STATE LONG-TERM CARE OMBUDSMAN COUNCIL MINUTES
May 8, 2008

State Council Members Present
- Laretha Brown
- William Clark
- Jerome Conger
- Lynn Dos Santos
- JoAnna Emerson
- Farrell Groves
- Bill Hartmann (for E. Feuer)
- Dr. Aziz S. Hasan
- Don Hering
- Charlotte Poss
- Norman Smith
- Joe Torre
- David Warshofsky
- Lesli Watkins
- Carol Weideman
- Kathy Wilks
- Carol Christiansen
- Eunice A. Crump
- Linda Grand
- Carmen Gutierrez
- Sue Henrich
- Janice Johnson
- Sheldon Kanars
- Bob Karren
- Carol Kline
- Lucille Lazarus
- Victor Lazarus
- Alvin Malley
- Pearl McGilchrist
- Val Nubi-Collins
- Laurie Orlov
- Irene Rathbun
- Pat R. Sacco
- Paul Strickland
- Priscilla Stuber
- Paul Ward
- Arlene Weir

Staff Present
- Rachel Bailey
- Clare Caldwell-Horton
- Betty Camblor
- Diane Carpenter
- Carol Carr
- Sara S. Cells
- Martie Daemy
- Lashea Heidelberg
- Allen Jaggard
- Brian Lee
- Amy Lynch
- Page Merkison
- Michael Milliken
- Michele Mulé
- Susan M. Nix
- Michael Phillips
- Nancy Schoemig
- Debbi Sokolow
- Elizabeth Sprayberry
- William Teague
- Lily Wilde
- Priscilla Zachary

Approval of Minutes
- Chairman Farrell Groves called the meeting to order at 8:30 a.m. and welcomed all attendees.
- State Council Member and District Ombudsman Manager introductions commenced.

Motion: Charlotte Poss moved to adopt the February 14, 2008 Quarterly Meeting Minutes as printed into record. Jerome Conger seconded. Motion carried with no discussion.

State Council Chair Report
- Welcome was extended to new state council representatives Kathleen Wilks, Northwest (District 1), Bill Clark, Pasco and North Pinellas (District 7) and Dr. Aziz Hasan, First Coast South (District 15).
- Welcome was extended to Susan Nix, new district ombudsman manager in Broward County (District 12).
- All present were encouraged to continue working successfully with the triune, which includes the state representative, district chairman and district ombudsman manager in each district.
- Two new workgroups were formed as follows: (1) Guardianship workgroup; (2) Recruitment workgroup.
- District issues may be submitted for consideration at any time via email to the State Ombudsman, State Council Chair and State Council Vice-Chair.

State Council Vice Chair Report
- Special thanks were offered to Marie Brand, Jerome Conger, Charlotte Poss, Joe Torre and Art Walker for their persistent efforts in working with area legislators concerning ombudsman program interests.
All districts were encouraged to estimate when and whether 100 percent assessments will be completed so that if assistance is required, plans can be made ahead of time.

State Long-Term Care Ombudsman Report
- The adult family care home (AFCH) rule has become a reality due to hard work of program ombudsmen.
- Recent legislation has approved 16 new positions for the Long-Term Care Ombudsman Program (LTCOP) as follows: 1 deputy state ombudsman position, 5 regional director positions, 2 program specialist positions, and all OPS district ombudsman managers positions will become select exempt service (SES).
- Aubrey Posey will be the new Legal Advocate at the state office beginning July 7, 2008.
- The program will work with the General Counsel’s office to jumpstart the ombudsman rule-making process. The office will solicit comments and feedback from ombudsmen.

COMMITTEE REPORTS

Data & Information Committee
- Dr. Aziz Hasan was introduced as the new District 15 State Representative and committee member.
- The committee reviewed the agency referral form and process.
- All were reminded that the district ombudsman manager is the point of contact for the agency referral form.
- The committee reviewed a recommendation from District 4 regarding the resident visitation form and agreed that boxes should be included at the top of the form indicating the visit type.
- The quality assurance forms are under review by the committee and potential revisions are being discussed.
- A committee conference call is scheduled for June 25, 2008 at 5:00 p.m.

Motion: JoAnna Emerson moved to accept the Data and Information Committee report as entered. Bill Clark seconded. Motion carried with no discussion.

Advocacy Committee
- The committee discussed the 2008 legislative wrap-up.
  - Thanks are offered to all who were involved in this year’s legislative processes.
  - Senate Bill 2216 and House Bill 1401 failed in each chamber during the last week of legislative session.
  - The committee moved to reintroduce the 2 above-referenced bills as a single bill and to request that the Department of Elder Affairs (DOEA) back the legislation.
  - The committee moved to request that the DOEA appoint the State Ombudsman and Legal Advocate as lobbyists.
- The committee discussed advocating Silver Alert Systems for finding missing seniors with Alzheimer’s disease.
- The committee will be monitoring new legislation sponsored by Gus Bilirakis [FL-9], which was introduced on April 24, 2008.
  - The legislation (HR 5898) will authorize a grant program to establish and improve state-administered notification systems to help locate missing individuals with Alzheimer’s disease and other dementia-related illnesses.
- The committee discussed district issues and initial recommendations of the guardianship workgroup.

Motion: Bill Clark moved to accept the Advocacy Committee report as entered. Joe Torre seconded. Motion carried with no discussion.

Training Committee
- Betty Bairley is the new committee Chair.
- The committee discussed updates on the May 2008 training conference.
- The committee discussed various training options:
  - Tampa and Pensacola are working to combine classroom and field training so that one complements the other, and results will be reported at the August quarterly meeting.
Mentor training suggestions and changes were discussed.
Chair training was discussed.
Quality Assurance training was discussed.
Assignment of designated trainers for each district was discussed.

- Appropriate volunteer appreciation items are still under consideration. All ombudsmen are encouraged to submit ideas to the committee.
- The committee has scheduled a conference call in June 2008.

**Motion:** Kathy Wilks moved to accept the Training Committee report as entered. Bill Clark seconded. Motion carried with no discussion.

**Legislative Workgroup**
- Ombudsman program legislation has made remarkable progress, which is a testament to the hard work of all ombudsmen who contacted their local legislators regarding ombudsman issues.
- The workgroup will keep everyone updated as to legislation progress.

**Guardianship Workgroup**
- (See Attachment #1)
- The workgroup focused on the issue of wards lacking proper representation by their guardians, and how to assist such wards in getting proper legal representation.
- Michelle Hollister, Statewide Public Guardian, gave us a primer on professional public guardianship.

**Recruiting Workgroup**
- This is a newly formed workgroup whose purpose is to boost recruitment efforts.
- Advertising efforts have been revamped and program ads will run from now until the end of June on every cable provider and PBS station throughout the state.
- If advertising efforts are successful, it is possible that the same or similar efforts will be reinitiated next year.

**DISTRICT COUNCIL REPORTS**

**District #1-North West– Kathy Wilks**
- Facility assessments completed: 32 of 93
- Current Ombudsmen statistics: 5 certified ombudsmen.
- Special thanks are offered to Brian Lee, State Ombudsman, Farrell Groves, State Council Chair, and Don Hering, State Council Vice-Chair, for their assistance with facility issues within the Northwest district.

**District #2-Panhandle– Jerome Conger**
- Facility assessments completed: 45 of 84
- Current Ombudsmen statistics: 2 new applicants.
- Janice Harvey, District Ombudsman Manager, reached out to the Governor and Lieutenant Governor’s offices, the State Ombudsman, and the State Council Chair to call in during the volunteer appreciation luncheon and express gratitude to the volunteers for their hard work.
  - A video presentation was created in this vein and was appreciated by all.
- Janice Harvey has been very helpful in completing ombudsman surveys.

**District #3-North Central– JoAnna Emerson**
- Facility assessments completed: 17 of 67
- Last quarter’s activities:
  - 23 resident visitations completed (October - December 2007)
  - 27 resident visitations completed (January - March 2008)
  - 2 resident visitations completed (April – present 2008)
- Current Ombudsmen statistics: 13 certified ombudsmen; 3 ombudsmen in training.
- Pat Freeman, nursing home administrator from Putnam County, is running for State Representative.

**District #4-Withlacoochee Area– Charlotte Poss**
- Facility assessments completed: 32 of 195
Current Ombudsmen statistics: 21 certified ombudsmen; 6 ombudsmen in training; 2 ombudsmen on leave of absence.

Current issues facing the council are: (1) Lack of a full time district ombudsman manager; (2) ombudsman absenteeism.

The council submitted the following agenda items: (1) There is a need for other agencies than the Attorney General’s office to attend monthly council meetings; and (2) the council needs guidance on how to handle habitual complainants with limited mental capacity.

**District #5-First Coast – Lesli Watkins**
- Facility assessments completed: 163 of 178
- Last quarter’s activities:
  - The council voted to invoke a personal deadline that each ombudsman complete 3 assessments per month, which has proven quite successful.
- There were 3 news-related items that occurred within the district:
  - An adult family care home (AFCH) administrator was arrested for Medicaid fraud by the Attorney General’s Office.
  - An assisted living facility (ALF) reported an individual on their property selling fake drugs to their residents, which resulted in an arrest.
  - A nursing home caught fire due to an oxygen-dependent resident smoking in bed. The fire resulted in 1 death and the closing of 1 wing of the nursing home.

**District #6-Mid & South Pinellas– Carol Weideman**
- Facility assessments completed: 39 of 193
- Last quarter’s activities:
  - The council thanked Ed Forman for his many years of service as an ombudsman, as he resigned on April 1, 2008 and now resides permanently in Georgia.
  - The council enjoyed a nice luncheon at the Seminole campus of Saint Petersburg College, in observance of National Volunteer Appreciation Day, receiving gifts from the district ombudsman manager and a letter of thanks from U.S. Sen. Bill Nelson.
- Current issues facing the council are as follows:
  - The district office does not receive many copies of discharge/transfer notices that nursing homes give to residents.
  - Hearing officers statewide cannot make rulings on whether the location of discharge/transfer is appropriate due to an order from their state supervisor, John Pritchard.
- Hope Berg, District Council Vice-Chair, received one of the Governor’s Golden Choice Awards this year, which was well deserved.
- The council has found that use of the remedial action form has been useful in getting facilities to promptly correct residents’ problems.

**District #7-Pasco & North Pinellas– Bill Clark**
- Facility assessments completed: 108 of 218
- Last quarter’s activities:
  - 44 assessments completed.
  - 71 complaint investigations completed.
  - 65 quarterly visits completed.
- Current Ombudsmen statistics: 18 certified ombudsmen; 2 certified staff ombudsmen; 7 ombudsmen in training.
- Special thanks are offered to Michele Mulé, District Ombudsman Manager, who supports the council while she travels between 2 districts.
- The council placed an ad in the Saint Petersburg Times, which resulted in 99 inquiries, 15 prospects and 5-10 newly processed applications.

**District #8-West Central– Don Hering**
- Facility assessments completed: 180 of 290
- The council commends Brian Lee, State Ombudsman, and the headquarters staff for the vast improvement and greater efficiency of the volunteer application process.
**District #9-East Central– Lashea Heidelberg (for Betty Bairley)**
- Facility assessments completed: 30 percent
- Last quarter’s activities:
  - 4 spot checks completed (April 2008).
  - 3-day new member training occurred.
- Current Ombudsmen statistics: 32 certified ombudsmen; 5 ombudsmen in training.
- Willie Simpson, District Chair, spoke at the local Association of Nursing Home Administrators and entertained program questions and comments.
- Ombudsman spot checks have resulted in the closing of one facility due to health concerns and poor building conditions.

**District #10-South West– Lynn Dos Santos**
- Facility assessments completed: 74 of 261
- Last quarter’s activities:
  - A mini-blitz of Naples/Collier county was completed (April 24 – 25).
- The council enjoyed a presentation from The Memory Disorder Clinic in Sarasota given by Kathryn Houseweart, Facilities Director.
- The council enjoyed a question-and-answer session with Stacy Lowe, Adult Protective Services Supervisor.
- The council was treated to a luncheon at the Olive Garden in observance of National Volunteer Appreciation Day.

**District #11-Palm Beach County– Bill Hartmann (for Howard Feuer)**
- Facility assessments completed: 62 of 177
- Last quarter’s activities:
  - Cases entered are up 36 percent from last year.
  - Complaints entered are up 76 percent from last year.
- Current Ombudsmen statistics: 21 certified ombudsmen; 5 volunteers in training.

**District #12-Broward County– Norman Smith**
- Current Ombudsmen statistics: 5 newly certified ombudsmen; 2 ombudsmen in training.
- The council welcomes Susan Nix as the new district ombudsman manager (DOM) for the district.
- Special thanks are offered to Ramon Keppis, District 13 Ombudsman Manager, who supported the District 12 office in the absence of a DOM.

**District #13-North Dade– Laretha Brown**
- Facility assessments completed: 240 of approximately 420
- Last quarter’s activities:
  - 135 friendly visits completed.
- Current Ombudsmen statistics: 12 certified ombudsmen; 5 ombudsmen in training; 2 ombudsmen on leave of absence.
- Special thanks are offered to all who participated in the assessment blitz for this year.

**District #14-South Dade & Florida Keys– David Warshofsky**
- Facility assessments completed: 100 percent
- Last quarter’s activities:
  - 568 assessments completed
  - 45 follow-ups completed
  - 100 written referrals sent
- Special thanks are offered to State Council members and various ombudsmen who assisted with the assessment blitzes earlier in the year.

**District #15-First Coast South– Dr. Aziz Hasan**
- Facility assessments completed: 59 of 164
- Current Ombudsmen statistics: 13 certified ombudsmen; 4 ombudsmen in training.
• Special thanks are offered to Mike Milliken, District Ombudsman Manager (DOM), for helping District 15 in the absence of their own DOM.

**District #16-Treasure Coast– Joe Torre**
• Facility assessments completed: 49 of 119
• Last quarter’s activities:
  o The council participated in health fairs and both community and facility residents’ rights training sessions.
  o Council members viewed a 90-minute film entitled *Andrew Jenks – Room 335* created by a 19-year-old film student who lived at a Treasure Coast facility for 1 month and documented everyday life of facility residents. The film aired on HBO and received several awards.
• The council requests to be kept abreast of legislative activity coming from Washington as it affects the ombudsman program.

**District #17-South Central– Farrell Groves**
• Last quarter’s activities:
  o 2 spot checks completed.
• Current Ombudsmen statistics: 15 certified ombudsmen; 3 ombudsmen in training.
• Projected assessment completion is at the end of May.

**May 2008 Training Conference – Priscilla Zachary**
• Consideration and patience are requested from all, as the conference attendance has far exceeded 251.
• The conference theme is “Western Roundup.”
• The program must now use out-sourced meeting planners for each meeting; therefore, future meetings (including quarterly) will require 6 to 8 weeks notice of specific attendee names.
• Expenses will be taken out of 1 budget.

**ADMINISTRATIVE ASSESSMENT TRAINING**

**Brian Lee**
• If a facility is newly licensed on or after October 1, such facility is not required to be included on the district list of assessments to be completed.
  o Ombudsmen are encouraged to visit newly licensed facilities to educate administration and staff about residents’ rights; however, no assessment is needed.
• District ombudsman managers must submit a list of facilities to be assessed 30 days prior to October 1 of each year.
• The remedial action form is approved and should be used for recording egregious discrepancies found within facilities.
• The agency referral form is to be used for reporting to a regulatory entity. These forms must be given to the district ombudsman manager for submitting.
  o If residents are in jeopardy, ombudsmen may immediately place a 9-1-1 emergency call and/or call the complaint hotlines.
• Resident visitations should be done after facility assessments on a quarterly basis.

**Old/New business**
• No old/new business reported.

**Adjournment**
**Motion:** Bill Clark moved to adjourn the State Council Quarterly Meeting at 11:30 a.m. JoAnna Emerson seconded. Motion was carried with no discussion.
• The meeting adjourned at 11:30 a.m.