- Race, Aging and COVID-19
- Mistrust of outsiders
- Health literacy

- Other factors
  - Fewer financial resources
  - Fewer community assets
  - Housing Insecurity
- What do we do next?
  - Make sure our programs and policies do not have barriers for members of marginalized communities,
  - Look internally at our workplace culture and ensure we are fostering safety and inclusion,
  - Lean on relationships with community organizations who have already established trust,
  - Commit to ongoing education and anti-racism/anti-oppression training.

**Program updates:**

**Volunteer Services Update, Ms. Miller, Volunteer Services Supervisor**

Ms. Miller reported on the following:

**General updates:**

The seventeen Volunteer Ombudsmen in the western region have received their personalized letters of appreciation and support from Ms. Miller. The volunteers will continue to be provided supervision, support and participate in the virtual resident council meetings with an assigned Board on Aging and Long Term Care staff member.

The Volunteer Ombudsmen had a special team meeting to say farewell to our resigning Volunteer coordinator with guest motivational author and professional speaker, Mr. Paul Wesselmann.

We are pleased to announce the 2021 recipient of the Louise Abrahams Yaffe Volunteer Ombudsman Program Award is Pat Langton. Pat is one of our Volunteer Ombudsman serving in Marathon County and has been a volunteer since 2015. She was nominated by her Volunteer Coordinator, Ms. LeMay, with supporting nomination from her Regional Ombudsman, Ms. Slaminski.

In previous years we presented the Louise Abrahams Yaffe Volunteer Ombudsman Program Award at the Alzheimer's conference. This year's conference will be conducted virtually on June 9<sup>th</sup> and 10<sup>th</sup> without an awards ceremony. We are looking forward to the in-person awards banquet returning at the 2022 Alzheimer's conference.

The use of virtual platforms has been increasing the involvement of the volunteer's attendance during the virtual nursing home resident council meetings and the VOP coffee klatch.

Sixteen virtual meetings were conducted for the Volunteer Ombudsmen during March and April. The Volunteer Coordinators worked very hard to coordinate the sessions and to locate the subject matter experts to present on topics requested by the Volunteer Ombudsmen.

Many thanks to the following guest speakers who presented at our meetings:

- Dying Lessons: “A Love Story” with Dr. Patricia Amborn
- Hospice Care with Mr. Ben Johnsen
- Reduce Stress Fast: Tap Your Way to Calm with Wellness Coach Ms. Carol Ebert
- Maintaining Health and Engagement during the Pandemic with Wellness Plus Programs Coordinator Ms. Joanne Murphy Spice
- The Positive Edge with Ms. Tina Hallis
- Hospice Care with Ms. Kacey Reichenbach
- Staying Safe in Severe Weather with Meteorologist Kevin Wagner
- Board Member, Ms. Abigail Lowery for the meet and greet coffee klatch for the Madison region

The Volunteer Ombudsmen have indicated their appreciation for the informative and thoughtful monthly meetings that keep them connected to the program and to each other.

The first virtual Volunteer Ombudsman Program recognition event is May 20, 2021 via Zoom. The volunteers have received their personal certificates of appreciation and years of service to accompany the event.

The monthly provider calls that are conducted by the Volunteer Coordinators to the nursing homes are keeping the communication lines fluid between the Volunteer Ombudsmen, the residents, and the resident council meeting participants. The VOP participates in 25 plus virtual resident council meetings every month. The Volunteer Ombudsmen who participate in virtual resident council meetings are enjoying the interactions with residents, and the residents appear to be enjoying the time together as well.

Some Volunteer Ombudsmen retirements have occurred since last report, leaving 76 volunteers on the program rosters. There are 70 Volunteer Ombudsmen in the assigned category and six Volunteer Ombudsmen that were trained and not yet placed in a facility due to the pandemic. Volunteers who have not been placed are participating in some calls and in-services but are not able to participate in the virtual resident council meetings. These six potential volunteers that will be invited to participate in designated VOP meetings when guest speakers are scheduled to maintain interest and connection while waiting for the in-person mandatory initial trainings to resume.

The VOP staff are working on the nursing home re-entry plan for the volunteers and coordinators, following the Ombudsman Program plan, guidelines, and recommendations already in place.

Ms. Miller also provided updates on outreach and recruitment efforts as well as virtual learning and staff projects.

**Legislative and program updates, Ms. Trudell, Counsel to the Board**

Ms. Trudell reported on the following:

## Program support

Legal Counsel continues to support and advise BOALTC's three programs as well as assist the Executive Director as needed. Work continues to also be focused on the pandemic and COVID-19.

## Legislation

### Coronavirus

The Wisconsin Supreme Court overturned Governor Evers's emergency orders and face mask mandate. Some local orders are still in effect. Governor Evers has vetoed a package of bills that would have directed how the state would spend federal COVID-19 relief money.

### Medicaid

WI has eliminated the waitlist for long-term care services for Medicaid eligible adults to receive home and community-based services. Currently more than 77,000 individuals participate in Family Care, Family Care Partnership, PACE, and IRIS in WI.

### Elder abuse and exploitation bills

Reported on status of bills.

- SB17/AB44. Increases penalties for crimes against elder persons (over age 60); allows elder person seeking restraining order to appear by video instead of in-person; would allow freezing assets of a defendant charged with financial exploitation of an elder person; increased penalty for sexual assault of an elder person; creates crime of physical abuse of an elder person.
- SB18/AB43. Expediting criminal proceedings when a victim or witness is an elder person and preserving the testimony of a crime victim or witness who is an elder person by allowing recorded testimony that is later admissible in court.
- SB19/AB46. Financial exploitation of vulnerable adults; allows financial service providers to refuse or delay financial transactions when there is reasonable belief that financial exploitation of a vulnerable adult is occurring. Relieves financial providers of liability in certain situations for delaying transactions or refusing POAs when acting based on a reasonable determination of financial exploitation.
- SB20/AB45. Financial exploitation of vulnerable adults with securities accounts, allows brokers and investment advisers to delay transactions or disbursements when financial exploitation of a vulnerable adult is suspected; increases penalties for securities violations against vulnerable adults.

### Pharmacy Benefit Managers (PBM)

- SB3, now passed as 2021 Wisconsin Act 9 on March 26, 2021. Requires pharmacy benefit managers to be licensed with the commissioner of insurance. Requires a policy or a PBM to provide enrollees with 30 days written notice of a change that reassigns the drug to a tier with a higher deductible, copayment, or coinsurance. A policy or PBM

cannot restrict or penalize a pharmacy from informing an enrollee about out-of-pocket cost of a drug versus the cost they would pay under their policy.

AB148, now passed as 2021 Wisconsin Act 10 on March 26, 2021.

- Requires DHS to provide Medicaid reimbursements to a hospital for providing nursing facility level care.
- Allows a hospital to provide a service in a home setting that is otherwise provided in an inpatient or outpatient facility, without a home health agency license until January 1, 2022.
- Authorizes in certain situations health care providers licensed in another state to provide services during the Covid pandemic.

#### Guardian training

SB92, AB100 would require guardian training for family and volunteer guardians. Public hearings held. Governor did include funding in his budget proposal.

#### Voting

SB204/AB201. Currently, indefinitely defined voters can request to be sent ballots automatically each election. The bill would eliminate the option for indefinitely confined voters to receive an absentee ballot automatically for any election. The bill would authorize indefinitely confined voters to request and receive absentee ballot applications, rather than absentee ballots, automatically for each election. Public hearings held in Senate and Assembly Committees.

SB205/AB179. This bill requires the administrator to provide notice of the dates and times when the special voting deputies (SVDs) will be visiting the home or facility to the relatives for whom the home or facility has contact information for each resident who intends to vote by absentee ballot. The bill also provides that an employee of a residential care facility who influences a resident to apply for or not apply for an absentee ballot or cast or refrain from casting a ballot or influences a resident's decision for whom to cast a ballot could be guilty of a felony. Public hearings held in Senate and Assembly Committees.

SB206/AB180. Current law allows indefinitely confined voters to automatically vote absentee every election for as long as needed. This bill would require the voter to provide a statement under oath they are indefinitely confined; if under age 65, their statement must be signed by their health care provider; specifies outbreak or epidemic does not qualify a voter as indefinitely confined; removes indefinitely confined status every 2 years unless renewed; provides a felony penalty for a false statement.

#### Federal:

Open enrollment under the Affordable Care Act/marketplace was re-opened by the Biden administration and extended for three months through August 15, 2021. This extension allows consumers to enroll in or switch health plans with the enhanced premium tax credits that were included in the American Rescue Plan Act (ARPA) which was passed in March 2021. The ARPA also provided funding to increase Medicaid home and community-based services federal

financial match, funding for Older Americans Act programs and funding to assist with infection control, vaccination, and Covid-19 outbreaks in nursing homes.

### **Equity & Inclusion**

Reported on agency required training and additional supervisor training as well as status of BOALTC Equity & Inclusion Survey workgroup.

### **Medigap Helpline Update, Ms. Buchholz, Medigap Helpline Services Supervisor**

Ms. Buchholz reported on the following:

**Call Volumes:** Medigap Counselors have completed 2394 calls through March 2021 which are 250 less calls than in 2020 during the same timeframe. Call times have increased to 37 minutes per call compared to 34 minutes per call in 2020. Total COVID related calls are up to 638 contacts. Current call concerns include the COVID vaccine itself or continued isolation from loved ones due to COVID-19.

**Complaint Tracking Module (CTM):** We have had 12 complaint Tracking Modules (CTM) with most of them pertaining to enrollment/disenrollment corrections.

Staff are seeing more persons being enrolled into a Medicare Advantage plan without understanding what they are being enrolled into, not understanding what type of coverage it is or simply because they had called to inquire about the “added benefits” being advertised. Majority of persons did not understand they would lose their current coverage, often with negative repercussions such as being unable to see their providers or get medications covered.

Some persons were contacted through a “cold call” because their current coverage happens to have been in the same company as the agent who contacted them. Several persons had indicated they thought they were adding benefits, not changing their complete insurance structure.

As a result of this higher call volume regarding Insurance Agent behavior, staff have filed complaints to the Office of the Commissioner of Insurance (OCI) to inform them of the issues callers have experienced when they have been switched to coverage they did not approve or did not fully understand. Staff would assist the caller with this complaint to stress the issues the Agent failed to address so the consumer would be well informed.

**Outreach:** Staff have submitted articles and participated in virtual outreach events discussing topics to Wisconsin’s Beneficiaries during the first 3 months of 2021. Topics included: Medicare Advantage Open Enrollment Period, Medicare coverage of Covid Vaccine, and the Medicare Advantage Trial Periods. Pre-recorded video topics have also been submitted for a series in Milwaukee county and for Dane County.

### **Trends:**

Several Long-Term Care Policies are experiencing higher renewal costs. Genworth is offering a Lifetime Renewal option as part of their Contingent Nonforfeiture Benefit Option for those

persons who are experiencing a higher rate increase. Many LTC insurance consumers no longer have a company agent they can work with on those renewals.

Beneficiaries are misunderstanding the insurance television advertisements. Many are overwhelmed by direct mail solicitations.

Incorrect information given to ESRD Medicare eligible beneficiaries regarding their ability to delay enrollment into ESRD Medicare, causing loss of better coverage or more expensive billing. Staff recently learned that Wisconsin is a NON-Presumptive Eligibility state, therefore the insurer should not be presuming the person although eligible for ESRD Medicare has that coverage in place which changes their out-of-pocket costs.

### **Ombudsman Services Update, Ms. Selking, Assistant Ombudsman Services Supervisor**

Ms. Selking reported on the following:

Ombudsmen resumed face-to-face contact with clients in April, guided by the agency's comprehensive Re-entry Plan. Requests for training, care conference attendance or other opportunities for group work remain virtual for the present time. Each field visit is thoroughly debriefed, and any issues identified and remediated. Intake numbers have continued to be high, both in terms of persons calling the 800 line as well as submitting complaints via the website's Inbox.

The availability of the vaccine for all nursing home and assisted living residents and staff has brought to light new concerns, primarily how to continue to ensure the rights, health and safety of those residents who decline the vaccine and those who live around them. This is a renewed area of interest with revised regulatory guidance. The agency's leadership staff continue to collaborate with DHS and Division of Quality Assurance staff to share new information and findings as the pandemic response continues to evolve.

Ombudsmen are noting an increase in calls alleging abuse in long-term care settings, and about which local Adult Protective Services (APS) units in some areas are unwilling to respond. This has been an area of issue advocacy involving a small workgroup pre-pandemic, and a topic that is again showing some urgency as families and others are again being allowed into long-term care settings.

The agency is monitoring and responding to complaints about access to services due to caregiver shortages and/or providers not accepting Managed Care Organization rates. The staff shortage, as also seen in long-term care settings, also impacts community-based clients as clients wait for extended periods of time for a home-based caregiver to become available.

Requests for education from the Ombudsman Program have been extremely high over the past quarter, largely from the provider associations and in a continuing format with the Division of Quality Assurance on scheduled provider zoom meetings.

Twenty-five Immediate Jeopardy cites (as compared to 16 in the previous reporting period) have been noted since the February board meeting.

**Administrative Report and Program Updates: Ms. Bruemmer, Executive Director/State Ombudsman**

Ms. Bruemmer reported on the following:

**Financial updates and Personnel:**

- Our agency last quarter financials are on track for the close of the fiscal 2021 year. The agency has worked with the Department of Administration (DOA) Budget Director to meet the required lapse of \$115,000 for the FY2021 budget. We are on track to provide this amount by June 30, 2021.
- The State Ombudsman was notified by the Administration for Community Living (ACL) we received the grant titled: "Coronavirus Response and Relief Supplemental Appropriations Act of 2021" which will be used to enhance capacity of Long-Term Care Ombudsman Programs to respond to complaints of abuse and neglect of residents in Long-Term Care facilities during the COVID-19 Public Health Emergency. \$72,886 is the amount designated for the Wisconsin Ombudsman Program. The grant dollars need to be spent by September 30, 2022.
- The agency has utilized CARES ACT dollars to purchase personal protective equipment and supplies, training, educational tools and resources and technology for the Ombudsman Program to assist with their work. We have hired a media company to work on our website, and outreach strategies to increase our programs visibility in the state. The agency recently heard ACL will provide an automatic 12 month no-cost extension to project periods for FFY2020 Title III, Title VII, and NSIP, FFCRA Title III, and CARES Act Title III and Title VII grants. The project periods will be extended to September 30, 2022 without need for individual grantee application. In June 2021, ACL will review the Payment Management System (PMS) and for each grant with an undrawn balance of \$10 or more will automatically granted a 12-month extension to the project period. New notice of award(s) will be issued in June 2021 reflecting the increased period of performance.
- The agency is waiting to hear how much the Ombudsman Program will be receiving under the American Rescue Plan Act (ARPA).
- The Governor's budget was released February 15, 2021 and the Governor placed two new Ombudsman positions in the agency's budget. The ED met with the 16 Joint Finance Members virtually to discuss the agency's budget, new positions, and program updates. Some of the other topics discussed included issues impacting our older persons, i.e., voting and COVID-19.
- The ED met with our new Board member and provided orientation. The Board member will meet with all the management teams members in the next couple of months.



Program updates:

- The ED has been appointed as the Patient Care Ombudsman by the Honorable Catherine J. Furay, from the United States Bankruptcy Court for the Western District of Wisconsin, to monitor six assisted living facilities. A sixty-day report was submitted to the courts on May 3, 2021. Patient Care Ombudsman work will be monitoring the homes for the next three years according to the court documents.
- The ED is serving on the “Dementia Summit” steering committee and actively engaged on the committee be co-leading the facility-based subgroup. The meetings are all virtual and the activity and involvement has increased these past couple of months.
- The ED was appointed to serve as Chair of the Long Term Care Advisory Council until 2022. The ED met with the interim Secretary of Health Services to provide an agency update and to discuss the Long Term Care Advisory Council and its charge.
- The ED/State Ombudsman met with Duke University staff to discuss the role of the State Ombudsman and Ombudsman Programs regarding the COVID-19 pandemic.
- The ED presented to the Aging and Disability Resource Center Directors on March 11, 2021. Agency and COVID-19 updates were provided.
- The ED is working on a re-entry plan for our long-term care homes and community based services and our Central Office.
- The State Long Term Care Ombudsman Conference will be held virtually June 9-11, 2021.

**Comments from the Public**

No comments from the public.

New business: No new business.

Next Board meeting date: August 4, 2021

Adjournment: Meeting adjourned at 12:30 pm M/S/C (Palarski/Bechtel)

Respectfully submitted,  
Vicki Tiedeman, Recorder