

**Governor's Advisory Council on Aging
Minutes of the October 16, 2013 Meeting**

The meeting was called to order by Chairman Yenne.

Attendance: Connie Bremner, Mary Lou Miller, Joan Taylor, JoLynn Yenne
Al Ward (attended by phone)
Absent: Beverly Barnhart (illness), Jesse James Hawley (illness),
Laruen Kippen (prior commitment), Marianne Roose (prior commitment)
Guest: Irene Emily of Sidney

Chairman Yenne welcomed Joan Taylor and Irene Emily, then had everyone introduce themselves.

The minutes from our last meeting were distributed and approved.

State Long Term Care Ombudsman Program:

Connie LaSalle, the State Long Term Care Ombudsman and Linda Skiles-Haddock, the Assistant State Ombudsman provided an overview of the Ombudsman program. Ombudsmen are advocates for residents in long term care facilities. Local ombudsman visit long term care facilities on a monthly basis and more often if there are complaints or if they are working on a case. They showed the new Need an Advocate poster which will be posted in every long term care facility.

They went over the Residents rights which including, but are not limited to:

- Be treated with dignity and respect
- Be fully informed prior to admission of their rights, services available and all charges
- To be transferred or discharged against your wishes only for specified reasons provided by law; to be given at least 30 days written notification of such moves outside the facility; and to be informed of your appeal and readmission rights
- To be fully informed by a physician of your medical condition; to be given the opportunity to participate in the planning of your medical treatment
- To be free from chemical and physical restraint
- To voice grievances without fear of retaliation
- To send and receive personal mail
- To be assured privacy for visits by your spouse or to be permitted to share a room with your spouse if she/he is also a resident
- Associate and communicate privately with any person of their choice
- Access to an Ombudsman
- Have personal and medical records kept confidential
- To file a complaint or recommend changes in policies and services for yourself or others to the resident council, facility staff and/or outside representatives to be free from restraint,

interference, coercion, discrimination or reprisal; and to be informed by the facility of the outcome of any complaints presented; or to ask a state agency or Ombudsman for assistance in resolving grievances

- To examine the results of the most recent state or federal inspection of the facility and any plan of correction

Linda Skiles-Haddock informed the Council there are 12,824 long term care beds statewide. The Ombudsman staff that cover these beds are: 2 full-time state office staff, 3 full-time Regional Ombudsman, 31 local ombudsman (some are full time and some are part time), 1 full-time volunteer and 10 friendly visitors.

Ombudsman cases have become more complex over the past several years. Ombudsman are now dealing with financial issues, dignity and respect issues, discharge issues, and behavioral issues of residents.

They also talked about Good Care Is Your Right and Nursing Home Compare.

Chairman Yenne talked about the website: aplaceformom.com

Vice-chairman Miller stated that people misunderstand powers of attorney. People, especially adult children, think they have rights when the resident has capacity.

Connie talked about Powerful Tools for Caregivers.

Adult Protective Services – (APS):

Michael Hagelock, APS Bureau Chief handed out information and made a presentation on Adult Protective Services. There are 43 staff covering Montana's 56 counties dealing with abuse, neglect and exploitation. There are 6 Regional APS offices across Montana: Region 1 is Miles City, Region 2 is Great Falls. Region 3 is Billings, Region 4 is Helena, Region 5 is Missoula and Region 6 is Kalispell. He pointed out that most APS workers leave because they retire.

He stated that exploitations are increasing - people are taking assets that don't belong to them. Nationwide cases of exploitation are increasing with an 8% increase from 2012 to 2013 and are up 20% since 2006.

Guardianships are getting to be a huge issue for APS. Currently there are 241 wards in APS and daily or at least weekly, APS gets a call to be a guardian. We don't want to be in the guardianship business. When the state is the guardian, the APS worker is the agent for the state

and the client. This is a conflict of interest because if there is a problem, we have to investigate ourselves. Michael has been looking at model guardianships and provided a handout on Public Guardianships. We need to contact other agencies to contract with to provide services.

The state has rigid rules to be a guardian, but the court is lax on it. They should be using the person's social network first to see who could be the wards guardian and conservator, if needed. The state should not be the first in line to be appointed guardian but the last resort. We may need some law changes and may need some funding to cover the costs of running a guardianship program. APS is gathering information on costs of providing guardianships from programs across the state that do provide some type of guardianship services.

We also need to provide information and education on what Guardianship is and what their responsibilities are. Also need a check and balance system – maybe volunteers to review cases to ensure guardian is doing what they should be. APS would then be the investigator if there are concerns of abuse, neglect and exploitation.

Guardianship does not take away a person's rights, just helps them make decisions.

It was noted that APS works with Tribal Councils regarding cases of abuse, neglect and exploitation but APS needs to be invited in. APS continues to build relationship with the Tribes and recognize boundaries.

State Health Insurance and Assistance Program - SHIP

Kimme Evermann, State SHIP Coordinator and Janet Stellmon, Assistant State SHIP Coordinator talked about Medicare Part D enrollment and the ACA health insurance roll out.

The Montana State Health Insurance Assistance Program (**SHIP**) is a health-benefits counseling and advocacy service for Medicare beneficiaries and their families or caregivers. Our mission and goal is to educate, advocate for, counsel and empower people to make informed benefit decisions. Currently we are gearing up for Medicare Part D enrollment which is from October 15th to December 7th. We utilize Plan Finder because every plan is on it and you can compare plans. Even if you already have a plan, you can compare it to others to make sure you still have the best plan for you this year. Note: there is no extension of the deadline for enrollment due to the government shutdown.

While we are not part of the roll out of Montana's health insurance exchange under the Affordable Health Care Act, but we will direct people to the healthcare.gov website or the State Insurance Commissioners office. The first thing we tell people is, if you are on Medicare, don't

do anything because you are covered. So if you have questions about Medicare, please contact Kimme or Janet.

If a person is a dual beneficiary, has both Medicaid and Medicare, we help them get the best plan possible. We also do high level resolution of problems, handle complaints against drug companies, figure out beneficiaries rates for companies doing business in Montana or for those companies who are no longer doing business here and we help determine if a person can keep their current plan.

If you want to look at your own Medicare information and claims, you can go to My.Medicare.gov

Seniors Farmers Market

Glenna Kurns, Financial Officer, told us about the Seniors Farmers Market program that she coordinates. This program provides senior citizens, 60 and older who are at or below 180% of the Federal poverty level, with up to \$50 worth of coupons for the summer to spend on locally grown food items.

In order to participate, a Market Master must contact our office indicating an interest in participating in the program. Then farmers from that market area notify us of their interest to participate and must complete and be certified they completed the required training on the program and use of the coupons.

Note: farmers cannot give change back from coupons. For example: a participant gives the farmer \$50 in coupons cover the purchase of \$48 worth of fresh fruits and vegetables. They do not get \$2 back from the farmer.

She also explained that Bountiful Baskets is a separate program. Bountiful Baskets Food Co-op (BBFC), a not-for-profit food co-op for families that want to have more fresh produce for less money, distributes produce baskets, organic produce baskets, artisan bread and sandwich bread every other week.

Legal Services

John McCrea, State Legal Services Developer, talked about the program and handed out the latest copy of Montana Legal Guide for Long-Term Care Planning. The program handles about 2000 cases per year and does not do criminal or workers comp cases.

He also said he has information pamphlets on consumer debt, power of attorney made easy, and tenant landlord.

When he first started as the Legal Developer, the program dealt with elder law and estate planning. Now the program deals with over 150 different issues which include financial exploitation, financial mismanagement, and fraud. These three are critical issues we deal with and may be part of the reason a person who has been in a long term care facility now finds themselves in need Medicaid assistance. Also, at admission to a facility, some people get up to 40 pages of admission documents, which most people do not read and just sign. Some facilities have in the admission documents that the person who signs the admission papers is responsible for the long term care costs of the person being admitted. We were asked to help with one case where this had happened but were unable to help them because it had gone past the court date.

We have established legal clinics and have scheduled one in each Area Agency. We will finish our last one of the year in Billings for 2013. At these clinics, people who are at or below 250% of poverty can have their documents done. There is an attorney or attorneys at the clinics to review the documents that are prepared by paralegals. These documents, which include wills, living wills, power of attorney, etc., are signed and notarized so the person leaves with completed documents.

Governor's Conference on Aging

The 2013 Conferences were well done and the comments were very good. Glasgow was a huge success with about 220 attendees. Great Falls did not have the turnout we expected and the cost of the meals and coffee breaks was higher than we expected. We ended with a conference balance of \$1,827.00.

We need a theme.

Charlie will provide information on sponsorships. If you have ideas for sponsors, e-mail them to JoLynn.

Some suggested topics are: Depression, Powerful Tools for Caregivers, Caregivers, Aps/Guardianships, a Native American topic, hospice issues and something on health and wellness that could include alternative medicines, natural paths and herbs.

Al Ward told us about a grant he has until the end of June on Preventing Investment Fraud that might fit into the conference. They have a video or could do a 30 minute PowerPoint with 30 minutes for questions.

We need to advertise the conference better.

Connie suggested opening prayer at the conferences be the Blackfoot Prayer Song by Carrie Bear Chief Evans from Browning.

Next meetings:

December 17, 2013 at 9:30 (conference call)

February 26, 2014 meeting in Helena

May 5, 2014 meeting in Kalispell