



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 17, 2007

Joint Committee on Finance

Paper #160

Ombudsman Program Services (BOALTC)

Bill Agency

[LFB 2007-09 Budget Summary: Pages 60, #2 and Page 61, #3]

CURRENT LAW

The Board on Aging and Long-Term Care (BOALTC) serves as an advocate for elderly long-term care consumers. The Board's ombudsman staff investigates and resolves complaints on behalf of nursing home residents and individuals living in community-based residential facilities (CBRFs), as well as persons who receive community-based long-term care services.

GOVERNOR

Ombudsman Services for Family Care Enrollees. Provide \$41,200 (\$20,600 GPR and \$20,600 PR) in 2007-08 and \$51,100 (\$25,600 GPR and \$25,500 PR) in 2008-09 to fund 1.0 additional ombudsman position (0.50 GPR position and 0.50 PR position), beginning in 2007-08, to provide information and advocacy services to individuals over the age of 60 that are enrolled in the Family Care program. Authorize BOALTC to employ staff in classified positions to provide advocacy services to Family Care program recipients or potential recipients, their families, and guardians.

Volunteer Ombudsman Program. Provide \$173,400 (\$137,800 GPR and \$35,600 PR) in 2007-08 and \$212,500 (\$170,000 GPR and \$42,500 PR) in 2008-09 and 4.0 positions (3.20 GPR positions and 0.80 PR positions), beginning in 2007-08, to recruit, train, and supervise volunteers as part of the Board's ombudsman program to expand operations to unserved areas.

DISCUSSION POINTS

Services for Family Care Enrollees

1. The ombudsman program is currently staffed by one supervisor and 16 ombudsman positions that provide advocacy services for elderly individuals who live in long-term care facilities, or who receive care in the community under the community options program (COP). Staff operates out of six regional offices in Eau Claire, Phillips, Stevens Point, Madison, Milwaukee, and Green Bay. These positions educate individuals about long-term care consumers' rights under state and federal law, provide information about abuse prevention, restraint reduction, the use of advance directives, and report and investigate instances of abuse.

In calendar year 2005, there was approximately one professional ombudsman for every 2,000 nursing home residents over the age of 65 in the state. Table 1 shows the number of cases handled by staff from the ombudsman program for the two most recent calendar years for which data is available.

TABLE 1

Ombudsman Program Activity

	<u>Cases</u>	<u>Closed Complaints</u>	<u>Information and Counseling Provided</u>	<u>Educational Presentations</u>
2004	1,423	4,245	13,438	472
2005	1,327	4,012	14,526	576

2. The bill would provide 1.0 additional ombudsman position, beginning in 2007-08, to provide information and advocacy services to individuals over the age of 60 that are enrolled in the Family Care program. This level of staffing would allow the Board to provide approximately one professional ombudsman position for every 7,000 elderly Family Care clients, based on the administration's projected increases in Family Care enrollment in the 2007-09 biennium.

3. In its 2007-09 budget submission, the Board requested two positions, or one ombudsman for every 3,500 elderly Family Care enrollees.

4. While some elderly Family Care recipients may use nursing home services, and have access to the Board's ombudsman services through those facilities, others receive long-term care services in their own homes or in CBRFs. The Committee could provide 1.0 position (0.5 GPR and 0.5 PR position), in addition to the position recommended by the Governor, so that the Board would be authorized 2.0 positions (1.0 GPR position and 1.0 PR position), beginning in 2007-09, to support additional elderly Family Care recipients at the level requested by the agency.

5. A central component of the Family Care expansion is the support of aging and

disability resource centers (ADRCs) in all areas where the Family Care benefit is offered. These resource centers provide information, conduct assessments, eligibility determinations and other preliminary services for individuals interested in participating in the Family Care benefit, and can refer participants to other county resources should the need arise. Under the bill, resource center governing boards would be charged with the responsibility of gathering information from consumers regarding the adequacy of available long term care services, gaps in service, and reviewing grievances. To the extent that ADRCs will be an accessible resource to assist elderly Family Care enrollees or their family members in locating assistance should concerns over their care under the program arise, it may be argued that the lower ombudsman to enrollee ratio may be acceptable, given the availability of ADRC support.

Volunteer Ombudsman Program

6. The volunteer ombudsman program, which is currently staffed by four volunteer coordinator positions, supports the work of the statewide professional ombudsman service by training volunteers who make weekly unannounced visits to interact with residents of long-term care facilities, listening to concerns and informing residents and their families of the services provided by the program. Volunteers also communicate concerns to nursing home staff members, and submit reports to volunteer coordinators regarding issues of concern. The volunteer component of the ombudsman program is currently operating in eleven counties, including Milwaukee, Racine, Kenosha, Dane, Rock, Monroe, Marathon, Portage, Shawano, Waupaca, and Wood Counties. Table 2 shows the expansion of the volunteer program over the past four years. The totals for calendar year 2006 are estimates.

TABLE 2

Volunteer Ombudsman Program Activities

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Facilities Served	55	78	111	118
Number of Volunteers	54	88	115	124
Trainings Held	16	17	25	29

7. In its 2007-09 biennial budget submission, BOALTC requested 8.0 additional positions to expand the volunteer program statewide by the end of the 2007-09 biennium. The bill would provide an additional 4.0 positions, which the Board would target towards currently unserved population centers. These areas would most likely include Brown County, the Fox Valley area, Eau Claire, the Chippewa Valley area, La Crosse, and the Kickapoo Valley areas, effectively doubling their coverage area and potentially expanding services to another 120 to 140 nursing homes. Board members indicate that this expansion would still leave the far northern counties, the southwest corner of the state, and the greater Waukesha area largely uncovered by the volunteer ombudsman program. If the Committee wished to encourage the Board to work towards statewide coverage within the next two years, additional volunteer coordinator positions could be provided in the

second year of the biennium, to facilitate additional expansion.

8. Alternatively, given that the staffing levels recommended by the Governor under the bill would effectively double the size of the existing volunteer program over the biennium, the Committee may determine that the Governor's measured approach to the program's expansion could be considered preferable. Should the Board successfully complete this expansion in service in 2007-09, additional positions could be requested under the next budget to achieve statewide program coverage.

9. The source of the program revenue support for the additional BOALTC ombudsman positions recommended by the Governor is medical assistance-administration funding budgeted on a 50% GPR/50% FED basis, with the GPR component provided within the Board's budget, and with federal funding provided within the Department of Health and Family Services (DHFS) budget (which DHFS would then transfer to the BOALTC). The amount of PR that may be provided to fund the volunteer ombudsman services has been established by the proportion of time that BOALTC staff can document spending to assist MA eligible individuals, and is based on recent time reports. However, as most Family Care enrollees are eligible for MA, a greater proportion of PR to GPR funding could be provided in the future to support the ombudsman position for Family Care enrollees should time studies support this assumption.

10. Under the bill, the Governor would authorize BOALTC to employ staff in classified positions to provide advocacy services to Family Care program recipients or potential recipients, their families, and guardians. Under current law, BOALTC is authorized to contract to provide advocacy services to these individuals. However, the Board's authority to provide direct advocacy with existing staff is unclear. For that reason, the Board requested this clarification to state law.

ALTERNATIVES TO BILL

A. Ombudsman Services for Family Care Enrollees

1. Approve the Governor's recommendation to fund 1.0 additional position, beginning in 2007-08, to provide ombudsman services to Family Care enrollees. (Federal funding of \$20,600 in 2007-08 and \$25,500 in 2008-09 is provided under the DHFS budget, and transferred to the Board as PR.)

ALT A1	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	\$46,200	0.50
PR	0	0.00	46,100	0.50
FED	<u>0</u>	<u>0.00</u>	<u>46,100</u>	<u>0.00</u>
Total	\$0	0.00	\$138,400	1.00

2. Modify the Governor's recommendation by providing 1.0 additional position (0.5

GPR position and 0.5 PR position) to provide these services, so that BOALTC would be provided a total of 2.0 positions for this purpose, beginning in 2007-08. Increase funding for BOALTC by \$41,200 (\$20,600 GPR and \$20,600 PR in 2007-08 and by \$51,100 (\$25,600 GPR and \$25,500 PR) in 2007-08 and increase funding in DHFS by \$20,600 FED in 2007-08 and by \$25,500 FED in 2008-09 to support the PR increase in BOALTC.

ALT A2	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	\$46,200	0.50	\$92,400	1.00
PR	46,100	0.50	92,200	1.00
FED	<u>46,100</u>	<u>0.00</u>	<u>92,200</u>	<u>0.00</u>
Total	\$138,400	1.00	\$276,800	2.00

3. Delete provision.

ALT A3	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	-\$46,200	- 0.50	\$0	0.00
PR	- 46,100	- 0.50	0	0.00
FED	<u>- 46,100</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>
Total	-\$138,400	- 1.00	\$0	0.00

B Volunteer Ombudsman Program

1. Approve the Governor's recommendation to provide 4.0 positions (3.20 GPR positions and 0.80 PR positions), beginning in 2007-08, to recruit, train, and supervise volunteers as part of the Board's ombudsman program to expand operations to unserved areas. (Federal funding of \$35,600 in 2007-08 and \$42,500 in 2008-09 is provided under the DHFS budget, and transferred to the Board as PR.)

ALT B1	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	\$307,800	3.20
PR	0	0.00	78,100	0.80
FED	<u>0</u>	<u>0.00</u>	<u>78,100</u>	<u>0.00</u>
Total	\$0	0.00	\$464,000	4.00

2. Modify the Governor's recommendation by providing 4.0 additional positions (3.2 GPR positions and 0.8 PR position), beginning in 2008-09, so that BOALTC would be provided a total of 8.0 positions for this purpose, beginning in 2008-09. Increase funding for BOALTC by \$212,500 (\$170,000 GPR and \$42,500 PR) in 2008-09 and increase funding in DHFS by \$42,500 FED in 2008-09 to support the PR increase in BOALTC.

ALT B2	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	\$170,000	3.20	\$477,800	6.40
PR	42,500	0.80	120,600	1.60
FED	<u>42,500</u>	<u>0.00</u>	<u>120,600</u>	<u>0.00</u>
Total	\$255,000	4.00	\$719,000	8.00

3. Delete provision.

ALT B3	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	-\$307,800	- 3.20	\$0	0.00
PR	- 78,100	- 0.80	0	0.00
FED	<u>- 78,100</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>
Total	-\$464,000	- 4.00	\$0	0.00

Prepared by: Rebecca Hotynski