



STATE OF WISCONSIN
BOARD ON AGING AND LONG TERM CARE

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BOARD OF DIRECTORS

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EXECUTIVE DIRECTOR

Heather A. Bruemmer

Board of Directors Meeting

Board on Aging and Long Term Care
Conference Room 100
Madison, WI 53704
August 5, 2015

Chair James Surprise called the meeting to order at 9:00 am. This meeting was properly noticed under the Open Meetings Notice law.

Members Present: James Surprise Dr. Dale Taylor Terry Lynch
Tanya Meyer Eva Arnold
Barbara Bechtel Mike Brooks

Staff Present: Heather Bruemmer Kellie Miller Vicki Buchholz
Bill Donaldson Jill Helgeson Steve Shapiro

Guests Present: Casey Heimebauch, Senior Policy Advisor, Office of the Governor
Elizabeth Hizmi, Appointment Director, Office of the Governor

Susan Fisher, Wisconsin Guardianship Support Center, Managing Attorney,
Greater Wisconsin Agency on Aging Resources (GWAAR)

Bev Laufenberg, Volunteer Ombudsman
Amy Daul

Chris McElgunn, Budget Analyst, Department of Administration

Cindy Ofstead, Director, Office on Aging, Bureau on Aging and Disability
Resources
Phoebe Hefko, Office on Aging, Bureau on Aging and Disability Resources

Agenda: Approval of agenda with noted additions. M/S/C Arnold/Meyer

Minutes: Minutes of the May 6, 2015, board meeting were approved as presented.
M/S/C Bechtel/Taylor

Remarks by a Board Member: Mr. Jim Surprise

Mr. Surprise shared remarks from the staff Recognition and In-service program that he attended in June. Among the highlights were noted the quality of staff discussion about their various areas of work, the systems issues that cause concern and the proactive work that the staff do each day. Mr. Surprise noted the concerns expressed relating to the actions of agents under Powers of Attorney for Health Care and

Finance, as well as the seeming lack of adequate protections in some areas. Discussion ensued regarding possible issues of concern regarding Power of Attorney documents. It was suggested that the topic be a usual issue of note on the Board's meeting agenda. Mr. Surprise also shared comments of appreciation with the attending staff of the Governor's Office, on both the appointment process as well as the budget process that make possible this agency's protections of the rights of our state's vulnerable older adult citizens.

Ms. Meyer also shared comments regarding the newly-released federal ombudsman regulations that will go into effect on July 1, 2016. Some changes to the agency's state authorizing statute will be required, and it is hoped that the Governor's Office might be receptive to the changes that best enable the agency's work at its present high level of quality and within the constructs of these new regulations.

Presentation: Ms. Hizmi and Mr. Heimebauch

Ms. Hizmi provided information about her role as the Appointments Director, and, on behalf of the Governor, thanked the Members of the Board for their willingness to serve. The Governor appoints WI citizens to more than 2000 boards, councils and commissions, about half of which go through Senate confirmation.

Mr. Heimebauch noted that despite being new to his position, he has been in the policy department for several years, and appreciates the information provided to him regarding the Board's function.

Presentation: The Guardianship Support Center interface with the Board on Aging and Long Term Care, Ms. Fisher

Ms. Fisher provided information about GWAAR's Elder Law and Advocacy Center, of which the Guardianship Support Center is a part. Ms. Fisher described the many functions of the Center, focusing on her role within the Guardianship Support Center (GSC). The GSC is a clearinghouse for legal information on the topics of legal decision-making, adult guardianships, powers of attorney, advance directives and numerous other issues. The GSC also staffs a legal information helpline and distributes a quarterly newsletter and other publications on issues of interest. Ms. Fisher discussed her more public roles, including providing technical assistance, moderating an Adult Protective Services listserve, making presentations and outreach on various topics. The GSC, as a DHS grantee, is required to be a neutral entity and cannot provide legal advice or direct representation, and no fees are charged for the services of the GSC. Ms. Fisher discussed also the collaborative aspects of her work with the ombudsmen of the BOALTC, noting such opportunities to be occurring with greater frequency. Ms. Fischer briefly discussed questions related to guardian education, service and oversight, and the Honoring Choices program.

Presentation: Federal Ombudsman Regulations Update to the Board, Ms. Bruemmer:

Ms. Bruemmer distributed copies of the issue of the Federal Register in which the new Long Term Care Ombudsman Program regulation (42 CFR 1321 and 1327) were published as well as the current BOALTC work plan in progress. Noting that the BOALTC appears to be presently functioning well in line with most of the new regulation, there will, nonetheless, be a need for updates to the agency's policies and statutory language to accommodate some of the specifics of the regulation. Nationally, conflict of interest, independent function of ombudsmen, certification of ombudsmen and volunteers, consent and confidentiality are key areas of focus. Other states appear to vary significantly in their degree of consistency in these areas, though all seem to maintain the emphasis on the rights and wishes of clients who are being served.

Volunteer Services Update, Ms. Miller, Volunteer Services Supervisor

Ms. Miller introduced Volunteer Ombudsman, Beverly Laufenberg. Ms. Laufenberg has volunteered at the same nursing home for the past 22 years, and shared some of the highlights of her work. Ms. Miller discussed the efforts underway for volunteer recruitment, noting that a new poster in use already appears to be generating interest in several areas of the state. Further, it has been determined that the service areas of the volunteer regions will be changing in order to equalize access to the program and to put less emphasis in areas where recruitment has not generated the expected degree of interest. Thanks were extended to Board members for their recent and ongoing supports to the Volunteer Program.

Legislative Updates, Mr. Donaldson, Counsel to the Board

Mr. Donaldson reported briefly on a special study committee formed by Speaker Robin Vos, on Alzheimer's and Dementia. This agency will closely follow the study committee's work.

The following proposed bills of interest were also discussed:

AB 19 [SB 22]: This bill, enacted as 2015 Wisconsin Act 45, creates a Class A misdemeanor for the use of a GPS tracking device to track the position of another person without that person's consent, with an exception for a guardian monitoring the whereabouts of a minor ward. There is no such exception noted for a POA-HC or guardian monitoring the same for a vulnerable older adult. Concerns expressed for counties and other entities that operate, for example, a CareTrak system, intended to locate persons with individuals who wander and become lost. Discussion ensued to consider offering a follow-up bill speaking to the noted issues.

AB 213 would change the requirements for staffing an EMS vehicle.

AB 236 would establish an "Achieving a Better Life Experience" program under federal guidelines allowing creation of a tax-exempt account for funding care and treatment for people with physical and/or intellectual disabilities.

AB 255 would create a requirement that facilities performing surgical procedures would offer an option for patients to have any procedure captured on video, and that confidentiality and disclosure provisions would apply as in any other medical record.

SB 21 is the Governor's Budget Bill, signed and implemented as of July 13, 2015.

SB 28 creates a method for a patient to request medication to end life under certain circumstances. This bill also required an ombudsman to witness a person's request.

SB 160 would require modification of the administrative rules regarding the use of oxygen equipment in nursing homes.

SB 161 would limit the ability of a candidate or agent of a candidate to engage in electioneering in or near a retirement home or residential care facility at any time during a day when special voting deputies are scheduled to be at the facility.

SB 182 would exempt ambulance services licensed in a bordering state, called upon to transport WI residents on an occasional or emergent basis, from holding a license in WI.

SB 198 creates a statutory exemption from laws governing the practice of alternative medicine professionals.

SB 210 provides protection for persons employed by ambulance services in another state who are called upon to perform services in WI.

SB 218 prohibits any employer from demoting, suspending, discharging or otherwise discriminating against an employee or contractor for refusing to be vaccinated against seasonal influenza.

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

Ms. Buchholz introduced staff members, Jill Helgeson, Medigap Lead and Steve Shapiro, Medigap Counselor. Ms. Buchholz provided a report regarding current data for the Medigap Helpline, noting call volumes to be higher than typical. Staff have also appeared to have adjusted well to the new database, and uploaded about 4000 completed records to CMS. The Volunteer Program continues to grow, with a core group of 7 volunteers noted to come in weekly to provide various services. The UW-Madison School of Pharmacy continues to send students to this agency for their community service requirements, and have expressed an intent to also have volunteers available for the Annual Open Enrollment Period. The First Annual Medigap Volunteer Recognition was held in May, noting that two of the volunteers have been with the agency for more than 10 years. Outreach continues at a high level, with several events scheduled for fall. Ms. Buchholz shared briefly information from the training that she attended recently in Arlington, VA regarding the SHIP program.

Ombudsman Services Update, Ms. Marheine, Ombudsman Services Supervisor

Ms. Marheine provided information about the many educational presentations that ombudsmen staff are being called upon to deliver, with an increasing emphasis being placed on the “dignity of risk” associated with self-determination as well as within the transitions of care movement. Also noted was the work of ombudsmen in nursing homes experiencing immediate jeopardy cites, noting that IJ’s continue to be at a very high level of frequency and severity. Further, Ms. Marheine noted recent emergent issues in assisted living settings, in which ombudsman staff were either the first responders to request for assistance or were part of a collaborative effort to insure that residents’ safety and well-being were adequately protected while issues were resolved.

Comments from the Public: One comment was received thanking the Board for the wealth of information received during the meeting.

Administrative Report: Ms. Bruemmer, Executive Director

Ms. Bruemmer extended her thanks to Mr. McElgunn, Ms. Hefko and Ms. Ofstead for the invaluable support they provide to this agency’s work, describing briefly how the various programs of the Board on Aging and Long Term Care are funded. Ms. Bruemmer reported that the agency ended the most recent fiscal year on track, as of June 30th. Contract renewals have been completed; MOU’s in need of revising are in process. Ms. Bruemmer noted that staff have been working on succession planning, including sharing information amongst the management team about how vacancies are filled and other relevant information shared.

The STAR (State Transforming Agency Resources) project roll-out has been delayed to October 1st, as training continues to be finalized to roll out to state agencies.

Ms. Bruemmer met with ADRC Directors in June, and remarked on the many collaborations that occur between ADRC's and the BOALTC.

Ms. Bruemmer will also be speaking with the national Assisted Living Association regarding the WCCEAL (Wisconsin Coalition for Collaborative Excellence in Assisted Living) program and is hopeful that they will embrace this as a national model.

Rep. Weatherston is the chair of the Assembly Aging Committee and hopes to be able to attend a future meeting. The Board also expressed interest in inviting Sen. Vuikmir, who chairs the Senate Health and Aging Committee.

Ms. Bruemmer continues to chair the Long Term Care Advisory Council. The Council has a new charge, focusing on building community capacity toward a dementia capable system, as well as providing strategies related to employment for persons with disabilities and long term care needs, and keeping persons safe in their communities.

Next Meeting Date: November 11, 2015; Mike Brooks will offer remarks from a Board Member

Adjournment: Meeting adjourned at 2:40 pm; M/S/C Bechtel/Taylor

Respectfully submitted,
Kim Marheine, Recorder