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Joint Committee on Finance

Paper #210

Administrative Staff (Board on Aging and Long-Term Care)

[LFB 2023-25 Budget Summary: Page 80, #2]

CURRENT LAW

The Board on Aging and Long-Term Care (BOALTC), staffed with 44.5 full-time equivalent (FTE), positions, operates three main programs. The first is the federally-mandated, long-term care ombudsman program, which provides advocacy services for individuals over the age of 60 who are residents or tenants of licensed or certified long-term care settings, as well as people over the age of 60 who receive home and community-based services through the state's medical assistance (MA) funded long-term care programs (Family Care, IRIS, the Program of All-inclusive Care for the Elderly (PACE), and the Family Care Partnership Program).

Additionally, the ombudsman program: (a) investigates complaints regarding long-term care services; (b) resolves and mediates issues regarding long-term care services; (c) provides information and education on resident rights, restraints, and abuse reporting and prevention; and (d) works with enforcement agencies.

In addition to the long-term care ombudsman program, BOALTC operates the volunteer ombudsman program, which recruits, screens, trains, and supervises volunteers who make unannounced weekly visits to nursing homes. Volunteer ombudsmen visits strengthen the advocacy services provided by the long-term care ombudsman program for residents living in nursing homes.

BOALTC also operates the Medigap Helpline, which is a free, confidential, insurance counseling service that provides information and counseling to callers who have questions relating to Medicare programs, Medicare supplemental insurance, Medicare Advantage, and Medicare Part D prescription drug plans, Medical Assistance programs, employer sponsored group health plans, and transitioning from the Marketplace coverage into Medicare. There is no connection with any insurance company and the Medigap Helpline counselors do not endorse nor express any opinion

as to the worth or value of any policy or insurance product. The counselors help beneficiaries understand their options so they may make their personal decisions based on their individual needs.

DISCUSSION POINTS

1. Assembly Bill 43/Senate Bill 70 (AB 43/SB 70) would provide \$175,200 (\$89,000 GPR and \$86,200 PR) in 2023-24 and \$223,400 (\$113,600 GPR and \$109,800 PR) in 2024-25 to fund 3.0 additional positions (1.5 GPR and 1.5 PR) beginning in 2023-24. These positions include 1.0 state long-term care ombudsman, 1.0 communications specialist to enable BOALTC to reach a wider audience through updated websites, listservs, and social media, and 1.0 executive assistant, which would increase from 3.0 to 4.0 the number of administrative support positions authorized for the agency.

2. By budgeting the new positions at the state minimum salary levels, the costs of the 3.0 positions are reestimated to be \$189,200 (\$98,200 GPR and \$91,000 PR) in 2023-24 and \$242,300 (\$125,800 GPR and \$116,500 PR).

3. Further, the bill contains statutory changes to specify that the BOALTC Executive Director employs, rather than serves as, the state's Long-term Care Ombudsman. Under current law, the Executive Director also serves as the state's Long-term Care Ombudsman. The Administration notes that Wisconsin is the only state in which the Executive Director, or equivalent, is also the state's designated Long-term Care Ombudsman and that in order to ensure adequate service and compliance with federal requirements, these two positions should be separated.

Communications Specialist

4. Communication work for BOALTC is currently assigned to several positions within BOALTC, including the attorney and program supervisor positions. There is no single position assigned to this function. The Administration believes that the division of this responsibility is not effective in ensuring timely dissemination of information, since these positions perform the work only as their time permits, in combination with their regularly assigned duties.

5. BOALTC also indicates a desire to reach a broader audience through the communications specialist position. Specifically, BOALTC hopes to reach additional long-term care residents, families, long-term care providers, insurance companies, and Medicare beneficiaries to ensure that these entities and individuals are aware of the services and programs available to them.

6. Responsibilities of the position would include: media statements and interviews, preparing management for media interviews, creation of a listserv, creating and maintaining a public outreach calendar, developing social media channels and managing content, coordinating agency branding and messaging for improved consumer recognition, developing educational materials, day-to-day website management and website updates, creating and disseminating press releases and newsletters, creating and managing electronic forms, developing plain language materials, creating volunteer recruitment ads, assisting with public testimony, and acting as a liaison with the Governor's press office, public information officers, or federal government public relations.

Executive Assistant

7. BOALTC administrative tasks are currently conducted by 1.0 FTE office manager, 1.0 FTE intake specialist to manage the Ombudsman and Volunteer Ombudsman intake line, and a 1.0 FTE intake specialist to manage the Medigap Helpline intake line, as well as agency leadership on an as needed basis.

8. The following table shows the intake call volume for the Ombudsman and Medigap Helpline programs, as well as the number of e-mail intakes for the Ombudsman program. Data in the table does not reflect the varying complexities involved in each case, which BOALTC indicates has increased with the addition of Family Care and IRIS responsibilities for the Ombudsman program and a shifting focus from mainly Medicare supplemental policies to a wider range of plans including Medicare Part D, long-term care insurance, and retiree coverage options for the Medigap Helpline.

BOALTC Program Intake by Calendar Year

Calendar Year	Ombudsman Program			Medigap & Part D Helpline Incoming Calls
	Incoming Intake Calls	Intake E-mails	Total	
2016	4,505	362	4,867	13,726
2017	4,926	649	5,575	12,388
2018	5,471	1,199	6,670	11,768
2019	5,485	1,752	7,237	12,097
2020	5,471	2,137	7,608	10,658
2021	5,864	3,074	8,938	9,845
2022	6,021	2,816	8,837	10,435

9. BOALTC notes that the intake specialist who manages the Medigap Helpline intake line is able to answer between 40 and 50% of the calls live. However, calls that go to voicemail can require multiple follow up calls to reach the caller, which could potentially be reduced or avoided with the addition of another assistant.

10. In addition to serving as a back-up for the current administrative support staff, duties assigned to this position would include: serving as the records coordinator to assist with the increasing complexity of records management and electronic records retention and disposition, streamlining the onboarding process, creating electronic forms, assisting Ombudsmen with clerical tasks including records requests, obtaining releases of information, database input, and responding to information and data requests.

State Long-Term Care Ombudsman

11. As previously indicated, current law specifies that the BOALTC Executive Director is also the state's Long-term Care Ombudsman. However, the Administration argues that federal law, as interpreted by the U.S. Department of Health and Human Services, Administration for Community Living (ACL) requires that each state's Long-term Care Ombudsman serve in that role on a full time basis.

12. Guidance from ACL states that "in determining whether this full-time basis requirement is met, ACL may ask...for evidence that additional responsibilities undertaken by the Ombudsman do not interfere with or detract from Ombudsman program services. ACL may also request evidence of how an additional responsibility is expected to benefit residents [of long-term care facilities] even though residents are not the sole focus of the additional responsibility, such as work that addresses long-term services and supports system improvements." Finally, ACL notes that the state Long-term Care Ombudsman may perform non-ombudsman related work on a time-limited, intermittent basis.

13. BOALTC and the Administration note that by having the BOALTC Executive Director serve also in the role of the state's Long-term Care Ombudsman, the program is in violation of federal requirements since the Executive Director oversees all BOALTC programs, not just the state ombudsman program. Beyond federal compliance, BOALTC is concerned that the current agency structure limits the program's capacity for case consultations, program direction and development, system advocacy, and assistance in complex investigations for field staff with high caseloads, all of which would be provided by the newly created state long-term care ombudsman position.

14. It could be argued that demand for services provided by BOALTC will likely increase as the Wisconsin population ages and as such the three positions discussed previously will serve an even greater need in the future. Specifically, data from the Department of Health Services estimates that the percent of the Wisconsin population age 60 and older will increase from 25% in 2020 to 29% in 2040.

15. As such the Committee could choose to provide \$189,200 (\$98,200 GPR and \$91,000 PR) in 2023-24 and \$242,300 (\$125,800 GPR and \$116,500 PR) and 3.0 positions (1.5 GPR and 1.5 PR positions) beginning in 2023-24, to create 1.0 state long-term care ombudsman, 1.0 communications specialist position, and 1.0 executive assistant. Further, under this alternative, the Committee would specify that the BOALTC Executive Director employs, rather than serves as, the state long-term care ombudsman. [Alternative 1]

16. Rather than fund all 3.0 positions that would be authorized in AB 43/SB 70, the Committee could approve the funding and position authority for 1.0 state long-term care ombudsman position by providing \$78,700 (\$51,200 GPR and \$27,500 PR) in 2023-24 and \$101,800 (\$66,100 GPR and \$35,700 PR) in 2024-25, and including the statutory changes in the bill. [Alternative 2]

17. On the other hand, the Committee could adopt the statutory changes in the bill, but provide no additional funding or position authority for BOALTC. Under this Alternative, BOALTC could transfer responsibilities between positions. For example, the current ombudsman supervisor position could become the state long-term care ombudsman in order to comply with federal law, and the Executive Director would no longer serve as the state's Long-term Care Ombudsman. [Alternative 3]

18. Finally, the Committee could choose to take no action on this proposal. [Alternative 4]

ALTERNATIVES

1. Provide \$189,200 (\$98,200 GPR and \$91,000 PR) in 2023-24 and \$242,300 (\$125,800 GPR and \$116,500 PR) in 2024-25 and 3.0 positions (1.5 GPR and 1.5 PR) beginning in 2023-24, to create 1.0 state long-term care ombudsman, 1.0 communications specialist position, and 1.0 executive assistant. Specify that the BOALTC executive director employs, rather than serves as, the state long-term care ombudsman.

ALT 1	Change to Base	
	Funding	Positions
GPR	\$224,000	1.50
PR	<u>207,500</u>	<u>1.50</u>
Total	\$431,500	3.00

2. Provide \$78,700 (\$51,200 GPR and \$27,500 PR) in 2023-24 and \$101,800 (\$66,100 GPR and \$35,700 PR) in 2024-25 and 1.0 positions (0.65 GPR and 0.35 PR) beginning in 2023-24, to create 1.0 state long-term care ombudsman position. Specify that the BOALTC executive director employs, rather than serves as, the state long-term care ombudsman.

ALT 2	Change to Base	
	Funding	Positions
GPR	\$117,300	0.65
PR	<u>63,200</u>	<u>0.35</u>
Total	\$180,500	1.00

3. Include statutory changes that would specify that the BOALTC Executive Director employs, rather than serves as, the state long-term care ombudsman.

4. Take no action.

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