

RESIDENTIAL FACILITIES ADVISORY COMMITTEE (RFAC) MEETING

January 20, 2017

at the

Office of the Long-Term Care (LTC) Ombudsman

Training Room

3855 Wolverine NE, Suite 6

Salem, Oregon 97305

**MINUTES**

**MEMBERS PRESENT:**

\*Michele Edwards, Chair  
Bill Bard  
Kelly Breshears  
Jan Friedman  
Tom Giles  
Claudia Kyle  
\*Dwight Mowry

**STAFF PRESENT:**

Fred Steele, Director/State LTC Ombudsman  
Travis Wall, Oregon Public Guardian  
Rebecca Fetters, Deputy Director  
Toni Larson, Residential Facilities Ombudsman  
Mary Ann Lebold, Committee Administrator and  
Office Manager

**MEMBERS ABSENT:**

J. W. Terry

**VOLUNTEERS PRESENT:**

None

**GUESTS:**

Tyler Anderson, Assistant Attorney General, Oregon Department of Justice  
State Senator Michael Dembrow, Senate District 23  
Christian Hale, Legal Services Developer, Department of Human Services (DHS)  
Debbie Koreski, Governor's Housing and Human Services Policy Advisor  
Joe Leykam, Mental Health Counselor, Benton County DD Dual Diagnosis Program  
Mary Moller, Governor's Executive Appointments Director  
Stephen Peters, Rights Advocate, Disability Rights Oregon (DRO)  
\*Dawn Phillips, Chief of Staff for State Representative Duane Stark, House District 4  
Cyndi Smith, Client Agency Human Resources Manager, Chief Human Resource Office  
Adam Walsh, Legislative Director, Representative Twana Sanchez, House District 43

**CALL TO ORDER:** Ms. Edwards called the meeting to order. She thanked Ms. Larson and the RFO staff for facilitating remote participation in this meeting and Ms. Lebold for her support of the Committee.

**COMMITTEE BUSINESS - APPROVAL OF December 16, 2016 MINUTES:** Mr. Mowry asked that the word "Additions" in the second full paragraph on page 2 be deleted and replaced with "Addictions."

Ms. Friedman asked that the fourth full paragraph on page 4 be deleted and replaced with:

Ms. Friedman indicated that Disability Rights Oregon (DRO) recognizes the importance and need for both a Foster Parent as well as a Foster Child Ombudsman Program. DRO guidance is that the barriers to services for these groups should be thoroughly explored prior to adding these programs to ensure that the "solution" is responsive to the problem. Ms. Friedman did put together a motion related to these additions which failed for no second.

Ms. Breshears moved that the minutes of the December 16, 2016 meeting be approved with as corrected. The motion was seconded and passed.

*OLD BUSINESS:* Ms. Edwards asked for nominations for the office of Vice Chair which was made vacant with the resignation of Judge Elizabeth Welch. Claudia Kyle nominated Jan Friedman who declined the nomination. Ms. Friedman nominated Tom Giles who accepted the nomination. There being no further nominations, Ms. Edwards called for a vote. Mr. Giles was unanimously elected to serve as Vice Chair through June of 2017. Ms. Edwards thanked Mr. Giles for agreeing to serve as Vice Chair.

Ms. Edwards and Mr. Giles prepared an outline for preparation of the Committee's Annual Report to the Governor and Legislature which was distributed to Committee Members prior to this meeting.

Committee members discussed House Bill (HB) 2170 which proposes sweeping changes to the LTCO and, more specifically, proposes moving the Foster Child Ombudsman Program to the LTCO from the Department of Human Services (DHS) and creation of a Foster Parent Ombudsman Program which would be part of the LTCO. Ms. Phillips, Chief of Staff for State Representative Duane Stark, contributed to the discussion and offered to continue to be available to address Committee concerns about HB 2170.

### **DEBBIE KORESKE, GOVERNOR'S HOUSING AND HUMAN SERVICES POLICY**

**ADVISOR:** Ms. Koreski described her experience and her role as an advisor to Governor Brown. She asked Committee Members to describe their concerns. Ms. Edwards and Mr. Steele explained that the LTCO and RFO programs are (or will soon be) volunteer based programs and the return on taxpayer investment in the LTCO is multiplied by the work of volunteers. Mr. Bard, Ms. Edwards and Mr. Giles described, from the point of view of Certified Ombudsmen, the work, challenges and concerns of Certified Ombudsmen.

Ms. Koreski commented that the Joint Committee on Ways and Means Co-Chairs released their proposed 2017/2019 budget recently. She suggested that LTCO Program Volunteers be urged to attend Joint Committee on Ways and Means "road show" events in their communities -- their testimony at these events would be very valuable to Legislators and may impact Legislators' budget decisions.

Ms. Koreski asked Committee Members whether this Committee, as it is currently configured, would be equipped to oversee an expanded agency. Committee Members discussed this with

Ms. Koreski. It was noted that the advisory committee would need to expand to be reflective of all the populations served.

So that Ms. Koreski could learn about the LTCO's programs, Ms. Edwards asked Ms. Fetters, Mr. Wall and Ms. Larson to present their updates while Ms. Koreski was still at the meeting.

**REBECCA FETTERS, DEPUTY DIRECTOR:** Ms. Fetters distributed Lené Garrett's Recruitment Activity Report for December 2016. Recruitment and Screening Committees have expanded throughout the state which will greatly assist Ms. Garrett in her role as Volunteer Recruitment Specialist. Ms. Fetters attended a Certified Ombudsman training session that started in Bend this week. Certified Ombudsman training will begin in Coos County next week. Ms. Fetters is pleased with the increased number of applicants to become Certified Ombudsman Volunteers and improved volunteer retention.

**TONI LARSON, RESIDENTIAL FACILITIES OMBUDSMAN (RFO):** Ms. Larson summarized the progress that has been made in development and rollout of the RFO program, the client base that is served and how clients are served. She described how the RFO volunteer role will differ from the volunteer role of a Certified LTC Ombudsman. Ms. Koreski is familiar with the facilities that the RFO program serves and expressed her respect and gratitude to the RFO program staff for the work that they do.

**TRAVIS WALL, OREGON PUBLIC GUARDIAN (OPG):** Mr. Wall described the role of the OPG. Public guardianship programs are one of the most undeveloped programs throughout the country. Mr. Wall described the public guardian programs existing in two counties in Oregon. He described the role and work of the public guardian task force which met for about four years and recommended establishing the OPG. Mr. Wall described what the OPG would require to fully serve the state. He described the work that the program staff has been doing.

Ms. Edwards thanked Ms. Koreski for being available to Committee Members and looks forward to working with her in the months ahead.

**STATE SENATOR MICHAEL DEMBROW:** All present introduced themselves. Mr. Steele introduced Senator Dembrow who acknowledged Mr. Steele's role in creating the OPG. The Senator described his own role in the work that led to establishing the OPG.

Senator Dembrow described the legislative session that will begin February 1. He went on to explain the processes and challenges that will lead to a legislatively recommended budget for the 2017 – 2019 biennium. He distributed a calendar for the 2017 legislative session. He described issues other than budget that the legislature will consider. Senator Dembrow explained why the role of the legislature's Committee Chairs is especially important. The Senator responded to Committee Member questions.

The Senator reviewed bills in which he is involved and, should they become law, will have significant impact on the LTCO, the RFO and OPG. This included Senate Bills 502 and 503 and House Bill 2170. Committee Members and others present commented on the bills describing their experience with issues addressed in the bills.

Ms. Edwards thanked Senator Dembrow for attending today's meeting and his support of the LTCO programs.

**FRED STEELE, DIRECTOR/STATE LONG-TERM CARE OMBUDSMAN:** Mr. Steele distributed the LTCO Program Update. Mr. Steele addressed Ms. Edwards question posed in the December meeting about Resolution Rate.

Mr. Steele and Deputy State LTC Ombudsman David Berger met with State Representative Alissa Keny-Guyer and at a memory care facility in the Representative's district to discuss issues surrounding memory care facilities. Mr. Steele believes that the discussion was enlightening and provided the Representative with insights that may lend to her consideration of legislation impacting memory care facilities. Ms. Fetters is leading the effort to compile the data gathered in the LTCO's recent Memory Care Initiative.

Mr. Steele provided copies of *Co-Chairs' Existing Resources Budget Framework, 2017-2019* and discussed portions of the document that would impact the LTCO programs. He believes that, overall, the proposed reductions to LTCO programs are less than the proposed reductions to LTCO programs in the Governor's Recommended Budget. Mr. Steele believes that information to be presented in the DHS presentation immediately following this meeting may also be helpful to Committee Members in understanding budget issues.

Mr. Steele acknowledged the need for funding should the Foster Child Ombudsman Program and/or the Foster Parent Ombudsman program be added to the LTCO's advocacy. A Fiscal Impact Statement has not yet been requested regarding SB 2170. Ms. Edwards hopes that the new Ombudsman programs would be empowered to act regardless of where they may be housed.

**JAN FRIEDMAN, DISABILILTY RIGHTS OREGON (DRO):** Ms. Friedman introduced her colleague Stephen Peters, Rights Advocate, with DRO and summarized his education, experience and expertise. She described what DRO does when they receive certain pleadings regarding residents of facilities for people with intellectual/developmental disabilities or mental health concerns or for individuals who are going to be placed in such facilities. Mr. Peters described more specifically what DRO staff does in these cases. Ms. Friedman explained that, in Oregon with regard to guardianship laws, the due process language is not strong and described how guardianship proceedings move along with potentially protected persons having limited representation and knowledge about the process.

Ms. Edwards thanked Ms. Friedman and Mr. Peters for their presentation and believes the information presented will be helpful to Committee Members.

**TYLER ANDERSON, ASSISTANT ATTORNEY GENERAL, OREGON DEPARTMENT OF JUSTICE:** Mr. Anderson explained the Committee's responsibilities under the word "monitoring" in state statute. (The definition of "monitoring" found in Webster's Third New International Dictionary is used since "monitoring" is not defined in statute.) The Committee's oversight and guidance role is combined with their monitoring role while meeting transparency goals. The Committee is not expected to give direction to agency leadership.

Ms. Moller and Ms. Smith talked about how a Climate Survey could be used by a public body. Mr. Steele explained that his desire is to do a LTCO staff Climate Survey from within the agency. The information collected would be shared with staff in coordination with Ms. Smith. Mr. Steele suggested that Committee Members could ask their own members to participate in a Member Survey. Mr. Giles and Ms. Friedman will work together to create a Member Survey to be used for Committee Member input with the results distributed to the Committee prior to the meeting where the results will be discussed.

Committee Members agreed that the February meeting will be a face-to-face meeting at the LTCO Offices from 9 AM until 2 PM. The February agenda will be limited to two items – preparation for the March 16 Ombudsman Day at the Capitol including drilling down into policy issues to be addressed by Certified Ombudsmen that day and a feed back discussion of the *Outline of Material for Annual Report*.

Today's meeting was adjourned at approximately 1:30 PM. The meeting adjourned early so that Committee Members could listen to the DHS conference call described in the agenda.