

**Board of Directors Meeting**  
Board on Aging and Long Term Care  
Virtual Meeting via Zoom  
October 27, 2021

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 Notice law.

**Members Present**      Dr. Dale Taylor                      Barbara Bechtel  
   Tanya Meyer                              Michael Brooks  
   Dr. Valerie Palarski

**Staff Present:**                      Heather Bruemmer                      Kellie Miller                              Vicki Buchholz  
   Jessica Trudell                              Vicki Tiedeman                              Rachel Selking  
   Jill Helgeson                              Joan Schmitz                              Casey Beilke  
   Kathi Miller                              Kayla Smith                              Tom LaDuke  
   Amy Zabransky                              Sarah Oneil                              Kelly Gochenaur  
   Jennifer Safka                              Stacey Holom                              Connie Inda  
   Kim Marheine                              Nancy Studt                              Vi Quang  
   Shawn Fish                              Linda Dobbratz

**Guests Present:**                      Travis Martin, Budget and Policy Analyst, Department of Administration  
   Cory Stinebrink, Department of Administration

**Agenda:**                                      Approval of agenda as submitted M/S/C (Palarski/Brooks)

**Minutes:**                                      Minutes of the August 4, 2021, board meeting were approved as presented M/S/C (Brooks/Palarski)

**Presenter:**

**Tom LaDuke, Relocation Ombudsman**

Relocation Ombudsman Report

Tom LaDuke provided updated information regarding the current status of closures across the state. He noted the much higher than typical number of closures in assisted living in particular, but also in nursing homes, largely reported to be due to staffing shortages. Mr. LaDuke provided information about his role in working with regional ombudsmen as well as providing guidance to long-term care providers and Managed Care Organizations and collaboration with his counterpart at DHS who manages closures and relocations. The Relocation Ombudsman often provides information on items such as discharge notices, notices to the courts and rights of residents relative to participation and choice. Mr. LaDuke expressed some concern for the increased need to sometimes set aside aspects of the Chapter 50 Relocation process in order to respond to what have become increasingly emergent closures and hopes this does not become the norm for the future.

**Reentry Observations to Nursing Homes and Assisted Living Homes:** Kim Marheine, Kellie Miller, Rachel Selking

Reentry Observations made by Ombudsmen and Volunteer Ombudsman Program

Ombudsman staff serving in both facilities and client homes provided information about their experiences with in-person casework. All spoke of the value of the agency's well-constructed Re-entry Plan, which not only provided thorough preparatory practices, but also gave confidence to proceed in the safest ways possible with clients who were extremely appreciative to again have in-person contact.

**Program updates:**

**Volunteer Services Update, Ms. Miller, Volunteer Services Supervisor:**

The Volunteer Ombudsman Program implemented in-person facility visitation until visits were halted in many counties due to the high rates of COVID community spread and facility outbreaks due to the Delta variant. COVID status is provided by daily checks on the Centers for Disease Control and Prevention (CDC) and the Wisconsin Department of Health Services (DHS) COVID websites.

Initial re-entry visits for each Volunteer Ombudsman were scheduled with the nursing home and approved by Ms. Miller. Subsequent facility visits can be unannounced by the volunteer and will be scheduled with their coordinator and approved by Ms. Miller. The re-entry visits are well received. The Volunteer Ombudsmen are eager to be back visiting with the residents and the residents are happy to see their volunteer.

The calls that are routinely conducted by the Volunteer Coordinator with a volunteer are critical in maintaining the professional relationships and maintaining connection with the volunteers for a more effective re-entry transition. The Volunteer Ombudsmen, and the Volunteer Coordinators are continuing with virtual monthly resident council meetings in many facilities.

The Volunteer Ombudsman Program would like to thank Ms. Kiri Meyer, MS, LPC, NCC, Bereavement Coordinator for Hospice Grief Resource Center for presenting "Threads of Grief: Embracing Grief as Humans and Helpers" during a virtual training session for the Volunteer Ombudsmen.

October is designated as Residents Rights month by the National Consumer Voice for Quality Long Term Care. The Volunteer Ombudsman Program is working in tandem with the Ombudsman Program to provide residents rights training this month in all five regions for the program.

**Outreach/Recruitment:**

We are receiving incoming requests for exhibit booth registration from many community organizations. Safety protocol and guides resembling the re-entry plans are and will be followed to participate.

Staff have submitted articles and/or Public Service Announcements in local media and volunteer management websites that have increased awareness of the need for Volunteer Ombudsmen. The responses to the recruitment efforts have been numerous and applicants are in varying stages of the screening process.

A new training component has been added to the Volunteer Ombudsman Program. The post intensive training sessions are scheduled the month after a new class just for the new class participants to discuss placements, review sections of the VOP training manual, and implement the volunteer mentor plan.

#### **Volunteer Ombudsman Program Staff Projects/Tasks:**

Ms. Miller met virtually with the Regional Ombudsmen in August to discuss the Volunteer Ombudsman Program. Each Volunteer Coordinator sets up meet and greets with the new Ombudsmen to meet the Volunteers.

Ms. Miller submitted Volunteer Ombudsman Program data for the FY 2019-2021 Biennial Report. She also completed the training standards plan for the agency's policies and procedures to meet the requirements for Administration of Community Living (ACL) for the Volunteer Ombudsman Program.

Staff are attending several upcoming conferences: TRIAD safety conference, the FOCUS conference, and the Consumer Voice conference.

#### **Jessica Trudell, Counsel to the Board, Program and Legislative Updates:**

##### **Wisconsin**

##### Elder abuse and exploitation bill

**SB17, now 2021 Wisconsin Act 76. Signed by Governor Evers.** This bill increases penalties for crimes against elder persons (over age 60); allows elder person seeking restraining order to appear by video instead of in-person; would allow freezing assets of a defendant charged with financial exploitation of an elder person; increased penalty for sexual assault of an elder person; creates crime of physical abuse of an elder person.

##### Guardian training

**SB92, AB100. Senate passed their version. Assembly votes today.** This bill would require guardian training for family and volunteer guardians.

##### Voting

**SB204/AB201. Vetoed by the Governor.** Currently, indefinitely defined voters can request to be sent ballots automatically each election. The bill would have eliminated the option for indefinitely confined voters to receive an absentee ballot automatically for any election. The bill would have authorized indefinitely confined voters to request and receive absentee ballot applications, rather than absentee ballots, automatically for each election.

**SB205/AB179. Vetoed by the Governor.** This bill would have required the administrator to provide notice of the dates and times when the special voting deputies (SVDs) will be visiting the home or facility to the relatives for whom the home or facility has contact information for each resident who intends to vote by absentee ballot with the SVDs. The bill also provided that an employee of a residential care facility who influences a resident to apply for or not apply for an absentee ballot or cast or refrain from casting a ballot or influences a resident's decision for whom to cast a ballot could be guilty of a Class I felony.

**SB206/AB180. No action since last Board meeting.** Current law allows indefinitely confined voters to automatically vote absentee every election for as long as needed. This bill would require the voter to provide a statement under oath they are indefinitely confined; if under age 65, their statement must be signed by their health care provider; specifies outbreak or epidemic does not qualify a voter as indefinitely confined; removes indefinitely confined status every 2 years unless renewed; provides the penalty for a false statement to be a Class I felony.

### **SB103**

Department of Health Services (DHS) promulgates rules which establish which medical supplies and equipment are covered by Medical Assistance (MA) and under what conditions they will be reimbursed. This bill would require the DHS expands the circumstances under which a provider is reimbursed for wheelchairs or power mobility devices for MA recipients residing in a nursing home. Enrolled-has completed the legislative process by both houses and is being prepared to be sent to the Governor.

### **Federal:**

#### Social Security

Social Security recipients will receive a 5.9% cost of living adjustment (COLA) in 2022. This is the biggest increase since 1982 and will affect around 70 million people, including retirees and persons with disabilities.

#### Better Care Better Jobs Act

**Negotiations continue.** This bill would increase the number of individuals receiving home and community-based services (HCBS), increase the number of informal caregivers and direct care jobs. Increases financial eligibility to 300% of FPL, requires Personal Care Services to be covered, expands respite care and access to behavioral health services.

#### Infrastructure

**Negotiations continue.** Proposals include increasing funding for Medicaid HCBS and expansion of Medicare to possibly cover hearing and vision and possibly SSI improvements.

The Bipartisan Infrastructure Bill (BIB) aka Infrastructure Investment and Jobs Act focuses on physical infrastructure repair like revamping roads and bridges, clean water, internet and improving public transportation. This bill has passed the Senate with bipartisan support but has not yet passed the House.

The Build Back Better Act (BBBA) is broader, focusing on green energy, healthcare, and education funding. This has not yet passed the House or Senate.

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

**Call volume:** Counselors with the Medigap Helplines have served 5590 persons in 5543 calls January through August 2021. Calls continue to last on average 39 minutes each indicating the complexities of choices facing beneficiaries. Total Covid-19 related calls are up to 745 from March of 2020. Many beneficiary's healthcare decisions now are less related to COVID 19 as was earlier.

**Outreach:** Counselors have participated in virtual presentation events for the public, one being the SHIP TA Center's "Welcome to Medicare" Virtual Fair which was staged across the nation. Each state has their own webpage with information which includes the state's resources. Medigap submitted a pre-recorded presentation on ESRD (kidney disease) and Medicare. Counselors are participating in a series of virtual events in Milwaukee County as outreach for their residents. Staff continue to submit articles on topics of interest to Wisconsin's Beneficiaries. Medigap participated in 23 events through August 2021.

**Complaint Tracking Modules:** Medigap has had 28 CTMs thus far. Trends of persons being enrolled into Medicare Advantage plans without understanding what is happening continues. New issues have arisen with persons with dementia either calling after seeing television ads or receiving telephone calls. These consumers have had their coverage switched without their POA/guardian being made aware of the change. CMS is investigating this type of behavior. Complaints to the Office of the Commissioner of Insurance (OCI) informing the regulators of the issues callers have experienced continues.

**Counseling Trends:**

The Medicare & You 2022 book has been revised to eliminate any bias towards Medicare Advantage plans. Many persons were not aware they could have elected to purchase a supplemental policy or that they could have remained with original Medicare alone or with their employer plan or Medicaid coverage.

A proposal has been submitted to CMS to allow SeniorCare to cover vaccines at no cost for SeniorCare members. In April 2020, Wisconsin Act 185 was passed, and it amended the definition of "prescription drug" under the SeniorCare program to include vaccinations recommended by ACIP for administration to adults. Vaccinations will be exempt from member cost share requirements. This has not officially started yet and is waiting CMS approval.

Beneficiaries who were on Badgercare Plus prior to Medicare or who were on a Medicaid program since, have not paid premiums nor has the beneficiary completed a review to determine ongoing eligibility. Due to the ongoing COVID-19 health crisis, the reviews continue to be delayed. We remind beneficiaries to watch their incoming mail which will inform them of when they'll need to complete their next review. Medigap staff are preparing for an increase in

Medicaid recipients who are on Medicare who may need to make some choices for other coverage.

**Ombudsman Services Update, Ms. Marheine, Ombudsman Services Supervisor and Ms. Selking, Assistant Ombudsman Services Supervisor**

Ms. Marheine reported that staff hired late last year have made remarkable transitions to their work, having onboarded in an entirely virtual manner, and having achieved their Tier One Certifications.

In-person fieldwork follows the guidance of the agency's Re-entry Plan and considers in part the high or very high rates of transmission of Covid-19 statewide.

Facility monitoring remains high, as homes continue to work through challenges related to Covid-19 and staffing shortages, often concurrently. Complaints continue to be more numerous and more complex than typical.

Consultations about impending closures have remained at an extremely high level, particularly among assisted living providers. Lack of staff continue to be the reported root cause.

Ombudsmen continue to educate providers, MCOs, families and residents about the rights of residents and managed care enrollees relative to quality of care and quality of life and continue to re-direct providers to the appropriate Covid-related guidance that should guide their visitation decisions.

Ombudsmen are receiving increasing numbers of complaints about residents being sent to the hospital for evaluation or treatment, and then refused transfer back to their nursing home or assisted living residence in an effort by providers to better balance their census to staff ratios. Ombudsmen continue to work on this issue on an individual case basis, working to inform providers of the rights of their residents to notice and planning in discharges and transfers, and also with DQA to make sure these cases are referred timely.

Twenty Immediate Jeopardy cites (as compared to 24 in the previous reporting period) have been noted since the August board meeting.

Ombudsmen continue to work with decision-makers at DHS relative to managed care function and guidance, noting complaints from Family Care and IRIS members who also have an inability to either find home-based caregivers, or to be allowed to pay caregivers what the current rate appears to be in a geographical area, putting the enrollee at risk for institutional placement.

**Administrative Report and Program Updates: Ms. Bruemmer, Executive Director/State Ombudsman:**

**Financial updates and personnel:**

The fiscal 2022 year began July 1, 2021, and the agency's budget is on track.

**Program updates:**

- The ED has been appointed as the Patient Care Ombudsman by the Honorable Catherine J. Furay, from the United States Bankruptcy Court for the Western District of Wisconsin, to monitor six assisted living facilities. A sixty-day report was submitted to the courts on September 1, 2021. The Patient Care Ombudsman work will be monitoring the homes for the next two years according to the court documents. The ED was appointed September 10, 2021, as the Patient Care Ombudsman by the Honorable Catherine J. Furay for an additional two assisted living facilities.
- The ED is working on the “Continuity of Government Operations Program” for the agency with the Department of Administration. In the event of an emergency, an effective communication and operational plan will be in place.
- The ED is serving on the “Dementia Summit” steering committee and actively engaged on the committee by co-leading the facility-based subgroup. The meetings are all virtual and the activity and involvement has increased these past couple of months. The next full task force meeting is October 27<sup>th</sup>.
- The ED is working with management on the re-entry plan for our long-term care homes and community-based services, Volunteer Ombudsman Program, and our Central Office. We continue to monitor the COVID-19 pandemic and evaluate program work daily.
- Training standards, which fulfill the Older Americans Act requirement for the Office of Long-Term Care Ombudsman Programs, were completed to meet the deadline for the Administration of Community Living of September 30, 2021.
- All Staff-Inservice was September 29<sup>th</sup> and 30<sup>th</sup>. We had two speakers: Michael Gillette, PhD: “Ethics and the Dignity of Risk During a Pandemic” and Paul Greenwood, JD, Greenwood Law Corporation: “Isolation during the pandemic: Elder abuse in the time of COVID and beyond.”
- The Biennial Report was submitted October 15, 2021, to the Governor, Legislature, and other appropriate parties.

### **Comments from the Public**

No comments from the public. New business: No new business.

Board meeting dates for 2022: February 9<sup>th</sup>, May 11<sup>th</sup>, August 3<sup>rd</sup> and October 26<sup>th</sup>.

The Nomination Committee has been established for the February 2022 meeting. (Palarski/Meyer)

Adjournment: Meeting adjourned at 12:30 pm M/S/C (Taylor/Bechtel)

Respectfully submitted,  
Vicki Tiedeman, Recorder