



FLORIDA OMBUDSMAN PROGRAM

ADVOCATING FOR QUALITY LONG-TERM CARE

Michael Phillips
State Ombudsman

MEETING MINUTES STATE COUNCIL 6/2/2021 CONFERENCE CALL

STATE COUNCIL REPRESENTATIVES			
Sully Sullivan, Northwest	Present <input type="checkbox"/>	Irene Dion, West Central	Present <input checked="" type="checkbox"/>
Marshall Kapp, Panhandle	Present <input checked="" type="checkbox"/>	Vana Prewitt, Southwest	Present <input checked="" type="checkbox"/>
Sharon Lauter, North Central	Present <input checked="" type="checkbox"/>	Donna Holden, South Central	Present <input checked="" type="checkbox"/>
Marie Brand, State Chair, Withlacoochee	Present <input checked="" type="checkbox"/>	Margaret Riccardi, Palm Beach	Present <input checked="" type="checkbox"/>
Vella Sillah-Williams, First Coast	Present <input type="checkbox"/>	Valerie Nubi-Collins, Treasure Coast	Present <input checked="" type="checkbox"/>
Diane Mongelli, First Coast South	Present <input checked="" type="checkbox"/>	Shazad Kashar, Broward	Present <input checked="" type="checkbox"/>
Tim O'Keefe, East Central	Present <input checked="" type="checkbox"/>	North Dade	Present <input type="checkbox"/>
Phil Weddle, Brevard	Present <input checked="" type="checkbox"/>	Cristina Clark, S Dade & Fl Keys	Present <input checked="" type="checkbox"/>
Carol Weideman, Mid & South Pinellas	Present <input checked="" type="checkbox"/>	Choice Edwards, At-Large Member	Present <input checked="" type="checkbox"/>
Jane Spencer, Pasco & North Pinellas	Present <input type="checkbox"/>	Mary Darling, At-Large Member	Present <input type="checkbox"/>

Guests	
Mike Phillips, State Ombudsman Lynn Hearn, Legal Advocate York Shuler, Data Analyst Betsy McAllister, State Training Administrator Joe Considine, Operations Analyst II Lisa Dale, First Coast South Ombudsman Manager Tracie Rayfield, First Coast Ombudsman Manager	Lynn Penley, West Central Ombudsman Manager Allison Torres, West Central Assistant Lori Berndt, North Region Ombudsman Manager Annette McComas, West Region Ombudsman Manager Jo Ann Quiles, East Region Ombudsman Manager Sheila Mitchell, Palm Beach Ombudsman Manager

OPEN SESSION

- Called to order at 10:00 AM Quorum Established: Yes No
- Open Session Statement Minutes Approved: Yes No **(3/3/2021)**

UPDATES/REPORTS

- Council Chair - Marie Brand
 - o Motion to approve minutes for March 3, 2021 was made, seconded, and approved unanimously.
- Central Office Update - Mike Phillips – State Ombudsman
 - o Thank you to all for your continued hard work and dedication to the program.
 - o Volunteer numbers seem to have bottomed out and are on the rebound. We have 189 certified ombudsmen and 32 in training, with more applications coming in. He is encouraged by the new volunteer numbers.



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- o He has been visiting district councils. Sharing experiences is helping to get others back into facilities and the residents have been excited to see us. Cases are picking up. He encourages everyone to go in if they are able.
- o Number of residents vaccinated is between 70 and 90%. Staff vaccination rate is 40-42%.
- o The next state council meeting, August 26 & 27, will be in-person at the Embassy Suites in Altamonte Springs.
- o We are planning a statewide training in October - reviewing the bids for this event.
- o Lynn Hearn – Legislative –
 - At the last meeting we discussed the two bills we opposed; both passed.
 - One was about facility immunity. The bill grants broad immunity for acts taken and not taken due to the pandemic. Will be in effect for one year after the end of the pandemic emergency in the state.
 - The second bill allows for Personal Care Attendants (PCA) in NHs only. This was a temporary program implemented by AHCA for emergency support that has now been made permanent. We opposed this because it will lessen care hours provided by more trained and qualified staff. Will provide input to AHCA during rulemaking.
 - In connection with this, Lynn asked that the council members speak with their local council/ ombudsmen and ask them to be observant about PCAs' interactions with residents. Stories REALLY matter with legislators.
 - DOEA was supporting a bill that would have required more dementia training for staff in facilities. It was opposed by the Florida Healthcare Association and ultimately failed.
 - One positive thing that came out of session was the approval for an offline method for resolution of civil disputes involving elders (such as guardianship); it is an alternative to lengthy and public civil court proceedings.
- o We are developing a quarterly newsletter for staff and volunteers and we need stories from the field.
- o We are working on program policies and procedure updates. We welcome ombudsman suggestions for improvement. Also, will work to align our rules and forms with federal requirements.
- o Also working on MOUs with other agencies. AHCA has agreed to give us notice when it is conducting an investigation of a Transfer & Discharge.
- o Betsy McAllister has been promoted to Deputy State Ombudsman for Education & Training and Central Office Operations. Jordan, York, Alice and Casey will report to her, and she is responsible for the day-to-day operation of the central office.



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- Advocacy Committee Report - Joe Considine
 - o Meeting on May 25, 2021 – no quorum
 - o The chair was absent.
 - o Annette McComas, ROM for the West Region provided examples of her region’s ombudsman going back into facilities. Ombudsmen were wearing full PPE. No refusals of entry so far and the residents seemed happy to see the ombudsmen, even behind the PPE. Even the staff have been receptive.
 - o Donna Holden commented that a complaint she is hearing from her local ombudsmen is how it is often difficult to reach facility staff by phone. This also seems to be a more common complaint since the pandemic started.
 - o Annette discussed options for district office assistance, should an ombudsman receive any resistance at/ or have difficulty getting through to a facility.
 - o Facilities are still restricting visitation, even when all parties are vaccinated.
 - o Annette mentioned that her region was trying to use the Claris tablet to have ombudsman attend resident councils remotely.

- Recruitment, Retention, Recognition Committee Report - Choice Edwards
 - o LTCOP has a new website, ombudsman.elderaffairs.org
 - o Jordan is working on some new press releases regarding awards which should be coming soon.
 - o As Mike mentioned, the quarterly newsletter is a go - so please ask your ombudsmen for stories we can use going forward. Get them to your DOM and they will get them to Jordan.
 - o The ads that we purchased run through the end of June.
 - o We are looking into the possibility of targeting south Florida with volunteer ads because we desperately need volunteers in the southern half of the state.
 - o The question was raised, can a person holding a full-time job be an ombudsman? Per Mike Phillips, yes, they will likely need to visit with residents after work or on the weekends.
 - o Some areas have been partnering with local colleges and universities to provide internships for students, who would act as volunteers for the program. District 9 in Orlando has the most experience with this so far if anyone has questions.
 - o New posters and activity books, which include a tear-out for information and an envelope for returning it to the program, are being approved and sent for printing in English, Spanish and Creole. New program and recruiting brochures are also being printed.

- Training & Education Committee Report - Betsy McAllister
 - o Reviewed trainings that have gone out so far. Several related to COVID-19.



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- o Questions about statement on the assessment form, PE3, relating to secure belongings and is the facility required to give the resident a lockable area. No such statement in statute.
 - o The educational conference for the entire program was pushed back to October but the state council will be meeting in person in August, 26 & 27. More information will be forthcoming.
 - o Sharon Lauter asked if we had speakers lined up yet? Betsy responded – we have some in mind but since the actual date and location are not yet confirmed everything is tentative. If anyone has suggestions for speakers, please send them in.
- Legislative Committee Report - Phil Weddle
- o Lynn and Mike covered a lot in central office update.
 - o Lynn did mention lessons learned about having better success next session.
 - Start early. The committee is going to meet monthly, if possible, to better match the needs to develop legislation.
 - Find allies to partner with. We are stronger together.
 - Personal stories can sway hearts and minds. Emotion plays a significant roll with legislators. How they are viewed matters. Stories matter.
 - Need access to program data to support our legislative efforts.
 - o Developed a mission statement – Recommend legislative changes to improve the quality of life for residents.
 - o Working on the PNA issue and making forms more in line with federal guidelines as Mike previously stated.

COUNCIL QUESTIONS/RECOMMENDATIONS

- District 3 suggested that different assessment forms be created for the different types of facilities (NHs, ALFs, and AFCHs). Mike responded that in the past the program had 3 different assessment forms, but it was cumbersome and ineffective, so the decision was made to consolidate into a single form. He would not recommend going back.
- The Mid & South Pinellas Ombudsman council motioned and passed to suggest the State Council consider researching and adopting ALF performance metrics as a long-term legislative effort. Participants in the research could include key stake holders such as Ombudsmen, AHCA, Industry interest groups (such as FHCA, Leading Age FL and Alzheimer's Association), Family and residents, etc. Use of the Oregon or Washington State models as a guide could be used to begin the research.
- The Mid & South Pinellas Ombudsman Council also motioned and passed to suggest the State Council recommend the District Councils adopt two probing questions on an Annual Assessment



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to collect specific examples of negative facility actions impacting a resident's personal allowance. 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 stimulus (CARES), PNA, and Tax refunds without pressure and residents should not contract with the facility for more than their income allows.

- Mike Phillips responded, the questions that were put on the assessment about the pandemic were placed there due to the uniqueness of the situation. He would caution against additional changes to the form. However, he would recommend asking the questions anyway and notating the answers in the provided comment areas for the assessment.
- Christina Clark asked about how we are to approach potential issues with stimulus monies being misused in memory care facilities. Mike – get face sheets and reach out to the responsible parties.

PUBLIC COMMENTS

- None

ADJOURNMENT

- Motion to adjourn was made and seconded, and approved without objection.
- Open Session adjourned at 11:18 AM