



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
Part D Helpline (855) 677-2783
Fax (608) 246-7001
<http://longtermcare.wi.gov>

BOARD OF DIRECTORS

Eva Arnold
Barbara M. Bechtel
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Board of Directors Meeting

Board on Aging and Long Term Care
Conference Room 100
Madison, WI 53704
February 4, 2015

Chair James Surprise 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
Terry Lynch Tanya Meyer Eva Arnold

Members Excused: Mike Brooks

Staff Present: Heather Bruemmer Kellie Miller Vicki Buchholz
Bill Donaldson Tom LaDuke Katherine Hallmark
Suzanne Ankenbrandt Cindy Freitag Kim Verstegen

Guests Present: Alice Page, Adult Protective Services and Systems Developer, Department of Health Services, Office on Aging, Bureau on Aging and Disability Resources, Division of Long Term Care
Stan Shemanski, Adult Protective Services/Elder Abuse Specialist, Department of Health Services, Office on Aging, Bureau on Aging and Disability Services, Division of Long Term Care

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

Minutes: Minutes of the November 12, 2014, board meeting were approved as presented. M/S/C (Taylor/Bechtel)

Remarks by a Board Member: Dr. Dale Taylor

Dr. Taylor discussed his involvement in the Music and Memory Initiative with the Department of Health Services. He shared that the Dan Cohen, Executive Director of Music & Memory, founded the program in 2010. In 2006, he discovered that none of the 16,000 nursing homes were using iPods with their residents. In 2008, 200 iPods were bought for a facility in New York. It has now received national recognition including the prestigious Audience Award from the 2014 Sundance Film Festival for the documentary, "Alive Inside".

Wisconsin nursing homes began utilizing Music and Memory in 2014. 100 nursing homes became certified to create personalized play lists for up to 15 residents in each home. Researchers at the University of Wisconsin/Milwaukee are studying the effects the individualized music has on select resident, and if it has an impact on behaviors or on the use of antipsychotics medications. In July 2014

Department of Health Services Secretary Kitty Rhoades announced that the agency has been granted permission by the Centers for Medicare and Medicaid Services to expand the Music & Memory program to an additional 150 homes around the state.

Dr. Taylor noted that, in 2014, specific concerns were noted about the difference between Music Therapy and Music & Memory Initiative. Communication with the Department of Health Services was made to share the differences and it was very well received.

Ms. Bruemmer stated to the Board how appreciative that we have Dr. Taylor involved in this important initiative with his expertise and background of Music Therapy. She thanked him for his involvement.

Tanya Meyer: Will be our speaker at the next Board meeting.

Presentation: Overview and Update of Relocation Activity; Mr. LaDuke, Relocation Ombudsman Specialist

Mr. LaDuke shared an annual report to the Board on the summary of the number of nursing home and assisting living closures along with relocation facilities. He is actively involved in two nursing home closures and three assisted living closures at this time. Five replacement homes are currently being established. There seem to be more nursing home replacements than closures. The majority of these are renovations. The assisted living segment of the industry has shown mainly closures and very few replacements.

Mr. LaDuke shared observations with the Board of his work with assisted living and nursing home facilities. One of the observations is that few facilities really understand what is involved in a closure of a facility and its process. He spends time with residents along with the regional Ombudsman and also works with the facility and families to walk through the process.

He shared that, when there is a closure, the role of the Ombudsman is to get in the homes on a weekly basis to meet with residents and monitor the facilities. Facility closure plans come in without warning and require a quick response. Law requires the provider to develop and then to abide by the plan. The Department of Health Services (DHS) has 10 days to respond and BOALTC has 3-4 days to provide recommendations.

As part of the announcement process, the facility administration meets with residents and families and the DHS and Ombudsman also come to meet with them. The process begins to move forward with resident relocations. Pressure occurs when there are difficult placements. Homes focus on rapid closure rather than effective relocation. The Ombudsman works with the facility on relocation and identification of signs of relocation stress. A majority of closures are due to financial concerns which create care delivery implications, i.e. staffing. Facilities struggle to maintain their operations, which leads to increased monitoring and working with the Division of Quality Assurance.

Mr. LaDuke has an excellent relationship with the Regional Ombudsman and together they work towards positive outcomes for the residents involved in any of the relocations or closures.

This Board supports the work of Mr. LaDuke and thanked him for his presentation.

Presentation: Roles of DHS Adult Protective Services (APS) Staff; Ms. Page, Mr. Shemanski

Mr. Shemanski talked about their advocacy to the APS worker. Much of what they do is to make appropriate referrals. They do not investigate any cases, but they assure that local APS workers follow

what the statutes say and they assure the local staff receives good direction to get the assistance they may need.

Accountability for the guardian and what their role is: DHS APS provides the local workers in the field with information and validation. They support the programs and make sure they are carried out appropriately. DHS APS works with the Area Agency on Aging and particularly with the Greater Wisconsin Agency on Aging Resources (GWAAR). DHS APS is required to report incidences of abuse, exploitation and neglect within the state and substantiation or non-substantiation. This office works well with the Ombudsman Program. The Office on Aging has oversight of the Interdisciplinary team (I-Team) in statutes, and meetings are held quarterly. Law enforcement, County Corporation counsels, district attorneys, local APS offices, elder abuse workers participate in meetings where cases are brought to the I-team to resolve.

DHS APS is involved in the Dementia Re-design project within the Department of Health Services. DHS APS is involved in the crisis mobilization component of this project.

Ms. Page is responsible for the issues involving adults-at-risk 18-59 years old. Strong values and concern of ethics. She provides technical assistance to counties regarding specific problems and cases. She has started a workgroup looking at corporate guardian fees. She is also looking at exploitation-of-elders concerns. Alice will send a document stating the full scope of the office's responsibilities.

A guardianship stakeholders group has convened under the auspices of the State Supreme Court's Chief Justice to look at these issues. A steering committee has formed to look at what is happening and to develop a plan for future improvements.

Training about guardianships is their largest request, largely focusing on Chapter 55 emergency protective placement review. A survey will go out to counties to find out what is occurring.

A lot of outreach is occurring. There is a lot of passive abuse that is being reported. There is also a large influx of vulnerable individuals into Wisconsin that are going to need services so the surveys sent out to counties are critical to see how counties are handling situations.

How is the public educated about elder abuse? Wisconsin is behind, but we are making plans to move this forward. It is up to the DHS Office on Aging. Another APS conference will be held this year. A conference occurred in 2013. The Department is hoping to do it every other year.

With Elder abuse, many folks are not willing to come forward. This hesitancy may be due to self-shame or embarrassment.

Ms. Page and Mr. Shemanski discussed the Elder Justice Act and that the expected 25 million dollar grant will now be more like 4 million dollars.

There are not enough guardians in our state. Guardianships are often very complex and the courts now are turning more frequently to corporate guardians. Corporate guardians are individuals or companies that do this for profit. The Wisconsin Corporate Guardianship Association is working with the Division of Quality of Assurance to strengthen the requirements to be a corporate guardian. Currently you just need a background check and a filed application. There have been two training sessions by DHS in Johnson Creek and Wisconsin Rapids providing corporate guardian training. The system seems to be struggling with the fees and the small "mom and pop" operations that may be doing things

inappropriately. It is necessary that these operations understand what are their roles and responsibilities.

Abuse can be committed by families and friends, and not always by outside individuals. People have to know that they can be a victim. Elders are frequent targets of scams. Elder advocates need to educate young people about the issues and ways to prevent harm to the elders.

Ms. Page and Mr. Shemanski discussed the use of locked units at nursing homes. DHS and BOALTC are working with each other to identify what is going on.

Volunteer Services Update, Ms. Miller, Volunteer Services Supervisor

Ms. Miller discussed shared that the 2015 annual Louise Abrahams Yaffe Award given to a Volunteer Ombudsman will be held at the Alzheimer's conference in the WI Dells on May 17th.

Ms. Miller introduced Volunteer Coordinators, Cindy Freitag, Kim Verstegen and Suzanne Ankenbrandt. All three shared what was occurring in their regions and their passion for the work they do to the Board members.

The Volunteer Program is going into its 21st year of existence and currently in 30 counties. The program's philosophy with the facility is that "we are here for the residents and we will work with you to resolve any concerns that are brought to our attention."

For the month of February, the program conducted 8 in services for Volunteer Ombudsmen. Topics highlighted include: Volunteer Ombudsmen best practices, Volunteer boundaries, how to best communicate with Dementia residents and LGBT (Lesbian, gay, Trans-gender, and Transsexual) advocacy issues in long term care settings. Regional Ombudsmen and guest presenters provided the informational sessions in tandem with the Volunteer Coordinators in all regions.

Ms. Miller stated that the program implemented a new initial training and has increased the training time 7 1/2 hours. The training improves the standards of consistency by increasing resident rights time and having a guest Volunteer Ombudsman attend and share their experience.

There will be a two day in service in March for volunteer coordinator staff.

Ms. Miller stated that the month of April is designated for Volunteer Recognition. The Volunteer Ombudsmen Program will host five in service and recognition events. We are pleased that Dr. Taylor will present at the VOP recognition events sharing his expertise regarding the scientific benefits of Music Therapy and the Music and Memory Initiative that the Department of Health Services is doing throughout the state.

Legislative Updates, Mr. Donaldson, Counsel to the Board

Thus far in the 2015-16 Legislative session; Mr. Donaldson handed out a listing of all 33 Senators and staff and a listing of all 99 Assembly representatives and staff. There are a total of 31 new freshmen Legislators.

Mr. Donaldson handed out lists of the committees and the members of each. There are somewhat more committees than in the past. Mr. Donaldson listed the most critical committees that may have an impact on the Board's focus areas.

Bills that have been introduced:

Senate bill 6: allows GAB to provide certain confidential records to the LAB audit bureau. Our records are confidential by state and federal law. The Executive Director spoke to Senator Cowles staff to address our concerns.

Senate Bill 13: creating a license for home medical oxygen providers. We are concerned due to potential clients in AFH and CBRF as well as home and community based care services. Pharmacy will create rules for this credential. Introduced by Senator Farrow.

Assembly Bill 9: is the same as Senate Bill 6.

Assembly Bill 10: would allow jurisdiction under Wisconsin's domestic abuse law of an action that occurred in another state. This would amend WI allow a local District Attorney to prosecute the abuse.

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

Medigap Helpline Services continues the trend to a higher number of calls. Year to date totals for 2014 show another increase in call volume with an approximate total of 14, 443 compared to a total of 13,426 for 2013. This is a 7% increase in records. Volunteers were very instrumental in helping to make some of the calls and in doing Part D plan-finders for the Open Enrollment period.

Major trends in 2014 include:

The termination of Health Insurance Risk Sharing Plan (HIRSP), of which approximately 1,200 persons were also Medicare recipients

The implementation of the Health Insurance Market Place did generate calls and questions for the helpline.

Badgercare Plus members who no longer met the eligibility for Badgercare plus and who could not utilize the Marketplace due to Medicare eligibility made up another group of person who called the Medigap Helpline for assistance in understanding the Medicare program and the costs of their coverage selections.

There were 10,290 persons affected by Medicare Advantage plans that announced that the plan was terminating. The notice that was sent out included our Medigap Helpline toll free number.

Counselors were able to provide counseling services to these individuals.

The increased use of benefit managers by employers who have opted to end their retiree group coverage and instead make funds available for retirees to use to purchase their own individual coverage caused an increase volume for calls to the Helpline.

Staff participated in 71 outreach events in 2014 which met our goal for the year. Presentations for 2015 are being scheduled including Senior Fairs and direct consumer presentations.

Two employees have recently resigned their positions. Recruitment efforts are underway.

The Medigap Helpline Volunteer component for the Medigap Part D and Prescription Drug Helpline continues to move forward. The Helpline had a total 45 volunteers to assist during the Open enrollment period. The UW Madison Pharmacy School was a terrific resource for Open Enrollment. Staff has been meeting with Milwaukee organizations to train volunteers in understanding Part D programs and how to

run a plan-finder. The SharePoint computer system is being utilized for remote volunteers to communicate confidentially and run Part D plan-finders.

The new database for the Medigap helpline has been a very smooth transition. Staff have been very receptive to the changes.

Ombudsman Services Update, Ms. Bruemmer, Executive Director

Ms. Bruemmer shared Ms. Marheine's report with the Board as she was out in the field with Ombudsmen staff and was excused from the meeting. Referencing her report, Ms. Bruemmer discussed the ongoing work of the ombudsman staff relative to monitoring and responding to concerns as a result of the rate rebalancing actions of some of the Managed Care Organizations (MCO). To date, few cases have been reported and all have resolved favorably for the members. Some cases have pointed to gaps in the MCO assessment processes used to not only negotiate provider rates, but to also assign the most appropriate and least restrictive settings for member care. Ms. Marheine and Ombudsmen staff have been doing presentations to some MCO's on discharge planning and the relocation process in general and Relocation Stress/Transfer Trauma in detail. This has been in response not only to the above noted rate-related activity but also to the larger numbers of the involuntary discharges that MCO members who also live in assisted living setting have been receiving. Ombudsmen and Ms. Marheine recently participated in the community informational meetings in Kewaunee and Oconto counties, in preparation for the roll-out of Family Care into Northeastern, WI.

The Annual Report to the Administration for Community Living/Administration on Aging was submitted. All the data that has been submitted is in process of being verified.

Ms. Bruemmer led a brief discussion of Immediate Jeopardy citations, and also briefly discussed the status of Special Focus Facilities in WI. There have been some serious complaints about care and treatment in Assisted Living residences. The ombudsman program is part of several initiatives aimed at provider education, rights protection and improved quality of life and quality of care.

Ombudsmen are currently scheduling spring and summer education opportunities.

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

Administrative Report: Ms. Bruemmer, Executive Director

Ms. Bruemmer reported that the Governor presented his 2015 Budget address on February 3rd and she shared the Governor's recommendations to the Board members which could be found in their folders.

The Medigap Helpline database is working well and the staff are doing a very good job acclimating to the new system. The current Access system being used will end as soon as all the records are transferred to the CD's for storage.

The Agency continues to participate in the STAR Budget Project and David Cauffman; our agency's "Change Agent" participates in all the training/meetings. He communicates back to Ms. Bruemmer with a progress report of the on-going project.

Ms. Bruemmer sent out letters to congressional staff in Washington DC expressing our support for the Reauthorization of the Older Americans Act (OAA). The vote was approved in the Senate and now we will continue to monitor the process of the Act.

Ms. Bruemmer and Ms. Marheine participated in the annual Advocate, Provider and Regulator meeting with the Centers of Medicare and Medicaid Services meeting December 9-10th in Chicago, IL.

The agency completed the Memorandum of Understanding with Disability Rights Wisconsin for the Family Care Ombudsman Program. It will be effective January 2015-December 2017.

Ms. Bruemmer and Mr. Donaldson met and distributed agency information to all 31 freshmen legislators and their staff this past January. Ms. Bruemmer will meet with the Chair of the Aging and Long Term Committee on February 11th and will testify in a hearing for the committee on March 11th to give an overview of the agency.

Ms. Bruemmer noted to the Board that the entire Agency staff completed computer security training required by the Department of Administration.

Ms. Bruemmer, Mr. Donaldson and the DOA Budget staff met with the Medicaid staff at the Department of Health Services to review and discuss the Medicaid reimbursement dollars that are received for the Ombudsman Program. A Memorandum of Understanding is in place between the two agencies.

New Business: No new business was brought before the Board.

Next Meeting Date: May 6, 2015; Tanya Meyer will offer Remarks from a Board Member

Other future meeting dates are:

August 5, 2015

November 4, 2015

Adjournment: Meeting adjourned at 2:30pm; M/S/C (Meyer/Lynch)

Respectfully submitted,
Heather Bruemmer, Recorder