In signing the Budget Bill last fall Governor Doyle made a major commitment to helping folks return to their communities after living in a nursing home for awhile. By doing so the Governor restored hope for hundreds of older persons who too often abandon their sense of independence once placement in a nursing facility occurs.

The Community Integration Initiative (or nursing home relocation) makes it possible for persons whose care is supported by government to use those same dollars to assist their return to their own homes or some other supported living environment, and continue to receive needed care. It is anticipated that as many as 1440 persons will choose to move over the next two years, and many more will follow them in the succeeding years. While a nursing home is vitally important to those who need it, some reside there for lack of other reliable resources.

Members of the Volunteer Ombudsman Program can, and are playing a vital role in publicizing this new program by direct contact with residents in nursing homes and, of course, with their relatives as well. Who better than these valuable volunteers to spread the news, making it possible for some folks to consider moving back home.

The Board on Aging and Long Term Care is most grateful to our volunteers for these efforts.

George F. Potaracke
Executive Director, BOALTC
State LTC Ombudsman
They had family in attendance and just about everyone from the
nursing home helped them celebrate. They still live in their double
occupancy room…happily ever after.

And speaking of love….Jim said one of his first loves is gardening.
He is a master gardener, and enjoys hybrid and propagating plants.
In his own, many, gardens he grows vegetables, roses, tress and
many varieties of hostas. He also produces, directs, write and some-
times appears in a Janesville public access master gardener television
show! A real local celebrity!

Jim is also an artist. He enjoys painting with acrylics, everything
from scenes to people. He even has a display of his work at the
Janesville Public Library the entire month of February…so stop by
and enjoy his art!

Jim is a retired autoworker from the Chrysler Corporation in Belve-
dere, who loves gardening, animals, painting and being a volunteer
ombudsman. He lives in Janesville with his wife, Lonnie, their two
sons, Luke and Jessie, three cats and their dog!

We are very happy to have Jim as part of our team of advocates!!!
Thank you, Jim, for your dedication, caring, concern and commit-
ment!

******************************************************

Medicare Part D Update

The United States Senate has begun to debate a tax re-
conciliation bill (H.R. 4287) left over from 2005. This
week, Senator Bill Nelson plans to offer an important
amendment to this bill which would help to reduce the
confusion, anxiety, and frustration that seniors experi-
ence as they attempt to understand the new Medicare
drug benefit, known as Part D.

Senator Nelson's amendment would delay the late enroll-
ment penalty so that seniors have until the end of Decem-
ber 2006 to research plans and make the best decision for
themselves. The amendment would also protect
against bad choices by allowing seniors to change plans
once at any point in 2006.

We encourage you to call your Senators today and urge
them to vote for Senator Bill Nelson's Medicare Informed
Choice Amendment to the tax bill. You can call the Na-
tional Committee's toll free number at 1-800-998-0180 to
be connected to your Senator. This is only a Senate
vote, so you do not need to contact your Representative.
Unless Congress acts soon, seniors unable to sort through
the complicated drug benefit will be penalized for every
month they delay enrolling.
Good-byes in Portage Co.
Bill McCulley-Stevens Point Care Center

Good-byes in Wood Co.
Calvin Orgel-Marshfield Care Center
Sara Savka-Strawberry Lane
Helen Sparks-Edgewater Haven

Good-byes in Shawano Co.
Mike Jesse-Evergreen

Good-byes in Dane Co.
Donald Nelson– Four Winds
Renata Laxova– City View
Nancy Lader– Skaalen Home
Nicole Larsen– Sunny Hill
Dawn Stucki– Waunakee Manor

Good-Bye’s in Rock Co.
Lynn Kilvington– Beloit Health & Rehab

Thank you to:
Judy Spaeth-Monroe Co. Sparta Nursing Home for supporting our program by advocating for the residents during the facility’s relocation process.

All the Milwaukee, Kenosha and Racine County Volunteers for their continued advocacy during the Milwaukee Volunteer Coordinators vacancy.

To our Central office Volunteers:
Joe Giordano
for his continued support in both the VOP and Medigap programs.

Rhonda Byington
for collating VOP handbooks, bulk mailing and shredding Archived documents in all BOALTC programs.

Thank you to “Skip” Kaye for his support in collating VOP handbooks too!

The Volunteer Ombudsman Program
Board on Aging and Long Term Care
1402 Pankratz Street, Suite 111
Madison, WI 53704
1 800 815 0015
boaltc@ltc.state.wi.us

Editor.........................Kellie Miller
Director of the Volunteer Ombudsman Program

Co-Editor......................Suzanne Ankenbrandt
Coordinator for the Central area

Proofreader..................Laura Gillis
Ombudsman Program Advocacy Specialist

Please remember...it is influenza season...please do not risk the health of the residents in your assigned facility or your own by going in when you are sick.

For more information check out this web-site http://dhfs.wisconsin.gov/communicable/index.
The following is provided by The National Citizen’s Coalition for Nursing Home Reform. It provides great information regarding Medicare Part D.

National Citizens’ Coalition for Nursing Home Reform

MEDICARE PRESCRIPTION DRUG COVERAGE – Q & A for NURSING HOME RESIDENTS, THEIR FAMILIES AND FRIENDS
Consumer Fact Sheet No. 18 December 2005

1 – Are nursing home residents eligible for Medicare Prescription Drug coverage?
Individuals who are eligible for Medicare are also eligible for the new prescription drug benefit under Medicare Part D. This benefit goes into effect January 1, 2006. Individuals have until May 15, 2006 to sign up for a plan, or they may face a penalty added on to their monthly premium. Residents who are dually eligible for Medicare and Medicaid will lose their Medicaid coverage for prescription drugs on December 31, 2005 and will be automatically enrolled in a plan if they do not sign up for one themselves.

2 – How will residents sign up for a drug plan?
Each Medicare beneficiary must decide whether to sign up for a Medicare Part D drug plan, and also with which plan to sign up. The Medicare agency expects that family and friends will assist Medicare beneficiaries in choosing a plan. For those unable to make their own decisions, Medicare rules allow an individual who has legal authority under state law, such as a guardian or someone with power of attorney, to make enrollment decisions. The nursing home where the resident lives can provide assistance, such as telling you which plans include the pharmacy used by the nursing home – but the choice for selecting a plan lies with the resident or his legal representative. Further, all nursing home residents- those paying privately, and those on Medicaid, have Special Enrollment Periods (SEPs) that allow them to change plans at any time. The change becomes effective on the first day of the next calendar month. No other group has this flexibility.

3 – Will the Prescription Drug Plan (PDP) cover all the prescription drugs my loved one needs?
Not necessarily. Drug plans will cover different generic and brand name drugs in different drug categories on their drug lists (formularies). It is important to review and compare the drug plans available in your area to determine: Whether they cover all drugs taken by the resident, Amounts of premiums and co-payments Whether the pharmacy used by the resident or nursing home participates in the prescription drug plan Whether the drug plan requires prior authorization or step therapy (requiring the individual to try a different, less expensive drug first before agreeing to pay for the one originally prescribed), or has quantity limits for any of the drugs in their plan. Additionally, there are some groups of drugs that Medicare drug plans are forbidden from paying for by law. Those include drugs for weight gain, benzodiazepines (such as Xanax, Valium, or Ativan) and barbiturates (such as Phenobarbital and Nembutol). State Medicaid programs and state pharmacy assistance programs may still pay for them. Or, some Medicare drug plans offer supplemental or additional benefits for an additional premium.

4 – Are over-the-counter drugs covered by the plan?
Over-the-counter drugs will not be paid for under the Medicare Drug plans. Instead, over-the-counter drugs are covered in the daily rate paid to nursing homes under Medicaid, and so the nursing home must provide them. If the resident is paying privately, it is important to review the admissions contract to determine if over-the-counter medications are part of the daily rate, or if there is an extra charge. website: http://nursinghomeaction.org.

5 – My relative’s prescription drugs are currently paid for by Medicaid. Does she really need to sign up for a Medicare Drug Plan?
If your relative is dually eligible for both Medicare and Medicaid, beginning January 1, 2006 Medicare will begin paying prescription drug costs instead of Medicaid. In order for Medicare to begin paying for prescription drugs, your relative must be enrolled in a new Prescription Drug Plan (PDP). Because your relative is dually eligible for both Medicare and Medicaid, if she does not enroll in a PDP by December 31, 2005, Medicare will automatically enroll her in a plan. The auto-enrollment is random, without regard for whether the PDP covers all of the individual’s drugs, or whether the PDP includes the facility’s pharmacy in its Network. So, if she is automatically enrolled, it is important to determine if the pharmacy used by her nursing home is included in the plan’s network, and whether that drug plan covers all his medications.

1-800-MEDICARE
www.medicare.gov which has a Medicare Prescription Drug Plan Finder
9 – How does this affect the Nursing Home Reform Act of 1987?

The requirements of the Nursing Home Reform Act still apply to all residents and facilities certified for Medicare and/or Medicaid. So, a facility must make sure that each resident is receiving, on time, all medications prescribed by the physician in the correct dose and form (i.e., injection, pill, etc.).

Greetings from the Ombudsman Services Supervisor
Heather Bruemmer

We have very exciting news to share with you regarding the Ombudsman Program. The Board on Aging and Long Term Care recently received grant money for three years to hire a “Relocation Ombudsman Specialist”. This individual will act as the primary, statewide advocate and resident relocation specialist for long-term care consumers. There have been an increasing number of facility closures in the last couple of years and we feel fortunate to have a designated individual to help advocate for residents through those challenging times. The Relocation Ombudsman Specialist will focus on the protection of resident rights and quality of care and life during relocations and closures of long-term care facilities in the state.

FAREWELL TO KATHY GOMEZ
“I truly enjoyed working for the VOP, and I will miss being a member of this valuable team! You are an impressed group of Volunteers who never let me or the residents down. Serving as your VOP Coordinator, has opened my eyes to new ways of thinking, and I now approach life a life differently because of this experience. Thank you for being a part of my journey.”.....Kathy

We miss Kathy’s creative, and energetic style and her dedicated advocacy efforts. She was a valuable team player during our expansion! We wish her the best in her new career... Thank you for two spectacular years of service!!! BOALTC staff.

Community Relocation Initiative
An Opportunity for People in Nursing Homes
Residents of nursing homes who would prefer to receive their long-term care at home may be interested in this opportunity. As part of his 2005-07 Biennial Budget, Governor Doyle included a proposal that would give elders and persons with physical disabilities the opportunity to relocate from nursing homes. Now people being cared for in nursing homes will have a choice -- to remain in that setting or move if their care needs can be met at home, in an apartment or in an assisted living setting. If Medicaid is currently paying for the person’s stay, Medicaid may be available to provide needed help at home through Wisconsin’s Community Options Program waiver, called CIP II (Community Integration Program II).

This program, provided through county government, is available to people who:

- currently reside in a nursing home
- currently have Medicaid pay for their nursing home care
- are aged 65 years or older or have a physical disability
- are determined by the county human service agency to be eligible for the Community Options Waiver (known as either COP-W or CIP II)
- have an ongoing need for long-term care services
- have resided in a nursing home for 100 days or more, or be expected to do so

For more information contact your county human services department and ask for a Community Options Relocation Assessment. A county care manager will set an appointment to meet in the nursing home with the person interested in returning home. During the meeting the care manager will:

- assess if the person is eligible for the program
- discuss what the person’s health care needs are and what they can and cannot do for themselves
- discuss the individual’s preferences for the kind of help they need
- discuss personal interests and availability of family and friends
- discuss home care and residential options and preferences
- explain program policies and procedures

Based on all of this information, the care manager will help develop a plan for moving the person home with services that are satisfactory to the individual. The care manager then makes the necessary arrangements. The nursing home and care manager will coordinate with the person and their family to assist with needed transitions as the person moves. The care manager stays involved, visits periodically, and ensures that services get provided and that the person is safe and satisfied with care arrangements.

Please share this information with friends or family.
I also filed a brief with the court shortly before the case went to trial describing the history and purpose of the law. The court was impressed by the arguments that the neighbor’s lawyer made. The judge also agreed with the idea that, in order to assure that people who need our services are not discouraged from contacting an Ombudsman by threats of retaliation, those threats must be addressed sternly. The judge then ruled in favor of the neighbor and completely dismissed all charges.

This is a huge victory for the program and, more importantly, for our clients. Congress and the state Legislature provide for residents to have access to advocates (Ombudsmen) to assure that their voices are heard. Unless there is a way to prevent interference with residents’ ability to take advantage of this advocacy, nothing has been accomplished. This decision makes it clear that the right of a resident to communicate with an Ombudsman without interference or fear of retaliation is something that the state will vigorously protect and defend.

For more information, call me at 608 - 246 - 7018.

Submitted by:
William P. Donaldson
Counsel to the Board

---

**Ombudsman Anti-Retaliation Law Upheld**

Late in December of last year, a judge in Walworth County upheld the law that protects people who report complaints to or cooperate with staff or volunteers of the Board on Aging and Long Term Care. This important decision allows the Ombudsman Program to confidently assure residents, family or facility staff who are afraid to talk to volunteer or professional Ombudsmen that anyone who attempts to retaliate against them can be held accountable.

The law was originally passed in 1997. It makes it unlawful for any person to discharge, retaliate or discriminate against someone who contacts or cooperates with a representative of the agency. There is a possible criminal charge and there are ways to seek damages in civil court, as well. Until now, this law has only been used a few times to my knowledge, and only by facility staff who have been fired from their job because they contacted an Ombudsman. This decision greatly expands the way in which the law can be used.

The case involved a person who had been the neighbor and long-time friend of a man who had moved into a nursing home. The neighbor called the Ombudsman and reported his suspicions that another man was financially abusing the resident. The Ombudsman investigated and took action to protect the resident’s interests. Later, the man who had been suspected of the abuse filed a lawsuit against the neighbor. In the suit, the man claimed that the report to the Ombudsman defamed his character and asked for significant money damages.

The neighbor and his lawyer contacted me and together we crafted a defense to the lawsuit that was based on the Ombudsman Program anti-retaliation law.

---

**Just a Reminder for Our Volunteers**

Please remember that all residents in your assigned nursing home, including residents who have been admitted for short-term rehab need your support. Those residents often have concerns and we want to listen to them and advocate for them as well. Please make sure you have enough materials to hand out to everybody!

And please remember to indicate on your monthly reports how many new residents you met with. Thank you very much!
<table>
<thead>
<tr>
<th>Keeping you... Web Connected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Board on Aging and Long Term Care</strong></td>
</tr>
<tr>
<td>Spanish-language Web site</td>
</tr>
<tr>
<td><strong>Faith in Action Wisconsin</strong></td>
</tr>
<tr>
<td><strong>AARP Wisconsin</strong></td>
</tr>
<tr>
<td><strong>Coalition of Wisconsin Aging Groups</strong></td>
</tr>
<tr>
<td><strong>Age Net Solutions</strong></td>
</tr>
<tr>
<td><strong>Alzheimer’s Association</strong></td>
</tr>
<tr>
<td><strong>Volunteer Match</strong></td>
</tr>
<tr>
<td><strong>Caregivers Assistance News link</strong></td>
</tr>
<tr>
<td><strong>State Health Facts Online</strong></td>
</tr>
</tbody>
</table>

---

**The Volunteer Ombudsman**

Board on Aging and Long Term Care  
1402 Pankratz St. Suite 111  
Madison, WI 53704

---

**Inside this issue:**

**Medicare part D**  
*************  
**Farewell to Kathy Gomez**