



STATE OF WISCONSIN
BOARD ON AGING AND LONG TERM CARE
1402 Pankratz Street, Suite 111
Madison, WI 53704-4001
(608) 246-7013
Ombudsman Program (800) 815-0015
Medigap Helpline (800) 242-1060
Fax (608) 246-7001
<http://longtermcare.wi.gov>

BOARD OF DIRECTORS
Eva Arnold
Patricia A. Finder-Stone
Terry Lynch
Tanya L. Meyer
James Surprise
Dale B. Taylor
Barbara Thoni

EXECUTIVE DIRECTOR
Heather A. Bruemmer

Board of Directors Meeting
Board on Aging and Long Term Care
Conference Room
Madison, WI 53704
April 20, 2011

Chair Dr. Dale Taylor called the meeting to order at 9:00 am with a welcome and introductions.

Members Present: Chair Dr. Dale Taylor Eva Arnold Tanya Meyer
Barb Thoni James Surprise Terry Lynch
Patricia Finder-Stone (by phone)

Staff Present: Heather Bruemmer Kellie Miller
Bill Donaldson Kim Marheine

Guests Present: Scott Merdler, Department of Administration
Kitty Rhoades, Deputy Secretary, Department of Health Services
Otis Woods, Administrator, Division of Quality Assurance, Department of Health Services

Agenda: Approval of agenda as presented. M/S/C Arnold/Thoni

Minutes: Minutes of the February 9, 2011 board meeting were approved as prepared.
M/S/C Arnold/Meyer

Board Recognition: Dr. Taylor and Ms. Bruemmer presented an award for service to board member Terry Lynch. Mr. Lynch was recognized with a 5-year service pin. Agency staff are being recognized in conjunction with the annual Volunteer Ombudsman Program Recognition events. All are thanked for their dedication and service.

Remarks by a Board Member: Remarks regarding self-determination and aging were offered by Mr. Terry Lynch. Mr. Lynch continues to work with Pathways to Independence to promote self-directed supports and, in general, to promote the independent and individual use of resources in aging as much as possible in order to self-determine the progress of individual care. Mr. Lynch's remarks highlight the variances in the public perception and the realities of individuals living within the current long term care structure.

Department of Health Services Update, Ms. Kitty Rhoades, Deputy Secretary, Department of Health Services

Ms. Rhoades described her experiences in communities as she and DHS Secretary Dennis Smith have been actively talking to people involved in current long term care programs. Key points to these discussions have included examining the current supports to and infrastructure of IRIS, challenges to using family members as paid or unpaid caregivers, particularly when caregivers have left the workforce

in order to provide care to a family member, and weakness of the current program in serving older and disabled teens who are preparing to enter job and life skill training.

Ms. Rhoades discussed the role of independent ADRC expansion, separate from Family Care, and examining waiting list issues, so people get not just what they may be eligible for, but what they need.

The Family Care audit is due to be released next week, and will hopefully lead to a better understanding of the program, its financial sustainability and whether it is meeting the goals intended.

Other issues have included examining initiatives about facilities that hold themselves out as providing dementia-specific care, proposed changes to the current Income Maintenance system, the proposal to use SeniorCare as a wraparound Medicare Part D, and transportation brokerage via LogistiCare, a transport company based in Atlanta, GA with similar contracts nationwide.

Statewide Regulatory Update, Mr. Otis Woods, Administrator, Division of Quality Assurance

Mr. Woods reported on the current status of licensed, skilled nursing homes, as well as an update in the areas of Chapter 50 modification, and Dual Enforcement in situations of serious and immediate or potential harm to residents. Additionally, Mr. Woods highlighted the following areas:

- Tort Reform bill that limits the manner in which DQA information can be brought into a civil or criminal case involving an allegedly substandard provider.
- Emerging clinical issues including an increase in falls in nursing homes and assisted living facilities, statutory language enabling mandatory staff immunizations for communicable diseases such as flu and Hepatitis, and the growing acuity of persons living in assisted living facilities and provider preparation to meet increasingly complex needs.
- Immediate Jeopardy trends, as a state and comparing DQA regions across the state. Supervision to prevent accidents related to falls continues to be the prominent cite. Though still a high number, the IJ trend for this year is slightly lower than at the same time last year.
- A continued growth in assisted living, particularly as ICF-MR facilities close; nursing homes remain stable at 399. Assisted living continues to grow as an industry, which is also straining DQA resources. This necessitates focusing on chronically poorly performing facilities, with increasing reliance on ombudsmen and other concerned individuals to assist with identification of poor performers. Assisted living facilities will also be required to formalize Quality Assurance/Quality Improvement systems.
- Wisconsin's top ten federal health citations for 2010 in nursing homes.
- National benchmarks, including comparative statistics for all 50 states.
- Only about 2% of surveys are deficiency-free. In 2003 CMS started providing clarification to states on issuing citations, which changed the rate of deficiency-free surveys moving forward.
- Quality improvement efforts: including Civil Money Penalty committee, WI Pressure Ulcer Coalition, Wisconsin Clinical Resource Center, STAR method for working with residents with behavioral challenges, Falls Prevention.

Legislative Updates, Mr. Bill Donaldson, Counsel to the Board

Mr. Donaldson reported that the legislature is currently in recess, and due back in session the second week in May. Progress is noted on some of the bills introduced in special session and regular session. Introduced in special session, AB 11 (Budget Repair Bill) passed and is now Act 10, though it is presently awaiting a court decision. Special Session AB 12 would modify the Family Medical Leave Act protections for county and municipal employees. This bill is currently in committee. SB 1, the Tort Reform Bill, passed, and is in effect. SB 2 which looks at Health Savings Accounts also passed, and is now Act 1. SB 8 limits an agency's use of administrative rules in the interpretation of statutes. This bill

has currently passed the senate committee, and awaits debate on the senate floor. SB 12 makes additional modifications to the FY 2011 budget, has passed, and is now Act 13. In regular session AB 7, the Voter Identification Bill, is in the assembly, and SB 6 which is the same bill, is in the Senate. AB 40-SB 27 is the budget bill for the next biennium, and is currently in Joint Finance.

Mr. Donaldson reported that he and Ms. Bruemmer have been meeting with the freshman legislators and committee chairs to discuss agency/citizen issues, focusing on informing them of our existence and how our work impacts their constituents.

Long Term Care Ombudsman Services Report, Ms. Kim Marheine, Ombudsman Services Supervisor

Ms. Marheine noted casework continues to be steadily increasing, particularly in Family Care areas, and with regard to assisted living complaints. The agency continues to work with DHS, Disability Rights WI (DRW) and the various Managed Care Organizations (MCO's) to address increasingly serious contract disputes between MCO's and providers that are resulting in multiple resident relocations, sometimes with very limited notice and participation in discharge planning. Ombudsmen increasingly respond to concerns in facilities relative to residents wishing to engage in sexual and intimate relationships. Facilities struggle to balance a resident's right to this type of relationship with issues relative to consent and regulatory interpretation. As an agency, select staff are working on amending the current training curriculum, and will work with other entities on a statewide workgroup examining the issues. There has been much recent and ongoing activity with facility closures among assisted living facilities, as well as work with facilities building replacement facilities, by which they downsize to a maximum of 50 residents and construct a facility and adopt a philosophy that is more person-centered than what may be a more current institutional model.

Volunteer Ombudsman Program, Ms. Kellie Miller, Volunteer Services Supervisor

Ms. Miller announced that this April marks the 17 year anniversary of the VOP, noting also that April is National Volunteer Appreciation Month. Bev Laufenberg, a volunteer ombudsman in Monroe County, is the winner of the 8th Annual Louise Abrams Yaffe Award, to be presented on May 1st in conjunction with the statewide Alzheimer's conference. Six nominations for volunteers to receive special recognition have been submitted to the National Ombudsman Resource Center. Volunteer Ombudsman Coordinators are working at recruitment by speaking at technical college career days and fairs, providing public service announcements, and providing exhibits at community events.

Medigap Helpline and Administrative Report, Ms. Heather Bruemmer, Executive Director

Ms. Bruemmer led a discussion of the Board on Aging and Long Term Care's proposed operating budget for the next biennium, including a discussion of the status of the Relocation Ombudsman Specialist position. Suggestion was raised to invite some key decision-makers to future board meetings. Medigap Lead position interviews are coming up in May, and much interest in this position has been expressed. Open enrollment for 2011 will be October 15 – December 7, which is a significant change for those who need to be aware, and will challenge Medigap staff to make sure that consumers know their responsibilities in this regard. The Medigap Helpline, per the strategic plan, is striving to answer more calls live as opposed to via voice mail, and have made great strides in this area, having refined the Intake Specialist position. Consumers express a high degree of satisfaction with this contact. Ms. Bruemmer provided updated information regarding DHS leadership positions now filled. Having met with the Commissioner, Heather notes that the Office of the Commissioner of Insurance is open to doing outreach with BOALTC. In closing Ms. Bruemmer provided a draft proclamation to be submitted to the Governor, designating August 1, 2011 – August 7, 2011 as Board on Aging and Long Term Care Recognition Week, honoring the agency's 30-year anniversary. Feedback on the draft is requested of board members.

New Business: Ms. Bruemmer has been invited by Senator Herb Kohl and Ranking member Senator Corker to come to Washington DC to testify to the United States Senate Special Committee on Aging regarding the Reauthorization of the Older Americans Act. M/S/C Arnold/Thoni to approve this action and the associated expenditures.

Comments from the Public: None received.

Next Meeting Date: Thursday, July 21, 2011, 9:00 am – 2:00 pm.

Adjournment: Meeting adjourned at 2pm M/S/C Lynch/Arnold

Respectfully submitted,
Kim Marheine, Recorder