

**Board of Directors Meeting**

Board on Aging and Long Term Care  
Conference Room 100  
Madison, WI 53704  
February 1, 2017

Vice-Chair Tanya Meyer called the meeting to order at 9:00 am. It was noted that this meeting was properly noticed under the Open Meetings Laws.

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

**Staff Present:** Heather Bruemmer                      Vicki Buchholz                      Bill Donaldson  
Kim Marheine                      Sheryl Meyer                      Jill Helgeson  
Kellie Miller

**Guests Present:** Charles Morgan, Program Supervisor, State of Wisconsin Legislative Fiscal Bureau

Phoebe Hefko, Office on Aging, Department of Health Services

Dawn Soletski, Accountant, Department of Administration

Otis Woods, Administrator, Division of Quality Assurance, Department of Health Services

Debbie Miller, Budget Analyst, Department of Administration

**Agenda:** Approval of Agenda as submitted M/S/C Taylor/Bechtel

**Minutes:** Minutes of the November 26, 2016 board meeting were approved as provided. M/S/C Meyer/Arnold

**Remarks from a Board Member:** Mr. Michael Brooks  
Mr. Brooks provided remarks regarding his father-in-law’s journey through the long term care system. Shortly prior to becoming acutely ill in FL he had been an active retiree, was a World War II veteran and had worked all of his life as a farmer. Mr. Brooks talked of the challenges of navigating the many systems such as Medicare and Medicare Advantage plans, the Veterans Administration, the processes by which persons access nursing homes and how care is paid for. Mr. Brooks expressed deep appreciation for the care that his father-in-law received from his nursing home, but also for the direction and support from staff of this agency. Discussion ensued regarding access to various veterans’ benefits programs.

**Presentation:** The Legislative Fiscal Bureau (LFB) and Overview of the State Budget Process; Mr. Charles Morgan, Program Supervisor, State of Wisconsin LFB. Mr. Morgan noted that he works in the areas largely served by the Department of Health Services (DHS), specifically areas such as Medicaid, Long Term Care programs and Veterans services. Mr. Morgan provided some detail

into the operations of the LFB and how they approach the state budget process. The LFB is a nonpartisan branch of state government, charged with producing documents that will be read and accurately interpreted by legislators who need to act on proposals, as well as documents that are made ready for public dissemination. Responsibilities of the LFB include serving as the source of nonpartisan information provided to legislators regarding the state budget system or a specific program, how dollars may have been spent, what an agency's staffing levels might be, always with an expectation that staff are highly familiar with how agencies operate, are funded, their statutory obligations and budget specifics. The LFB serves as the principal staff for the Joint Committee on Finance, preparing the necessary documents, responding to questions, testifying on bills that come before the committee. LFB staff are responsible for estimating state general fund revenue, setting the parameters for the legislators' and Governor's budget processes, as well as to make reasonable expectations for how the national economy might be expected to perform. Information is provided to legislators with confidentiality, leaving the publication of various memos to the discretion of the legislator.

Speaking about the state budget process, it was noted that it is most typical for the Governor to request that agencies maintain their current budget status. Proposals that may require additional major spending are taken under advisement separately from standard agency requests, and the LFB works with the affected agencies on the details of the request in terms of both funding needs and statutory changes, then providing revenue estimates for the administration. The LFB writes a comprehensive summary of the Governor's budget recommendations, which is then used by legislators in reviewing and making decisions about the final budget bill. Part of this review and decision process includes public hearings, invitations to agency heads to present on their major budget initiatives, and solicitations for information from the public.

**Presentation:** Department of Health Services Agency Updates, Mr. Otis Woods, Division of Quality Assurance, Department of Health Services

Mr. Woods provided information regarding the trends of the past year, providing both a statistical report as well as power point slides.

The following were discussed as areas of action or concern, relative to nursing home and assisted living care:

Nursing homes – CMS directives

- Survey process changes
- Impact on newly-issued nursing home regulations as a result of the repeal of the Affordable Care Act
- Implications for ambulatory surgery centers attached to or in partnership with nursing homes
- Monitoring of Connecticut's creation of long term care settings to specifically serve released correctional inmates who have medical needs
- Substantial increases in Civil Money Penalty (CMP) fines
- Antipsychotic drug use – WI is currently rated as 8<sup>th</sup> in the nation for antipsychotic drug use
- New emergency preparedness standards

- National workgroup established to examine issues related to involuntary discharges, citing practices and directed plans of correction

#### Nursing homes – State projects

- Antimicrobial stewardship
- Music & Memory
- Legislative mandate to investigate actions of pain clinics, particularly as relates to opioid addiction
- Proposed changes to Chapter 50 (Uniform Licensure)
- Monitoring changes in ownership, particularly pertaining to large corporate entities and out of state owners
- Workforce crisis, including the proposal from the provider associations to reduce the numbers of hours in the CNA training program from 120 to 75

#### Assisted Living

- Acuity of residents living in assisted living continues to increase, while there remains no requirement for licensed nursing or other services, resulting in negative outcomes for residents and increased cites for providers
- Almost 60,000 residents are currently living in more than 4000 assisted living residences
- Increase in cites related to falls and other injuries, pressure injuries, unnecessary drugs (antibiotics, antipsychotics)
- Insufficiently trained staff, insufficient supervision, inadequate assessment and care planning
- Role of technology under examination: telehealth and tele-monitoring, requests by facilities to use GPS technology to “track” residents in facilities, wireless nurse call systems, request to eliminate night shift staff in favor of utilizing monitoring devices

In summary, Mr. Woods thanked the Board for their advocacy on behalf of residents living in the state’s nursing homes and assisted living residences.

#### **Volunteer Services Update;** Ms. Kellie Miller, Volunteer Services Coordinator

Ms. Miller introduced Ms. Sheryl Meyer, newly-hired Volunteer Coordinator in the Milwaukee area, and noted that there is an accepted offer on the currently vacant Volunteer Coordinator position in La Crosse. One vacancy remains in the Stevens Point region and is in the recruitment process with the Department of Administration. Ms. Meyer shared information about her work thus far, highlighting her pleasure at meeting her co-Coordinators as well as the volunteers and regional ombudsmen with whom she interfaces. Stated she has 7 proposed volunteers who are currently at various stages of their recruitment.

Referencing her report, Ms. Miller noted that nominations have been received for the Louise Abrahams Yaffe Volunteer Ombudsman Program Award, which will be awarded on May 7<sup>th</sup> as part of the state Alzheimer’s Association Annual Conference.

Volunteer in-services are currently scheduled for February and March, and will include information provided by regional ombudsmen on the revisions to the nursing home regulations. Volunteer Coordinators will be participating in staff in-service on February 2<sup>nd</sup> and 3<sup>rd</sup>.

Volunteers continue to be a welcome and visible presence to the nursing homes and residents where they are assigned, and focus each visit on monitoring that residents' rights are being fully upheld.

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

Mr. Donaldson reported on assembly and senate bills of potential interest to this agency, as follows:

AB 29/SB 5 relates to practice requirements for licensure as a clinical social worker.

AB 30/SB 6 relates to examinations for certification or licensure by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, and requiring the exercise of rule-making authority.

SB 8 relates to a waiver for prescription drug assistance for the elderly program, the use of excess monies in prescription drug assistance and making an appropriation.

SB 12 relates to requiring a governing body for a multiple jurisdiction health department to determine a budget in a manner agreed upon by the governing bodies of the participating entities.

The Members of the Board, in recognition for Mr. Donaldson's upcoming retirement on February 10<sup>th</sup>, thanked him for his fine service to the older adult consumers of long term care services in Wisconsin over his 23 year tenure. In turn, Mr. Donaldson thanked the members of the Board for their support of this agency's most vital work.

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

Referencing her report, Ms. Buchholz reported on the data relative to the 2016 Annual Enrollment Period, noting increases not only in numbers of calls handled, but also increases in calls needing calls back and increases in average minutes per call. 115 UW Pharmacy students volunteered during the Annual Enrollment Period. Outreach events also increased in 2016, and trends going into 2017 are noted as continued increases in general calls to the Medigap Helpline, loss of employer coverage, and changes in Medicare Advantage plans available in Wisconsin.

Lastly, the Medicare Part D (prescription drug coverage) staff have recently developed a brochure for consumers to help navigate the changes to the program, some of which impact persons with complex prescription needs and/or persons who require additional supports in order to afford their medications due to copays which seem to be equal to the full cost of the prescription.

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

Ms. Marheine reported on several critical areas of ombudsman work, including managing what appears to be a large increase in allegations of abuse and neglect, an increase in care and treatment and rights violations complaints generated by some corporate providers, and assisting nursing homes with questions relative to notice and rights requirements mandated via the revised nursing home regulations. 20 Immediate Jeopardy (IJ) cites have been noted since the November meeting.

Ms. Marheine reported that closure activity in both nursing homes and assisted living residences is presently at the highest it has been since the inception of the Relocation Ombudsman position. Several homes cite aging buildings and an inability to maintain both census and staffing that supports the overhead of the building and the business, while some indicate that they are “re-purposing” their business model to serve a different population.

The Ombudsman Program’s annual report to the Administration for Community Living/Administration on Aging has been submitted and is awaiting verification. Highlights from the narrative portion identifying strategic issues were discussed.

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

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

Ms. Bruemmer noted that the budget has been submitted to the Governor; thanks were extended to the budget office and the management team for the necessary information to be submitted. Statutory changes and potential expanded authority are also part of this process.

The process continues for succession planning for the Board attorney’s retirement, as well as that of the Business Manager. Chris McElgunn has been hired as the agency’s Legal Counsel.

The plan submitted by the agency to comply with the Ombudsman Rule has received final approval. Thanks were extended to the Office on Aging for their ongoing support and collaboration.

Ms. Bruemmer has begun legislative visits with the new freshman legislators, and will continue to do so with the new legal counsel. She has also met with Linda Seemeyer, DHS Secretary, and was appointed for another 3-year term as chair of the Long term Care Advisory Council.

Ms. Bruemmer has been monitoring two nursing home bankruptcies as the patient care ombudsman, one of those has concluded. No quality of life or care and treatment issues have been noted. The regional ombudsmen in those areas continue to provide the day-to-day monitoring and complaint resolution in both homes.

Ms. Bruemmer asked about the Board’s interest in having Kevin Coughlin from DHS attend the May Board meeting to discuss the WCCEAL program, as well as Carrie Molke and Cindy Ofstead from the Office on Aging. At the Board’s agreement, they will be invited to the May Board meeting. Also, regarding future meetings, it was proposed that a future meeting might be held in the Wausau area in order to view the nursing education training complex at the North Central Technical College. The Board will tentatively plan on this for the August 2<sup>nd</sup> meeting.

Recently Ms. Bruemmer hosted the state ombudsman from Wyoming, sharing similarities and differences in the two programs. The NASOP meeting will be held in May; Ms. Bruemmer requested permission for her and Ms. Marheine to attend. M/S/C Bechtel/Arnold

Ms. Bruemmer, in discussing the issues around reducing CNA training hours to 75 from 120, asked for the Board’s support of potentially offering testimony and support of retaining the full

120 hours of CNA training if the issue comes forward to the legislature. M/S/C Arnold/Meyer. Discussion ensued regarding the obligation owed to residents to be cared for by persons with the best preparation possible, particularly in recognition for residents who today appear to have far more medical and mental health complexities than in years past, as well as the instability and low pay of the profession as potential reasons for workforce stressors as opposed to the hours required for training. Further, no proposal has been seen as yet that details what areas would be removed from the current curriculum.

Lastly, Ms. Bruemmer discussed new responsibilities related to board education about ethics, lobbying laws and WI Public Records Law, and requiring a signed document from each board member attesting to their having received and read the information.

**New Business**

Eva Arnold shared a brief story from recent newspaper coverage about her entrance into college in the 1960's.

**Next Meeting Date:** May 10, 2017; Tanya Meyer will offer remarks from a Board Member.

**Adjournment:** Meeting adjourned at 2:20pm, M/S/C Arnold/Palarski

Respectfully submitted,  
Kim Marheine, Recorder