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**Testimony of
Heather Bruemmer, Executive Director/State Ombudsman
State Of Wisconsin Board on Aging and Long Term Care
Before the Senate Special Committee on Aging
on the
Reauthorization of the Older Americans Act
September 7, 2010**

Chairman Kohl and members of the committee, I want to also recognize U.S. Assistant Secretary for Aging, Kathy Greenlee who is a former state Ombudsman and is a strong advocate for older adults. Thank you for this opportunity to testify on the reauthorization of the Older Americans Act (OAA). My name is Heather Bruemmer. I am Wisconsin's State Long-Term Care Ombudsman. Since 1978, the Ombudsman Program has been a core program of the OAA. It is the only program in the Act that specifically serves consumers of services provided by residential care facilities. The OAA provides critically needed home and community based services that delay institutionalization. In November of 2008, the number of Wisconsin Assisted Living beds surpassed the number of Skilled Nursing Facility beds indicating a significant trend that is expected to continue into the future. All of these elders rely on the advocacy services of the Ombudsman Program. We all appreciate and value the importance of living in one's own home and as a result, there has been a remarkable growth in the amount of home and community based services available for seniors in Wisconsin. However, some elders can no longer live safely in their own homes and must move at some point in their lives to either an assisted living facility or a nursing home.

Wisconsin was one of the original pilot states when the Long Term Care Ombudsman Program was first created by Congress, and our state has continuously relied on and improved the resources available to aging consumers from this program.

In 1981, our Legislature created the Board on Aging and Long Term Care to house the Long Term Care Ombudsman Program. Since that time, the program has grown in size and in responsibility, now serving clients of nursing homes, community-based residential facilities, adult family homes, residential care apartment complexes, and persons who reside in their own homes and receive services through the Medicaid waiver programs.

As long-term care services and supports have grown in scope and complexity, federal support for the LTC Ombudsman Program has not always grown with them. While the mandate to serve residents in assisted living was added to our mission by the 1981 amendments to the OAA, there was no new fiscal authorization for this function. There still has been no funding specifically directed to this objective. Nationally, while ombudsmen visited 79 percent of all nursing homes on a quarterly basis last year, only 46 percent of all board and care, assisted living and similar homes received a quarterly visit due to funding inadequacies.¹ Throughout the country, it has become increasingly difficult for Ombudsman Programs to serve residents in assisted living. The lack of sufficient funding is certainly not for the lack of trying by champions of the Long Term Care Ombudsman Program such as yourself, Chairman Kohl, and the members of this committee.

Each year, the LTC Ombudsman Program resolves hundreds of thousands of complaints made by or on behalf of aging consumers nationwide.² Nationally, 77 percent of these complaints are resolved or partially resolved to the satisfaction of complainants as a result of Ombudsman activity. The majority of Wisconsin Ombudsmen's time is spent in skilled nursing facilities. Were we to address the needs of people living in assisted living with the same intensity as we do the concerns of those living in nursing homes, our numbers would be immense.

“What is happening to the individuals living in Wisconsin's assisted living facilities?” Intuitively, we believe that individuals living in assisted living have complaints and concerns that are going unheard. The Ombudsmen cannot confirm this assumption with any degree of certainty due to their inability to visit and advocate for the persons in these provider facilities.

¹ Source; 2008 AoA National Ombudsman Reporting System Data

² In excess of 250,000 complaints were lodged in nursing homes and board and care facilities in 2008 – source; AoA National Ombudsman Reporting System Data

The LTC Ombudsman Program offers significant consumer protections to residents. The complexity and diversity of consumers who live in residential care facilities is growing. Significant concerns such as falls, medical mismanagement, medication errors, pressure ulcers, and abuse situations have been on the rise in Wisconsin. Ombudsmen spend a tremendous amount of time investigating these incidents, but also providing education and guidance to facility managers and staff to help prevent reoccurrence of these problems. Unfortunately, the Wisconsin Long Term Care Ombudsman Program is confronted with the reality of inadequate resources to be proactive to help reduce these critically important concerns.

Ombudsmen spend time educating and empowering facility leadership, individuals and families in methods of providing care that is consumer-centered, consumer-directed and based upon meaningful relationships with caregivers. In Wisconsin, we focus on providing service to individuals, taking into account their life history, the rights they are entitled to, and their preferences for services that will provide the highest quality of life and care.

I would like to propose the following modifications to the Older Americans Act which, I believe, address the issues that the Wisconsin Board on Aging and Long Term Care feels most strongly about.

The sections of the Act relating to the process of and limitations on disclosure of client information need clarification and emphasis. The current language needs to be emphasized so as to make clear to facilities that this right guaranteed to individuals is of the utmost importance to meeting the goals of the Act. We would also recommend amending §712(d) of the Act to change all references to “files” relating to residents or clients to “information”.

Ombudsmen throughout the country report having contact with more and more individuals who cannot speak for themselves and have no legally authorized representative to speak on their behalf. We ask that provisions in Title VII of the OAA be amended to add language that will encourage states to intensify their efforts to educate the public as to the value and importance of completing the documents necessary to establish a trusted surrogacy relationship with a personal advocate.

Wisconsin supports the recommendation which would amend Title II [§202(a)(18)(B)] of the Act to provide a base appropriation to the National Ombudsman Resource Center (NORC) with subsequent annual increases. NORC has proven to be a valuable site for Ombudsman Programs to obtain training, resources, and technical assistance despite woefully inadequate funding throughout its history. This, along with addition of Becky Kurtz as the Director of Long Term Care Ombudsman Programs will serve well the needs of Ombudsman Programs nationwide. We wish to thank Assistant Secretary Greenlee for her foresight in creating this position.

The OAA gives us a strong foundation – and reauthorization gives us a window of opportunity to build an even more robust foundation. It is extremely important that Congress and the aging network come together to strengthen our Long Term Care Ombudsman Programs to provide a safe, homelike environment and to protect those members of our aging society who are consumers of residential care services.

As one who speaks for Wisconsin's many vulnerable facility residents and consumers of long term care, I want to thank you, Sen. Kohl and members of the committee, for allowing me to share with you our thoughts about the reauthorization of the Older Americans Act. I will be happy to answer any questions that you may have.