

LONG TERM CARE (LTC) ADVISORY COMMITTEE MEETING – *TELECONFERENCE***

January 20, 2012

Office of the Long Term Care Ombudsman (LTCO)

3855 Wolverine NE, Suite 6

(Training Room)

Salem, Oregon

MINUTES

MEMBERS PARTICIPATING:

Teena Ainslie, Chair

Bill Bard, Vice Chair

Dan Dunham

Peter Fuchs

*Claudia Kyle

STAFF PARTICIPATING:

Mary Jaeger, Director/State LTC Ombudsman

*Gretchen Jordan, Coordinator of Volunteers

*Mary Ann Lebold, Office Manager

MEMBERS ABSENT:

Michele Edwards

LTCO VOLUNTEERS PARTICIPATING:

Jerry Walker, Volunteer CFO

GUESTS:

*Ron Fredrickson, Advocacy Manager, Insurance Division,
Department of Consumer & Business Services

Meghan Moyer, Sr. Political Organizer, SEIU, Local 503

*Grover Simmons, Independent Adult Foster Home Association

CALL TO ORDER: Ms. Ainslie called the meeting to order.

JERRY WALKER, LTCO VOLUNTEER FINANCE COMMITTEE: Mr. Walker referred Committee members to his document, *Agency Expenditures Actual & Budget*, which shows the LTCO's expenditures for the first six months of the current biennium compared to the agency's budgeted expenditures for the same period and, based on the total funding allocated by the legislature, funds to be spent during the remainder of the biennium. He reviewed the information on the sheet. Even though the agency has operated under budget for the first six months of the biennium, he cautioned that any cuts -- even a very small reduction -- in funds allotted to the agency would have a serious impact on agency operations. He believes that at least some reduction is almost certain after the February legislative session.

Mr. Dunham asked Mr. Walker to suggest two or three categories where expenditures could be reduced and have minimal impact on the operation of the agency. Mr. Walker explained that charges for state services, facilities rent and insurance can't be reduced. Only about \$55,000 of agency expenses can be "managed." State travel, lodging and food make up the category where the most reductions can be made. Additional volunteers in Eastern Oregon and Coos and Curry Counties would reduce staff travel to provide Ombudsman services. Ms. Jordan is already focusing her recruiting efforts on these areas. It would also be helpful if deputy travel to the Portland Tri-County area were reduced. Ms. Jaeger pointed out that adding volunteers would not

*Participated in person at LTCO offices

**This meeting was originally scheduled to be held at the LTCO offices. Due to heavy rains and widespread flooding in the Salem area, the meeting was held via teleconference.

completely solve the problem, because more deputies would be needed to supervise additional volunteers. Mr. Walker believes that the computer support costs will drop.

In closing Mr. Walker pointed out that cases are becoming more complex which increases the workload for volunteers and requires increased deputy support for volunteers.

Ms. Ainslie thanked Mr. Walker for his report and his contribution to the program.

PUBLIC COMMENT: There was no public comment.

APPROVAL OF MINUTES: Dan Dunham moved that the minutes of the December 16, 2011 meeting be approved as written. The motion was seconded and passed.

CORRESPONDENCE: Ms. Ainslie asked Committee members to review the 2012 schedule of meetings.

Ms. Ainslie drew Committee members' attention to the message from Kendall Clawson, Executive Appointments Director, about the operation of the Boards and Commissions office which is part of the Governor's Office.

ANNOUNCEMENTS: Dan Dunham reported that the Senior Medicare Patrol (SMP) conference will be April 10 through 12 and will focus on Medicare/Medicaid fraud and abuse. It will also be an opportunity for overall training of Certified Ombudsmen, Senior Health Insurance Benefits Assistance (SHIBA) volunteers and state staff. In addition to Mr. Dunham, two Deputy State Long-Term Care Ombudsmen are participating in the planning meetings. Mr. Dunham reviewed scheduling for conference events. Mr. Dunham is developing an exhibitor pool. He believes that it will be a good conference featuring talented presenters and valuable small group sessions. He hopes that the first flyer about the conference will be mailed around the beginning of March.

RON FREDRICKSON, ADVOCACY MANAGER, INSURANCE DIVISION,

DEPARTMENT OF CONSUMER & BUSINESS SERVICES: Mr. Fredrickson opened his remarks with a summary of his experience. In his remarks he explained specifically what the Insurance Division does emphasizing the Consumer Advocacy office and gave an update on Senate Bill 88, which was passed in the last session and impacts long-term care. His remarks closely followed the materials in the packet of information to be distributed to Committee members.

Mr. Fredrickson's staff works closely with SHIBA volunteers in their investigations. Mr. Bard suggested that Mr. Fredrickson's group be included in the SMP conference. Mr. Dunham confirmed the Mr. Fredrickson will be contacted about being an exhibitor at the conference and perhaps being a presenter or workshop leader.

MARY JAEGER, STATE LTC OMBUDSMAN: The legislative concept developed by the Elder Abuse Work Group (EAWG) was made public yesterday and became HB 4084/4085. Representatives Gilliam and Hoyle have worked with over twenty community groups to create the concepts outlined in this bill. The EAWG presented an informational hearing to summarize the work of the EAWG to both the Judiciary Committee and to the Joint Health and Human Services Committee. The provisions of the bill update the criminal and background check portions of criminal code plus additional pieces that relate to better protection for elders in facilities and in the community. It has been inspiring to see so many community groups work with legislators and the Department of Human Services on behalf of vulnerable seniors and people with disabilities.

Ms. Jaeger attended the conference of the National Association of State Long-Term Care Ombudsman Programs (NASOP) January 13 - 16. She found it very interesting to see how each state implements the Older American's Act. Oregonians can be proud of Oregon's programs. We have taken an approach different from other states and have embraced the volunteer component of the act, system advocacy and collaboration to be part of the bigger picture of LTC in Oregon. National information about all the state programs will be made available in about a month when the national Administration on Aging (AoA) report is released. Oregon has a relatively small amount of money but many volunteers who do the majority of the program's work – 83% of cases are initiated, investigated and resolved by a Certified Ombudsman volunteer. A national committee has been formed to reevaluate the codes over the next three years so that there will be a more unified way to express what volunteers do across the country.

Ms. Jaeger and Mr. Bard want to recognize the work of the LTCO staff and volunteers that resulted in meeting or closely meeting many of the agency's Key Performance Measure (KPM) targets. A preliminary version of the Annual Performance Progress Report (APPR) has been distributed to Committee members. Ms. Jaeger commented that the perception in the Capitol is that LTCO program received a 75% increase of general funds. However, in reality the increase in general fund dollars replaced the Medicaid dollars no longer available to the agency. The results in the APPR show that LTCO staff and volunteers have accomplished great results with limited funding. Ms. Jaeger would like to go ahead with Mr. Bard's suggestion that letters be sent from the Committee to volunteers and staff acknowledging their work. Committee members will submit their comments to be included in the letter to Bill Bard who will edit the comments and combine them into a letter.

Ms. Jaeger will provide a continuing education opportunity for the Romanian adult foster home providers group in Portland next week. The topic is Ombudsman access to facilities and residents rights.

MEGHAN MOYER, SENIOR POLITICAL ORGANIZER, SEIU, LOCAL 503: Ms. Moyer thanked the Committee for inviting her to address the Committee and tell the Committee about SEIU and its involvement in the long-term care system.

Of the over 60,000 workers represented by SEIU, more than 20,000 of them work in the LTC system – 12,000 in-home care providers, 7,000 support service workers who care for adults with developmental disabilities, adult foster home workers and nursing home workers. SEIU'S involvement in the LTC industry began during 2000 when SEIU put a ballot initiative on the ballot giving home care workers the right to organize and creating the home care commission. Since then SEIU has organized over 30% of nursing facility workers. Adult foster care workers were organized in 2008. SEIU represents workers in two assisted living facilities.

SEIU has been engaged not only in work around the LTC system and its health and budget issues but also around policy work on quality, workforce training and other worker related issues. SEIU is active in The Campaign for Oregon's Seniors and People With Disabilities which is a coalition that has been very effective in the Capitol to delay devastating cuts in funding the LTC system. SEIU is pleased to be part of this advocacy.

SEIU believes that in order to have quality care you must have a quality work force. A quality work force will require raising the standard of pay and benefits available to workers. SEIU believes this is possible through collective bargaining but only if there are enough workers represented to lift standards in all facilities around the state. SEIU is pleased with the results they have achieved in nursing facilities, which have brought about changes sector wide – not just in organized facilities. SEIU has focused on staffing ratios working with legislators and providers to reach a compromise that greatly improved staffing ratios. Nursing home workers believe they now provide a better level of care.

SEIU is also proud of the work done around home care services. With the passage of ballot measure 99, the Oregon Home Care Commission (OHCC) was created. SEIU has worked collaboratively to build the OHCC training program and a registry. SEIU has bargained for worker access to health insurance, workers' compensation and paid time off. SEIU is proud that the home care workforce now has an average tenure of over two years. This has resulted in more stable, more consistent care by better-trained care providers. People requiring a higher level of care remain in their homes longer because of the stabilization of the workforce and access to training. SEIU wants to work to maximize people's independence and give them an opportunity to live safely in the least restrictive environment.

SEIU is working to stop the dramatic rate reductions that adult foster care home workers are facing. It is important that Medicaid continues to be available. Adult foster care providers must make a decision about whether they will accept Medicaid residents and how that impacts the viability of their homes. SEIU is working to educate legislators about the impact of losing Medicaid beds in community-based care.

SEIU is concerned about Oregon's LTC system overall and is educating legislators about the concern that Oregon system of community-based care, the envy of the nation, is in jeopardy. SEIU wants legislators to understand how much money is saved by the community-based care system, that it is a system that provides care for Oregon's most vulnerable citizens and that the industry is a massive employer in the state. It would be very difficult to rebuild a trained workforce should the LTC system deteriorate. SEIU is having good discussions with legislators.

Ms. Moyer thanked the State LTC Ombudsman and Certified Ombudsman volunteers not only for the work they do in facilities but also for their advocacy with legislators and the Governor. She hopes that SEIU is viewed as a partner and looks forward to working with the LTCO on patient safety, workforce and access issues.

In response to a question from Chair Ainslie, Ms. Moyer said that the OHCC is the training entity for home care providers and continues to increase the array of training offered. SEIU is fighting for better access to training and for a much more cohesive training system, including training through community colleges, to be available to adult foster care providers.

Dr. Fuchs asked whether SEIU was taking acuity into account when addressing staffing issues. When a facility accepts one or more residents requiring more intensive care, the care to other residents is reduced. A facility might meet the 1 caregiver to 8 residents ratio but care is not evenly distributed. Mr. Dunham expressed his concern about the impact on residents when residents requiring a higher level of care are placed in a facility not equipped to provide that higher level of care. Ms. Moyer agreed that this is an issue that she hopes will be addressed. SEIU supports people living in the least restrictive environment as possible as long as they can but only if they can do so safely.

In response to a question from Mr. Bard, Ms. Moyer said that the union has encouraged their members to use the LTC Ombudsman program but workers are concerned about retaliation should their employer be aware of contact with the LTCO. She described this as a “culture problem” in facilities. SEIU’s job is to continue to educate their workers about the Ombudsman program and to help facilities to recognize that their workers have the right to contact the LTCO.

Ms. Ainslie thanked Ms. Moyer for presenting to the Committee today.

GRETCHEN JORDAN, COORDINATOR OF VOLUNTEERS, LTCO: Ms. Jordan asked Committee members to review her November and December reports which have been emailed to them. Nine trainees are attending the current Portland training and seven or eight are expected to attend the training beginning in Salem next week. She has also identified trainees to participate in the Eugene training. She expects volunteer numbers to increase. Volunteers are not free – more Certified Ombudsmen will require more deputy time spent training and supervising. She is working with Michele Edwards and Drew Strayer, the Deputy State LTC Ombudsman who supervises volunteers in Eastern Oregon, to increase volunteer numbers in Eastern Oregon but it is difficult to make progress in Eastern Oregon during this time of year due to weather issues. Progress has been made in Coos and Curry counties. The training schedule will be adjusted as trainees are identified.

Ms. Jordan’s *Profile of Volunteers who Applied in 2011* provides interesting information about the source of applications. Newspaper articles continue to generate interest in the program, but the number of applications received in response to Internet information has increased most. AARP is no longer doing mailings about volunteer opportunities with the LTCO but continues “email blasts.” Ms. Jordan hopes to take part in outreach events with AARP around the state.

A bylaws document for Recruitment and Screening (R & S) Committees is complete. There was considerable discussion about the ten-year limit on the duration of a membership.

R & S Committee members will be receiving a self-assessment form soon. Information from the assessments will drive changes to R & S Committee member training. R & S Committee members will be required to visit an LTC facility. Ms. Jordan hopes that the Committee would review and approve the draft bylaws. Mr. Dunham moved that the Committee recommend that the State LTC Ombudsman adopt the bylaws. The motion was seconded and passed.

Mr. Bard has attended two R & S Committee meetings in District 21. He was received cordially and found the brain storming session in the most recent meeting very productive. A new member of the R & S Committee reminded other R & S Committee members that system advocacy should be part of R & S Committee activities not only to attract volunteers but also to increase awareness of the LTCO. He also contributed ideas about engaging local colleges and universities to add to R & S Committee goals. Ms. Jordan is currently evaluating a promising applicant for the District 21 R & S Committee.

The Lane County R & S Committee has recently added one new member who is also a Certified Ombudsman.

Ms. Jordan reported the R & S Committee in the Medford area now has no members. Ms. Jordan is working with RSVP and Deputy State LTC Ombudsman Molly Twarog to rebuild the R & S Committee in Jackson County.

BILL BARD, VOLUNTEER IT CHAIRMAN, LTCO: From the IT standpoint, staff and volunteers have been working diligently on the APPR/KPM report. Committee members have received paper copies of the final draft report. Mr. Bard, Executive Volunteer James Donder, Ms. Jaeger and LTCO Data Specialist Tracy Behnke worked together on the project with Jerry Walker reviewing their work and confirming its accuracy.

Mr. Bard expects the agency's annual report to the Administration on Aging to be finalized early next week and presented to Committee members at the next meeting.

Mr. Bard presented a template illustrating a new format for delivering the Committee's annual Report to the Governor and Legislature. The template -- or "concept piece" -- is a more visual graphic that delivers the Committee's message in four pages. The template was favorably received by Committee members who agreed that the template should be used in creating the report. There was discussion about the content of the report.

MARY ANN LEBOLD, OFFICE MANAGER, LTCO: Ms. Lebold summarized changes to the State travel policy and how private vehicle mileage reimbursement has changed. Ms. Lebold believes the updates to the policy are to make certain that state staff and volunteers consider all alternatives for transportation and select the most cost effective way to travel around the state before deciding to use their own vehicle. It is clear how the updated policy applies to staff. Discussion about how the policy will apply to private vehicle use by volunteers continues among state officials in Risk Management, Travel and other state offices. Ms. Lebold has been advised

that, since state statutes say “all members of state boards and commissions . . . may receive actual and necessary travel or other expenses actually incurred in the performance on their official duties . . .” Committee members are entitled to the full General Services Administration mileage reimbursement rate. Committee members are asked to sign a Memorandum of Understanding to indicate that they understand how insurances would apply should there be a loss while using their personal vehicle in their official duties.

Lucy Morgan was not able to attend today’s meeting. A copy of her report on the November meeting of the Governor’s Commission on Senior Services (GCSS) has been distributed to Committee members. Claudia Kyle asked whether Committee members had any issues that should be brought before the GCSS. Ms. Jaeger asked that the GCSS members be reminded of the importance of Ombudsman work and GCSS members spread the word about the work of Certified Ombudsman volunteers and the ongoing need for volunteer applicants. Ms. Kyle will also notify GCSS members of the SMP conference and how to contact the LTCO.

The Committee’s next meeting will be February via teleconference. The meeting was adjourned at approximately 1:00 PM.