



STATE OF WISCONSIN
BOARD ON AGING AND LONG TERM CARE

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BOARD OF DIRECTORS

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Terry Lynch
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James Surprise
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EXECUTIVE DIRECTOR

Heather A. Bruemmer

Board of Directors Meeting

Board on Aging and Long Term Care
Conference Room 100
1402 Pankratz Street
Madison, WI 53704
May 6, 2015

Chair James surprised 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
Tanya Meyer Eva Arnold
Barbara Bechtel Mike Brooks

Members Excused: Terry Lynch

Staff Present: Heather Bruemmer Kellie Miller Vicki Buchholz
Bill Donaldson Connie Inda Stacey Forest
Joan Schmitz Gail Wickman

Guests Present: Cindy Ofstead, Director, Office on Aging, Bureau on Aging and Disability Resources (BADR), Division of Long Term Care, Department of Health Services
Anne Olson, Director, Office of Resource Center Development (ORCD), Office on Aging, Bureau of Aging and Disability Services, Division of Long Term Care, Department of Health Services
Janet Krahn, Office of Resource Center Development, Quality Specialist, Department of Health Services
Phoebe Hefko, Office on Aging, Department of Health Services
Otis Woods, Administrator, Division of Quality Assurance (DQA), Department of Health Services

Agenda: Approval of agenda with noted additons. M/S/C Bechtel/Arnold

Minutes: Minutes of the February 6, 2015 board meeting were approved as presented. M/S/C Arnold/Meyer

Brief Remarks from the Executive Director: Ms. Bruemmer, Executive Director of the Board on Aging and Long Term Care (BOALTC) brought greetings from Terry Lynch.

Presentation: Board Chair, Jim Surprise, presented Dr. Daley Taylor with a token of recognition for Dr. Taylor's ten years of service to the Board on Aging and Long Term Care.

Remarks by a Board Member: Ms. Tanya Meyer

Ms. Meyer provided information about the functions of Representative Payee status for Social Security purposes, and notes that for Social Security purposes, neither Power of Attorney nor guardianship papers automatically qualify someone as either able to manage these resources or to serve as a Rep Payee.

Presentation: Overview and Updates of Long Term Care and Assisted Living Facilities, Mr. Woods
Mr. Woods presented a comprehensive overview of the current work projects of both the Nursing Home and assisted Living Bureaus. Highlights of Mr. Woods' presentation included discussion around the following topics:

- CMS Partnerships to Improve Dementia Care; the state's reduction of antipsychotic use is doing very well and below the national average (3rd best in the nation)
- Person-Directed Care focus
- WIQIO (Quality Improvement Organization) utilization toward better care and quality
- Antimicrobial stewardship and pain management remain priorities
- Music & Memory – goal to extend use of CMP funds to bring the remaining 130 nursing homes into the program
- "Whose Resident is it" – facility responsibility for residents when transferred out for stabilization of acute behavioral challenges
- Dementia Training, Crisis Response
- Immediate Jeopardy cites: significantly decreased in 2014, but increases noted thus far this year are of a concerning level
- Seeming increased need for rules, both state and federal, related to ESRD (end Stage Renal Disease) services provided in nursing homes
- Assisted Living (AL) facilities continue to grow in number and scope of service, with largest growth noted in smallest settings, the 1-2 bed certified Adult Family Homes (AFH)
- Complaints, citations and enforcement based on most severe actions have increased in ALs. Complaints are suggesting increasing medical need in these settings, with no statutory requirement for nursing/medical care availability, which would conflict with the social model that ALs are supposed to be established under. New facilities are licensed according to "Fit and Qualified" vs. "Certificate of Need" processes.
- Increasingly holding AL providers responsible for ascertaining the "root cause" of issues in order to mitigate future negative outcomes
- The Wisconsin Coalition for Collaborative Excellence in Assisted Living (WCCEAL) program examines quality measures in assisted living communities, in hopes of positively impacting resident satisfaction, care and treatment. Membership is voluntary, and the program is a collaborative between the provider associations, DQA, UW-Madison CHSRA (Center for Health Services Research and Analysis) and the Board on Aging and Long Term Care
- Transitions in Care partnership with WU-Hospital and assisted living communities
- Training for providers who serve persons with Intellectual Disabilities
- Online Provider Search information

- Falls Reduction
- HCBS (Home and Community Based Services) transition plan implementation mandated by CMS

Presentation: Update and Discussion of the State Plan on Aging, Ms. Ofstead

Ms. Ofstead provided information about collaboratives of current importance, highlighting most especially the dementia redesign and work on the state's Aging Plan. The Dementia Capable Wisconsin initiative is a priority of Secretary Rhoades; currently the BADR is supporting this initiative in various ways. The Music & Memory program, most known for its presence in nursing homes, is being expanded via grant funding to pilot the project in three tribal communities and family-based settings. Sixteen ADRCs currently have dementia specialists who work with physicians and community resources such as the Alzheimer's Association. The tribal pilot will put dementia specialists in these tribal ADRCs, as well, and will be culturally considerate to the tribes' needs and strengths. BADR is also working on the Dementia Friendly Communities initiative, in which communities provide opportunities to insure that person with dementia continue to feel safe, avoid isolation and maintain their same psychosocial activities. Work is also being done with DQA on identifying and establishing best practices of dementia-specific facilities, trying to get a sense of what "good" practices and quality care might be among homes that are typically known for doing good work on behalf of persons with dementia. Noting the Office on Aging's work to be community-based vs. facility-based, Ms. Ofstead discussed the "Share the Care" project, aimed at persons with dementia living alone in their own homes, and largely without informal supports based on faith-based community supports, neighbors and other centers of social gathering.

The Office on Aging is also collaborating with ORCD on the state's 3-year Aging Plan, as a requirement of receiving Older Americans Act funding. The Plan involves county aging units, area agencies on aging, and the state Office on Aging, which includes the BOALTC. Particular attention is being paid in the Plan to areas related to vulnerable adults, as well as to the 50th anniversary of the Older Americans Act, and many of the programs that came into being as a result of the enabling of the Act. Ms. Ofstead also briefly discussed the White House Conference on Aging, as well as efforts at promoting some local/statewide recognition of the 50th anniversary of the Older Americans Act.

Ms. Ofstead introduced other staff of the Office on Aging, who spoke about their particular areas of interest. Ms. Olson spoke about her work with the ADRCs and the multiple functions that OHS staff provides to support ADRCs and communities. Ms. Krahn described her work as the supervisor of the social services staff of the ORCD team, helping the ADRCs with quality initiatives. Mr. Minogue discussed the support of his office to persons who operate the Older Americans Act programs throughout the state, such as the elderly Nutrition Programs, Healthy Aging Programs, older worker programs, and the Foster Grandparent Program. Ms. Hefko is the state's SHIP Director, and works closely with the BOALTC Medigap staff as well as with the elder benefit specialist located throughout the state. She notes that about 20% of the calls that come in from beneficiaries are handled by BOALTC's Medigap Helpline.

Volunteer Services Update: Ms. Miller, Volunteer Services Supervisor

Ms. Miller reported that efforts to recruit new volunteers have been extremely successful with five new orientation classes held since the beginning of the year, adding 26 new volunteers to the program. The poster used to recruit new volunteers was recently re-designed and will be displayed in the 27 counties in which the program currently operates. Ms. Miller described the application and screening processes for accepting a new volunteer into the program. Thanks were extended to Dr. Dale Taylor for his presentation, "Music Therapy and Music and Memory: Related but Not the Same", provided at the

Volunteer Recognition events held in “April. Jamie Knight, this year’s recipient of the Louise Abrahams Yaffe Volunteer Ombudsman Award will be recognized at the statewide Alzheimer’s Association Annual Conference on May 17th.

Legislative Updates: Mr. Donaldson, Counsel to the Board

Mr. Donaldson reported that thus far 203 bills have been introduced into the Assembly and 147 into the Senate. Reviewing the list of those potentially pertinent to this agency:

AB 9 extends a general right of access to government agency records.

AB 10 prosecutes persons for domestic abuse when there is a restraining order issued in another state.

AB 19 and companion bill SB 22 create a misdemeanor when a GPS device is used to track someone’s location without their permission to do so.

AB 67 and companion bill SB 28 create a method for a patient to end their life under specific circumstances. The bill requires an ombudsman to be one of the three witnesses to the declaration by the individual to the physician. Discussion ensued regarding potential fiscal impact to the agency, potential for conflict of interest with current labor laws and potential for moral objection on the part of an affected ombudsman. M/S.C Taylor/Bechtel to express concern by this Board about the bill as currently written for the above noted reasons.

AB 197 requires an insurer who offers policies through an Exchange under the Affordable Care Act to provide access to a website where policy information can be found.

SB 13 would create a license for home medical oxygen providers.

SB 19 allows for the designation of a “lay caregiver” on admission to a hospital.

SB 125 permits the use of investigational drugs, biologics or devices by an “eligible patient”, before the drugs or devices are available for public use.

SB 142 strengthens and preserves the Senior Care program.

SB 143 alters the requirement for staffing an emergency medical vehicle.

Mr. Donaldson further discussed the introduction of a bill in the US Senate which would alter the federal Arbitration Act to make it illegal to require an arbitration agreement after the initial relationship is established. This is pertinent to a number of recent cases in the Ombudsman Program, whereby current residents, primarily in assisted living homes, have been told they would need to sign an Arbitration Agreement or be discharged from the home.

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

Ms. Buchholz provided statistical information for the Medigap Program as well as some facts derived from D”HS data regarding the Medicare population in this state. Ms. Buchholz noted that all staff have transitioned into using the new database and volunteers were extremely helpful in handling the increased calls. Upcoming outreach events are being scheduled, and will include a greater focus on the Medicare Part D program to the Milwaukee area. Several changes in personnel have occurred since the

last meeting, and the Volunteer component of the Medigap Part D and Prescription Drug Helpline is moving forward. Ms. Buchholz introduced Gail Wickman, newly-hired Intake Specialist for the Medigap Helpline. The Medigap Program will have its first Volunteer Recognition event on May 19th honoring 7 local volunteers.

Ombudsman Services Update: Mr. Marheine, Ombudsman Services Supervisor

Ms. Marheine introduced Joan Schmitz and Stacey Forest, Regional Ombudsmen, and Connie Inda, Intake Specialist. Each briefly shared some of the highlights of their work within the Ombudsman Program. Ms. Marheine reported on work projects relative to Family Care expansion into northeastern WI, the monitoring of the HCBS (Home and Community-Based Services) work mandated by CMS, as well as relocation activity relative to rate rebalancing efforts between MCOs and providers. She discussed a current relocation of 18 residents of a CBRF, for whom the MCO and provider have been unable to come to agreement about the rate. Additionally, staff of the ombudsman program are in high demand for education/consults to providers, as well as sessions at provider association conferences. Ms. Marheine recently attended the National Ombudsman Resource Center training session, and there participated in a panel presentation, providing information about WI's response to the proposed HCBS transition plan. The Ombudsman Program has noted the large increase in Immediate Jeopardy cites over the past quarter and staff have made these homes priorities. An increase in cases relative to Arbitration Agreement requirements in assisted living residences has also been noted.

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

Administrative Report: Ms. Bruemmer, Executive Director

Ms. Bruemmer reported that the agency is on track for expenditures for this fiscal year ending June 30. Ms. Bruemmer provided brief information regarding a recent notice that the Aging Committee will be reviewing all administrative codes. There have been questions from within the agency whether the Board may want to request that a full listing of statutory resident rights be put back into DHS Ch. 132. The list of these rights was removed when the codes were last revised, deferring to the federal codes, but it may be argued that doing so has reduced the awareness of providers of these mandates.

Ms. Bruemmer met in February and March with all 16 members of the Joint Finance Committee (JFC) to talk about the agency's budget, and met as well with OSER to discuss the agency's compensation plan, addressing concerns about wages, hiring and retention challenges. It was noted that on April 17th a unanimous vote in the JFC was cast on the requested Veterans Ombudsman position and also to increase computer bandwidth. She stated once the Joint Finance Committee has completed their approval of the budget it will then be voted on by the entire Legislature.

Ms. Bruemmer reported on the status of the STAR project, rolling out July 1st for certain areas, such as fiscal procurement and budgets, though no specifics about the functionality of the program have been released as yet.

Ms. Bruemmer also testified at the information hearing for the Aging and Long Term Care Committee this past March, providing an overview of the agency.

Staff Recognition is scheduled for June 18th. Jim Surprise will represent the Board.

Beth Wroblewski of OHS is retiring from state service and is moving into a position in the private sector. Ms. Bruemmer provided her with a commendation from this Board for her service.

A motion was made enabling Ms. Brueemer and the Management Team to provide comment on the administrative rules, requesting that the legislature protect through the rules those vulnerable persons served by the BOALTC. M/S/C Brooks/Arnold

Ms. Bruemmer asked that a portion of the August meeting be set aside to review the changes in the Ombudsman Regulations, slated to take effect on July 1, 2016.

A motion was made granting permission from the Board for attendance at the Consumer Voice/NASOP meeting in November. M/S/C Brooks/Meyer

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

Next Meeting Date: August 5, 2015 at 9:00am.

Future Meeting Date: November 11, 2015. Jim Surprise will offer Remarks from a Board Member.

Adjournment: Meeting adjourned at 2:30 pm. M/S/C Taylor/Brooks

Respectfully submitted
Kim Marheine, Recorder