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Joint Committee on Finance

Paper #160

Ombudsman Services for Residents of the State Veterans Homes (Board on Aging and Long-Term Care)

[LFB 2015-17 Budget Summary: Page 70, #3]

CURRENT LAW

The Board on Aging and Long-Term Care (BOALTC) ombudsman program provides advocacy services to individuals ages 60 and older who reside in long-term care facilities, or are enrolled in home and community-based long-term care waiver programs. Responsibilities of ombudsmen include: (a) conducting investigations of complaints related to the treatment of individuals residing in long-term care facilities or recipients of services under waiver programs; (b) providing professional representation of clients at hearings and appeals of long-term care services before the Office of Hearings and Appeals and other appropriate bodies; (c) providing education, information, outreach, and technical assistance to elders, their families and providers; (d) identifying deficiencies in the long-term care system from complaint investigations and by monitoring state and local agencies that license, inspect, or manage long-term care service providers; and (e) communicating this information as a contribution to the development of state long-term care policy.

GOVERNOR

Provide \$75,200 GPR annually to support 0.5 GPR additional position, beginning in 2015-16, to provide ombudsman services for residents at the three state veterans homes at King, Union Grove, and Chippewa Falls.

DISCUSSION POINTS

1. The Board is currently authorized 16.5 ombudsman specialist positions, including a

0.5 ombudsman specialist position that serves the residents of the veterans home at King. BOALTC created the 0.5 veterans ombudsman specialist position in July, 2014, by converting a vacant 0.5 clerical position to a veterans ombudsman specialist position.

2. If the 0.5 additional position recommended by the Governor is approved, BOALTC indicates that it would likely convert the current 0.5 position at the veterans home at King to a full-time position that would serve all three state veterans homes -- the veterans homes at King, Chippewa Falls, and Union Grove. The bill would provide \$75,200 GPR annually to support this position increase. Table 1 shows the amount of funding that would be provided to support salary, fringe benefits, and supplies and services costs related to this item.

TABLE 1

**Funding to Support a 0.5 Veterans Ombudsman Position by Category
Governor's Recommendations**

Salary and Fringe Benefits	
Salary	\$21,200
Fringe	10,500
Supplies and Services	
Travel	\$18,000
Workstation at each veterans home	6,000
Laptop, docking station, and remote capacity	3,000
Outreach materials	3,000
Facility in-services	2,300
Voicemail, e-mail, and landline expenses	1,200
Administrative services and charges	<u>10,000</u>
Total	\$75,200

3. Under the Governor's recommendation, approximately \$10,000 is budgeted for administrative services and charges related to this position. These administrative services and charges include approximately \$6,500 for charges that the Department of Administration (DOA) and other agencies typically assess for new positions in smaller agencies for which administrative services are provided. These services include DOA information technology overhead, desktop support, risk management, procurement, and Office of State Employment Relations charges. The administrative services and charges also include approximately \$3,500 to be directly expended by BOALTC for trainings and general supplies for the position.

4. Additionally, the supplies and services funding budgeted for this position includes \$18,000 for travel expenses. The Department of Administration (DOA) indicates that this is a rough estimate of the annual cost associated with traveling between the three veterans homes. The administration did not make assumptions regarding the amount of time the position would spend at each veterans home. Rather, it was assumed that the position would assess the need at each facility, and spend the appropriate percentage of his or her time at each facility based on need.

5. The average travel costs of the Board's other ombudsman specialists, which provide services on a regional basis, may not be representative of the travel costs of an ombudsman that would serve the three veterans homes, which are spread across a wider geographic region. However, the Board currently has 1.0 ombudsman relocation specialist, whose responsibility is to provide ombudsman services statewide to individuals who must relocate due to downsizing and closures of nursing homes. Approximately \$8,000 was expended by the relocation ombudsman for travel in fiscal year 2013-14.

The Board indicates that the ombudsman relocation specialist has had an insufficient budget for travel expenses at times when there have been many facility closures, replacement facilities, or relocations, and that there have been instances when this position has been required to conduct ombudsman services by telephone to minimize expenses. For these reasons, the agency indicates that the \$18,000 that would be budgeted for travel expenses for the veterans ombudsman specialist position is needed.

6. It is approximately 300 miles round-trip to travel from the veterans home at King to the veterans home at Union Grove and to the veterans home at Chippewa Falls. If it is assumed that the veterans ombudsman specialist would live near the veterans home at King and spend between two and four days traveling to visit facilities other than King per week, the approximate annual cost of travel associated with this position would be between \$15,300 and \$32,600. The low estimate includes two days of travel with no state per diem for meals, and the high estimate includes four days of travel with state per diem utilized for lunch each day.

Given that the majority of the residents of the state veterans homes reside at King (72.8%), it is unclear whether the estimate of potential travel costs ranging from \$15,300 to \$32,600 is based on reasonable travel assumptions. In particular, given the significant population currently residing at King, it could be feasible that this position would only travel one day per week. Accordingly, the travel budget of \$8,000 for the ombudsman relocation specialist, while insufficient for that position, may be more appropriate for the veterans ombudsman specialist if this position spends the majority of the time at the veterans home at King.

Ombudsman Services Ratios

7. The Board estimates that there are approximately 102,000 long-term care consumers over the age of 60 in Wisconsin. Therefore, the Board is currently authorized approximately one ombudsman position per 6,200 consumers (102,000 consumers/16.5 ombudsman specialists).

8. There are currently 991 licensed beds at the three veterans homes, including 721 at King, 198 at Union Grove, and 72 at Chippewa Falls. In 2013-14, all of the veterans homes were operating at or near operating capacity. Accordingly, under current policy, the ratio of ombudsmen serving long-term care consumers in settings other than the veterans home at King is one ombudsman to approximately 6,800 residents. The ratio of ombudsmen to residents at the state veterans home at King is one ombudsman to approximately 1,400 residents (721 consumers/0.5 ombudsman specialist). These estimates exclude the ombudsman relocation specialist, who could potentially serve individuals in either type of facility.

9. If the additional 0.5 position is approved, the ratio of ombudsman positions to residents at the state veterans homes would increase to one ombudsman to approximately 1,000 residents (991 consumers/1.0 ombudsman specialist). Consequently, increasing ombudsman staff resources for the veterans homes would increase the disproportionate access to ombudsman services by residents at the three state veterans homes.

10. In support of the need for additional ombudsman services, the Board references a 1995 evaluation of long-term care ombudsman programs under the Older Americans Act by the National Institute of Medicine, which notes that the recommended ratio of ombudsman to consumers is approximately one to 2,000. In light of this finding, it could be argued that the current access to ombudsman services by residents of the veterans home at King, with the current 0.5 position dedicated to serving its population, is sufficient.

11. Alternatively, the addition of this position would facilitate reductions in the workloads of the regional ombudsmen, in that it would reduce the number of long-term care consumers being served by ombudsman positions working in regions that include the veterans homes at Chippewa Falls and Union Grove.

Ombudsman Needs of the Veterans Homes

12. It is unclear whether there is a greater need for ombudsman services at the veterans homes, compared with other settings. Table 2 shows the number of cases closed and information and counseling cases at the veterans homes from 2009-10 through 2013-14.

TABLE 2

Ombudsman Services at State Veterans Homes

	<u>Cases Closed</u>	<u>Information and Consultation</u>
2009-10	38	322
2010-11	23	236
2011-12	35	477
2012-13	23	395
2013-14	23	275
Average	28.4	341

13. The statewide average number of ombudsman cases closed per calendar year from 2009 through 2013 is 1,096 (approximately 0.01 cases per consumer), while the average number of cases closed per fiscal year from 2009-10 through 2013-14 at the state veterans home is 28.4 (approximately 0.03 cases per consumer). However, the table above shows declining numbers of cases at the veterans homes over time. Based on these figures, it is unclear whether there is a disproportionate or growing need for ombudsman services at the veterans homes.

14. The Board notes that the higher ratio of ombudsmen to residents is necessary at the

veterans homes, which have growing populations of residents with complex needs. In particular, the Board notes that the populations at these facilities are typically more independent than other nursing home populations, and that they may have higher levels of mental illness or traumatic brain injuries that impact care and rights concerns. Additional issues associated with this population relate to the ability of residents to keep firearms and other weapons of memorabilia in resident rooms, residents wanting secured access to their rooms and open access to the community outside of the campus, potential for refusal of medical and/or mental health treatment with severe consequences, and issues related to ability to consent to sexual relationships.

15. The Board also notes that many of the cases related to the veterans homes are more complex than cases in other settings. The Board indicates that it takes approximately 4.09 hours to resolve complaints from nursing home residents, as compared with 4.82 hours per case at the veterans home at King. Additionally, cases related to nursing home residents only take approximately five days to six weeks to resolve, whereas cases at the veterans home generally range from two weeks to five months.

16. The Board notes that the ombudsman specialist who was previously assigned to the veterans home at King prior to the current 0.5 veterans ombudsman specialist spent approximately one day per week at the facility, but could have scheduled at least one other day there due to the high demand for ombudsman advocacy services. Further, the Board indicates that many concerns at the veterans home at King were initially managed by telephone until an on-site visit could be arranged.

17. The Board also indicates that staff of the veterans home at King benefit from the ombudsman support, in that the ombudsman serves as a resource regarding how to respect the wishes of residents without imposing on the rights, safety, or wishes of others.

Discussion of Alternatives

18. Two sets of alternatives are offered for the Committee's consideration. The first set provides options that reflect the Governor's recommendation to support the position with GPR. Accordingly, the Committee could adopt all of the Governor's recommendations (Alternative A1), modify the bill to reduce funding that would be provided for travel expenses (Alternative A2), or delete the provision entirely (Alternative A3).

19. The second set of alternatives would parallel the first, but would fund the Board's ombudsman services with program revenue collected by the Department of Veterans Affairs (DVA) for the operations of the state veterans homes, rather than GPR. State veterans home program revenue is received from various sources, including the state medical assistance program, federal per diem payments for veterans, service-connected disability payments, payments from residents, and Medicare. It is estimated that the unappropriated balance in DVA's PR appropriation for the state veterans homes will be approximately \$41.0 million at the end of the current biennium and \$51.1 million at the end of the 2015-17 biennium. Because this revenue is collected for the purpose of providing care for the residents and the ombudsman position would benefit residents, a case could be made that the position could be funded from these revenues. Under these alternatives, the position would be provided in a newly-created PR appropriation for this purpose, and DOA would

be required to annually transfer revenues from unappropriated balances in DVA's state veterans homes appropriation to the BOALTC appropriation equal to the amount in the appropriation schedule. Unencumbered amounts in this appropriation would lapse back to the DVA PR appropriation at the close of each fiscal year.

In addition to using state veterans home PR balances to fund the proposed 0.5 position at the level under the bill (Alternative B1), or as modified to reduce funding for travel expenses (Alternative B2), the Committee could also decide to convert the existing 0.5 GPR position in BOALTC to PR funding. This could be done in addition to approving the new 0.5 position (Alternative B3), or without approving the 0.5 position recommended by the Governor (Alternative B4).

The Committee should only vote from one of the two sets of options presented, as the sets are mutually exclusive.

ALTERNATIVES

A. GPR Funding for Veterans Ombudsman Services

1. Adopt the Governor's recommendation to provide \$72,500 GPR annually to support a 0.5 GPR position, beginning in 2015-16, to support additional ombudsman services for the state veterans homes.

2. Modify the bill to reduce funding by \$10,000 GPR annually to decrease the amount that would be budgeted for travel expenses for the position from \$18,000 to \$8,000 annually.

ALT A2	Change to Bill
GPR	- \$20,000

3. Delete provision.

ALT A3	Change to Bill	
	Funding	Positions
GPR	- \$150,400	- 0.50

B. PR Funding for Veterans Ombudsman Services

1. Delete the Governor's recommendation (-\$75,200 GPR annually and -0.5 GPR position, beginning in 2015-16). Instead, provide \$75,200 PR annually and 0.5 PR position, beginning in 2015-16, in a newly-created appropriation for ombudsman services for the state veterans homes. Require DOA to annually transfer revenue from unappropriated revenue balances in DVA's state veterans homes PR appropriation to the new BOALTC appropriation equal to the amount in the schedule for that appropriation. Specify that any unencumbered amounts in the

BOALTC appropriation at the end of each fiscal year shall lapse to DVA's state veterans homes appropriation.

ALT B1	Change to Bill	
	Funding	Positions
GPR	- \$150,400	- 0.50
PR	<u>150,400</u>	<u>0.50</u>
Total	\$0	0.00

2. Delete the Governor's recommendation (-\$75,200 GPR annually and -0.5 GPR position, beginning in 2015-16). Instead, provide \$65,200 PR annually and 0.5 PR position, beginning in 2015-16, in a newly-created appropriation for ombudsman services for the state veterans homes, to support additional ombudsman services for the state veterans homes at the Governor's funding level, less \$10,000 annually for travel expenses. Require DOA to annually transfer revenue from unappropriated revenue balances in DVA's state veterans homes PR appropriation to the new BOALTC appropriation equal to the amount in the schedule for that appropriation. Specify that any unencumbered amounts in the BOALTC appropriation at the end of each fiscal year shall lapse to DVA's state veterans homes appropriation.

ALT B2	Change to Bill	
	Funding	Positions
GPR	- \$150,400	- 0.50
PR	<u>130,400</u>	<u>0.50</u>
Total	- \$20,000	0.00

3. Delete the Governor's recommendation (-\$75,200 GPR annually and -0.5 GPR position, beginning in 2015-16). Instead, provide \$65,200 PR annually and 0.5 PR position, beginning in 2015-16, in a newly-created appropriation for ombudsman services for the state veterans homes, to support additional ombudsman services for the state veterans homes at the Governor's funding level, less \$10,000 annually for travel expenses. Require DOA to annually transfer revenue from unappropriated revenue balances in DVA's state veterans homes PR appropriation to the new BOALTC appropriation equal to the amount in the schedule for that appropriation. Specify that any unencumbered amounts in the BOALTC appropriation at the end of each fiscal year shall lapse to DVA's state veterans homes appropriation.

In addition, convert the current 0.5 GPR position for the Board to a 0.5 PR position, beginning in 2015-16, delete \$31,700 GPR annually, and instead provide an additional \$31,700 PR in the newly-created BOALTC appropriation.

ALT B3	Change to Bill	
	Funding	Positions
GPR	- \$213,800	- 1.00
PR	<u>193,800</u>	<u>1.00</u>
Total	- \$20,000	0.00

4. Delete the Governor's recommendation (-\$75,200 GPR annually and -0.5 GPR position, beginning in 2015-16). In addition, convert the existing 0.5 GPR position to a 0.5 PR position by adopting the following: (a) delete \$31,700 GPR annually and 0.5 GPR position, beginning in 2015-16; and (b) provide \$31,700 PR annually and 0.5 PR position, beginning in 2015-16, in a newly-created appropriation for ombudsman services for the state veterans homes. Require DOA to annually transfer revenue from unappropriated revenue balances in DVA's state veterans homes PR appropriation to the new BOALTC appropriation equal to the amount in the schedule for that appropriation. Specify that any unencumbered amounts in the BOALTC appropriation at the end of each fiscal year shall lapse to DVA's state veterans homes appropriation.

ALT B4	Change to Bill	
	Funding	Positions
GPR	- \$213,800	- 1.00
PR	<u>63,400</u>	<u>0.50</u>
Total	- \$150,400	- 0.50

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