

Board of Directors Meeting
Board on Aging and Long Term Care
In-person at
DoubleTree Madison East
Two Lakes Ballroom
4402 E Washington Ave
Madison WI 53704
and virtually via Zoom
August 3, 2022

Acting 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.

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

Staff Present: Kellie Miller Vicki Buchholz Kim Marheine
Jessica Trudell Vicki Tiedeman Rachel Selking
Kellie Gochenaur Sharon Cline Kathi Miller
Cheryl Zautcke Jill Helgeson Vicki Meyer
Joan Schmitz

Guests Present: Cory Stinebrink, Executive Policy and Budget Analyst, Department of Administration
Travis Martin, Budget & Policy Analyst, Department of Administration
Janet Zander, Advocacy & Public Policy Coordinator
Greater Wisconsin Agency on Aging Resources, Inc.

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

Minutes: Minutes of the May 11, 2022, board meeting were approved as presented M/S/C (Taylor/Palarski)

Presenter: Otis Woods, Administrator, Wisconsin State Survey Agency Director, Division of Quality Assurance, Department of Health Services

Nursing Home & Assisted Living Updates 2022:

- COVID 19
 1. Division of Medicaid Services
 2. Additional funding made available to address COVID-19 issues
 3. Additional provider certification flexibilities based on 1135 waiver approvals for medical assistance

4. Public Health unwinding efforts/activities

- CMS Updates
 - CMS implements new regulations
 - Reporting to National Health Safety Network (NHSN)
 - Penalties issues for failure to comply
 - Mandatory employee/resident testing
 - Requirements for participation – reminder and new focus
 - Infection control
 - Resumption of regular inspections

- DQA updates – Nursing Homes
 - Top 10 citations
 - New guide for determining IJ
 - IJ trends
 - Nursing home Survey statistics
 - Closures
 - Contacting DQA regional offices

- DQA updates – Assisted Living
 - Assisted Living 2021
 - Assisted Living Facility Types
 - Regulatory Trends
 - WCCEAL
 - Bureau of Assisted Living initiatives
 - National Developments

Presenters: Leslie Stewart, Managing Attorney, Family Care and IRIS Ombudsman Program, Disability Rights Wisconsin
Kathi Miller, IRIS Lead, Board on Aging and Long Term Care
Kelly Gochenaur, Managed Care Lead, Board on Aging and Long Term Care

Ms. Stewart gave background and overviews about the services of the two separate prongs of the Disability Rights Wisconsin's services. Ombudsman Services and the PNA (Protection and Advocacy) contracts.

Examples of collaboration activities between BOALTC and DRW were shared with the Board. This included examples of the reciprocal provision of technical assistance regarding Home and Community Based Waiver programs, State Fair Hearing case work, as well as identifying areas of concern regarding system advocacy.

Ms. Miller shared a case example of an IRIS multigenerational case where the BOALTC IRIS Ombudsman and a DRW Ombudsman each represented a member in the same home and

worked together with the family, DHS, and creative team strategies to have a positive outcome for the family, moving forward.

Program Updates:

Volunteer Services Update, Ms. Miller, Volunteer Services Supervisor

Ms. Vicki Meyer, Volunteer Coordinator, was introduced and shared information with the Board Members.

Ms. Miller reported on the following:

The Volunteer Ombudsmen who were selected to receive the prestigious Louise Abrahams Yaffe Volunteer Ombudsman Award since the pandemic have received their awards in person during informal volunteer recognition meetings.

The Volunteer Ombudsman Program is conducting monthly large group virtual training sessions to achieve the Volunteer Ombudsmen training requirements of the Administration of Community Living. The large group sessions are followed with small group meetings for further updates and discussions.

In-person resident council meetings and in-person room to room visitation continues for the Volunteer Ombudsman Program.

Outreach/Recruitment:

The branded materials, especially the Volunteer Ombudsman recruitment posters are being widely distributed. Volunteer Coordinators have been diligent in submitting Public Service Announcements for volunteer recruitment in all regions, and staff have been setting up the new agency exhibit booth at a variety of senior and wellness fairs.

Volunteer Ombudsman Program Staff:

The Volunteer Ombudsman Program is scheduling re-training sessions for volunteer ombudsmen. These sessions are set up as a four-hour refresher for active volunteers. The Volunteer Ombudsman Program staff routinely attend relevant educational trainings, webinars, and in-services.

Medigap Helpline Program Update

Ms. Buchholz, Medigap Helpline Supervisor reported on following:

Year to date from January through May, counselors have worked with 4211 calls compared to 3647 from previous year. The average call length was 32 minutes per call which is slightly more than the earlier months.

Outreach: Counselors have participated in 12 outreach events through May. Events include professional updates and trainings. Staff attended the Vernon County 1st Annual Senior Fair and events in Milwaukee and Greek Lake counties in person.

PHE Unwinding Project: The Public Health Emergency (PHE) continues to hold off the Unwinding Project. Beneficiaries who were eligible for Medicaid (T19) did not have a review nor will they lose their Medicaid coverage until the PHE has ended which at this time is slated to end mid-October. The lead agency, Dept of Health Services (DHS) continues to prepare beneficiaries and agencies impacted with the PHE. Medigap counselors are updated frequently to understand and be prepared with caller's questions. Earliest to expect coverage to end would be end of November 2023 with 12 months for all reviews be completed.

Covid Impact: Actual callers who report having been impacted by the PHE has been declining through July. Total callers in 2022 are about 1048 with total callers from the start of the PHE is at 1849 callers.

Complaint Tracking Modules: Year to date count is at 26 complaints. 25 of 26 were found in favor of the beneficiary. The bulk were for Advantage plans and beneficiary responses to TV ads.

Trends: WEA (Wisconsin Educators Association) announced in June the discontinuance of all Health insurance products on 12/31/2022. Includes Health Traditions (1260); WEA Med Plus Indemnity plan (6573), other groups (326) including employer sponsored plans/SHOP plans (over 100,000 members).

Turning 65 Outreach Campaign: Implemented by Wisconsin SHIP using 65th birthday mailers and digital SHIP ads targeting about 30,000 residents in 48 counties. Mailers include Medigap toll-free number as well as ADRC listings.

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

Ms. Marheine indicated ombudsmen are conducting typical in-person field work, education and networking.

The Ombudsman Program continues to respond to and monitor higher than typical levels of complaints regarding staffing and the associated issues, closures and allegations of abuse, often partnering with other community and DHS agencies to resolve concerns.

Requests for provider education are high for the coming months, as provider associations and other agencies resume the pre-pandemic levels of fall conferences and staff inservices. The final aspect of the 2016 nursing home rule revisions by CMS go into effect on October 24, 2022.

Family Care, IRIS and Ombudsman Leads are all involved in various workgroups with DHS monitoring the "unwinding" process of some aspects of Medicaid adverse decisions that had been put on hold through the pandemic.

A workgroup of regional ombudsmen has been working on resources aimed at assisting residents, families and providers in making decisions about the use of surveillance (camera or recording) devices in resident rooms and other living spaces.

Working with other advocacy agencies and the National Association for State Ombudsman Programs, Ms. Marheine provided feedback to ACL and CMS regarding the following aspects of

issue advocacy: the status of HCBS services in WI, staffing of nursing homes, updates to the Older Americans Act.

Twelve Immediate Jeopardy cites have been noted since the May Board meeting. Ms. Marheine continues to monitor the remedies set forth by CMS for the cites noted above, as well as requests for Informal Dispute Resolution (IDR) of cites imposed by DQA. K. Marheine or Rachel Selking attend IDR meetings relative to cites regarding resident rights denials.

Ms. Marheine provided input based on ombudsman casework to requests from providers for waivers related to their nurse aid training programs, as well as requests to use Civil Money Penalties (CMP) money to improve programs and services in long-term care communities.

With support from various regional ombudsmen, Ms. Marheine continues to monitor eight assisted living communities as the Patient Care Ombudsman, appointed by the United States Bankruptcy Court in the Western and Eastern districts of Wisconsin.

Administrative Report, Jessica L. Trudell, Executive Director/State Ombudsman

Officially began in the Executive Director/State Ombudsman position on July 18th, 2022. Recruitment for Legal Counsel has started. Management training was conducted in July with Alonzo Kelly. All staff in-service will occur in August.

Budget & Positions: Agency's budget request is due September 15th, including any requests for positions. CARES funds expire at the end of September. Our LTE for Medigap will start in August.

Equity & Inclusion: Our on-site monitoring visit and report was completed with the Bureau of Equity and Inclusion (BEI). We will receive our results from BEI. The BOALTC Equity & Inclusion workgroup will restart in Fall. IDEAS Committee is being attended by a BOALTC staff member.

Long Term Care: The WisCaregiver Career Program has been expanded. This program was launched to address the shortage of CNAs. The expansion will include recruiting for as many as 3,000 new CNA training slots.

Comments from the Public

Janet commented that she appreciated joining our meeting, she appreciates the work that we do and the opportunity to learn more about our advocacy.

Board Business, James Surprise, Acting Chair

Motion to support a budget proposal separating the State Ombudsman position from the Executive Director responsibilities, as per the requirements of the federal ombudsman rule and to support a statutory change to Wis. Stat. §16.009. M/S/C (Taylor/Palarski)

Motion to support a budget proposal creating a Communication Director position M/S/C (Meyer/Taylor)

Motion to approve attendance for Jessica Trudell and Kim Marheine to attend the Consumer Voice Conference M/S/C (Meyer/Taylor)

Remarks from a board member suspended M/S/C (Meyer/Taylor)

All Board members voted aye, no one opposed and no abstentions. Board Members also confirmed their support of the Executive Assistant position request in the agency budget request.

Executive Committee positions:

Abigail Lowery nominated for Vice Chair M/S/C (Taylor/Palarski)

Valerie Palarski nominated for Secretary M/S/C (Meyer/Taylor)

Per agency bylaws, James Surprise as Vice Chair will serve as the Board Chair to fill the vacancy.

All Board members voted aye, no one opposed and no abstentions.

2022 Board meeting date: November 9th

2023 Board meeting dates: February 8th, May 3rd, August 2nd, November 1st

Adjournment: Meeting adjourned at 2:30 pm M/S/C (Taylor/Palarski)

Respectfully submitted,
Vicki Tiedeman, Recorder