

**STATE OF WISCONSIN  
BOARD ON AGING AND LONG TERM CARE  
BOARD MEETING**

**Wednesday, February 7, 2024**

**9:30 A.M.**

**In Person at:**

DoubleTree Madison East  
Two Lakes Ballroom  
4402 E Washington Ave  
Madison WI

<b>Members Present:</b>	Jackie Gordon Abigail Lowery	Dr. Dale Taylor Mary Bouche	Dr. Valerie Palarski
<b>Staff Present:</b>	Jessica Trudell Vicki Buchholz Liza Morrow Steve Shapiro Vi Quang Kayla Smith Connie Inda	Kim Marheine Rachel Selking Kathi Miller Sarah Schellinger Gina Singletery Andie Grassl Kelly Gochenaur	Kristen Johnson Vicki Tiedeman Nick Lutes Mary LeMay Amy Zabransky Vicki Meyer Joan Schmitz

**1. Welcome and Call to Order.**

Chair Abigail Lowery called the meeting to order at 9:30 am. It was noted that this meeting was properly noticed under the Open Meetings Notice Law.

**2. Election of Officers**

Dr. Valerie Palarski was elected Chairperson. M/S/C (Lowery/ Taylor)  
Abigail Lowery was elected Vice Chairperson. M/S/C (Gordon/Palarski)  
Tanya Meyer was elected Secretary. M/S/C (Bouche/Lowery)

**3. Changes to Agenda.**

There were no changes to the agenda.

**4. Agenda:**

Approval of the agenda as submitted. M/S/C (Palarski/Gordon)

**5. Minutes**

Minutes of the November 10, 2023, board meeting approved as presented. M/S/C (Palarski/Bouche)

**6. State of Nursing Homes and Assisted Living** – Alfred Johnson, Deputy Division Administrator, Division of Quality Assurance, Wisconsin Department of Health Services

Mr. Johnson discussed the following topics: nursing home demographics and citing statistics, a review of the impact of Covid-19 on nursing home quality, assisted living growth and citing

statistics, and a review of statistics related to home health and hospice. Mr. Johnson also discussed the state regulatory agency's initiatives related to provider and consumer resources and education.

**7. Medigap Annual Enrollment and Introduction of New Medigap Staff** – Nick Lutes, Medigap Lead, Steve Shapiro, Medigap Counselor, Sarah Schellinger, Part D Counselor

Ms. Buchholz, Medigap Services Supervisor introduced Sarah Schellinger, Part D Counselor.

Nick Lutes, Medigap Lead and Steve Shapiro, Medigap Counselor presented on the Medigap Annual Enrollment regarding:

- Staffing Challenges
- Medigap Helpline Services Lead Retirement
- Database Updates
- Expanded Capacity to Email Part D and MAPD Review Forms
- Increased complexity of calls due to Medicare Advantage Growth

**8. Comments from the public.**

Chairperson Abigail Lowery called for public comments. No comments from the public were made.

**9. BOALTC Equity and Inclusion Plan** - Attorney Kristen Johnson and the Equity and Inclusion Workgroup:

The agency Equity and Inclusion Plan was presented to the Board. Information was provided regarding plan preparation and development, with the plan being approved on December 18, 2023. Data was presented comparing staff demographics to the general Wisconsin labor force, as provided by the Bureau of Equity and Inclusion. Key points identified are that BOALTC has strong staff retention, but that the agency must prepare for anticipated retirements in the coming years. Goals and strategies for recruitment, retention, and agency culture were identified and discussed. The Board will be kept informed of progress at upcoming meetings.

**10. Management Program Updates**

**Vicki Buchholz, Medigap Helpline Services Supervisor:**

Ms. Buchholz provided an update on the Medigap Helpline Program. The overall numbers through December 2023 have been 8605 calls with 8990 assessments exported to CMS with the time per call averaging 39 minutes. 553 calls were related to COVID in 2023. Ms. Buchholz indicated that in 2023 staff attended outreach events in person, with 48 events taking place. In 2024, 29 counties are targeted for outreach. There are several informational events in larger populated areas and requests from other groups for presentations which will be accommodated.

Ms. Buchholz provided the following additional information:

- There were 27 Complaint Tracking Modules in 2023, 18 were successful and 9 were not successful. Many the result of misleading information provided by the company or the agent. Complaints have been filed against agents with OCI (Office of the Commissioner of Insurance) to enable OCI to provide oversight of inappropriate practices.

- A 2021 pilot program testing Medicare Advantage plans including Hospice Benefits using the VBID Model (Value-Based Insurance Design). CMS studied the impact on care delivery and quality of care. Medicare Advantage plans require plans to communicate with Hospice providers. Providers do not have to contract with the MA plan with the MA plan paying the Original Medicare rates for Medicare-covered hospice care. One organization, Humana, has contracted to participate in the pilot program in Wisconsin with four plans covering 28 counties. Issues with some providers not accepting patients enrolled in Medicare Advantage plans due to their concerns.
- CMS introduced proposals on how to better provide Dual-Special Needs Plans (D-SNPs) for beneficiaries which, if approved, will change their Special Enrollment Periods. One proposal discusses the requirement of a person in a D-SNP to also be connected to that organization's Managed Care Organization (MCO).
- The requirement is to have Postal Service members who participate in the Postal Service Health Benefits Option (PSHB) to have both Medicare Part A & B if not actively working. Annuitants as of 1/1/25 who had previously waived Medicare Part B are not required to enroll into Part B. A one-time Special Enrollment period starting 4/1/2024 through 9/31/2024 is available for them to enroll into Part B with late Enrollment Penalties covered by the PSHB plan. Coverage options in this program include Medicare Advantage plans and must include a Part D for any persons on Medicare.

**Liza Morrow, Volunteer Services Supervisor, Vicki Meyer and Andie Grassl, Volunteer Coordinators**

Ms. Morrow introduced a new Volunteer Coordinator, Andie Grassl, who started on 1/29/24, and serves Brown, Calumet, Door, Kewaunee, Manitowoc, Outagamie, and Winnebago Counties.

Ms. Vicki Meyer provided updates on the volunteers regarding the completion of continuing education, visits to facilities and resident council. Ms. Meyer remarked that outreach was going well and had sent out newspaper ads, mass mailings and attended outreach booths.

Ms. Morrow provided updates on the Volunteer Ombudsman Program and remarked that the program currently has increased volunteers and is working to fill counties without active volunteers. Recent and upcoming outreach efforts include Marquette University career fair, presentations at YMCAs, booths at local senior center, presentations at libraires, and contacting local radio stations.

Ms. Morrow provided an update on the 2024 Louise Abrahams Yaffe Award and the six nominations. The recipient of the award will be decided by the Executive Committee after the Board meeting. The award will be presented at the 2024 Alzheimer's Association conference in May.

Ms. Morrow provided an update on the Assisted Living Pilot Project and reported that the project is in the early stages and is up and running in four counties (Outagamie, Winnebago, Dodge, and Fond du Lac) and has four volunteers. The focus is to continue recruiting and grow the program's presence.

### **Kim Marheine, State Long Term Care Ombudsman**

Ms. Marheine provided information about the agency's work on aspects of individual and systems advocacy, including collaborative efforts with other advocacy organizations and legislative visits regarding proposed legislation.

Ms. Marheine reported the agency's annual report to the Administration for Community Living (ACL) has been submitted on time, and she is presently working on the annual report. While the ACL report needs to be verified by ACL staff, the preliminary data looks excellent in terms of services provided by ombudsman staff and volunteers during the last federal fiscal year. More specific information will be provided once the report has been verified.

Ms. Marheine indicated additional Immediate Jeopardy cites were issued after the completion of her report.

Ms. Marheine thanked the staff presenting to the Board, as well as the staff and volunteers whose service is essential to the health, safety and well-being of BOALTC clients.

### **Kristen Johnson, Counsel to the Board, Program and Legislative Updates**

Attorney Johnson provided Wisconsin legislative updates of relevance, specifically:

- County of Residence for Care Management Organization Facility Placements (Assembly Bill 242 and Senate Bill 248) was signed into law 12-06-2023. This legislation will hopefully clear up confusion when it comes to determining which county is responsible for payment in situations where an individual resides in a facility in a county different to their county of residence prior to placement.
- 100-day Prescription Drug Supplies under SeniorCare (Assembly Bill 259 and Senate Bill 263) was signed into law 12-06-2023. This legislation increases the number and types of prescription drugs that can be supplied in 100-day increments, rather than the prior requirement that says most drugs cannot be dispensed in amounts exceeding a 34-day supply.
- Notification of Certain Facility Closures, Changes in Services or Reimbursement Accepted, and MCO Contract Termination (Assembly Bill 162 and Senate Bill 155). Original bill increased notice requirement from 30 days to 90 days. Amendment was introduced to increase notice requirement to only 60 days. The amendment includes CBRFs, but not RCACs. Senate recommended passage as amended on 11-30-2023.
- Patients' and Residents' Rights to Visitors in a Health Care Facility, Restricting Visitation, and Liability for the Actions of Visitors (Assembly Bill 257 and Senate Bill 257). Amendment introduced: Senate Substitute Amendment 2 replaces the bill by instead creating visitation policies for a more limited list of facilities, which includes certain assisted living facilities, nursing homes, and hospitals, that apply only when such a facility limits visitors due to an outbreak or epidemic of communicable disease in the community. Senate recommended passage as amended on 12-07-2023.

- Healthy Aging Grants and Making an Appropriation (Assembly Bill 418 and Senate Bill 407). Passage unanimously recommended by Senate on 12-07-2023. Public hearing held by Assembly on 1-17-2024.
- Proposed bills related to surrogate decision-making and patient representatives consenting to admission of hospital patients to nursing homes. These bills allows for next of kin to be a surrogate decision maker for a patient in a hospital who is incapacitated in certain circumstances. Assembly Substitute Amendment 1 makes significant changes to the original bill, including creation of a section that specifically states a patient's representative may consent to an admission of an incapacitated individual without a petition for guardianship or protective placement of the incapacitated individual being filed if certain conditions apply. Under the Amendment, the facility to which the incapacitated individual is admitted must inform a representative of BOALTC of the admission. The amendment also allows a patient's representative to make health care decisions and authorize expenditures related to health care without the time limitations that apply to other direct admissions. Discussion was held related to this proposed legislation and the concerns identified by BOALTC and other advocacy agencies.

Attorney Johnson summarized the CMS Final Rule on Disclosure of Nursing Home Ownership, indicating the rule includes increased ownership and managerial disclosure requirements.

Attorney Johnson informed the Board that BOALTC submitted comments on January 5, 2024, related to CMS Proposed Rule: Medicare Program; Contract Year 2025 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly; Health Information Technology Standards and Implementation Specifications.

Attorney Johnson informed the Board that ACL's final rule updating the Older American Act Program Regulations was released on February 6, 2024. BOALTC had previously submitted comments on August 15, 2023.

### **Jessica L. Trudell, Executive Director**

Ms. Trudell provided agencywide information:

#### Staffing

- BOALTC is recruiting for the Ombudsman supervisor position otherwise the agency is fully staffed.
- The EDS has started preliminary planning for the FY25-27 agency budget which is due to be submitted in fall 2024.
- The agency held an all-staff in-service in December and will hold another in-service in March.

#### Federal Budget

- Continuing resolution passed for federal budget. Funds at current levels through March 1<sup>st</sup>.
- The ED secured some additional one-time MIPPA and SPAP funds for the work of the Medigap Helpline program.

- Elder Justice funds were fully spent. We continue to plan for use of the remaining ARPA funds which expire in September 2025.
- Quarterly meetings continue to occur with the DOA Bureau of Fiscal Management (BFM) who does our budget analysis and accounting.

#### Advocacy

- The ED continues her involvement in: DHS Long Term Care Advisory Council, WAAN (Wisconsin Aging Advocacy Network), Storytelling Community of Practice (led by Board for People with Developmental Disabilities), Consumer Voice Leadership Council and DHS Council on Physical Disabilities.

#### **11. Updated Executive Director Position Description.**

The updated Executive Director position description to remove State Ombudsman job duties was approved. M/S/C (Palarski/Gordon)

#### **12. Board Business Abigail Lowery, Chair.**

- Other topics for future meetings: Dr. Taylor requested a presentation on Music and Therapy.
- The request for ED to attend National Association of State Long Term Care Ombudsman (NASOP) conference and the Consumer Voice conference in San Francisco was approved. M/S/C (Bouche/Palarski)
- Next meeting dates: May 8<sup>th</sup>, August 28<sup>th</sup>, November 6<sup>th</sup>

#### **13. Adjournment.**

Meeting adjourned at 2:15 pm. M/S/C (Bouche/Gordon)

Respectfully submitted,  
Vicki Tiedeman, Recorder