



STATE OF WISCONSIN  
BOARD ON AGING AND LONG TERM CARE  
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MEMBERS of the BOARD  
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James Surprise  
Dr. Dale B. Taylor

EXECUTIVE DIRECTOR  
And  
STATE LONG TERM  
CARE OMBUDSMAN  
Heather A. Bruemmer

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**Board of Directors Meeting**

Board on Aging and Long Term Care  
Conference Room 100  
Madison, WI 53704  
August 3, 2016

Chair James Surprise called the meeting to order at 9:00 am.

**Members Present:** James Surprise                      Dr. Dale Taylor                      Barbara Bechtel  
Mike Brooks    Tanya Meyer (by phone)

**Members Absent:** Eva Arnold

**Staff Present:** Heather Bruemmer                      Kellie Miller                      Vicki Buchholz  
Bill Donaldson    Kim Marheine                      Rachel Selking  
Cindy Freitag    Tom LaDuke                      Gina Singletery  
Jill Melville    Mary Mckeown                      Kim Verstegen  
Cheryl Zautke

**Guests Present:** Kim Nguyen, NORC, University of Chicago, Research Analyst  
  
Margaret Kristan, Department of Health Services, Bureau of Managed Care  
  
Chris McElgunn, Budget Analyst, Department of Administration  
  
Cindy Ofstead, Department of Health Services, Division of Public Health  
  
Pat Virnig, Division of Quality Assurance, Bureau of Nursing Home Care,  
Department of Health Services

**Agenda:** Agenda amended to include an introduction of Ms. Kim Nguyen, and to note that the Long Term Care Updates will be provided by Ms. Margaret Kristan in place of Mr. Curtis Cunningham. Approval of Agenda as amended M/S/C Brooks/Bechtel

**Minutes:** Minutes of the May 4, 2016 board meeting were approved as provided. M/S/C Taylor/Bechtel

**Remarks by a Board Member:** Mr. James Surprise

Mr. Surprise discussed areas of concern relative to insurance coverage in the private sector. Mr. Surprise shared several personal anecdotes relative to this, noting the seeming increased challenges of receiving physician-ordered services and the appeal process which seems to delay patient progress. Mr. Surprise questions whether these same experiences might be faced at some point by the clients served by this agency.

Mr. Surprise introduced Ms. Kim Nguyen, who is working on an evaluation of long term care ombudsman programs nationally through the Administration on Aging (AoA)/Administration on Community Living (ACL), and who is working in WI, as well, with an initiative funded by the Elder Justice Foundation. Ms. Nguyen's work will examine how the changing landscape of long term care has impacted and is impacted by the Long Term Care Ombudsman Program in WI. Ms. Nguyen noted that she has been in Wisconsin all of this week, working with Ms. Bruemmer and the agency's staff. She has had an opportunity thus far to speak with the agency's leadership staff, has attended several policy-related meetings, and has made some field visits to assisted living communities in the Madison area with ombudsman staff.

The Elder Justice Foundation's initiative examines how the Wisconsin ombudsman program is addressing challenges, particularly regarding where people live, their managed care experiences and the lessons learned that can be gleaned for other long term care ombudsman programs nationally.

Ms. Nguyen thanked Ms. Bruemmer for having organized an insightful experience for her, noting the visible importance of the many relationships necessary to the board's successful work on behalf of its clients.

Questions included whether Ms. Nguyen's work with the Alzheimer's Association's Healthy Brain Initiative has involved any work with the Music and Memory program. In response, it was noted that Wisconsin was one of the recipients of grant dollars from the Healthy Brain Initiative. Ms. Bruemmer noted that Dr. David Zimmerman, of the Elder Justice Foundation, will attend the fall Board Meeting to explain more about the initiative, as well as how these research dollars may benefit this agency in terms of staff and community education, in particular.

**Presentation:** Closure and Relocation Updates; Mr. Tom LaDuke, Relocation Ombudsman Specialist

Mr. LaDuke thanked the Board for the opportunity to talk about his role in working with residents who find themselves in situations where they are being moved or relocated under a variety of circumstances. Mr. LaDuke provided information by way of his annual report, highlighting specifically relocations that occur via Chapter 50 Relocation Plans for closing homes, homes that build replacement homes for older and less efficient homes, and some of the seemingly ever-increasing challenges relative to homes that are closing without notice.

Mr. LaDuke spoke of nursing homes that have filed relocation plans, by which some changed the levels of services that are provided and then downsized while others changed the types of residents served. Still others changed their form of licensure from nursing home to assisted living. Speaking about assisted living, Mr. LaDuke spoke of the plans filed by which some facilities identified as an inability to maintain financial viability as the reason for closure, and others were closing due to aging environments that were deemed too expensive to refurbish. It was noted that most closures have very good outcomes for relocated residents, particularly for those who want to live in the community and who had previously found it difficult to do so, or in cases where residents are able to relocate to a more person-

centered setting. Mr. LaDuke notes that his work has changed significantly over the last few years, with closure plans seeming to be submitted on an almost continuous basis.

Mr. LaDuke provided some highlights from several recent replacement relocations that he has worked with, finding particular challenges to be related to making persons aware of residents' rights as relate to room changes and transfers, choices in room-mates. Further, Mr. LaDuke has been involved in the preparation of several tools that are in use by the Department of Health Services, and that pertain to the rights of residents in relocations, but also providing some helpful process guidance. Mr. LaDuke was recently interviewed by an intern working on her PhD thesis on nursing home closures, and will present with her at the fall Consumer Voice annual conference.

**Presentation:** Budget Update and Ombudsman Rule Update; Ms. Bruemmer

Ms. Bruemmer introduced Mr. McElgunn from the Department of Administration Budget Office, and made note of the information provided by the Governor's Office relative to the next biennial budget, which calls for zero growth and the submission of a proposal that requires state agencies to reduce the agency's operating expenses by 5%.

Ms. Bruemmer reported that the new ombudsman rule was effective as of July 1<sup>st</sup>. The agency's policies have been strengthened and are ready for implementation, and will be discussed with staff at the fall inservice. On August 16<sup>th</sup> Ms. Bruemmer and Mr. Donaldson will participate in a phone-based "site visit" with AoA staff, discussing the Board on Aging's progress with the Rule. Ms. Bruemmer noted that staff support and input has been invaluable, and that the DHS Office on Aging's support has also been extremely helpful in terms of their role as the state's oversight agency. Additionally, there is an opportunity and a requirement with the new rule for the Board on Aging and Long Term Care to update its statutory language. Ms. Bruemmer has spoken with the Budget Office and the Governor's Office to make sure that these necessary changes can be facilitated, more accurately reflecting the Board's roles and responsibilities in accordance with the new rule. A motion was made, seconded and carried, granting permission for Ms. Bruemmer to work with the necessary agencies and offices in order to insure that these changes are made. M/S/C Bechtel/Taylor.

**Presentation:** Updates in Long Term Care; Ms. Margaret Kristan, Department of Health Services, Bureau of Managed Care

Ms. Kristan expressed her deep gratitude on behalf of the Division of Long Term Care for the work of the BOALTC, noting the positive relationship with the ombudsman program, and recognizing the importance of advocacy on behalf of managed care consumers. Ms. Kristan provided information about the following: the recently announced plans to expand Family Care and IRIS statewide, the implementation of Family Care and IRIS in Rock County as of July 1st, the DHS merger that will create the Division of Medicaid Services, an update regarding mergers occurring amongst MCO's, and new federal rules related to Home and Community-Based Services (HCBS) and proposed changes to the Medicaid Managed Care Rules.

Ms. Kristan noted that the Department is presently working on the next steps in the Family Care and IRIS expansion, and will maintain communications about the process with the Ombudsman Program as well as with other entities such as the ADRC's. Rock County is actively involved in their expansion, and currently working on transitioning all persons currently on their waiting list. In a discussion of merging MCO's, it was noted that currently-served members will continue to be served under the approved merger, noting the new entity is held to the same contractual

requirements as are currently in place. Ms. Kristan briefly addressed the new HCBS settings rule, as issued by CMS in 2015, and effective March 19, 2019. Lastly, Ms. Kristan discussed the Medicaid Managed Care Rule, published this year, and its impact on Family Care, in specific.

**Volunteer Services Update;** Ms. Kellie Miller, Volunteer Services Supervisor

Ms. Miller introduced Kim Verstegen, Volunteer Coordinator in Northeastern WI. Ms. Verstegen shared information about her work, highlighting the growth in her service area and the great pleasure that she takes in her work.

Ms. Miller wished Ms. Freitag well as she has accepted an ombudsman position; the process is underway for filling this resulting vacancy. Ms. Miller further discussed Volunteer Coordinator protocols for being present with volunteers as they do their work in nursing homes, as well as other mechanisms of support such as coffee klatches which continue to provide volunteer support on an informal basis. Planning is underway for new volunteer training opportunities as well as Volunteer Inservices typically held in October. Ms. Miller discussed some of the program's recruitment efforts, noting some challenges in terms of applicants needing to pass the criminal background check as well as needing to be free from any conflict of interest concerns. Ms. Miller noted that volunteers continue to work with residents in times of nursing home closure, and can be a source of comfort and a mechanism for answering questions that residents may not be comfortable asking of other persons. Ms. Miller reported that she recently presented a webinar for the Consumer Voice, regarding successful volunteer programs. The Volunteer Ombudsman Program and the Medigap Program have joined to create a single newsletter for the all agency's volunteers, called "The Volunteer Voice."

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

Mr. Donaldson noted that the Legislature has ended the 2015 – 2016 session with no additional action on bills of concern to this agency, beyond those discussed at the prior meeting. Mr. Donaldson noted that there has been some sporadic committee activity aimed at generating input for Legislative study committees. The schedule of upcoming hearings was provided.

The Governor has asked each agency to provide effective public notice of the Open Records Law and the process that citizens can use to make it work for them. Each permanent office of the BOALTC, excepting staff home offices, is responsible to post the notice in those offices, informing consumers of how to make requests for records, fees for providing records and other information relevant to the new legislation. The notice is also posted on the BOALTC website.

**Medigap Helpline Update,** Ms. Bruemmer on behalf of Ms. Vicki Buchholz, Medigap Helpline Services Supervisor

In Ms. Buchholz's absence, Ms. Bruemmer introduced staff member, Cheryl Zautke, Medigap Counselor. Information was provided regarding outreach and calls which have increased significantly this year, as well as efforts at recruiting Milwaukee-based volunteers with the Concordia University School of Pharmacy. Ms. Bruemmer reported on the work with several aging advocates about the national SHIP dollars that were posing as potential risk.

**Ombudsman Services Update,** Ms. Kim Marheine, Ombudsman Services Supervisor

Ms. Marheine introduced the following staff: Rachel Selking, Lead Ombudsman, Cindy Freitag, Gina Singletery, Jill Melville and Mary McKeown, all having begun their ombudsman roles on July 11<sup>th</sup>. Each staff was asked to share briefly their backgrounds that brought them to their positions as ombudsmen. Ms. Marheine also thanked Mr. LaDuke for his service and support to residents in relocation processes.

Ms. Marheine noted that facility visits were made yesterday with Ms. Nguyen, providing opportunities to see a variety of assisted living options and answering questions about how assisted living might also interface with managed long term care.

Also discussed was the merger of three managed care organizations in the state, as well as the status of the Rock County roll-out of Family Care as of July 1<sup>st</sup>.

Ms. Marheine noted that there have been 26 Immediate Jeopardy cites since the May meeting; she also noted that there have been several serious cites in assisted living.

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

**Administrative Report:** Ms. Heather Bruemmer, Executive Director

Ms. Bruemmer provided an update to note that we are still waiting for Dr. Taylor's confirmation hearing with the Senate. The Governor's Appointments Office will be looking at both the confirmation process as well as a new appointment to this Board to fill the vacancy created by Mr. Terry Lynch's resignation. Noting the requirements of the new ombudsman rule, the Appointments Director has asked their legal counsel to review the rule particularly in terms of any potential conflict of interest by a proposed board member.

Ms. Bruemmer noted that the budget as of the end of the last fiscal year, ending June 30<sup>th</sup>, was in order. It was noted that the next biennial budget is due on Thursday, September 15<sup>th</sup>, and management staff will be looking at the agency's performance outcomes to insure that they accurately reflect the agency's work and financial needs.

Ms. Bruemmer thanked Mr. Surprise for participating in the agency's annual staff recognition, held in May in conjunction with an all-staff inservice. At the May inservice the agency appreciated the diversity education program presented by Ms. Gina Green-Harris of UW-Madison.

It was also noted that the Department of Administration has released its final statewide human resources policies, effective July 1<sup>st</sup>, following a reorganization of the state's HR practices, giving state agencies more effective and streamlined tools for filling vacancies and managing work rules.

The agency's numerous memoranda of understanding have been reviewed and revised as per the requirements of the new Rule; recently Ms. Bruemmer met with staff of Victims Services under the Department of Justice and as a result, will develop an MOU with this agency, as well. Similarly, an MOU will also be developed with the Medicaid Fraud Unit, in recognition for the long-standing relationship between the two agencies.

Ms. Bruemmer and Otis Woods, DQA Bureau Director, will present a session on the relationship between the State Long Term Care Ombudsman Program and the State Regulating and Surveying Agency at a national survey director meeting in Austin, TX. Further, Ms. Bruemmer will be speaking with Kevin Coughlin from DHS about the WCCEAL program at the Consumer Voice annual conference in the Washington, DC area. Ms. Bruemmer also noted that a contingent will be coming from California to discuss the WCCEAL and Music and Memory programs, meeting with Ms. Bruemmer, Mr. Coughlin and Dr. David Zimmerman.

Thanking Ms. Nguyen for her perspective on this agency's ombudsman program, Ms. Bruemmer also reported that Dr. David Zimmerman and his daughter have started an Elder Justice Foundation, with an emphasis on abuse. They have approved a contract with NORC of Chicago to come to evaluate the Wisconsin Ombudsman Program in August to look at this state's best practices and discuss some of the abuse-related casework that ombudsmen have done. The Elder Justice Foundation will provide funding to the ombudsman program for elder abuse training. The evaluation process for the ombudsman program is part of Ms. Nguyen's work, and her knowledge of how this system functions nationally is invaluable.

Ms. Bruemmer is continuing to monitor a facility bankruptcy as the patient care ombudsman; no quality of life or care and treatment issues have been noted.

Ms. Bruemmer requested the Board's approval to respond to two upcoming retirements by approving some small overlap for training purposes, pending the agency's financial capacity, and noting that both are significant management-level positions. The Board approved this action by voice vote. M/S/C Bechtel/Taylor.

Ms. Bruemmer and Mr. Surprise, in recognition for the changing work of the ombudsman program, asked whether there is significant interest among board members in going out for field visits with ombudsman staff. This could also be relevant should board members be asked to provide some legislative advocacy, having then experienced first-hand, the work of the program.

Lastly, it was noted that Dr. Zimmerman and his daughter, Ms. Kate Hester will attend the October Board Meeting to talk about their Elder Justice Foundation and its grant in which the ombudsman program will participate.

**New Business:** No New Business was received.

**Next Meeting Date:** October 26, 2016; Mr. Mike Brooks will offer remarks from a Board Member.

**Adjournment:** Meeting adjourned at 2:10 pm; M/S/C Brooks/Taylor

Respectfully submitted,  
Kim Marheine, Recorder