



**FLORIDA  
OMBUDSMAN PROGRAM**  
ADVOCATING FOR QUALITY LONG-TERM CARE

**Terri Cantrell**  
State Ombudsman

**State Council Meeting Minutes  
June 9-10, 2022  
Embassy Suites by Hilton Orlando Airport  
5835 T.G. Lee Boulevard, Orlando, FL 32822**

STATE COUNCIL MEMBERS			
Marie Brand, Withlacoochee, Chair	Present <input checked="" type="checkbox"/>	Irene Dion, West Central	Present <input checked="" type="checkbox"/>
Raymond "Sully" Sullivan, Northwest	Present <input type="checkbox"/>	Donna Holden, South Central	Present <input checked="" type="checkbox"/>
Marshall Kapp, Panhandle, Vice Chair	Present <input checked="" type="checkbox"/>	Michael Alexander, Southwest	Present <input checked="" type="checkbox"/>
Sharon Lauter, North Central	Present <input type="checkbox"/>	Shazad Kashar, Broward	Present <input type="checkbox"/>
Tim O'Keefe, East Central	Present <input checked="" type="checkbox"/>	Louis L.I. Grossman, North Dade	Present <input type="checkbox"/>
Donna Nagel, Brevard	Present <input checked="" type="checkbox"/>	Maria Cristina Clark, S Dade & FL Keys	Present <input type="checkbox"/>
Diane Mongelli, First Coast South	Present <input checked="" type="checkbox"/>	Margaret Riccardi, Palm Beach	Present <input checked="" type="checkbox"/>
Linda Howard, First Coast	Present <input type="checkbox"/>	Valerie Nubi-Collins, Treasure Coast	Present <input checked="" type="checkbox"/>
Carol Weideman, Mid & South Pinellas	Present <input checked="" type="checkbox"/>	Mary Darling, At-Large Member	Present <input checked="" type="checkbox"/>
Jane Horowitz, Pasco & North Pinellas	Present <input checked="" type="checkbox"/>	Jennings Thornton, At-Large Member	Present <input type="checkbox"/>

OTHER OMBUDSMAN PROGRAM REPRESENTATIVES	
Terri Cantrell	State Ombudsman
Lori Berndt	Deputy State Ombudsman/North Region Ombudsman Manager
Diandra Taylor	West Region Ombudsman Manager
Jo Ann Quiles	East Region Ombudsman Manager
Lynn Hearn	Legal Advocate
Betsy McAllister	State Training Administrator
Alice Terry	Budget Analyst
Hunter Deem	Public Relations Coordinator

Welcome / Roll Call / Approval of Minutes

Chair Brand called the meeting to order at 1:03 pm. A quorum was present. A motion to accept the minutes from the March meeting was made, seconded, and approved unanimously.

Chair's Announcements

- Membership updates
  - Michael Alexander has been elected in the Southwest District (10) to complete the term of Vana Pruitt.



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- Jennings “Jay” Thornton has been appointed by DOEA Secretary Michelle Branham as an at-large member. Unfortunately he was unable to attend this meeting.
- Hunter Deem has joined the LTCOP central office and is responsible for Public Relations.
- Mission Statements – Chair Brand requested that during the upcoming breakout sessions, each workgroup prepare a mission statement explaining why they exist.

### Election of State Council Chair

- Chair Brand asked Vice Chair Marshall Kapp to preside over this portion of the meeting.
- Vice Chair Kapp announced that Chair Brand has completed a one-year term as Chair of the State Council and invited nominations for chair for the next year. Marie Brand was nominated to serve as Chair for a second term. The nomination was seconded and approved unanimously. Her second term will begin at the conclusion of the meeting.

### State Ombudsman Report

State Ombudsman Terri Cantrell welcomed the State Council members and thanked them for their hard work and passion for the program. Terri comes from the Alzheimer’s Association where she worked in development for three years. She worked in nonprofits before that. She worked at a nursing home in college, and earned a certificate in gerontology. She has always had a passion for seniors and also has worked very closely with volunteers.

Terri stated she is aware that the LTCOP program has some issues and challenges. She acknowledges having received an email raising specific concerns from Councils 6 and 7. She takes these concerns very seriously, and wants to assure those councils that she and the staff are working on addressing those issues.

Terri further stated that awareness of the program is essential. If more people were aware of LTCOP, that would help bring volunteers on board. She understands that we have to keep the flow of volunteers coming.

Terri invited the State Council to express any concerns that they have. She values and welcomes transparency in both directions. She wants the program to get bigger and better, and believes that Florida should be leading on long-term care issues. She stated that she and the staff are working hard behind the scenes, and changes are coming.

Terril was asked whether the State Council members could be sent a list of LTCOP staff members and their duties, and she said yes.

\*\*The State Council Meeting was temporarily adjourned at 1:22 p.m. for purposes of holding the workgroup meetings. The council reconvened at 3:15 p.m.\*\*



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## Workgroup Updates

### Advocacy Workgroup – Report by Donna Holden, Vice Chair

- Mission Statement: Reviews systemic issues to determine and develop recommendations for the benefit of all residents and ombudsmen.
- The workgroup would like to see the councils making sure facilities are having resident councils
- Regarding the low mileage rate – suggest looking at the assignment of facilities to ombudsmen, and rework to see if it can ease the travel burden
- Suggest adding questions to the assessment form regarding computer, internet, and printer access (Note: See answer to Council Question #10, below).

### Training & Education Workgroup - Report by Margaret Riccardi, Chair

- Welcomed new member, Michael Alexander
- Mission Statement: Reviews current training materials and provides recommendations to the Ombudsman Program Training Administrator. Serves as a resource to the Training Administrator when developing new materials and provides input on this material. Supports volunteers with up-to-date and current continuing education requirements.
- Florida Pioneer Network – Artifacts of Culture Change with Chris Mulrooney, FSU. Plan to start in July with the virtual portion and then September or October in-person regional training for ombudsman at the local level. Working with ombudsman volunteers and selected administrators throughout the state.
- Awareness – Direct care staff needs to know who we are. Speak with administrators about this – consider asking to be invited to facility staff meetings.
- Training regarding the differences between a Personal Care Attendant, Certified Nursing Assistant, and Medication Administrator is complete and just needs final review by legal. Will be sent in next 2 weeks.
- Elder Abuse Awareness Day – June 15 – virtual training is available and some areas are having in-person trainings.
- Discharge Notices – facilities are required to send these to LTCOP.
- Ombudsman Corner – suggest a “Get to know Terri” for all volunteers.
- Terri will be visiting all field offices.
- Suggest bringing statutes to visits when dealing with specific complaints.
- Inter-agency meetings – These stopped during COVID. DCF, DOH used to come to trainings/discuss cases. Would like to see those start up again.
- Clarify re AHCA MOU – There was a question about whether there is a current MOU in effect. There is. It was signed in 2021 and is valid until 2024.



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- Duties of State Council Reps – There was a handout in everyone’s folder and on-line training is available for State Council members. It is recommended that all members review these materials, even those who have been on the council for some time.

#### Legislative Workgroup – Report by Marshall Kapp

- Changed name to Legislative & Regulatory Workgroup
- Mission Statement: Monitor, analyze and make recommendations regarding current and proposed legislation/regulation, and identify needs in long-term care and LTCOP for future legislation/regulation.
- Discussed concern regarding CMS proposal to reduce Medicare payments by \$322 million, especially at same time that it is proposing imposing higher staffing requirements. Not clear how we would advocate on this issue, and we have not previously gotten involved in funding issues. But want everyone to know about this.
- Personal Care Attendants – discussed what workgroup members are seeing in nursing homes. Wide variation; some members said their nursing homes are not using PCAs, others have extensive programs. Encourage ombudsmen to be paying attention to this during facility visits.

#### Recruitment, Retention and Recognition Workgroup - Report by Tim O’Keefe, Chair

- This workgroup has not previously been involved in decisions about recognition gifts, but they would like to have input into the recognition gifts that are purchased and distributed by the program.
- State Ombudsman attended this workgroup meeting; it was an interesting discussion. The workgroup members are hopeful.
- The LTCOP website is out-of-date and needs to be updated ASAP. This should be a recruitment tool.
- Any time an ombudsman leaves program, need to do exit interview to learn the reason leaving. Perhaps should be done by a volunteer instead of the district manager.
- Recognition – hoping to have funds available for birthday presentations.
- Flyers are being circulated and seem to be working. Will be distributed every other month.
- Mission Statement: Work in progress – continued to tomorrow.
- The workgroup suggests sending solicitations to recent state retirees. The State Ombudsman inquired of the Legal Advocate whether there is a legal barrier to this? Lynn Hearn stated she has not examined this question, but will look into it.
- Encourage certified ombudsmen to serve as mentors to those in training and newly certified. A discussion followed regarding a concern that volunteers should not be overloaded with responsibilities, and the offices need to be fully staffed so that training is timely.



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## General Discussion

- A state council member inquired whether it would be possible for the program to provide food for volunteers at council meetings. The State Ombudsman stated she was surprised to learn this is not happening (and is concerned about staff and volunteers paying for food out of their pocket) and will see what she can do to remedy this.
- A state council member stated she is often called upon to accompany even certified ombudsmen on visits due to her nursing background. It was suggested that each council maintain a list of every volunteer in the district, with any area of expertise, so that volunteers know who to call. The State Ombudsman stated she will direct the District Ombudsman Managers to collect and circulate this information.
- The State Ombudsman asked State Council members to be thinking of what they would like future meetings to look like. Would they like to have guest speakers? Education segments? She is open to suggestions.

\*\*The State Council Meeting was temporarily adjourned for the evening at approximately 4:30 p.m. The council reconvened on June 10, 2022 at 8:07 a.m.\*\*

## Opening Remarks

Chair Brand thanked the staff for putting this face-to-face meeting together. The tentative dates for the next meeting are September 29 & 30. This will be in-person in Orlando, with the precise location to be announced at a later date.

## Public Comments

None.

## Council Questions (sent to Chair in writing according to procedure previously established by Council)

1. TRAINING: Are there videos available that go over how to complete the various forms we use re: assessment, complaint, travel reimbursement? If yes, can the link be sent out to all ombudsman? If not, can videos be created to assist ombudsman in completing these forms?  
**Answer** (T. Cantrell, L. Berndt & B. McAllister): First, need to make sure all districts are using the same forms. Also need to make as many of the forms as possible fillable. Retraining should be conducted via district council meetings. Betsy will look into possibly making videos.
2. TRAINING VIDEOS: Can a link to the current set of training materials for new ombudsman be sent out to all ombudsmen? Ombudsman who were not recently trained felt this would be very helpful. **Answer:** Betsy will send a link to this training to all the DOMs for distribution to all ombudsmen.
3. PNA - Ombudsman are requesting that the state ombudsman/ legal advocate advocate for an increase in the personal needs allowance in the upcoming legislative session. **Answer:** (L. Hearn) Confirmed that this question relates to assisted living facilities, not nursing homes. The



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law does not provide for a specific personal needs allowance for residents of assisted living facilities, as these facilities are primarily board and care facilities that are not covered by Medicare or Medicaid. Therefore, there is no law that we can advocate to be changed. After further discussion, it was requested that the Legal Advocate prepare a detailed explanation of this issue for distribution to all ombudsmen, which she agreed to do.

4. ASSESSMENTS - Is each district expected to complete all assessments for the 2021-2022 year? This is a concern in a district since they have a new DOM, one not yet trained as an ombudsman, have several ombudsmen on leave, have several ombudsmen who will not visit facilities due to continuing health concerns over COVID. **Answer** (L. Berndt): If it can't be done with the resources you have, we understand. Do the best you can. It will not reflect negatively on the performance of the DOM. Also discussed a potential legislative proposal to eliminate the requirement for detailed annual replacement and replace with quarterly resident visits. The State council members strongly support such a proposal.
5. RETURNING VOLUNTEERS - What is the policy regarding ombudsmen who have resigned but want to rejoin the program? Are they required to go through training again? Is there a time limit on how long they were gone from the program that would trigger the requirement for re-training? **Answer** (L. Berndt, B. McAllister): If gone a year or more, must go through training. If less than a year, case by case basis. Also discussed continuing education requirements following certification. Some ombudsmen were told they had to do 3 assessments and 3 cases every year, but this is not correct. Once certified, an ombudsman must only do 18 hours of continuing education. There are no assessment or case requirements. Members also discussed a concern regarding volunteers resigning during training and before certification due to being overwhelmed when they enter facilities. Need to understand why volunteers resign then; conduct exit interviews.
6. KEPRO - An explanation of what KEPRO is and when it is used in the Ombudsman Corner. **Answer** (L. Berndt): If Medicare stops paying after 20 days they can contact Kepro to appeal. Nursing homes know how to do this and should be advising residents. Lori will send out link to a webinar regarding these appeals.
7. TELEPHONES - Is there anything the Ombudsman Organization can do to insure that every resident in long term care has access to telephone communication? **Answer** (L. Berndt): Open up a complaint. Facilities are obligated to provide access to a phone.
8. DIETARY ISSUES - Is there anything that can be done on a State level by the Ombudsman Organization to assist improving dietary issues in ALF's? **Answer** (L. Berndt): Open up a complaint. The facility is required to consult with a registered dietician. Also suggest you involve the resident council.
9. INTRODUCTION TO STATE OMBUDSMAN - We strongly recommend the new State Ombudsman, Terri Cantrell, schedules an online presentation to all volunteers and paid staff with her vision of



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immediate and long term goals. Extremely important topics are: recruitment and retention of paid staff – local and state; a coherent volunteer management effort, the program's direction regarding partnership with Pioneer Network and Culture change, and program "tools" - what is the status of the new management program replacing OMIS; will there be a revised system for completing reports on line rather than relying on PDF, etc. **Answer** (T. Cantrell): Terri will work with Betsy to do this via a Teams webinar, in which she will give a presentation and provide an opportunity for Q&A. Terri is also visiting all district offices so will meet the ombudsmen in person. Reference was made to the Pioneer Network and the artifacts of culture change. As those council members who did not attend the October educational conference were unfamiliar with this project, Betsy offered to send out link to the presentation regarding the Pioneer Network from October conference.

10. ASSESSMENTS - Assessment pandemic questions are stale and if there are going to be special questions, how are responses aggregated and used, otherwise not useful and just one more thing. More relevant would be questions about internet access. When will the forms be brought up to date for the complaint resolution code? The forms are cumbersome to complete. Some ombudsmen cannot fill out on the computer due to the PDF format. **Answer** (L. Berndt): Hopefully we won't have the detailed assessment form going forward. In the meantime, Lori will work to remove the pandemic questions. And if we are changing the form anyway, can add questions regarding internet access.
11. We ask that the State Ombudsman advocate and encourage legislation filed by the state representatives and senators which codifies long term care individuals who qualify for SMMC coverage and other state supported disability programs, who reside in ALF's and AFCH are provided no less than \$130 per month from their income for personal needs. Increasing costs for the basics of community life, clothing, personal care, etc. are not now being met. **Answer** (Hearn, L.): See Answer to Council Question #3, above.

Chair Brand next communicated a series of late-filed questions which she received the evening before the meeting:

- Q: Concerned about facilities which have not reopened their dining rooms. **Answer** (L. Berndt): Need to open up investigations (all residents). Talk to resident council president. Go to corporate.
- Q: When will website be upgraded? **Answer** (T. Cantrell): There is no current timeline. We are aware of the need for this and it is on our list to have done.
- Q: Concerns regarding staff shortages, non-licensed staff caring for residents, lack of activities, restricted visitation, boredom, slow response to call lights, improper administration of medication, residents not spoken to in their language, calls not being transferred to residents. **Answer** (L. Berndt): All of these concerns need to be addressed through specific complains.



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Chair Brand reminded council members that questions should be submitted at least seven (7) days before the meeting. The Chair then consolidates them into single list of questions. In answer to a question from a council member, these question do not have to be voted upon at an open council meeting.

### District Updates

- Chair Brand (District 4) – Former at-large State Council member Choice Edwards retired and was presented with a plaque of appreciation.
- Mary Darling (At-large member) – offered to assist with the exit interviews and call volunteers who have left and find out why. Lori will follow up on implementing this process.
- There were no other district updates.

### Old Business

None.

### New Business

- SB 988 – (“No Patient Left Alone Act”) Lynn Hearn distributed this new law and explained that it requires both nursing homes and assisted living facilities to establish visitation policies and procedures and to post them on their websites (if they have one). It also allows for the designation of an “essential caregiver” who must be allowed to visit at least two (2) hours per day in addition to other authorized visitation. The law requires AHCA to dedicate a stand-alone page on its website to explain the requirements and to provide a link where complaints may be reported.
- Pledge of Allegiance – A motion was made and seconded for the State Council to recite the Pledge of Allegiance at all face-to-face meetings. Chair Brand has a flag and will bring it to every meeting. Upon a vote, the motion was approved.

### Closing Remarks

State Ombudsman – Terri stated she appreciates the passion of the council members, and that their passion drives this whole program. The program needs more volunteers with this passion. The relationship between the State Council and the LTCOP staff is extremely important. Terri stated she is excited to be a part of LTCOP and knows that together we can do great things.

### Adjournment

A motion to adjourn was made, seconded and approved at 9:38 a.m.