STATE LONG-TERM CARE OMBUDSMAN COUNCIL MINUTES
AUGUST 2, 2007

State Council Members Present
- Betty Bairley
- Laretha Brown
- Jerome Conger
- Leonard Dills
- Lynn Dos Santos
- JoAnna Emerson
- Howard Feuer
- Farrell Groves
- Don Hering
- Melvin Hollins
- Charlotte Poss
- Marcia Reynolds
- Norman Smith
- Joe Torre
- David Warshofsky
- Carol Weideman
- Sheila McCarthy
- Lorraine Peters
- Ed Schultz
- Georgia Skinner
- Noreine Sobie
- Mary Wells

Guests Present
- Stuart Albert
- Marie Brand
- Ernie Click
- Millicent Dangerfield
- Ann Gilfillan
- Allie Gore
- Bonnie Groves
- Aziz Hasan, M.D.
- Stella Hering
- Dorothy Hoey
- Penelope Mayer
- Rachel Bailey
- Hester Bryant
- Clare Caldwell-Horton
- Betty Camblor
- Diane Carpenter
- Martie Daemy
- Janice Harvey
- Allen Jaggard
- Ramon Keppis
- Brian Lee
- Amy Lynch
- Marjorie Lynch
- Page Merkison
- Michele Mulé
- Michael Phillips
- Toni Ricke
- Nancy Schoemig
- Debbi Sokolow
- William Teague
- Lily Wilde
- Priscilla Zachary

Staff Present
- Rachel Bailey
- Hester Bryant
- Clare Caldwell-Horton
- Betty Camblor
- Diane Carpenter
- Martie Daemy
- Janice Harvey
- Allen Jaggard
- Ramon Keppis
- Brian Lee
- Amy Lynch
- Marjorie Lynch
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- Priscilla Zachary

Approval of Minutes
- Chairman Don Hering called the meeting to order at 8:32 a.m. and welcomed all attendees.
- State Council Member and District Ombudsman Manager introductions commenced.

Motion: Jerome Conger moved to adopt the May 3, 2007, Quarterly Meeting Minutes as printed into record. Farrell Groves seconded the motion. Motion was carried with no discussion.

State Council Chair Report
- Don Hering expressed appreciation for having served as Chair on the State Council for 2 years.
- The 3 main goals of ombudsmen are: (1) complete assessments; (2) respond to complaints; and (3) serve as an advisory body to the State Ombudsman.
- Goal 1 observation: Some facilities have never seen ombudsmen so their residents are unaware of our existence.
- Goal 1 suggestion: Time currently used for committee meetings may be set aside for assessments.
• Goal 2 observation: The use of committees has not proved efficient in providing quality needs and/or recommendations that the State Ombudsman may use.
• Goal 3 suggestion: Do away with the committee structures and replace with task-organized work groups. The State Chair may appoint an Executive Committee to accept issues from the State Ombudsman and local councils. The committee addresses each issue and establishes/organizes work groups based on the listing of ombudsmen talents/expertise to handle the issue(s).

State Long-Term Care Ombudsman Report
• On behalf of the Long-Term Care Ombudsman Program (LTCOP), Brian Lee expressed appreciation for the hard work and dedication of Don Hering during his 2 years of service as State Council Chair.
• The DOEA has undergone reorganization so that the LTCOP now falls under the Director of Internal and External Affairs, a new section that reports directly to the Secretary’s office. (See Attachment #1)
• Allen Jaggard has been hired as the District Ombudsman Manager for Palm Beach County.
• Interviews for the East Central District Ombudsman Manager position are slated for August 6, 2007.
• Headquarter staff will visit each district office to train field staff on various administrative responsibilities.
• Four legislative proposals have been forwarded to Secretary Beach for his review as follows: (1) Increase Personal Needs Allowance for nursing home residents from $35 to $45 per month; (2) Establish discharge protection rights for assisted living facility residents; (3) Revise adult family care home rule to ensure supervision of residents at all times; and (4) Legislative budget request to increase and reclassify staff positions.
• The ombudsman rule along with case investigation and assessment forms have been drafted and noticed and may be found online at http://myflorida.com/doea.
• Potential outcomes have been developed for 10 strategic plan recommendations.
• The “two-cents” ombudsman campaign has been initiated and developed to coincide with Residents’ Rights month. (See Attachment #2)
• The revamped ombudsman website is in its draft stages and promises to be user friendly.
• There are currently 384 ombudsmen statewide as follows: 337 certified, 43 ombudsmen in training and 4 awaiting approval.
• The next ombudsman training conference will be May 19 – 22, 2008 in Orlando at a hotel to be determined later. Ideas for training topics must be forwarded to Martie Daemy no later than September 3, 2007.
• The next quarterly meeting will be November 7 – 9, 2007 at the Sheraton Suites – Tampa Airport. Attending councils are as follows: Mid & South Pinellas (06); Pasco & North Pinellas (07); West Central (08); Southwest (10) and South Central (17).

DISTRICT COUNCIL ISSUES

District Issue posed by District  #13
• (See Attachment #3)
• Issue: Ombudsmen should be protected from contracting infectious diseases through contact with long-term care facilities.
• Suggested Resolution: The Department of Elder Affairs should make provisions for ombudsmen to receive proper vaccination against infectious diseases present in long-term care facilities.
• Local councils are encouraged to contact their respective health departments. The State Ombudsman will forward the information to the councils.

District Issue posed by District  #4
• (See Attachment #4)
• Issue: Ombudsmen should be allowed to perform a quarterly visit while they are investigating complaints at remote facilities.
• Suggested Resolution: The standard operations work group will address and define this issue.

District Issue posed by District  #4
• (See Attachment #5)
• Issue: Response to online volunteer applications via the ombudsman website is too slow.
• Suggested Resolution: Application requests should be handled more expeditiously.
• This issue has already been addressed and resolved.
**District Issue posed by District #1**

- (See Attachment #6)
- **Issue**: A 65-bed assisted living facility exceeds the maximum number of residents allowed within the allotted space. The owner's husband has been reported as abusive to the residents and visiting ombudsmen, and refuses compliance with solutions to cited facility discrepancies.
- **Suggested Resolution**: State Council representatives should visit the facility to investigate facility conditions and abusive behavior, determine whether residents are at risk, and take appropriate action.

**Motion**: Farrell Groves moved to accept the Executive Committee's recommendation that the local ombudsmen will schedule weekly visits to the facility; the State Chair will work with FALA to enlist their assistance; the local council will report findings to the State Chair and State Ombudsman; Mike Phillips, District Ombudsman Manager, will continue to work with Medicaid Fraud; and the Executive Committee will schedule a conference call one month from today for an update. Lynn Dos Santos seconded. Motion carried with no discussion.

**COMMITTEE REPORTS**

**Data & Information Committee**

- The committee reviewed accomplishments to date.
- The Chair discussed the mission statement and the committee prioritized projected goals.
- Results of survey determining the effectiveness of referring complaint cases to Agency for Health Care Administration (AHCA):
  - Currently, most districts do not receive a detailed resolution (Form 2567) from AHCA.
  - Brian will request resolution letters be sent to our district offices.
  - The committee determined that faxing a complaint to AHCA will be more time efficient.
  - The committee requests all districts to track AHCA referrals between August 6 and October 15, 2007 so that the information can be compiled and sent to Brian Lee before November's quarterly meeting.
- The committee reviewed Quality Assurance and will be working on improvements.

**Motion**: Farrell Groves moved to accept the Data & Information Committee report as entered. Charlotte Poss seconded. Motion carried with no discussion.

**Advocacy Committee**

- The committee discussed bills that affect the Long-Term Care Ombudsman Program (LTCOP) from the 2007 Legislative Session.
- Committee members were urged to seek a House sponsor for the 2008 proposed legislation.
- The committee encourages all ombudsmen to contact their local Senators and Representatives upon acceptance of a draft LTCOP legislative bill.
- The committee discussed the importance of establishing connections with other organizations concerned with elder care.

**Motion**: Joe Torre moved to accept the Advocacy Committee report as entered. Farrell Groves seconded. Motion carried with no discussion.

**Training Committee**

- Committee members have actively sought new and innovative recruitment techniques and resources.
- The committee reviewed California’s report on recruiting and retention for practices that may benefit our program.
- The committee discussed the tentative arrangements for the Annual Training to be held in Orlando May 18 – 22, 2008.
- The committee elected Mel Hollins as Training Committee Chair.
- A conference call will be scheduled 30 days from now to review/discuss recruitment progress.

**Motion**: Farrell Groves moved to accept the Training Committee report as entered. Betty Bairley seconded. Motion carried with no discussion.
Rule Clarification – Hester Bryant, Legal Advocate
• Hester Bryant reviewed the rule making process and advised that further information may be obtained on the Department of Elder Affairs (DOEA) website.
• A workshop is scheduled for August 8, 2007. Although telephone attendance is not permitted, any written comments that are submitted prior to August 15, 2007 will be considered along with information presented at the workshop.

DISTRICT COUNCIL REPORTS
District #1-North West– Marcia Reynolds
• A status quo report was entered for the Northwest district.

District #2-Panhandle– Jerome Conger
• The council is struggling to meet its responsibilities due to a lack of ombudsmen.
• The council will begin to use a more realistic monthly work-hour figure than the currently advertised 20 hours, as many ombudsmen routinely exceed this requirement.
• The council has revised its approach to new ombudsman training to quicken and enhance the process, while including more ombudsman involvement.

District #3-North Central– JoAnna Emerson
• The council has found that inquiring about a facility’s “theme-of-the-day” and dressing accordingly creates a good rapport when presenting at family/resident council meetings.
• The district ombudsman manager now condenses current AHCA reports and posts for ombudsman reference, which has proved very helpful.
• The council has learned that each facility is required to produce a “Quality Measure/Indicator Report,” which has proved helpful on assessments and complaint investigations.

District #4-Withlacoochee Area– Charlotte Poss
• The council is doing well and has completed 85 percent of facility assessments.
• The council has completed 8 Community In-Services since January 2007.
• The council currently has 26 certified ombudsmen and 3 in training.
• The council has participated in 5 local health fairs.

District #5-First Coast– Lesli Watkins (absent)
• No report entered for the First Coast District.

District #6-Mid & South Pinellas– Carol Weideman
• The council has been sending at least 2 ombudsmen to problematic facility visits, which discourages bad behavior by management.
• The council assigns at least one ombudsman per month to focus on recruitment, which has proved most effective.

District #7-Pasco & North Pinellas– Michele Mulé (for Mel Hollins)
• A status quo report was entered for the Pasco & North Pinellas District.

District #8-West Central– Don Hering
• The council chair, district ombudsman manager and state representative participated in a 30-minute round-table discussion as part of an ongoing television series for the Manatee County Education Television Network entitled “Aging Matters.”
• The district ombudsman manager, using the National Ombudsman Reporting System (NORS), scheduled monthly quality assurance sessions for new ombudsmen and refreshers for seasoned members, which has proved very helpful and time efficient.

District #9-East Central– Betty Bairley
• The council currently has 36 ombudsmen with 3 awaiting approval.
• The number of facilities within the district has risen to 292.
• The council is facing a few troubling issues involving severe resident neglect and legal issues. The district chair and council ombudsmen are continuing investigation.
District #10-South West– Lynn Dos Santos
- Representatives visited the council from the Office of the Attorney General who spoke on how our programs may interface to better serve the residents of long term care.
- Don Hering, State Chair, visited the council and spoke about ombudsman responsibilities and obligations.
- Sarasota County will have its first Operation: Spot Check on August 14, 2007.

District #11-Palm Beach County– Howard Feuer
- The council welcomes Allen Jaggard as the new district ombudsman manager.
- The council expressed appreciation for the hard work of Nancy Schoemig during the district ombudsman manager vacancy in Palm Beach County.

District #12-Broward County– Norman Smith
- The National Citizens’ Coalition for Nursing Home Reform is sponsoring a program highlighting residents with artistic or poetic talents during Residents’ Rights month in October.
- Local council members will participate, which may result in publicity for the program.

District #13-North Dade– Laretha Brown
- A new family council has been established at the Unity Care Nursing Home.
- The council has 3 new ombudsmen awaiting certification completions.

District #14-South Dade & Florida Keys– David Warshofsky
- The Ponce Plaza nursing facility recently requested the “Gold Seal” award but because of discharge notice impropriety, they were denied the award upon our council’s recommendation and lack of State Ombudsman approval.

District #15-First Coast South– Leonard Dills
- The council has experienced changes as follows:
  - Leonard Dills was elected as State Council Representative.
  - Stuart Albert is acting council chair.
- The council will complete 100 percent of the assessments this year.

District #16-Treasure Coast– Joe Torre
- As part of a concerted recruitment effort, the council chair, Pat Sacco, participated in a 16-minute cable television interview and a 12-minute radio segment regarding the Long-Term Care Ombudsman Program.
- The council has 2 ombudsmen beginning the certification process and possibly 5 more in September.
- The council and council chair are remaining active in networking and maintaining relationships with local legislators.

District #17-South Central– Farrell Groves
- A status quo report was entered for the South Central district.

Old business
- The council discussed ombudsman membership recertification procedures and the usability of the recertification form. (See Attachment #7)

Motion: Carol Weideman moved to accept the recertification with changes suggested by the State Council. Betty Bairley seconded. Motion carried with no discussion.

New business
- The Nominating Committee requested that Farrell Groves be nominated for the position of State Council Chair.

Motion: There being no further nominations, Charlotte Poss moved to elect Farrell Groves as State Council Chair. Betty Bairley seconded. Motion carried with no discussion.
• All were advised to review committee assignments and consider whether reassignment was needed. (See Attachment #8)
• The new “2 cents” ombudsman logo options were reviewed. (See Attachment #2) The council selected Option #1 as the new ombudsman logo.
• Amy Lynch discussed the content of the Long-Term Care Ombudsman Program public service announcements and reviewed the success of such campaigns, announcing the program’s receipt of 2 National Mature Media awards.

**Adjournment**

**Motion:** Farrell Groves moved to adjourn the State Council Quarterly Meeting at 12:26 p.m. Joe Torre seconded the motion. Motion was carried with no discussion.

• The meeting adjourned at 12:26 p.m.