

Board Meeting
Board on Aging and Long Term Care
DoubleTree Madison East
Two Lakes Ballroom
4402 E Washington Ave
Madison, WI
August 2, 2023

Members Present: James Surprise Dr. Dale Taylor Dr. Valerie Palarski
Abigail Lowery Tanya Meyer

Staff Present: Jessica Trudell Vicki Buchholz Mary LeMay
Kristen Johnson Vicki Tiedeman Kathi Miller
Rachel Selking Brandie Hanson Jill Helgeson
Kim Marheine Sarah Gustin
Kim Tassoul

Guests Present: Richard Albertoni

Welcome and Call to Order.

Chair James Surprise called the meeting to order at 9:30 am. It was noted that this meeting was properly noticed under the Open Meetings Notice law.

Agenda:

Approval of agenda as submitted M/S/C (Palarski/Meyer)

Minutes:

Minutes of the May 2, 2023, board meeting approved as presented. M/S/C (Meyer/Palarski)

Remembrance of Board Member Dr. Khyana Pumphrey

APS Response in Assisted Living, Bryce Dorff, Research Analyst, Office of Policy Initiatives and Budget, Department of Health Services

Mr. Dorff provided a comprehensive overview of APS Response in Assisted Living project. His presentation included information about the project's basis and goals, methods for answering the research questions of the project and tracking the data points. Mr. Dorff responded to questions regarding the scope of the project as well as the results as they are known thus far.

Ombudsman Program Panel

Regional Ombudsmen provided updates on their onboarding and training, working with various long-term care settings during bankruptcy and other concerns, and supporting veterans living in the state's Veteran's nursing homes.

Comments from the Public

Chairperson James Surprise called for public comments. No comments from the public were made.

Bylaw Review and Discussion, Board Members and Attorney Kristen Johnson

Attorney Kristen Johnson provided an overview of the proposed revisions to the Board's bylaws. As required in the bylaws, these revisions were sent out to all Board members via email 30 days prior to this meeting. Attorney Johnson explained the reasons for the proposed revisions and discussion was had amongst the Board. Through this discussion, a few amendments were made, and the Board voted unanimously to approve the revisions as amended.

Approval of revisions as amended M/S/C (Taylor/Lowery)

Management and Program Updates

- **Vicki Buchholz, Medigap Helpline Services Supervisor:**

Ms. Buchholz provided an update on the Medigap Helpline Program, including that staff has been receiving calls from beneficiaries affected by the PHE Unwinding. Outreach efforts have increased, with staff having completed 11 outreach events thus far in 2023, reaching 1455 persons compared to 7 events reaching 625 persons in 2022.

Ms. Buchholz provided an update on complaint tracking modules with CMS, indicating so far in 2023, 24 complaints have been forwarded with 15 being found in the beneficiary's favor. These complaints included pricing issues, enrollments after cold calls, and lack of understanding coverage types. These issues also lead to complaints on Agents being filed with the Office of the Commissioner of Insurance to inform them of trends of agents enrolling persons without that person's full understanding of what is occurring.

Ms. Buchholz provided the following additional information:

PHE Unwinding calls have increased the Covid Related calls almost to early pandemic levels.

- Staff are gathering information on a potential issue with a school district that had a sudden change in their employer group coverage which may have also impacted retirees.

- **Mary LeMay, Volunteer Coordinator:**

Ms. LeMay noted that she has been with the Volunteer Ombudsman Program for five years. She has volunteers in 8 counties. The Volunteers conduct weekly visits and assist residents with complaints or issues they may have. The Volunteers and Volunteer Coordinator work together with the Regional Ombudsmen to advocate for long-term care residents.

- **Kim Marheine, Ombudsman Services Supervisor; Rachel Selking, Assistant Ombudsman Services Supervisor:**

Ms. Marheine provided the following highlights from her report:

Ms. Marheine noted the Ombudsman and Volunteer Ombudsman program are now working with a new database. The new database should provide opportunities for expanded data measurement and reporting. Ms. Marheine noted that two bankruptcies resolved since the last board meeting. She continues to monitor a single corporate provider, visiting 5 assisted living homes monthly. Ms. Marheine noted that there were 22 Immediate Jeopardy cites since the last board meeting; ombudsman staff monitor

these accordingly. Ms. Marheine indicated that BOALTC had submitted comments to the Department of Health Services regarding the Family Care waiver renewal.

- **Kristen Johnson, Counsel to the Board:**

Attorney Johnson provided an update on the WI Budget, indicating the budget includes the creation of 1.0 FTE Long Term Care State Ombudsman position. BOALTC was requesting 3.0 FTE positions, including an Executive Assistant and Communications Specialist. Attorney Johnson summarized other budget highlights related to areas of interest to the agency, including increases in the amount of funding to individuals living in skilled nursing facilities for personal needs allowance, increased funding for adult protective services, and funding for the WisCaregiver Career Program to address the state's shortage of certified nursing assistants.

Attorney Johnson provided legislative updates as follows:

Wisconsin:

- County of Residence for Care Management Organization Facility Placements – Assembly Bill 242 (passage unanimously recommended by committee on 6-6-23) and Senate Bill 248 (introduced and referred to committee on 4-20-23)
- 100-day Prescription Drug Supplies under SeniorCare – Assembly Bill 259 (introduced 5-8-23) and Senate Bill 263 (passage recommended 6-8-23)

Federal:

- ACL Seeks Input on Updates to Older Americans Act Program Regulations. BOALTC is working with the National Association of State Ombudsman Programs (NASOP) on submitting comments.
- CMS issued a memo that states CMS will include ownership and operatorship affiliation information on the Nursing Home Care Compare website. CMS will also publish combined inspection, staffing, quality, and other performance metrics across groups of nursing homes with shared ownership and operatorship on data.cms.gov.

- **Jessica Trudell, Executive Director/State Ombudsman:**

Ms. Trudell provided the following agencywide information:

Staffing

- Retirement of VOP Supervisor, Kellie Miller. ED is supervising VOP program until position is filled.
- VOP Project Lead for Assisted Living position has been filled with a start date 8/14.
- State Ombudsman position was received in the FY23-25 biennial budget.
- Staff in-service will occur on August 16th and August 17th.

Budget

- FY23-25 biennial budget signed by the Governor.
- Elder Justice and ARPA funds continue to be used, including hiring presenters for training as well as staff opportunities to attend Consumer Voice in Baltimore, Maryland and attend additional training opportunities not otherwise available.

Advocacy

- ED is a member of the DHS Long Term Care Advisory Council.
- BOALTC is reviewing ACL's request for input on proposed updates to the Older Americans Act and we are working with the National Association of State Ombudsman (NASOP) to organize comments.
- ED is participating in a workgroup regarding improvements to the guardianship system.
- ED and staff are participating in a Task Force with DQA, OIG and DOJ regarding facility issues and quality of care in long-term care homes.
- ED continues to attend Consumer Voice Leadership Council meetings. The last meeting focused on issues surrounding assisted living and what we are seeing in our states.
- ED has been approached about joining the Bureau on Aging and Disability Resources (within the Office on Physical Disabilities and Independent Living) Council on Physical Disabilities (CPD) as a Liaison to the Council.

Other

- The Board currently has 3 vacancies. State law prohibits members from having worked for a long-term care provider in the past five years, worked for health insurance company or similar conflicts.

Board Business. James Surprise, Chair

- Chairperson James Surprise indicates he is resigning effective at the conclusion of this meeting. Attorney Johnson indicates the bylaws provide that the Vice Chairperson assumes the role of Chairperson and an election will be held at the beginning of the next meeting to elect a new Vice Chairperson.
- Future meeting date November 10, 2023

New Business. No new business.

Adjournment.

Meeting adjourned at pm; M/S/C (Meyer/Palarski)

Respectfully submitted,
Vicki Tiedeman, Recorder