



STATE OF WISCONSIN
BOARD ON AGING AND LONG TERM CARE

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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 100
Madison, WI 53704
November 3, 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
Barb Thoni Patricia Finder-Stone
James Surprise Tanya Meyer

Members Excused: Terry Lynch

Staff Present: Heather Bruemmer Kellie Miller Vicki Buchholz
Bill Donaldson Kim Marheine

Guests Present: Helen Marks Dicks, AARP State Advocacy Staff
Lisa Lamkins, AARP State Advocacy Staff
Mariann Muzzi, AARP State Advocacy Staff
Christy Daley, Regional Ombudsman
Karren Gunderlach, Regional Ombudsman
Patti Noble, Regional Ombudsman
Matt Rohloff, Regional Ombudsman
Rachel Selking, Regional Ombudsman
Alexandra (Xandy) Kloeckl, Volunteer Ombudsman
Cindy Freitag, Volunteer Ombudsman Coordinator
Amy Panosh, Regional Ombudsman
Mary Pike, Consumer Advocate
Juan Flores, Interim Bureau Director, Division of Quality Assurance
Cindy Dombrowski, DOA, Budget Analyst
Tammie Testin, DOA Accounting

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

Minutes: Minutes of the July 21, 2011 board meeting were approved as prepared. M/S/C Finder-Stone/Meyer

Remarks by a Board Member: Board Chair, Dr. Dale Taylor recognized Terry Lynch, who was unable to be present, as having been re-confirmed for appointment to the board for another term.

AARP Update on Statewide Advocacy Efforts, Ms. Marks Dicks, Ms. Lamkins, Ms. Muzzi, AARP State Advocacy Staff

Ms. Lamkins described the advocacy structure of AARP Wisconsin, and noted that a new director, Sam Wilson, will be starting at the end of November. Ms. Lamkins is the lead staff for federal issues, Ms. Marks Dicks for state issues, and Ms. Muzzi for the agency's community presence and volunteerism.

AARP is presently alert to the work of the Super Committee at the federal level, and is holding statewide community conversations relative to the issues, educating consumers to action, and encouraging consumers to contact their elected representatives. AARP has an instant electronic polling capacity in order to get timely consumer feedback, and also directs consumers to write letters, make calls and send e-mails in order to have their voices and concerns heard.

Ms. Lamkins discussed briefly those items of concern for older adults, such as Chained CPI, which would change the way cost of living adjustment is calculated and applied. AARP is also educating people about the Affordable Care Act, holding informational sessions for members, particularly those on Medicare, and will continue the effort into the next year, working to figure out how best to address federal mandates that are proposed to be implemented at the state level.

Ms. Marks Dicks noted that she works on issues related to the health, safety and economic security of older adults. Family Care is currently an area of focus, particularly with regard to the current enrollment cap. Other areas of action include the Voter ID law, health exchanges, and looking at the state's federal MA Waiver request.

Ms. Muzzi shared that in her statewide outreach role she prepares AARP volunteers to be able to best influence legislative action, responding as trained activists from communities from across the state. These individuals are the top line leadership for other volunteer contingents, and commit to staying informed of issues and to take action. Ms. Muzzi noted that she also develops e-activists who have agreed to share their e-mail addresses and who are willing to support activity via electronic means, and notes this as a new way of further increasing citizen advocacy. Ms. Muzzi also supports the AARP driver's safety program, AARP Tax Aid, the Fraud Fighter program, Create the Good, and many other volunteer opportunities that are not necessarily directly related to advocacy.

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

Mr. Donaldson reported that the current legislative session ends at the end of business today.

Reporting on the following bills:

AB 147 prohibits the introduction as evidence of a statement or conduct by a health care provider that expresses apology, sympathy or remorse. Passed and referred by the Assembly, now awaiting Senate assignment.

AB 167 and SB 78 require DHS to obtain any possible waiver of federal Medicaid laws in order to continue the administration of SeniorCare. Also requires the use of excess dollars from such grants to lower the cost of the program to consumers. No recent action.

AB 194 requires that agencies, when preparing their biennial budgets, include an analysis of expenditures and operational concerns in the event that the federal government would go into insolvency. No recent action.

AB 210 & SB 206 create systems for implementing the federal Patient Protection and Affordable Care Act. The bill conforms to the protections listed in the federal act for consumers. An amendment also adds protections to insurance companies. Awaiting action in Senate.

AB 222 requires that applicants for public benefits programs demonstrate citizenship or proper immigration status prior to receiving the benefit. No recent action.

AB 282 permits adult children to create a health savings account to benefit their parents. No recent action.

AB 302 & SB 212 reforms significant parts of the regulatory system for nursing homes, preventing the Department from assessing state forfeitures against a provider that has already been assessed at the federal level for a specific rule violation. BOALTC deferred objection to this proposal due to other provisions which have the effect of strengthening DHS' enforcement authority over facility licensure apart from financial sanctions. Passed – Act 70 publ. 1 Dec 2011

AB 339 eliminates the ability of DHS to make decisions on MA eligibility, methods of provider payment by changing department policy, making all such decisions go through the rule-making process and perhaps legislation. Referred to the Committee on Insurance. No recent action.

AB 345 & SB 244 Restricts the use of arbitration agreements as part of contracts for residential long term care services. Also reverses several protections in earlier bills that limit economic damages and reporting requirements during lawsuits. Referred to the Committee on Aging and Long Term Care. No recent action.

SB 140 creates a state income tax check-off to allow taxpayers to voluntarily contribute to the Department of Revenue to be used for elementary and secondary education, shared revenue, or Medical Assistance. Referred to the Committee on Public Health, Human Services and Revenue.

SB 247 eliminates the requirement for persons aged 65 and older to provide proof of identification for voting. Referred to the Committee on Transportation and Elections.

Act 35 Concealed Carry law, was effective November 1, 2011. Legislative Council Memo IM-2011-10 states that nursing homes, assisted living facilities and hospices are all considered to be “nonresidential facilities” within the meaning of the law. These facilities are subject to the prohibition against carrying a firearm if the management of the facility has made that decision and has posted the appropriate notice.

Family Care Workgroup Update, Ms. Daley, Ms. Gunderlach, Ms. Noble, Ms. Selking, Mr. Rohloff, Regional Ombudsmen

Speaking on behalf of the Workgroup, Ms. Selking discussed pertinent aspects of an ombudsman's work, including the very broad knowledge base required to advocate for persons across the spectrum of long term care.

The Workgroup's members illustrated, via casework examples, the changing role of home and community-based advocacy as it relates to Family Care, highlighting the importance of collaborative relationships with an even wider base of stakeholders and long term care policy than previously

experienced. Workgroup members discussed the complexity of the issues faced by Family Care members, which require a style of advocacy that is very different from traditional long term care advocacy. Issues relative to dignity and respect, full participation in decisions related to care and treatment, and challenges of involuntary discharge when a provider decides that they will no longer accept a Managed Care Organization's rate are often also wrapped in contract and subcontract rules. Provider responses to these situations are often found to be variable across the state.

The Workgroup was enthusiastically thanked by staff and the Board for this great example of the collaborative attitude under which ombudsmen work.

Volunteer Services Update, Ms. Miller, Ms. Freitag, Ms. Kloeckl

Volunteer Coordinator, Cindy Freitag, introduced Volunteer Ombudsman, Xandy Kloeckl, sharing the many ways in which Ms. Kloeckl has impacted the lives of the residents of the nursing home to which she is assigned. Ms. Kloeckl was recently presented with the Howard Hinds Memorial Advocacy Award at the annual Consumer Voice conference. Consumer voice (formerly NCCNHR) is the national advocacy organization for long term care consumers. Ms. Kloeckl described her past personal and professional experiences that led her to volunteer advocacy following her retirement as a county social worker, and the sense of personal achievement that she feels when in service to vulnerable older adults as a volunteer ombudsman.

Ombudsman Services Update, Ms. Marheine, Mrs. Pike

Mrs. Mary Pike, Consumer Advocate, was the recipient of the Janet Telloch Memorial Advocacy Award at the recent annual meeting of the Consumer Voice. Mrs. Pike discussed the beginnings of her advocacy travels as her husband, Bob, was diagnosed with Alzheimer's disease and began a journey of long term care residency, not always with positive results. Mrs. Pike today is an avid volunteer for many advocacy organizations, and has provided testimony at both the state and federal levels on legislation impacting older adults. Mrs. Pike is presently working toward becoming a Volunteer Ombudsman with the Board on Aging and Long Term Care.

Both Mrs. Kloeckl and Mrs. Pike were thanked by the Board for their respective advocacy efforts on behalf of Wisconsin's oftentimes vulnerable older adults, as well as for the strength of their volunteerism within their home communities.

Relative to the Ombudsman Program Ms. Marheine reported on other aspects of pertinent information, including recent Immediate Jeopardy citations in nursing homes, ombudsman staff outreach activities, and concerns relative to current assisted living closures. Ms. Marheine noted that she had been invited to speak at the recent Consumer Voice conference, discussing Wisconsin's commendable rank on the AARP Long Term Care Scorecard and the history of long term care advocacy that has influenced LTC services to date.

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

Ms. Bruemmer reported that Kim Marheine was recently appointed to the Wisconsin Response for Dementia workgroup, which, through its work, will provide input in the state's aging plan relative to persons and communities affected by Alzheimer's disease.

Ms. Bruemmer also reported on the financial status of the agency, and further direction received from the Governor's office, asking all state agencies to again review their budgets and look for further potential reductions.

The Regional Ombudsman vacancy serving the central part of the state has been filled and orientation well underway.

On October 7, 2011 word was received that Tom LaDuke's Relocation Ombudsman Specialist position, was confirmed as a permanent position. Mr. LaDuke plays a vital role within the agency and the state, as facilities are closed, downsized or replace existing facilities with newer, smaller and more resident-centered buildings.

Ms. Bruemmer reported that, on August 8th, Pat Finder-Stone and Ms. Bruemmer toured the VA nursing home in King with Deputy DHS Secretary Kitty Rhodes, Budget Analyst Cindy Dombrowski, budget staff and Regional Ombudsman, Carol Kriemelmeyer. All found the visit to be very interesting, with numerous observations about how the VA system is alike as well as different from other long term care facilities. On September 20th Ms. Bruemmer toured South Central regional facilities with the Legislative Fiscal Bureau staff and Regional Ombudsman Dennis Granzen.

Maintaining liaison with Aging and Disability Resource Centers is critical to the agency's outreach and external relationships. Ms. Bruemmer reported that she had presented information about the operation of BOALTC and opportunities for cooperation to the ADRC directors on September 8th.

Ms. Bruemmer reported on various topics from the most recent meeting of the Long Term Care Council, highlighting presentations regarding the IRIS and LogistiCare (transportation) programs. Ms. Bruemmer also noted that her term has been extended to 2013.

Lynn Breedlove, Executive Director of Disability Rights WI is retiring at end of this year, and will be missed among advocates and consumers alike. Mr. Breedlove has been an excellent partner with aging advocates; with the board's permission the board will send an acknowledgement of his service. MSC Thoni/Finder-Stone.

Ms. Bruemmer requested board approval to attend meetings of the National Association of State Ombudsmen Programs board, one in January and one later in the spring. Business essential to state long term advocacy here in WI as well as on the national level will be discussed, and Ms. Bruemmer has foregone attendance at recent meetings due to budget constraints. One item of discussion is slated to include a discussion of CMS-mandated changes to how ombudsman programs utilize CMP grants. MSC Finder-Stone/Arnold to approve attendance at both meetings.

On the federal level, Ms. Bruemmer reported that the ElderJustice Act recommendation to increase ombudsman program support by \$5million was turned down by Senate. The Senate also held a hearing yesterday via webcast on assisted living and the need for federal regulations for assisted living. The effectiveness of the ombudsman programs nationwide in advocating for these consumers was noted in the webcast by Senator Kohl.

Providing a brief Medigap update, it was noted that congressman Petri again requested five outreach sessions at area senior centers, having been extremely pleased with the Medigap staff's expertise and preparation. Vicki Buchholz, Medigap Lead, was also asked to speak at a Congressional briefing held in Madison by the Centers of Medicare and Medicaid Centers regarding the Medigap Helpline. Given the uniqueness of Wisconsin's program, her information proved very useful to local Congressional staff.

Medigap staff have been very busy with the annual Medicare enrollment, which was moved up this year. There have been steadily increasing requests for this information by consumers; an LTE is temporarily assisting to manage the volume. As well, three Advantage Plans have terminated, so Medigap counselors are also managing those consumer calls.

New Business

A request was made by the Chair for volunteers to the Nominating Committee. Pat Finder-Stone and Jim Surprise volunteered to serve. All officer positions are vacant, and bylaws provide guidance as to who may serve.

The terms of three board members will expire on May 1, 2012. Applications for continuation were distributed and must be completed and provided to the governor's office as per instructions, by the end of January.

Remarks from a Board Member for February meeting: Eva Arnold

Bylaws are in need of review, with proposed changes to be voted on at the February meeting. Information regarding changes distributed; clarification requested regarding language relative to Article VII, Section 5.

Comments from the Public: Ms. Kloeckl expressed her pleasure at being present at this meeting, and the level of discussion brought to the board.

Next Meeting Date:

Wednesday, February 8, 2012

Wednesday, June 6, 2012

Adjournment: Meeting adjourned at 2:10 pm M/S/C Thoni/Arnold

Respectfully submitted,
Kim Marheine, Recorder