



Michael Phillips
State Ombudsman

MEETING MINUTES
West Coast District
Mid & South Pinellas Council
5/13/2021
CONFERENCE CALL

OMBUDSMAN PROGRAM REPRESENTATIVES			
Donna Cottone	Present <input checked="" type="checkbox"/>	Michelle Uterberger	Present <input type="checkbox"/>
Phil Everett	Present <input checked="" type="checkbox"/>	Alan Sherman	Present <input type="checkbox"/>
Cyndi Floyd	Present <input checked="" type="checkbox"/>	Darlene Westberg	Present <input checked="" type="checkbox"/>
Kathleen Hall	Present <input checked="" type="checkbox"/>	Annette Perry, ROM	Present <input checked="" type="checkbox"/>
Ellen Lamparter	Present <input checked="" type="checkbox"/>	Charles Bellows, DOM West Central	Present <input checked="" type="checkbox"/>
Mary Stein	Present <input checked="" type="checkbox"/>	Bernie Hackett, Assistant W. Central	Present <input checked="" type="checkbox"/>
Carol Weideman	Present <input checked="" type="checkbox"/>		

GUEST(S)
Stephanie Wilkerson, DCF, APS Terry Lonzack, Ombudsman District 7 Kevin Cronin, Ombudsman District 7

OPEN SESSION

- Called to order at 2:16pm Quorum Established: Yes No
- Open Session Statement Minutes Approved: Yes No **(2/11/2021)**

UPDATES/REPORTS

Council Chair - Donna Cottone

- Everyone should have received a copy of the Council Packet. If you did not receive your copy, please get with Charles to receive a copy.
- Please remember to turn in your Ombudsman Activity Reports and dates of availability by mail or email.

District Ombudsman Manager- Charles Bellows

- We're working on the Ombudsman Summary reports. Once you receive your report, please review your report, and if there are any discrepancies, please let the office know. We've been doing a great job with submitting cases on a timely basis, if you have any cases open nearing 90 days, I'll contact you to see if we need to submit an extension.
- Vaccinations are continuing to be administered throughout the state. According to reports, approximately over 9 million Floridians have received at least one dose, which equates to 43% of the State. Overall, 6 million Floridians have been fully vaccinated, and



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that number equates to 28%. There is some information included in your packet regarding the State COVID numbers. We are continuing efforts to make face to face visits at facilities. Please continue to adhere to safety protocols. We want to be at a comfortability level to conduct face to face visits.

- Before making a face to face visit please notify the office, so that the recent COVID rates can be provided before your visit.
- We had a great training session with Kristen Stopher from the Suncoast Center regarding Sexual Assaults. Kristen provided a Power Point presentation and gave great insight on that topic. We will continue to have speakers for our QA sessions. QA sessions are on the 4th Tuesday of every month.
- Remember we always have a Facility Communication meeting with other agencies where our concerns and questions can be submitted to AHCA. Meeting is the 2nd Tuesday of the month. If you have questions, submit them to the office at least by the Thursday before the meeting.

State Council Representative- Carol Weideman

- Provided the dates of the next State Legislative Committee Meeting scheduled for May 25th at 10:00am. Any concerns or systemic issues can be sent to Carol Weideman.

Agency Representative(s) Stephanie Wilkerson DCF, APS

- Stephanie shared that APS is still working remotely for the time being with the main office being at the Mary Grizzle Building.

West Coast Advocacy Workgroup: Kevin Cronin - provided the Workgroup Advocacy report:

- At the WC Advocacy meeting start, there was a brief discussion of advocacy types. These were identified broadly as resident and family focused (the prime and most practiced); other external advocacy, including but not limited to, increasing program awareness for potential “end-users” and volunteers along with legislative initiatives; and internal advocacy focusing on Ombudsman recruitment and retention, office and field Ombudsman support, and new methods improving efficiency and efficacy. One example discussed was exploring use of Claris tablets for remote attendance at Resident Council meetings. The tablets would be from the District Office and returned by the facility to the District Office. This effort recognizes an Ombudsman’s time constraint and retains connection with a wider audience than possible with calls into a facility.

TRAINING

- N/A



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ANNOUNCEMENTS

- N/A

NEW BUSINESS

Based on the information presented by the West Coast Advocacy Workgroup the following was discussed and motion were made, second and unanimously passed. To present the State Legislature with talking points regarding:

Family and Resident Visits to Facilities

The recent announcement of FL's Public Emergency ruling being lifted means a return to a dual system of guidance for long term care facilities with nursing homes following federal CMS and CDC guidance and ALFs and AFCH returning to state rules and regulations informed by CDC infection control guidance.

While ALFs can follow CMS rules or rules, the more likely practice is policy and procedure developed by owner in accordance with ALF rules/regulations. Participants noted smaller ALFs have been and are likely to continue to be more "relaxed" in their visit approaches, as "chain" (larger) ALFs are more structured and potentially restrictive. The State Ombudsman requested AHCA for guidance on this matter with no response to-date.

Complaint data suggests there has not been any significant increase in complaints focusing on visits and access, but WG members noted as the broader societal changes related to the lifting of the Public Emergency as evidenced by dining and entertainment loosing restrictions, end to mask mandates will bring more facility visits and the potential for an increase in visit complaints.

The Advocacy Workgroup recommendations for the local District Councils are:

- Continue a policy of "watch and wait", and then,
- Close this topic as a special advocacy item if there is **no** significant increase in visit type complaints in the next 60 days in PSA 5, 3 or more broadly Region 3.

Nursing Home Staffing Metrics

The collected Nursing Home staffing hours showed PSA 5 nursing ratios were generally below both FL and national standards. The CMS clinical metrics data reflected several NORS complaint data such as falls, incontinence, and therapy services. Together, these data could prove useful to Ombudsman in complaint investigations or annual assessments.

The downside of this information it can be daunting, overwhelming, and not easily made actionable for time-limited Ombudsman. Participants cautioned giving preference to staffing ratios could result in a care complaint issue getting off track or long discussions with facility



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staff about appropriateness or interpretation of the ratios. There is significant research data demonstrating increased RN and CNA staffing result in better outcomes. Anecdotal data often shows facilities with significant care complaints are highly likely 1- or 2-star facilities with poor RN levels.

Despite these concerns, the WG did not want to abandon the effort because of the potential value to advocacy outcomes. There was the additional value of building deeper knowledge base for Ombudsmen on specific care issues.

The Advocacy Workgroup recommendations for the local District Councils are:

- To evaluate if Nursing Home outcome information specific to their facilities focused on several measures e.g., falls and therapy be a tool of interest and learning.
- Provide the District Council members with a sample to discuss and consider in upcoming meetings.

ALF Staffing Metrics

The WG briefly re-discussed this topic reviewed in depth at the April 2021 monthly meeting. At that meeting the WG settled on long- and short-term recommendations. There is no change in those recommendations currently.

Specifically, the Advocacy WG recommends the following actions by District Councils:

- A **Long-Term** recommendation is District Councils consider recommending the State Council and State Ombudsman **research and adopt ALF performance metrics**.
 - This effort should be established initially by Legislative rule.
 - Participants include key stake holders-Ombudsmen, AHCA, Industry interest groups (such as FHCA, Leading Age FL and Alzheimer's Association), Family and residents etc.).
 - Adopt the Oregon or Washington State models as a guide, and
 - Carry out an initial state-wide resident satisfaction survey in 18-24 months.
- The **Short-Term** recommendation is District Councils concur providing Ombudsman with a series of questions to capture data which can provide actionable data to support the long-term effort, share with families, resident, and family councils to increase awareness and contact with state representatives and senators advocating for progressive change.
- The focus questions will focus on issues reflecting trends in national and state metrics and findings from assessments, and



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- Provide education on how to use the FL weekly staffing hours requirement in a proactive vs punitive fashion with the focus being on the care complaint with suggestions the minimum staffing is not addressing the need.

PNA Revisit

The State Council Legislative group will work on a PNA legislation proposal for the next FL House and Senate meeting this year. This topic is high on the State Ombudsman program initiatives in the next year as well. In Region 3 there has been several complaints involving rental payments and pressure by facilities on residents to use PNA and other funds (CARES ACT and Tax Refunds) to “clear” open balances. These actions are inappropriate and specifically addresses by numerous supervising authorities as banned.

Findings from these early cases include:

- Residents, POAs, and/or Guardians are entering/executing ALF leases with monthly rates above a resident’s demonstrated financial ability to pay,
- Facilities use indirect pressure for residents to close an ever-increasing past due be addressed by using stimulus or income refund payments. The leverage is threat of discharge, and/or noting complaints to state oversight agencies is not appreciated or necessary.
- There are too many agencies involved with no one agency appearing to “own” or have the desire to enforce PNA rules ranging from DCF financial liability approval information not understood by Residents, POAs, and/or Guardians: AHCA enforcement not a concern and other agencies have no enforcement role, and
- Residents and families entering into agreements which obligate them to rent levels beyond current ability to pay and essentially eliminating their PNA allowance.

The Advocacy WG recommends the District Councils:

- Adopt two questions to the Annual Assessment Form to collect specific examples of negative facility actions impacting PNA. These examples will be effective in the Legislative process. In addition, our advocacy position is a resident has the right to choose how to spend their CARES, PNA, and Tax refunds without pressure.
 - For CV19-3 (below) the probe question "Have you had any concerns during the pandemic with receiving their stimulus checks or finances?"

CV19-3	Are there concerns that happened during the pandemic lock-out that needs to be investigated and/or monitored for continual resolution?
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- For R-3 (below) “Have you been able to spend your stimulus or refund checks in any way you want? Has the facility ever asked or told you that money must be used for a



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facility benefit?"

RR-3	Independence, interests, and personal choices are supported by honoring resident decisions about daily schedules, services, participation in activities, and care.
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Darlene Westberg motioned,

- Carol Weideman seconded, with all in favor and no nays the motion passed to go to state council for consideration.

PUBLIC COMMENTS

- Discussion on closures and readjustments at facilities, provided by Stephanie courtesy of AHCA

ADJOURNMENT

- Open Session adjourned at 3:15pm