

WASHINGTON STATE COUNCIL ON AGING

MAY 24, 2016

STATE COUNCIL ON AGING MEETING MINUTES

Members Present:	Cheryl Townsend Winter, Patricia McIntyre Phillip Lemley, Suzanne Holmes, Helen Spencer Joanne Levine, Barry Lamont, Aruna Bhuta, Ava Frisinger, Peggi Moxley, Rep. Linda Kochmar, Paul Malinski, Javier Figueroa, Courtney Jaren, Ron Vivion, Art Swannack
Members Absent:	Carl Bender, Marty Johnston, Sen .Karen Keiser, Rep. Sherry Appleton, Lynn Ford
Guests:	Cathy Knight -W4A, Walt Bowen- Senior Lobby, Leland Rockoff- SHIBA, Claudia Donnelly-(public comment)
ALTSA Staff:	Rosemary Biggins, Bea Rector

ACTION ITEMS LIST	WHO	DEADLINE/DUE DATE
Meeting Date: May 24, 2016		
Helen will draft letter and send to Barry with roster	Helen Spencer	Prior to June meeting
Remember Dennis Mahar with a card	Members	On-going
Cathy will resend address and the caring bridge;;	Cathy /Rosemary	Done
Follow up on possible DSHS role increasing public awareness about the Silver Alert system	Rosemary/Bill	TBD
Phil will check w/ Cong Newhouse office about June meeting	Phillip Lemley	Done
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

Welcome

The meeting was called to order at 8:30 AM. The Chairperson, Barry Lamont welcomed Art Swannack to the Council. Art has been appointed to fill the Association of Counties vacancy. Art shared a bit about himself-he's a County Commissioner, farmer and sheep rancher.

Council Business

The agenda was reviewed and approved with the later addition of a nominating committee discussion. Previous meeting minutes were reviewed and approved after confirming that Ron Vivion was absent from the April 26th meeting.

Current action items were reviewed. Of note for items in process, DSHS communications staff are taking a look at possible role in increasing public awareness and the Silver Alert System, there should be more information available at the June meeting.

A motion was made and passed that the Chair will send a letter to members of the senate about support for S843 (Medicare Observation status legislation. Helen Spencer will draft the letter and send to Barry for review. The letter will include an attachment listing members of the Council.

Members also agreed that they will individually send emails to Senator's Murray and Cantwell requesting support for S843. Rep. Kochmar recommended that members be consistent with the language they use in the email subject line.

Phil Lemley shared some to the feedback he received about his opinion piece published in the Tri-Cities Herald early this month, e.g. sharing more information about how to access long term supports and services in the next piece he submits.

Older Americans Month Letters to Editor Submissions

Barry reported he submitted to five newspapers and four were published.

Suzanne Holmes anticipates Thursday publication for her submissions

Joanne Levine submitted to the Peninsula News, and received inquiry but letter was not published. She discussed an adjusted approach that some others involved in O3A advisory group will take for future. The Jefferson Leader published her letter

Cheryl Townsend Winter reported that she submitted six, as of today is aware the Everett Herald published her letter.

Helen reported that there was a presentation about Older Americans at the Elder's Day Dinner sponsored by the Yakama Nation. During the presentation the OAA month proclamation was read. Helen and Paul Malinski attended the event.

Partner Updates

Senior Lobby-Walt Bowen

Walt was re-elected to 2 year term as President of Senior Lobby. He missed last month's Council meeting because was at meeting with the contractor who is doing the long term services and supports financing study

Next year's legislature will be very different; there will be a lot of new people and it will be important to meet with new members to help them learn about the age wave and related issues

The Senior Lobby Fall conference will be October 28th at Hotel Murano. The agenda is still being developed. There will be some focus on pharmaceuticals and medication 'take back'---there was attempt to pass related legislation a couple of years ago.

The oldest person on record 116 years old, just passed way-she was married once for short time.

A recent PEW study found that more people than ever over 65 years of age are still working

SEIU 775 is putting 1501 initiative on ballot.

The next Joint Legislative Executive Committee on Aging and Disability (JLEC) meeting is on June 20th at 1:00PM- the agenda is to review what they did in the 2016 session and have a look ahead for what they will focus on- JLEC will have to provide a report in December. Senior Lobby will push for creation of a standing committee next session, but at minimum need it renewed 2 additional years. Trying to keep same membership on JLEC.

Discussed issue of justice for seniors and underfunding of courts

Ron shared that he tries to attend Senior Lobby meetings and JLEC meetings and would also appreciate a having back up for these meetings. (Both are held in Olympia area)

Supreme Court elections occur this year.

Other significant issue- homelessness- traveling around, there are homeless everywhere and that includes seniors. Senior lobby has not addressed.

Rep Kochmar commented that the people that recruit people to run for the legislature tend to focus on people in their 30's & 40's. There is a whole wealth of wisdom of experience that comes with getting older and she really encourages people who are retired to consider running for office.

Cathy Knight shared she's very supportive of this and how it's important to be aware of ageism

Patricia McIntyre commented on how subtle ageism can be, for example in the workforce not looking to (or for) older employees.

Walt shared another study that just came out---seniors who live longest are the most active, if your brain is active you are less likely to be effected.

Joanne Levine shared that after equalizing for population and disability, those who are working live longer.

Barry shared that many people have spent 30/40 years learning skills and it's not like there is an off switch.

Members engaged in further discussion about ageism, volunteering versus paid work.

Courtney offered suggestion the Council consider writing an article about the upside of seniors in workforce.

Cathy Knight-W4A

Cathy participated in the n4a meeting in D.C. last month

Meeting attendees also met with many congressional staff. The focus of discussion was about appropriations including Older Americans Act programs

There is still time to focus related advocacy efforts

Cathy met with Cathy MacCaul, AARP yesterday to discuss planning for the fall candidate forums.

Looking at locations for the forums, and dates that work-typically they are held at end of Sept early October.

There was discussion about the ballots being sent in October and the earlier the forum the date, the better.

Cathy shared her hopes Council members will play an important role participating in planning for the forums and helping to turn people out

Discussed the long term supports and services financing study- it also has a media component, hope to have a press conference to bring awareness to peoples need to plan for long term support needs. Here's the link to the website [Washingtonians for a Responsible Future](#)

There will also be community forums to discuss these issues

Legislative Committee-Ron Vivion

Ron reviewed the status of Council 2016 state and federal legislative priorities. On the federal level the Older Americans reauthorization was completed. There will continue to be focus on the OAA appropriations process and SB 843 (related to Medicare observation status)

At the state level health homes expansion did pass. We support the implementation of the dementia plan, improvements in guardianship- including increasing resources for public guardianship/supportive decision making; increased protections for vulnerable adults, expansion of the family caregiver services, restoration of hearing aid/vision services funding, and will monitor the long term services and supports financing study.

Statewide Health Insurance Benefit Advisors (SHIBA) – Leland Rockoff

Leland presented an overview of SHIBA –please refer to the presentation attached to the minute’s distribution (he provided to members at the meeting). He also distributed a handout on Medicare Observation Status and members also engaged in further discussion about it as well as trends related to charging facility fees and use of SHIBA online resources.

Nominating Committee

Council members formed a nominating committee, comprised of Paul Malinski, Javier Figueroa and Aruna Bhuta. The committee will present the slate at the June meeting.

Barry provided a brief description of his role, experience and time commitment as Chair, indicating the Legislative Committee chair probably puts in more time than anyone else.

Suzanne conveyed the ‘flavor’ of leadership impacts Council functioning, she also discussed the role of Secretary in tracking action items.

Focus Areas

Guardianship- Peggi Moxley

The WINGs grant is out of money, however most people are willing to continue working with on projects through the end of September. Some of the projects include, working on standards for conflict of interest, working on lay guardian training and considering increasing standards for them.

For long range planning looking for way to get an attorney involved with the incapacitated person before guardian is appointed

About 80% of guardianship cases involve people who are elderly

Currently Guardian Ad Litem's (GAL) are not required to do a background check on lay guardians

Legislation is being considered to change the name of GAL to 'investigator', changing name of allegedly incapacitated person to 'respondent' and then changing 'ward' to 'principle'.

Peggi's WING committee is working on on-going training for lay guardians on how to do required reports. There are a total of five committees.

Art asked, where the attorney comes from for the incapacitated person.

Most come from a GAL registry. The rate is set by court and varies by county- and there is a resource problem. When you are appointed as guardian, you need to ensure there is a guardian stand by for times you are not available and the latter requires a petition for the appointment of stand-by. There are also conflict of interest concerns—she's in a small county where there were 4 or 5 attorneys in rotating roles.

Office of Public Guardian expansion happened in small amount. The OPG is underfunded and can only serve a small number. A lot of public guardians are not taking any more cases

Courtney asked if prospective guardians are going to be screened in a different manner. There is concern about checks that do not include offenses in other states. Did WINGS address the abuse of wards by their guardians?

Part of trainings for GAL were suggesting changes that would also require statute changes.

Most counties now have a guardianship monitoring programs for reporting

Rep Kochmar shared that one of the problems we have with guardianship are scenarios where people (family) are being excluded from visits & other involvement with the family member.

Peggi shared that a lot of times there are people that are severely capacitated and are unduly influenced by others, e.g. guardian or a family member or friend or other.

Aruna shared that she hopes are there going to be basic requirements for guardians' visits and related activities

Elder Justice- Helen Spencer

Members and partners engaged in discussion about the following:

House bill 1499- there is some concern about status of it moving forward. Art shared that one of the concerns about 1499 was the pool got too big

There is possibility that the Aging Coalition will be coming up with an omnibus view, to promote a whole package related to elder justice

Dementia Action Collaborative

The Public Awareness & Community Readiness Subcommittee chose 4 short term recommendations: website development, educational materials about safety for persons with dementia, criteria for dementia friendly communities, brain health information to inform & educate the public.

Homelessness & Senior Housing

Adding this as a focus area is outcome of discussion during the April meeting. Ron, Patricia & Courtney will take lead.

Barry suggested the Department of Commerce as a resource

Members expressed concern about the following:

High percent of people jailed, for example 92% in Snohomish County have chemical dependency and/or mental illness. There is a population of older individuals that have been homeless for several years, including some for decades. Jails have become de facto mental health institutions. There are people who are homeless as outcome of economic challenges. There is also a segment of seniors who are 'homeless' that are not accounted for, e.g. people who live with other family members but not by choice, people who couch surf.

Committee Reports

Public Awareness & Education- working on council brochure, observation status piece, community leader identify, and outreach efforts at the October Conference.

Legislative Committee- starting to consider 2017 legislative priorities-would like to finalize them at the September meeting

AL TSA Update – Bea Rector

AL TSA is focused on implementation efforts related to last legislative session & also working on decision packages (DP) for next session

Currently engaged in on-going discussions/ working an agreement around 1115 budget neutrality with CMS; still working on avoiding duplication of efforts and we are hopeful we will get approval- need to get to a dollar agreement soon.

Individual Provider overtime (OT) is still not fully implemented- are doing so in phases.

We did receive some funding for implementation at the AAA level.

OT legislation is complex.

Work week limits were established. Most providers are on a 40 hour work week .If someone can't find an additional provider, there is an exception process to approve overtime.

1725 puts a spending limit on OT, and creation of spending plans and legislative oversight.

The action pieces related to implementation are very labor intensive.

There is also the sticky wicket of applying this law to family members (The Department of Labor has defined 'what is employment' & 'what are you doing as a family member'). If provider is a family member there is one set a rules; if not a family member different there is a different set of rules, e.g. if mom falls and daughter worker responds in middle of night (considered as family member, if it's non-family worker it's work).

Money Follows the Person (MFP) has a significant funding reduction at federal level and ends in 2020- so we will have a reduction in MFP related efforts; part of the DP process will be to ask for this budget hole to be plugged.

Nursing Home rate payment system change is being implemented; AL TSA just completed round of meetings with nursing homes around the state focused on people with lower acuity support needs.

Next year we anticipate that session is going to be really challenging, mostly due to the McCleary decision and the need to meet related obligations.

We are hoping to meet maintenance of effort for caseload increase

We have concerns that LTSS infrastructure is fraying, .e.g. vendor rates staying the same over long period of time as actual cost for providing supports and services are higher. Most of the market is taken by the private pay sector- there is a real need to get increases for Medicaid funded adult family homes, and other providers.

Case management remains in need of additional funding.

We're considering implementing a spousal benefit pilot. (*Note: Allen Gossett provided a related presentation on part this topic 'Policy Alternatives for Compensation of Legally Responsible Individuals' at the January meeting and distributed a detailed PowerPoint to members*)

Guardianship remains a major issue. DSHS is not presenting a DP, however Rep Jinkins is pulling together a group to work on guardianship issues and it would be good if the State Council can be involved.

In the beginning of June the DSHS DP's will be reviewed for consideration to move further in process.

Ron asked if AL TSA receives guidance from the Governor's office on requests-Yes in the sense of the scope of a given ask, and the focus needing to be on what is needed versus what you want.

The Long Term Support and Services Financing Study is underway. As determined by the associated budget proviso, the study contractor is looking at a public finance option and a public/private finance option.

Future caseload forecast is negative. The tax structure does not generate the revenue to address costs. The McCleary decision impact is significant. The part of the pie that constitutes discretionary programs gets smaller. It's a challenging climate to reach agreement on how to best address.

Rep. Kochmar indicated that the legislature is analyzing what the McCleary amount totals. Levy swaps are being considered. Capital gains is challenging because there needs to be parity.

Bea shared that the LTSS infrastructure looks different from region to region, city to city-if we are to continue to provide care people in their own home versus nursing homes we need to sustain the provider network and be aware of where the infrastructure most frayed and where there is the need for it to be shored up. The money is not there to do across the board vendor increases so need to pinpoint where the most need is.

Aruna asked for clarification about 'penalty' on low acuity and if residents are at risk for discharge. Bea shared the new payment system goes into effect in July and this will effect facility payment rate received for residents defined as low acuity. The department will continue to assess rates and differences regarding individual support needs and move forward to right size issues via decision package if needed. The Long Term Care Ombudsman Program, Residential Care Services and Home and Community Services continue to work on informing residents of their rights and opportunities.

Ron complimented Bea on the clear and thorough updates she provides to the Council.

New Business

Suzanne reviewed Council action items:

- Helen will draft letter re: Medicare Observation Status legislation and send to Barry for review. The final letters will include a roster of members.
- Please send Dennis Mahar a card if you haven't had the opportunity to do so. Cathy Knight will resend address for the Caring Bridge website.
- Phil will follow-up with Congressman Newhouse's office about attending the June meeting

Cheryl and Cathy discussed the Aging Mastery Grant, Cathy will be granting a room to the project at the October W4A Council Joint meeting. Courtney reported that at the Issaquah site there are 30 people enrolled and the program has also received some funding from Swedish Hospital.

Public Comment

Claudia Donnelly, asked for the Council's help on guardianship abuse and isolation issues. She referenced two bills last session that did not make it through. (Would provide a pathway to help families see relatives)

Barry shared work that the Council has been involved in related to guardianship issues. It's a current focus area. Rep. Kochmar has worked on advancing related legislation. We're also informed that Rep. Jinkins is going to have a work session this summer to attempt to address guardianship issues in a coordinated fashion

Walt Bowen invited all to the Jazz Festival June 23- 26 at Saint Martin's University Campus.

Meeting Adjourned at 2:30 PM