

## WASHINGTON STATE COUNCIL ON AGING

**APRIL 26, 2016**

### STATE COUNCIL ON AGING MEETING MINUTES

<b>Members Present:</b>	Carl Bender, Cheryl Townsend Winter, Patricia McIntyre Marty Johnston, Phillip Lemley, Suzanne Holmes, Helen Spencer Joanne Levine, Rep. Sherry Appleton, Barry Lamont, Aruna Bhuta, Ava Frisinger, Peggi Moxley, Lynn Ford, Linda Kochmar, Paul Malinski,
<b>Members Absent:</b>	Ron Vivion, Sen .Karen Keiser, Javier Figueroa, Courtney Jaren
<b>Guests:</b>	Roy Walker, Dave Williams
<b>ALTSA Staff:</b>	Rosemary Biggins, Bill Moss

<b>ACTION ITEMS LIST</b>	<b>WHO</b>	<b>DEADLINE/DUE DATE</b>
<b>Meeting Date: April 26, 2016</b>		
1. Distribute HB 2401 & HB 2402 Bill Text and Analysis, per Rep Kochmar’s request for comments and/or suggestions for the bills.	Rosemary	Done
2. Distribution of print outlet contacts to members for LTE	Rosemary	Done
3. Follow up on possible DSHS role increasing public awareness about the Silver Alert system	Rosemary/Bill	May meeting
4. Plan for OAA appropriations related media communication	Barry Lamont/Cathy Knight	TBD
5. Plan for guardianship related presentations at future meetings (professional guardian, supportive decision making, Office of Public Guardian in anticipation of legislative session)	Executive Committee/Rosemary	ASAP
6. Contact OIC about SHIBA Overview	Rosemary	ASAP
7. Review and Edit draft statement on Medicare Observation Status	Helen & Lynn	June meeting
8. Follow up on possible Op-Ed submission	Phil Lemley	June meeting

### Welcome

The meeting was called to order at 8:30 AM.

## **Council Business**

The agenda was reviewed and approved. Previous meeting minutes were reviewed and approved.

Action items were reviewed, the Medicare observation status project is in process; related documents will be distributed during the meeting today with plans for draft by June meeting.

Discussed potential future speakers to discuss SHIBA and Jerry Reilly to discuss aging coalition plans for next session.

## **Legislative Update**

Rep. Kochmar and Rep. Appleton provided an update on the recently concluded legislative session.

Issue of education funding remains paramount including figuring out the most effective way to address existing dependency on funding through use of levies and how to work a more equitable way to fund. One method, levy swap, was discussed, including different perspectives about disparity with smaller districts & teacher salaries, support, or lack thereof for levy swaps

There was also discussion about reforming the tax structure, income tax capital gains tax and the viability of such approaches in current political climate

National Public Radio has been conducting a study on school funding and is currently covering the findings

Members engaged in discussion about the extreme political polarization at national level and concern that it is permeating at state level. House members expressed importance of collegiality and compromise

Rep. Kochmar did work on two bills related to family members, visitation rights, guardianship. The bills moved out of committee but then didn't go anywhere. Rep. Kochmar requested that Council members provide input on bill language. Copies of bill text will be distributed to members.

Members discussed the Silver Alert legislation that passed in the 2015 session and its subsequent implementation and need to increase public awareness. Rep Appleton asked if DSHS could assist in increasing public awareness and Bill Moss indicated ALTSA would look into what can be done to assist.

## ALTSA UPDATE- Bill Moss

Note: Please reference the handout distributed referencing ALTSA highlights from the Governor's 2016 Supplemental Budget

Health Homes will be expanded to King and Snohomish Counties

There's a nursing home payment model change- it includes a requirement to have nursing coverage 24 hours a day with few exceptions. In terms of staffing, there were inconsistencies throughout the state, so went to price based model that also include minimum staff requirement. This is a more equitable way to distribute funding

ALTSA continues work on the implementation of the Provider One system. System improvements continue

As of April 2016, Individual Providers (IP) began earning overtime wages under conditions described in Engrossed Second House Bill 1725. This is in accordance with the recent U.S. Department of Labor rule that applies to the Fair Labor Standards Act (FLSA). Overtime and travel time payment were effective April 3<sup>rd</sup>.

Continuing Care Retirement Communities – related legislation passed- DSHS will be getting application packet that requires full disclosure about all requirements in contract for consumers

Members engaged in CCRC discussion as follows

- profit and not for profit CCRC's are effected by legislation
- the Office of Insurance Commissioner and Department of Health are not involved in oversight
- in some other states, e.g. Pennsylvania, CCRC's are viewed as a financial product and state residential regulators are not involved in oversight.
- people residing in such settings don't know who to complain to about issues
- the biggest issues seem to be contract issues
- How many CCRC's in Washington? (ALTSA will track down this information)

ALTSA is working on budget development/decision packages (DP) for next session

Currently looking at case management dollars because we need to decrease caseloads. We serve 84% of people in community based services. This has saved the state significant dollars and we need to have commitment in resources to ensure quality services

We're still understaffed in Residential Care Services (RCS) including short staffed in coverage of licensing/inspection/complaint investigations. Part of the issue is that RCS took on increased work load with addition of the Supportive Living program.

We need to be able to address complaints as soon as possible. Last year we had a back log of 2500, currently at 1800 and want to get to 500.

There are still 20 day and 10 day (response) level complaints we are not responding to timely and these can also be situations involving issues that can escalate.

We are also submitting a DP to implement a pilot related to Spousal Benefit and intensity of care issues. The pilot would target intensive cases, an estimated 250 on services --this is not intended to be broad approach

We're also submitting an informal supports maintenance request

We received 60 million in the budget to implement overtime (OT) policy. We are working off of estimates and will see how it goes

Phil asked if there was a limit put on OT. Yes there is a 60 hour limit, others would be exception and need further review

We don't want to place people at risk of institutionalization, want to ensure adequate support is provided and we also need to watch OT very closely

Peggi asked about travel time and Bill explained that travel time and training time will be counted towards OT. (Travel time is from client to client, client to training)

Bill asked Council members about guardianship

Barry shared guardianship is a focus area- have had people from Office of Public Guardian and other entities attend meetings to increase knowledge, we understand it's a complicated issue (multiple issues) ;are following closely and still developing positions, concerned about abuse issues involved. Also, about year and half ago Jason McGill gave us material about guardianship and how things are done in California

Bill agreed it is complicated. By and large there are lay guardians and they do a good job. Problems often lie with family disagreement and/or isolation of individual. Guardianship is about protecting the individual, and family is usually fine, though there are situations where exploitation and other forms of abuse take place and we need to have effective ways to address.

Barry shared Council plans host to a panel discussion during a future meeting

Members also discussed

- supported decision making
- Power of Attorney overreach
- Elder Justice Centers
- Limited resources and resource variance around the state

- Model proposed via legislation in Oregon last year (Council reviewed last year)
- The need to have more outreach and increase public awareness at the local level

Barry asked if there was any update on the Global Transformation Waiver

Bill shared ALTSA is close to getting agreement from CMS about the dollars and the need to ensure the dollars are adequate to implement the waiver well.

## **Partner Updates**

W4A Update –Roy Walker O3A

Roy provided an update on the recent reauthorization of the Older Americans Act.

May is Older Americans Month

N4A is currently meeting in WA D.C. to discuss policy (Cathy Knight is at the meeting)

Roy distributed the draft opinion piece about OAA appropriations that Cathy is working on in collaboration with the Chair.

Barry and Cathy will discuss next steps when she returns to work. Some members and AAA Directors may be submitting Op-Eds to newspapers in their areas. Still working out the details.

Members are asked to provide any suggested edits to the letter.

Roy shared some information about Accountable Care Organizations (ACO) and value purchasing, also discussed Accountable Communities of Health (ACH). You can find more information here: [http://www.hca.wa.gov/hw/Documents/ach\\_faqs.pdf](http://www.hca.wa.gov/hw/Documents/ach_faqs.pdf)

## **Older Americans Month**

The letter to the editor framework is posted on the Council repository. Members will receive a list with contacts in their geographic area to use for letter submission

## **Focus Areas**

Elder Justice-Helen Spencer

ALTSA has a workgroup to discuss registry policy and the permanency of the current policy. Adult Protective Services (APS) maintains the registry. If the outcome of an investigation is a substantiation you are barred from providing care. The intent of the registry is to keep predators away from vulnerable adults/clients

Helen is representing the Council on this workgroup. The workgroup is having discussion about if there are situations where a person can petition to be removed from the registry and what kinds of categories, if any, should there be, that will provide the opportunity to be removed. There is varied opinion with some thinking no one should come off the registry and others believing there should be some exceptions.

Of note, APS substantiations do not show up in a background check

Helen--also discussed 1499 (to change criminal statute). Some think it didn't pass there was a lot of misinformation that impeded passage

Alzheimer's State Plan Implementation-Cheryl Townsend Winter

The name has been changed to the Dementia Action Collaborative  
Cheryl is chairing the Public Awareness and Action Planning work group. Rep. Appleton asked about the rationale for changing the name.

Cheryl shared the discussion to do so has been going on for a long time. The name change is intended to be more inclusive, given the number of people with different types of dementia, e.g. Lewy body dementia and other forms of dementia.

Bill complimented Cheryl for all her work and thanked her for her continued participation in the Collaborative

Addendum: Senior Housing inclusive of the issue of homelessness will be an area of focus for the Council

## **Committee Reports**

PA & E is currently working on:

- Promotional ideas for the October conference
- An op-ed for Medicare Observation
- Looking at leadership and identification in local community (including informal leadership)
- Revising the Council brochure

Members discussed committee restructuring to better address the current work of the Council

Barry suggests eliminating the research committee and forming ad hoc if necessary to explore specific issues

Carl referenced the Council issue focus areas as an ongoing form of research

Cheryl mentioned how PA E is continuously looking at issues and we may also want to consider the committee could have two sections. One focused on state issues and one on federal

A motion was made for to have PA E for federal issues and PA &E for state issues, the motion passed

Phil reviewed his draft op-ed for the Tri -City Herald for member comment.

### **Association of Cities (ACW)-Dave Williams, Director Governmental Relations**

Please refer to the handout for details and highlighted issues covered during Dave's presentation  
<http://www.awcnet.org/portals/0/documents/legislative/legpriorities.pdf>

Phil is also member of ACW and advances elder issues

ACW provides advocacy at local, state and federal government levels and provides training for city officials.

It's a non- partisan organization and not permitted to attend fundraisers, cannot endorse candidates as member of ACW

ACW very concerned about human services, homelessness and affordable housing (referenced recent Spokesman review articles on senior homelessness. Increasing trend (dramatic increase)

ACW very interested in working with the Council on human services and affordable housing issues

ACW is currently feeling that the recent budget was balanced on backs of local communities and also was a last minute process that was not inclusive of involved stakeholders.

The legislature tried to raid the public infrastructure fund- and the governor vetoed it

Rep. Kochmar thinks there needs to be a separate fund that can't be raided (Dave and her will talk with each other)

Aruna asked what cities can do about homelessness and seniors.

Dave talked about the housing first movement (the need to stabilize people first)

Joanne talked about Airbnb and local rental problems and asked if ACW involved Housing in Port Townsend remained the same in relation to the population, but as younger housing stock is being used as vacation rental -limiting housing availability

Dave shared they are involved with other groups exploring this issue, hearing of some cities where they're tracking Airbnb where owners are taking whole units and renting them out for vacation rentals. It's a hot topic locally and nationally in cities.

Roy talked about it as a social value issue- what is a domicile –having a bedroom, bathroom, kitchen that's private is not a sustainable model. Dave talked about Kent mayor having discussions about multi-generational housing. Suzanne shared that the housing stock that is available in her area is not necessarily suitable to meet the need.

Dave is hearing opportunity to work together and asked members to think about how we can do That. Barry suggested that respective legislative committee can start by sharing agendas Dave commented that more & more they're not looking to state legislature for solutions (Polarization) and used example of local government there caucus where people are working across the aisle

Joanne suggested Senior Lobby as a good contact for intersection of issues

Barry mentioned the 2013 Governor's Aging Summit and discussion about zoning that creates barriers. Will forward a copy of summit results to Dave

## **New Business**

Barry suggests having a 2-3 hour guardianship panel at a future meeting

Part of discussion should include

- How do we create substitute decision making alternatives?
- should we lessen guardianship requirements for lay guardians?
- How do we frame the discussion?
- look at what is being proposed as legislative solutions
- What is already in statute that people aren't aware of?

Helen announced that Yakama Nation Elder dinner is scheduled for May 19th

Barry brought up challenges locating speaker for Para-Medicine .Roy shared the city of Kent has a good program and suggested contacting them.

Meeting adjourned @ 2:30 PM