

RESIDENTIAL FACILITIES ADVISORY COMMITTEE (RFAC) MEETING

June 17, 2016

at the

Office of the Long-Term Care (LTC) Ombudsman

Training Room

3855 Wolverine NE, Suite 6

Salem, Oregon 97305

**MINUTES**

**MEMBERS PRESENT:**

Michele Edwards, Chair  
Betsy Welch, Vice Chair  
Teena Ainslie  
Bill Bard  
Jan Friedman  
Tom Giles  
Claudia Kyle

**STAFF PRESENT:**

Fred Steele, Director/State LTC Ombudsman  
\*Travis Wall, Oregon Public Guardian  
Rebecca Feters, Deputy Director  
Toni Larson, Residential Facilities Ombudsman  
Debbie Boures, Deputy State LTC Ombudsman  
Mary Ann Lebold, Committee Administrator and  
LTCO Office Manager

**MEMBERS ABSENT:**

Kelly Breshears

**LTCO VOLUNTEERS PRESENT:**

Linda Setchfield, Certified Ombudsman

**GUESTS:**

Ashley Carson-Cottingham, Director, Aging and People with Disabilities (APD),  
Department of Human Services (DHS)  
Keith Putman, Liaison, Governor's Commission on Senior Services (GCSS)

**CALL TO ORDER:** Ms. Edwards called the meeting to order.

**PUBLIC COMMENT:** There was no public comment.

**COMMITTEE BUSINESS - APPROVAL OF MINUTES:** Teena Ainslie asked that the web address for Housecall Providers ([www.HousecallProviders.org](http://www.HousecallProviders.org)), who offers services to people in various residential settings, be added to the minutes of the May 20, 2016 meeting. Judge Welch moved that the minutes of the May 20, 2016 meeting be approved with the addition requested by Ms. Ainslie. The motion was seconded and passed.

**CORRESPONDENCE, ANNOUNCEMENTS AND RELATED ACTIVITIES:** Mr. Bard reminded Committee Members that June 15 was Elder Abuse Day. He distributed copies of a *Fact Sheet on Abuse and Neglect* published by The National Consumer Voice for Quality Long-Term Care and read the statement on the cover page (attached) into the minutes.

Mr. Bard distributed a sheet entitled *Encouraging Residents' Rights to Vote (for Ombudsmen)* published by The National Consumer Voice for Quality Long-Term Care. He believes that this information is significant in light of there being a National Election this year and that October will be National Residents' Rights Month.

Ms. Ainslie, a member of Mt. Hood Community College District Board of Education, made a presentation to that board about the LTCO program at their most recent meeting.

Judge Welch has drafted a letter to the Elder Law Section the Oregon State Bar regarding the possible reintroduction of bills in the 2017 legislative session to provide counsel at public expense for respondents in adult guardianship cases and respondents in proceedings brought by the Oregon Public Guardian and Conservator. The letter requests their input regarding possible strategies for how and by whom such representation would be provided and the manner of administering funds appropriated by the State for these purposes.

*NOMINATIONS FOR CHAIR AND VICE CHAIR:* Mr. Bard nominated Ms. Edwards to continue serving as Chair and Judge Welch to continue serving as Vice Chair. Ms. Edwards and Judge Welch expressed their willingness to continue to serve and accepted the nominations. There were no other nominations.

*New Business:* Ms. Fetters suggested five possible Committee names. Discussion followed. Judge Welch moved that it be proposed via Legislative Concept (LC) that the name of this Committee be changed to *Residential Ombudsman and Public Guardianship Advisory Board*. Ms. Friedman seconded the motion. The motion passed. Mr. Steele updated Committee Members on the status of the proposed LC where a change to the Committee's name would be addressed.

**TRAVIS WALL, OREGON PUBLIC GUARDIAN (OPG):** Mr. Wall updated Committee Members on the status of Lisa Bayer-Day who was recently convicted of criminal mistreatment of people for whom she served as a guardian. The OPG is continuing to provide guardianship services to some of the protected persons that Ms. Bayer-Day was serving.

Judge Welch, Mr. Wall and Mr. Steele met with Senator Dembrow on June 10 to discuss possible legislation to be put forward in the 2017 legislative session. Proposed legislation would address guardianship issues in Oregon and make changes to statute regarding the OPG.

OPG staff continues to work on the OPG's 2017 budget proposal which will include a Policy Option Package requesting expanded funding to grow the program.

Mr. Steele is working with Mr. Wall on an elder justice grant application. Aging and People with Disabilities/DHS and Working Interdisciplinary Networks of Guardianship Stakeholders are supportive of the grant effort. The grant would fund work on various guardianship issues.

Ms. Friedman complimented Mr. Wall on the quality of the brochure that OPG staff created explaining the OPG.

**TONI LARSON, RESIDENTIAL FACILITIES OMBUDSMAN (RFO):** Ms. Larson reported that the RFO program is ready to begin serving clients in Eastern Oregon where the relatively low number of homes serving clients with developmental/intellectual disabilities and mental illness will allow program staff to serve all facilities in the region and implement initial components of the program. Knowledge gained in Eastern Oregon will inform RFO staff to

adapt program procedures. Ms. Larson described the work that will be done in Eastern Oregon by RFO staff. RFO staff will participate in the annual conference sponsored by the Office of Developmental Disabilities Services for service coordinators and personal agents in Corvallis in August and the DD managers statewide group monthly meeting.

Committee Members agreed that they would be interested in hearing from representatives of law enforcement and other relevant leaders regarding working with individuals experiencing mental health issues.

Ms. Larson and Mr. Giles met with Senator Gelser recently to update the Senator on development of the RFO program.

**DEBBIE BOURES, DEPUTY STATE LONG-TERM CARE OMBUDSMAN,**

**DISTRICT 4:** Ms. Boures supervises Certified Ombudsmen (COs) in Lane, Linn, Lincoln, Polk and Benton counties. She distributed a listing of facilities in District 4 and described the Ombudsman resources in each county. Each month, she holds three team/training meetings for COs. She described how she will work to recruit additional COs in counties where CO coverage of LTC facilities is lightest. Eight COs in her district have become Memory Care Specialists. Issues for residents most frequently encountered in District 4 include move out notices, staffing and prompt meal service. Her primary challenges are dealing with the geographical distances in District 4, becoming more familiar with the facilities and having an adequate number of COs to serve the LTC facility residents. Ms. Boures is pleased with the success that she has had in developing relationships with staff in other agencies that serve residents of LTC facilities in the district.

Ms. Edwards thanked Ms. Boures for presenting at today's meeting and expressing enjoyment of the work she does.

**ASHLEY CARSON-COTTINGHAM, DIRECTOR, APD/DHS:** Mr. Steele introduced Ms. Carson-Cottingham and asked everyone present to introduce themselves.

Ms. Carson-Cottingham talked about her agency's renewed efforts to be certain that all facilities are both safe and compliant with state regulations. Committee Members and guests asked questions and commented about safety in facilities. Ms. Carson-Cottingham responded and offered additional information regarding facility safety and expressed her unwillingness to compromise resident safety. There was discussion about APD's notification of facility surveys to LTCO notification and the role of COs in facility surveys. Ms. Larson expressed her appreciation of Ms. Carson-Cottingham's approach to the work she is doing at APD. Ms. Edwards also expressed her appreciation of Ms. Carson-Cottingham's work and changes that she has made at APD. Mr. Putman said that he has noticed a positive shift in how her agency is perceived in the community under Ms. Carson-Cottingham's direction.

In closing, Ms. Carson-Cottingham described the budget challenges that APD is facing.

Ms. Carson-Cottingham thanked Committee Members for allowing her to present to the Committee and expressed her intentions to continue working collaboratively with both LTCO staff and the Committee.

**REBECCA FETTERS, LTCO DEPUTY DIRECTOR:** Ms. Feters distributed and discussed the May 2016 Volunteer Monthly Report. CO training has been scheduled in the Bend area in response to inquiries received after publication of an article in the Bend Bulletin about the LTCO program. Committee Members are invited to attend a full-day workshop\_for LTCO staff regarding volunteer management, motivation and retention presented by Richard Lynch of Lynch Associates on July 12.

### **INTERNAL FOCUS GROUP (IFG) REPORTS:**

*Data IFG Report:* Ms. Feters distributed a graphic representation of LTCO 2015 cases where a move out notice had been issued to a LTC facility resident. Discussion of the information and data followed. Ms. Edwards thanked Ms. Feters for producing the information as a graphic and commented on the high quality of the piece. The data group is also looking at how to support the LCs as they go forward. Ms. Edwards is pleased to have found, in serving on the Data IFG, that the LTCO has a good quantity of data.

*Court System Linkage:* Judge Welch distributed a paper outlining a draft LC to address situations where a CO has concerns about the performance of a resident's guardian. The LC would facilitate communication between a CO and a Judge about the performance of the guardian. The proposed LC and the COs' role regarding guardianships was discussed. Judge Welch and Ms. Friedman will provide a revised draft of the LC to Committee Members at the July meeting.

*By-Laws:* Judge Welch distributed a sheet titled BYLAWS of RFAC and directed Committee Members to a copy of the current Committee Bylaws. She discussed areas of the Bylaws that she believes need improvement. Ms. Edwards asked Committee Members to submit any suggestions that they have for improvement of the committee Bylaws to Judge Welch.

*Review/Action Sheet:* Ms. Edwards distributed a sheet listing projects that Committee Members and staff are working on showing the status of each project.

**FRED STEELE, DIRECTOR/STATE LTC OMBUDSMAN:** Mr. Steele asked Mr. Putman to announce the date for the annual Governor's Commission on Senior Services (GCSS) conference. Mr. Putman invited Committee Members to the conference which will be October 12, 2016 and described the speakers who will present at the GCSS conference.

All eight of the LCs submitted to the Governor's office have been accepted and forwarded to Legislative Counsel who will draft legislation and work with Mr. Steele to perfect the language in the legislation. Mr. Steele has been talking with State Legislators who have agreed to support the legislation.

The Memory Care Specialist Training was done May 17. Letters have gone out to memory care facilities to let them know that Ombudsmen have been assigned. COs and staff have started working with facility administrators on the Memory Care Initiative. COs have started using a data collection form created for COs to report on line of their activities in Memory Care facilities as a Memory Care Specialist.

The Housing with Services Task Force had its final meeting where legislators helped task force members identify areas of agreement about what will be required of administrators of Housing with Services facilities. Stakeholders agree that the LTCO staff and volunteers would be appropriate advocates for the residents of these facilities. However, Mr. Steele has clearly stated that the LTCO could provide this advocacy only with additional funding.

Ms. Edwards thanked Committee Members for participating in today's meeting and the other contributions they make to improve the lives of Oregon's most vulnerable citizens.

The Committee's next meeting will be on July 15, 2016 from 9:00 AM until 2:30 PM at the LTCO office.

Today's meeting was adjourned at 2:39 PM.

**"Older people are vital, contributing members of our society. They work, volunteer, and raise young people. They hold our nation's memory and are a deep repository of the rich traditions and cultures that make our nation diverse and vibrant.**

**The abuse or neglect of any one of them diminishes all of us."**

**Kathy Greenlee, Assistant Secretary  
for Aging and Administrator,  
Administration for Community Living**

**#WEAAD2016**

