



AT THE FOREFRONT OF ASSISTED LIVING IN WISCONSIN

JANUARY 2004

WALA-Wisconsin Assisted Living Association

VOL. 9, NO. 1



2004

Our Vision Evolves
QUALITY REMAINS

WALA SPRING CONFERENCE

Wisconsin's largest assisted living conference is on the horizon! Join us for the 2004 WALA 9th Annual Spring Conference, "Our Vision Evolves, Quality Remains." We have expanded to 3 days, March 23, 24 & 25, 2004, at the Olympia Resort & Conference Center in Oconomowoc, WI.

Each year our annual spring conference draws over 450 providers, suppliers, exhibitors, and top-notch speakers...and each year is better than the last. This year, WALA kicks off its tenth year of serving the industry, and we have an extra special agenda to help us celebrate!

The optional pre-event begins on Tuesday, March 23, 2004 with the CBRF, RCAC or AFH Roundtables. This event gives RCACs, CBRFs and AFHs the opportunity to network and discuss the issues important to them and specific to their type of facility. Last year's candid session allowed everyone to walk away with new information and the answers to questions they couldn't ask anyone else.

Tuesday night, sign up for the optional networking dinner. Get to know the people important to your industry, and round out the night with a keynote address by ALFA's new dynamic leader, CEO Rick Grimes.

The full Spring Conference begins Wednesday, March 24 with an incredible tradeshow — a veritable "who's who" of the industry — and sessions you won't want to miss!

Join the WALA Board of Directors on Wednesday morning as they validate your WALA membership, and then choose to attend your favorite sessions from among 15 of the best and brightest.

The enhanced CEO Forum includes high-level presentations on Insurance: Liability; Financial

Trends in the Senior Housing Market: Development, Resale, Debt & Equity; and "My CPA Don't Know Jack".

On Wednesday night, stay and party with our HOT DANCE BAND! In honor of WALA's 10th Anniversary, the optional networking begins after the final session with cocktails and hours d'oeuvres to follow. *Whoz Playing*, featuring WALA Board Member Bob Lightfoot, starts at seven and keeps you on the dance floor until the wee hours of the morning with your favorite hits from the 50's, 60's, 70's and 80's.

Thursday continues to build momentum as it opens with keynotes by Dave Lund and Kevin Coughlin addressing the future of long term care in Wisconsin and the new BQA survey process. Additional breakout sessions give you another 10 presentations to choose from.

On Thursday afternoon, back by popular demand (you should see her evaluations from last year!), don't miss the ever popular and certainly entertaining Mari Jo Grace of Grace Management, who will speak on Emotional Intelligence and its importance in our industry.

Breakout sessions on Wednesday and Thursday include:

- Dialogue With BQA
- Developing Win-Win Contracts for Assisted Living Services
- Planning for Health Care Decision Making
- Turning 12 Hours of Training Into 12 Hours of Fun
- Orientation Can Be Fun: An Effective Experiential Approach

Spring Conference continued on page 3

SURVEY CHANGES — THEY ARE COMING!

By Sue Reese, Sienna Crest Assisted Living & Attorney Bob Lightfoot, Murphy Desmond S.C.

One of the focal points at WALA's Fall Symposium was BQA's survey process and what providers can expect when a Licensing Specialist visits their facility. On November 11, 2003 at the BQA Assisted Living Forum, Kevin Coughlin shared the NEW survey process that is scheduled to go into effect beginning January 1, 2004.

According to the presentation and slides, the survey process is being changed to accomplish several goals or to meet certain practical BQA, and industry, needs, including:

- More effective use of resources
- Regulatory flexibility
- Treating facilities with good compliance history differently
- Incorporating national trends, technical assistance, and standards of practice
- Incorporating collaboration among various agencies and
- Consistency in process for all four provider groups.

Survey Changes continued on page 5

THIS JUST IN...

As we went to press in mid December, BQA just released a new memo outlining the new survey process. But more importantly, they just released a new 12-page Survey Guide with much more detail. It is worth reading and you can access this via the WALA website www.ewala.org or call WALA.



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WALA BOARD OF DIRECTORS

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VISION STATEMENT OF WALA

WALA is uniquely qualified:

- to be the premier association in assisted living;
- to establish standards of quality care;
- to provide valuable member services to diverse assisted living providers.

Membership in this organization is indispensable.



PRESIDENT'S CORNER

By Cindy Senke, WALA Board President

I did not want this message to the membership to end up as some maudlin thing about how wonderful everyone was and how honored I have been to serve in the capacity as President, but I'm afraid that it is going to end up being a sappy farewell piece after all. Sorry about that, but I have been very honored, I have loved (almost) every minute of it, and I have some people to thank. Anyway, my final March message will be "all business".

Past Presidents — I would like to first express my gratitude to my predecessors, most recently Delores Moyer, Mike Collins and Ed Meier. Without each of you, our association might never have evolved into one of the industry's leading national voices. Each one has worked with their Board of Directors to further strengthen the organization. As a result, WALA can focus most of its time on its' agenda — a far cry from the fledgling organization ten years ago that was in basic survival mode.

Beth (Christie) Anderson, Chair Legislative Committee — Thanks for your advice, your leadership on regulatory and legislative matters, and all other things WALA. The significance of your almost daily contributions is vastly unknown to many people outside of the board and truly invaluable to us all.

The WALA Board of Directors — The board has put their own business interests aside, to work together on strategic issues facing our industry. Each one works tirelessly to support our association, and has given generously their time, creativity and experience to promote assisted living excellence in our state. For that and more, I admire each and every one.

Jim Murphy — Thanks for never passing the buck, for always being around until it gets done, for raising the bar and always being ready for the next challenge. Jim and his devotion to our assisted living membership and their needs has been intense, consistent and personal. He works cheerfully every day, never discouraged at unexpected challenges or reversals, and it has been a privilege to work with him. I even forgive him for his email compulsion because I can't imagine doing this job without him. I wouldn't even want to try.

Our incoming President, Sue Reese — Thanks for taking the job! These are dynamic times and Sue is just the right person to serve at the helm for the next few years. She is a straightforward, and courageous leader as well as an incredibly hard-working woman. She has authored and/or taught some of our associations strongest and most successful educational programs. She has earned the respect of the entire board and we are lucky to have her.

It has been a great two years. Thank you all.



Cindy Senke



MURPHY'S MUSINGS

By Jim Murphy, WALA Executive Director

There are a lot of very interesting things happening in assisted living, and WALA is proud to be the leader on your behalf.



Jim Murphy

- **WALA Staff** — You will see a story on page 4 of WALA staffer Erin Esser and the addition of Chris Herb as our third full time staff person. I am honored to be working with two such talented, dedicated and hard working folks. They both can respond to the constantly changing demands and priority of an active and dynamic office and are a great addition to our small team. And the fact that they share my strange sense of humor (mostly) is evident in the job description story. Erin and Chris, thanks for all you do to keep us moving forward and me out of trouble (mostly)! The board, the membership and I appreciate your continual efforts to serve our members.
- **Insurance Survey** — By now you have received (and I hope returned) the survey requested by BQA about your insurance issues. This is an important milestone — BQA recognizes a **non-regulatory issue** that impacts us all, and is being proactive by asking the industry their opinion. If you have not received that survey, you can print a copy from the WALA website at www.ewala.org If you have not returned it, please do so as soon as possible, as I must present the results of the survey to BQA at a meeting on January 13. The results will be on the website by mid-January.
- **Program and Seminars** — WALA has expanded our programming in 2004 and we think you will be pleased with the opportunities for you and your staff. We do listen to what our members tell us and try and meet those needs. So, tell us — what else should we be doing?
- **USA Today Story** — WALA has been alerted that *USA Today* is expected to publish a negative investigative report on the quality of care provided by Assisted Living Facilities. As we go to press in December, the article is now expected to be published in early January. It is unknown at this time if the *USA Today* article will appear in the local newspapers owned and operated throughout Wisconsin by the Gannett News Services (parent corporation of *USA Today*). WALA has learned that the news report is basing its findings inspection records of over 5,000 assisted living facilities, in seven states — over a two-year period. From what we understand Wisconsin was **NOT** included in the seven state overview. The states that are included are **AL, AZ, CO, FL, IN, NY, TX, OR, WA, MI, MN, and ME**.

The story is expected to report quality of care problems in the areas of medication errors, staffing and training. Some of these errors are alleged to have led to death or serious injury.

Since this story will most likely portray assisted living in a negative manner, it is possible that the Gannett News Service may publish the article in their local Wisconsin Newspapers or that other Wisconsin media may pick-up the story and create a Wisconsin specific news story. WALA is aware of the situation and is preparing a public relations strategy.

Letter to the Editor

The following correspondence is a result of the story in the September, 2003 WALA Watch newsletter that WALA Executive Director Jim Murphy had been seen allegedly buying lunch for his staff.

To The Editor: I am writing to bring to your attention an error in the September 2003 issue of *WALA Watch*. The error occurs on page 10 and concerns the article, "Jim Murphy Seen Buying Lunch for Associates." As someone who has bought Mr. Murphy numerous lunches and who is still waiting for the favor to be returned, I cannot believe the article on page 10 has any basis in fact.

I would hope that a correction would be published along with an apology from the Editor in an upcoming issue. Sincerely, Mark A. Sager, M.D.

Editor's Response:

Dear Doctor Sager: Thank you for your comments about the believability of the article. The author of the article was recently canned and is no longer available for comment. Sincerely, WALA Watch Editor

Spring Conference continued from page 1

- Getting Mom to Yes: How to Talk to Your Parents and Residents About Aging
- Dementia Care in Assisted Living: Issues, Research and Trends
- "My CPA Don't Know Jack!"
- The New CEO Profile — She's a Woman!
- Forgotten Assessments, Part 1: A Systematic Approach to Assess Discomfort in Late-Stage Dementia
- Forgotten Assessments, Part 2: Swallowing Disorders
- How To Recognize & Deal with Depression in Seniors
- Sex & Aging — Does It All Really Change?
- Meds — CBRF
- Meds — RCAC
- Dietary Nutritional Assessments
- Creative Marketing for Assisted Living
- Bereavement Training
- Be "Regulatory-Wise" ...Don't Get "Burned" in Dietary
- T.E.I.A.M.
- Dealing with the Troubled Employee
- Complementary Therapies for Improving Quality of Life

(All sessions subject to change)



This event is sure to provide information for individuals at all levels and on all topics, so mark your calendar! Agendas with detailed information and registration forms will be mailed in early January. Take advantage of early-bird registration discounts until February 27!

Come to learn, come to network, come to celebrate as WALA turns ten and continues into the next decade!

For more details, visit the WALA website, www.ewala.org, or contact the office for information on exhibiting, sponsoring or attending this landmark event! Registration is already posted on the website. If you received the postcard in December, you will receive the initial agenda in mid-January.



WALA STAFF UPDATE

In September, WALA hired a third full time staff person — yet another sign that we are growing! **Chris Herb**, who has worked for WALA off-and-on since 1998, is now WALA's Membership Coordinator. His duties will include membership development and membership services, accounts receivable/payable, newsletter production, office support and other innumerable, sundry tasks. He has also been given the assignment of attending as many regionally organized assisted living meetings as possible, in essence to be WALA's eyes and ears, watching and listening for the concerns, dynamics and organization of the Wisconsin's diverse assisted living grassroots efforts. He is proud to be the only person in the office who knows how to operate the scanner and refuses to share his knowledge with either Jim or Erin. (Saying something about job-security, he actually ate the manual!)

Also in September, WALA Office Manager, **Erin Esser**, was promoted to Deputy Director and is now pretty much doing everything while Murphy goes to lunch (and never pays for it!) Just kidding. Erin's duties include, but are by no means limited to, obtaining sponsorships for events, producing event brochures and specialized mailings, assisting in the organization and production of the WALA Spring Conference and all other WALA events, re-evaluating and updating all office systems-including the improved website due out early next year — and being able to field the barrage of questions thrown at her by Jim, Chris, WALA members, WALA Board members and who-knows-who else.

And the amazing thing is, even with a new full-time staff person, we're working harder than ever! We literally doubled our workload in the past three months. Luckily, we're having a lot of fun, too. *Can you tell?*

WALA PRESENTS TWO GREAT SEMINARS

The Administrators and Management Intensive

Well-trained administrators are vital to the success and well-being of an assisted living community!

Developed from the ALFA University Training System, and designed for the entry-level Administrator as well as the veteran, this two-day course will give you practical, take home tactics from industry experts:

- An overview of the many-faceted responsibilities of the Assisted Living Administrator.
- Utilization of leadership skills with employees, residents, and within the community.
- Managing the diverse needs you encounter daily.
- Leading your team effectively, from the assisted living basics to specific departmental needs.

This course is unlike any you have ever taken. The fun, interactive debate style format will open your mind to new techniques.

Training modules include Accounting and Financial Management Staffing, Professional Development, Management, Marketing, and much more!

In addition ALFA offers a national certification program to industry professionals. After completing WALA's two-day intensive, you can earn ALFA's Administrator Certification. As a special offer, those who attend this session will receive a 10% discount off the purchase price of the Management Library for Administrator's and Executive Directors program.

WALA has presented the Administrators and Management Intensive to a sold-out group of attendees the last four years. Don't miss the opportunity to take part in this popular program. **Limited enrollment of ONLY 40, so register now!**

Dates: January 21 and 22. Location: Oak Hill Terrace, Waukesha. Registration is currently available on the WALA website, or by calling the office.

Buying and Selling Assisted Living Facilities

WALA rolls out its newest seminar! Join us for "Buying and Selling Assisted Living Facilities" on Wednesday, February 18, 2004 at the Oak Hill Terrace Training Center in Waukesha.

Presented by Mike Collins of Collins Realty Group, this interactive seminar will cover the buying and selling process from start to finish and from the perspective of both buyers and sellers. Mike will use case studies taken from actual deals to demonstrate the pitfalls to avoid when buying or selling.

The session will include:

- Why buy or sell. Hear some reasons you may not have considered
- Preparing to sell your facility
- Determining a fair price
- What to include in a purchase and sale agreement
- Conducting due diligence when buying
- Financing your purchase
- What to expect at closing
- Who needs to be involved
- Transitioning ownership

You've come to expect great educational courses from WALA, and Buying and Selling Assisted Living Facilities is no exception! This highly informative session follows the chronological order of the deal process, with highlights for both the buyer and seller at each stage of the deal. Whether you are buying or selling, now or in the future, this information is crucial. Don't wait until it is too late — sign up today!

Registration is limited to 40. Brochures have been mailed and registration info is available now on www.ewala.org



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Survey Changes continued from page 1

One of the main messages stressed is that the new survey process will be "outcome based," which means:

- Can be positive or negative
- Focus on quality of life and quality of care
- Promotes consumer, staff and family member participation
- Promotes consumer choice and
- Reflects services experienced by the consumer.

Some of the new concepts that BQA is incorporating are "Core Areas" with "Key Codes" within the core areas. The "Core Areas" are:

- Resident Rights
- Services
- Nutrition & Food Service
- Physical Environment and Safety
- Staff Training and
- Medication.

The Key Codes within each Core Area include:

- Highest potential to affect outcome related to quality of life and quality of care
- If a concern with a key code is identified the core area may be expanded and
- Key codes are identified within each of the four provider groups.

The principle focus of the survey will be interviews with staff, residents and family members, observations and record review.

A new type of survey is being introduced: the abbreviated survey. The abbreviated survey will be used for those facilities with a good compliance history and will incorporate all senses — in the BQA's own words: "If it feels good, looks good, smells good, sounds good...move on!" The criteria for an abbreviated survey will include:

- No enforcement actions within the last three years
- No substantiated complaints with a statement of deficiency within the last three years and
- Facility has been licensed for at least three years.

Survey Changes continued on page 6

Survey Changes... continued from page 5.

When a Licensing Specialist comes to your facility they will use an Entrance Checklist. They will provide the facility with a Survey Guide and also provide the Post-Survey Questionnaire that allows the provider to give feedback to BQA following a survey. It can even be returned anonymously! The Entrance Checklist and Survey Guide Website as well as the Post-Survey Questionnaire are now posted on the WALA website www.ewala.org or call the WALA office. They make for interesting reading!

While in the facility, the Licensing Specialist will select a sample of residents to observe. Those residents with special circumstances will be primary targets for the sample. This may include hospice residents, residents using adaptive equipment, restraints, residents on special diets, etc. The Licensing Specialist will not only take a tour, but will also make observations, including review of your medication system. The medication review will entail a look at the storage, documentation, etc. of medications, not necessarily an observation of a med pass. Record review will include at least two files and staff review will include two to five files.

Another area of focus is technical assistance and standards of practice. This task is intended to improve quality of life and care by adding value to the regulatory process through collaboration.

After the Licensing Specialist has completed the survey, the possible results will include No Deficiency, Notice, Statement of Deficiency or Statement of Deficiency With Enforcement Action. "Notice" is a new survey result and would be used for isolated incidents of non-compliance that result in no more than minimal harm and do not indicate a breakdown in facility systems.

The Bureau of Quality Assurance is striving to complete surveys every two years and to investigate complaints in a more timely manner.

Copies of many of the new BQA documents are on the WALA website at www.ewala.org for your review. Through a better understanding of the survey process, providers can be better prepared for the survey. Remember — the goal of providers and BQA are the same — quality of life and quality care for our residents! If you have questions regarding the new survey process, contact Attorney Bob Lightfoot at (608) 268-5618 or Sue Reese at (608) 575-9503.



ALFA NAMES NEW PRESIDENT/CEO

In September, it was announced that, as of November, Richard Grimes was named ALFA's President and CEO.

"I know that Rick will bring his expertise to enable ALFA, more than ever before, to meet the business needs of our provider members and support our state affiliate members in their efforts nationwide," said ALFA Chairman Thomas H. Grape in a press release dated October 14, 2003. "As the members of ALFA's Board of Directors have stepped up our own engagement in the association's top-priority work, we have sought a chief executive who could head up those efforts by extending ALFA's provider-driven, member-led approach to industry leadership. Rick is a perfect fit."

For 10 years, Grimes served as Deputy Managing Director of the American Lung Association, a nationwide organization with over 350 state and local affiliates, and its medical section, the 12,000-member American Thoracic Society. Grimes also held positions as executive director of the Academy of Medical-Surgical Nurses, the American Society of Plastic Surgical Nurses, the Society of Urologic Nurses and Associates, the International Association of Forensic Nurses, and the Nephrology Nurses' Certification Commission.

He is active in the American Society of Association Executives, is a past chair of the Professional Convention Management Association, and is a Certified Association Executive. A graduate of Texas A&M University and Vietnam veteran, Grimes was a graduate fellow at the University of Illinois Medical Center, where he earned a master's degree in health professions education, specializing in organizational development.

WALA is proud to announce that Rick Grimes will be speaking at the optional pre-conference dinner at our 2004 annual conference, Tuesday, March 23, 2004 at the Olympia in Oconomowoc.

TOP ISSUES FOR 2004: CHALLENGES FACING THE STATES

Perhaps the greatest challenge facing state assisted living associations in 2004 is the inability of many providers to obtain affordable liability insurance coverage.

Insurance carriers have moved out of several states. In states where insurance is still available, the cost can be exorbitant, as high as \$3,000 per bed. Even in states such as Texas, Arkansas, and West Virginia, where comprehensive malpractice reform measures were enacted several months ago, the insurance situation has not substantially changed. As a result, many assisted living providers, particularly those with 15 beds or less, are operating these days with little, if any, liability insurance coverage.

In Wisconsin, the BQA has asked assisted living associations to survey their members in order to assess the severity of the situation. WALA responded by sending out a survey to every provider in the state with responses due in to the state by January 16, 2004. Results will be tabulated by early January.

Other state affiliates are addressing the issue by using innovative approaches including implementing a risk retention group for providers, offering policies with coverage up to \$400,000 (but only for providers that meet certain quality criteria), and considering an actuarial study to determine whether a self-insurance fund for providers is feasible.

Some state affiliate approaches deal with the legal and legislative end of the problem. In Arkansas, for example, the ALFA affiliate has hosted seminars in which attorneys explain how assisted living communities can be divided into separate entities to limit liability exposure. The Minnesota Health and Housing Alliance is working with other long-term care providers on possible legislation that would compel the state's joint underwriting association to offer providers coverage. Many state affiliates are also participating in coalitions that support far-reaching medical malpractice reforms. See the article on Tort Reform on page 7, for more information.

TORT REFORM: IMPLICATIONS FOR QUALITY AND CONSUMER CHOICE

Healthcare liability reform has been a hot topic in legal circles during recent months. Last March on Capitol Hill, the House approved H.R.5 — The Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2003. If it is approved by the Senate and becomes law, the measure would provide compensation for injured patients and set specific parameters for the timing of lawsuits, permissible recovery amounts, and payment-of-damage arrangements.

The Senate companion bill, S. 11, The Patients First Act of 2003, would seek similar results. Also at the federal level, Congress' General Accounting Office (GAO) released two reports earlier this year focusing on medical malpractice rates and the relationship between tort reform and medical liability premium rates. Activity at the state level is also significant as multiple states are passing major tort reform legislation.

What does all this mean for the assisted living industry? First, it's important to understand the various issues and terms involved. Tort reform legislation generally refers to products liability and medical malpractice reform proposals, the latter of the two being most relevant for ALFA members. A tort is a civil (as opposed to criminal) wrong other than a breach of contract that causes injury for which a victim may sue and recover damages. Tort law is primarily state-based, though Congress has enacted a number of broad tort reform statutes.

In the context of medical malpractice, tort reform legislation generally limits the amount of damages awarded to plaintiffs, particularly for non-economic damages — for pain, suffering, and emotional distress — and punitive damages. Additionally, some states have enacted legislation that addresses the issue of joint and several liability, as compared to basing liability directly on the percentage of fault that can be attributed. Finally, some reform legislation focuses on the collateral source rule and the issue of whether a plaintiff's monetary recovery from an independent third party, such as an insurance company, should be considered when the plaintiff's claim is tried in court. For assisted living providers, the bottom line of such legislation can be spelled out in big dollar signs.

Recent developments in legislation, GAO reporting, and state activity indicate a trend toward stricter parameters on the size of plaintiff judgments as well as the amount of time that may elapse before a claim can be brought. This is welcome news to many providers. Further, the two recent reports by the GAO — *Medical Malpractice Insurance: Multiple Factors Have Contributed to Increased Premium Rates, June 2003*, and *Medical Malpractice: Implications of Rising Premiums on Access to Health Care, August 2003* — also tie claim awards to higher premium rates. The GAO found that medical liability premiums in states with caps on non-economic damages grew at a slower rate than the premiums in states without caps.

The legislative reform we are witnessing around the country will likely help keep insurance premiums from rising. In virtually all these developments, ALFA has been working to effectively represent its members.

ALFA has focused their efforts on Capitol Hill, not only because their affiliates and provider members are taking the lead at the state level, but also because federal-level reform will affect providers nationwide. In the past several months, the ALFA Government Relations team initiated a targeted campaign on Capitol Hill with three goals in mind: improve customer access to health care services; enhance the overall quality of care available; and reduce the burden that excessive liability places on providers. To that end, ALFA held meetings with the offices of: Senate Majority Leader Bill Frist (R-TN); Congressman Jim Greenwood (R-PA); Sen. John Ensign (R-NV); Sen. Dianne Feinstein (D-CA); Sen. Rick Santorum (R-PA); and Sen. Judd Gregg (R-NH).

As a result of ALFA's efforts, the Greenwood and Ensign bills both include assisted living providers in the definition of "health care provider." Though the House bill has passed, passage in the Senate is uncertain. Sen. Frist is a cosponsor of S.11 and has expressed interest in revisiting the issue again this year. At the state level, several states passed major reform legislation in 2003, including Arkansas, Idaho, Texas, and West Virginia. Comparatively minor reforms were passed by Arizona, Colorado, Minnesota, and Montana. The Texas tort reform experience is of significant importance — citizens there recently voted to add an amendment to the state constitution providing for various limitations. One of the provisions of the tort reform package approved this year in Texas, H.B. 4, establishes

SAVE NOW

REGISTER ONLINE FOR ALFA 2004 NATIONAL CONFERENCE

WALA is proud to announce that five WALA members will be speaking at the ALFA Conference this year: **Gene Grace** of Grace Management, **Cindy Senke** of Towne Realty, **Ed Meier** of Senior Solutions, **Brad Klitsch** of Direct Supply, and **Leah Klusch** of Alliance Training Center. Additionally, **Bill Keane** of Mather Institute, who is speaking at the March WALA conference, will also be at the ALFA conference.

Take advantage of early-bird savings by registering now for the ALFA 2004 National Conference & EXPO in Chicago on May 5-7, 2004! These special rates — \$425 for ALFA members and \$525 for non-members — are available only to those who register before January 15, 2004.

ALFA's most recent conference broke records and set new standards for educational programming, networking opportunities, and attendance. Forms and information now online allow you to arrange registration, housing, continuing education credits, attendance at special meals and events, and exhibition space for vendors for next year's conference. Be part of the action at the assisted living industry's biggest annual event.

Register before January 15
to save as much as \$200!
Visit ALFA online at
www.alfa.org to make your
arrangements today!



INNOVATIVE DEMENTIA SPECIALIST TRAINING NOW OFFERED IN FACILITIES!

The Alzheimer's Association, South Central Wisconsin Chapter, is offering its *Dementia Specialist: Best Practices for Direct Care Staff* training program right in your facility. The highly regarded two-day program is designed for direct care staff (certified nursing assistants, resident assistants, home health aides) to enhance their overall understanding of dementia and person-centered care. This interactive two day curriculum emphasizes real life practical skills, problem-solving techniques to prevent challenging behaviors, and tips and tools to increase success and enhance quality of care.

If you are interested in having this program in your facility, contact Paul Rusk at the Alzheimer's Association at 608/232-3400 or paul.rusk@alzwiss.org. Facilities can join together to sponsor the program for 25 to 50 individuals. The talented Mary Salzieder, who has been providing dementia specific training for over eight years, provides training.

Tort Reform......continued from page 7

a cap of \$250,000 on non-economic damages. During legislative debate on the reform package, lawmakers found themselves divided on the cap issue and ultimately felt that the responsible approach would be to let voters decide. The proposition won narrowly (51% to 49%) in a special election vote held September 13.

In sum, legislators and policymakers appear to be hearing the sentiments of the medical and long-term care communities: Placing limitations on damages and excessive liability claims will have a positive impact on the end we all are striving to achieve — improved accessibility and quality in the care system. If providers are forced out by unduly high insurance premiums, quality of care will be compromised and consumers won't have the array of care choices now available to them. Legislative and other policy solutions hopefully can provide some comfort to our members working to provide quality care to assisted living residents every day.

ALFA reports on this development in the debut issue of ALFA Watch, the association's monthly public policy update. If you would like to receive your free subscription to ALFA Watch, sign up today online at www.alfa.org



PROPERTY TAX EXEMPTION FOR NON PRO

Prepared by: Colleen O'Connor Patzer, Esq., Michael Best & Friedrich LLP

The Wisconsin Supreme Court recently issued its opinion in the case of Columbus Park Housing Corporation v. City of Kenosha, ruling that the City of Kenosha may levy property taxes on properties owned by Columbus Park Housing Corporation ("Columbus Park") notwithstanding Columbus Park's status as a benevolent association. A copy of the decision is available at www.courts.state.wi.us/html/sc/02/02-0699.htm. The decision addresses the tax status of property owned by benevolent associations and leased to others and calls into question the property tax-exempt status of property owned by not-for-profit housing providers, including independent living facilities and assisted living facilities.

Factual Background

Columbus Park is a nonstock, nonprofit Wisconsin corporation that acquires blighted property in Kenosha, Wisconsin, rehabilitates the property, and makes the property available for rent to qualified low-income families. Both parties in the case agreed that Columbus Park is a benevolent association for the purposes of property tax status under Wisconsin Statute section 70.11(4), as its mission is to improve the living conditions of the poor and underprivileged by providing safe, affordable housing. Nevertheless, the City of Kenosha assessed and levied property taxes on several of Columbus Park's properties, contending that because Columbus Park leased the properties to private individuals, the properties no longer qualified for exempt status because the individuals would not be entitled to an exemption if they owned the property themselves. Columbus Park paid the taxes but challenged the assessments in court and sought a refund.

Applicable Wisconsin Property Tax Law

Property owned and used exclusively by benevolent associations, including benevolent nursing homes and retirement homes for the aged, is exempted from general property taxes. Wis. Stat. § 70.11(4). If leased, such property remains tax-exempt only if the lessee does not discriminate on the basis of race and if the following conditions are met:

- (1) the lessor uses all of the leasehold income for maintenance of the leased property, for construction debt retirement of the leased property, or both (the "Rent Use Condition"); and
- (2) the lessee would itself be entitled for an exemption if it owned the property (the "Lessee Identity Condition").

Wis. Stat. § 70.11 preamble, (4). Generally, these requirements ensure that a benevolent organization does not lease tax-exempt property to a for-profit organization.

Property Tax Exemption for Leased Property

The Court agreed with the City of Kenosha's interpretation of the preamble to Wis. Stat. Section 70.11 and held that Columbus Park properties leased to low-income tenants do not retain property tax-exempt status because the Lessee Identity Condition is not met. In other words, because the lessees, private individuals, would not qualify for tax-exempt status if they owned the property, the property is taxable in the hands of Columbus Park. The Court did not address the issue of whether Columbus Park satisfied the Rent Use Condition, as its decision was based on the Lessee Identity Condition.

Columbus Park argued that if the Court interpreted the tax exemption statute such that Columbus Park's properties were subject to taxes, property owned by other benevolent organizations, such as nursing homes and continuing care facilities, would also be denied tax exemptions, with potentially devastating consequences for these organizations. The Court explained that residents in such facilities would not constitute lessees for the purposes of the property tax statute because lessees are those who have a possessory interest in property and make monthly payments in exchange for the right to use and occupy the property. In contrast, the Court reasoned, nursing homes and continuing care facilities' charge fees for the primary and dominant purpose of the provision of services. Thus, the recipients of these services are not considered lessees. The Court concluded that its decision would not undermine the tax-exempt status of institutions where the primary and dominant purpose is the provision of services.

The controlling factor in determining whether any given facility will be subject to property taxes under the Columbus Park decision is whether the character of the relationship is one of delivery of services or vesting of a property interest. One major factor in arriving at this determination is whether the facility enters into leases with its occupants for particular

DEBITS IN JEOPARDY

space (e.g., an apartment, or alternatively, a services agreement that includes housing). If the dominant and primary purpose of the agreement with occupants is for the occupants to pay rent and for the facility to allow use and occupancy of the premises, then, under the Columbus Park decision, the agreement will likely be interpreted as a lease, and property taxes will apply. However, if the dominant and primary purpose of the agreement with occupants is to provide services to the occupants in exchange for a fee, then the agreement is not likely to be interpreted as a lease, and the property will maintain its tax-exempt status, even if lodging is party of the service agreement.

Possible Implications for Assisted and Independent Living Facilities

While the Court stated that its decision would not affect the property tax-exempt status of nursing homes or continuing care facilities, it did not explain how to determine a contract's "primary and dominant purpose" and thus created uncertainty as to which other types of facilities will continue to qualify for property tax exemption. Despite this uncertainty, there are measures that can be taken to minimize the possibility that a facility's tax-exempt status will be revoked because it does not meet the Lessee Identity Condition. First, facilities should review their operations to determine whether their primary and dominant purpose is the provision of services rather than the rental of living space. Second, facilities should consider enhancing the scope of services provided. Finally, facilities should review and revise documents to help ensure that they will not be interpreted as leases but rather as contracts for the primary and dominant purpose of the provision of services. In part, these revisions should entail emphasizing the services provided and eliminating lease-like terms such as "lease," "landlord," "tenant," and "rent." Taking such measures could help to prevent property taxes being levied on senior housing properties and prevent disputes over whether a property qualifies for exempt status.

For more information, please contact Colleen O'Connor Patzer at 414-225-8261 or copatzer@mbf-law.com

¹ The Court defined "continuing care facilities" as those entities governed by Wisconsin Statute Chapter 647, which permits facilities to enter continuing care contracts to provide individuals with nursing, medical, personal care, and maintenance services for life (commonly referred to as "life-care contracts").

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DIALOGUE WITH BQA

The following information from the Bureau of Quality Assurance (BQA) is garnered from a wide variety of meetings, discussion and handouts from BQA, DHFS and other sources, and has been compiled by WALA Executive Director Jim Murphy. Editorial comments are his.

BQA NEW SURVEY PROCESS — BQA has announced their new assisted living survey process and has indicated that it is to be implemented as early as January 1, 2004. This has the potential of being a very helpful process for those with good track records with BQA. See story on page 1 for more detail.

Jim Murphy Note:

I salute BQA for moving forward with their plan for new technical assistance, as well as for an abbreviated survey process. This and the Post Survey Questionnaire have the potential for helping to make BQA and providers more in tune as partners for quality care. It is my sincere hope that I can tout the success of this program in the January 2005 newsletter!

RELOCATION BEST PRACTICES — BQA has recently issued "best practices" to close a facility. These procedures are not required but are suggested as being the most beneficial to all involved. The document is available on the WALA website or contact the WALA office for a copy.

NURSING SERVICES IN ASSISTED LIVING SETTINGS — Another helpful document from the BQA outlining how to meet the nursing care needs of residents within the scope of regulation. The document is available on the WALA website or contact the WALA office for a copy.

COP OVER 20 — NO PAC — While not a BQA issue, WALA is extremely pleased to announce that the long delayed memo for facilities over 20 beds with residents who did not have the Pre-Assessment Consultation (PAC) has now been published. This Bureau of Long Term Care Resources (BALTCR) memo specifies that facilities over 20 beds now applying for COP funding for residents who did not have the PAC prior to admission may now have their residents "grandfathered in" (*my language*) if they were admitted before January 1, 2003 and meet the other four COP conditions. This memo is on the WALA website www.ewala.org or via the WALA office. WALA has worked tirelessly to get to this resolution and we are glad that we could be of service to your residents so affected.

UPDATE ON THE RCAC RATE SETTINGS WORKGROUP — Work continues on the Robert Wood Johnson foundation grant intended to explore RCAC's rate setting. Now in its third year, a draft of the proposed worksheet is available for review. RCAC providers who wish to comment on the methodology are encouraged to contact the WALA office to obtain the appropriate documents and provide feedback. It was anticipated that changes would be made at the December 17 meeting.

BQA TRAINING PROGRAMS — BQA's Assisted Living Provider Conference is August 9, 2004, for Adult Day Care, Adult Family Homes, Community Based Residential Facilities, and Residential Care Apartment Complexes (location TBA). In addition, BQA recently released the schedule of training dates. Events upcoming are maintained on a website and can be found at: www.dhfs.state.wi.us/rl_DSL/Training/index.htm or you can also call the BQA Training Coordinator at 608/267-1438.

WISCONSIN HEALTH CARE PROVIDER DIRECTORIES — The BQA continues to add contact information for providers and expand the types of providers listed. These directories can be downloaded either in PDF format or in Excel and is organized by county or by facility name. Called the "Wisconsin Health Care Provider Directories," these helpful resources can be found at: www.dhfs.state.wi.us/bqaconsumer/HealthCare/directories.htm Assisted living facilities can be found easily with a clickable map and table listing facilities by county. This assisted living specific site is: www.dhfs.state.wi.us/bqaconsumer/AssistedLiving/AsLivDirs.htm Any questions regarding this site and the information maintained on it should be directed to Todd McCall, IS Comprehensive Professional, Wisconsin Bureau of Quality Assurance, (608) 267-3808

Jim Murphy Note:

Now that all these directories are on line and in MS Excel, it makes it easy to sort the lists to research other AL providers. Thanks, BQA.



OPPORTUNITY TO MAKE YOUR VOICE HEARD THROUGH ALFA

ALFA's magazine, *Assisted Living Today*, is looking to interview assisted living leaders for upcoming articles. Specifically, ALFA is looking for communities that have successfully—or unsuccessfully—negotiated an emergency situation (terrorist act, natural disaster, etc.), as well as communities who have good emergency preparedness plans in place. Secondly, the magazine would like to talk to communities that have implemented solid and creative plans for recruiting and retaining caregiving staff. We want to know about ideas that go beyond compensation.

If you are interested in being featured in *Assisted Living Today* on the above subjects, speak to ALFA directly by contacting Angela Brady at abrady@strattonpub.com or calling 404/687-9240.

JOB LISTINGS

MANAGER

Maple Ridge Elderly Care, an assisted living facility located in Portage, WI, is seeking an energetic, goal-oriented manager to run the day-to-day operations of the facility.

Duties include, but are not limited to:

- Interviewing, hiring, training, supervising, appraising performance, rewarding and disciplining employees, address complaints and resolving problems.
- Directly supervise 10-12 employees.
- Provide tours to potential clients and/or family members.
- Coordinate the move-in process and orient new residents to the assisted living environment.
- Maintain full census of facility.
- Provide care management services to residents, ensuring the completion of pre-occupancy screening, assessments, communicate the service plan for each resident and assist in the admission agreements, and ongoing regulation requirements.
- Possess excellent oral and written communication skills and be detail oriented. Ability to work with diverse group of individuals is a must.

This individual should have two or more years related experience in the health, human services and/or community services field. This position requires on-call status.

Forward resumes along with salary history to:

Maple Ridge Corporation
W12250 Hillcrest Drive
Lodi, WI 53555

MANAGER ASSISTANT DIRECTOR/ADMINISTRATOR

Assistant director/administrator needed for a 25-30 bed assisted living facility in the Madison area.

This position reports to the general manager and owner, and involves day-to-day direct supervision of staff and service delivery. The position excludes financial management, hiring and firing.

Qualified candidates will possess solid people skills, the ability to work in a team environment (with other directors), basic local marketing skills, and knowledge of HFS 83 requirements. The position may involve some light travel.

The salary ranges from \$24k to \$30k, dependent on qualifications and experience.

For more information or to submit a resume, please contact Chris Herb at the WALA Office at info@ewala.org or 608/288-0246.

NEW EDUCATIONAL OPPORTUNITIES FOR NURSING MANAGERS

The Wisconsin DON Council has expanded its focus to cover the full Long Term Care Continuum! Prior to the fall of this year, the Council's focus has been primarily devoted to nursing professionals within skilled care facilities. Now, nursing supervisors, nurse managers, directors of nursing and their assistants from Assisted Living, Hospice as well as Nursing Homes will benefit from the many educational and networking opportunities made available through the Wisconsin DON Council.

This is exciting news to nursing professionals within long term care! As a result, there will be a better understanding of how each industry within the continuum operates, a sharing of issues related to aging, and ultimately we all will better serve our seniors. This collaborative educational effort should ultimately result in higher quality care and provide patients with a seamless transition as they move through the continuum.

Part of this effort to expand their focus to include Assisted Living is the addition of a board member seat on the WI DON Council for a member within the Assisted Living Industry. Char Hall, DON from Laureate Group's Waukesha Campus is currently sitting on the board.

Membership with the Wisconsin DON Council has many benefits:

- Many networking opportunities throughout the year — statewide and local forums
- Interaction with your peers — opportunities to share ideas, discuss trends, policies and procedures, learn about practices and training programs being used
- Website, newsletters, symposiums, workshops — opportunities to learn from professionals throughout the industry.
- Updates on legislative issues

If you are a nursing professional at the managerial level, consider a membership with the Wisconsin DON Council. For information contact Karen at 262-375-1976 or go to www.WI-DON-Council.org

REVISED DEATH REPORTING INFORMATION PAGE —

Assisted living facilities are required to report client or patient deaths attributable to suicide, restraints or psychotropic medications. The required procedures have been organized into a permanent Internet site at: www.dhfs.state.wi.us/rl_DSL/Providers/ReportDeath.htm along with information on pronouncement of death, preserving death scenes, removal of bodies, and related issues.

REQUIRED POSTER: RETALIATION PROTECTION FOR HEALTH CARE WORKERS —

Under Wisconsin law, every health care facility must post the "Retaliation Protection for Health Care Workers" poster in "one or more conspicuous places where notices to employees are customarily posted." The poster informs health care workers of their rights if they are ever disciplined for reporting "any potential violations of state or federal law by the health care facility or provider" or "any situation where care is provided in a manner that violates state or federal standards or laws or recognized clinical or ethical standards."

This is a Department of Workforce Development requirement. It is NOT a BQA requirement and BQA has assured me that surveyors will not be checking for this poster. But WALA is aware of at least one assisted living provider being sued by a disgruntled employee for allegedly not posting this sign! The document is available on the WALA website or contact the WALA office for a copy.

LEGISLATIVE REPORT Update on various legislative matters

RCAC AND OMBUDSMAN AB 644 — Allows Ombudsman access to RCAC apartments, residents and creates new fees. In November, Rep. Peggy Krusick (D-Milwaukee) introduced legislation that expands the definition of a long-term care facility to include residential care apartment complexes (RCACs), for the purposes of allowing Ombudsmen access to these facilities and its residents. The bill imposes a \$12 annual fee per occupied apartment to fund one new ombudsman position specifically for RCACs. The bill also provides that residents of a RCAC are entitled to the rights that are specified under current law for residents of nursing homes and CBRFs.

This legislation would create the first fees on any long-term care provider to pay for ombudsman services — which if passed would most likely open the door for new fees on all long-term care providers to pay for ombudsman services. In addition, this legislation will change the emphasis of RCACs being a real "apartment" and classify these facilities as long-term care health facilities, increasing bureaucratic oversight and requiring new annual fees (taxes), which then gets passed on to elderly and disabled residents.

WALA lobbyist Forbes McIntosh has met with the appropriate health committee chairs and committee members about AB 644. We expect a public hearing will be held in January 2004, but a vote on the bill is not likely at this time. There seems to be much opposition to the bill by committee members.

WISCONSIN COUNCIL ON LONG TERM CARE REFORM — This group continues to meet with Beth Anderson representing WALA. A new Stakeholder Subcommittee is being formed and WALA has submitted a name to the Council to represent Assisted Living providers on this subcommittee. There will be a keynote address at the WALA conference on Thursday, March 25 by Dave Lund on the future of long-term care in Wisconsin.

POWER OF ATTORNEY FOR HEALTH CARE FORM — Representative Greg Huber & Representative Gregg Underheim have introduced LRB -3224/2, Admission to a Nursing Home or CBRF Under the State Power of Attorney for Health Care form.

Once the Power of Attorney for Health Care is invoked, the problematic section limits a health care agent to admit an individual into a CBRF or nursing home for only up to 90 days, unless they are given special consent on the form granting that authority. If a longer stay is in the best interest of the individual and special consent has not been given, the agent must get approval through the courts — very expensive and time consuming. LRB-3224/2 eliminates the restriction on a health care agent to admit a patient to a nursing home or CBRF, while still retaining the rights of the resident.

ALFA PUBLIC POLICY SURVEY — WALA has received the comprehensive 13-page survey that Ann McDermott of ALFA conducted concerning every state's public policy issues. In the case of Wisconsin, WALA made a few minor corrections. There is a copy posted on the WALA website at www.ewala.org or call the WALA office.

This survey is a state-by-state analysis of public policy issues expected to confront the assisted living industry in 2004. The information was obtained in conversations Ann conducted with the state affiliate directors in November 2003.

The ALFA Government Relations Department plans to use the information to identify general trends in the industry, as well as learn how states intend to tackle specific issues next year. ALFA intends to use the material to determine how we can best help state affiliates, such as by collecting comparative data and sharing successful strategies.

Listed below are some of the major issues and the affected states. The issues have been arranged alphabetically in the summary for easy reading and reference. Because she was unable to reach the Tennessee affiliate, that state is not represented in the list.

Major Issues:

- Regulatory Reform — ID, IA, LA, MD, MI, MO, MT, NH, OR, PA, VA, WA, WI
- Medicaid Funding — AL, AZ, CO, FL, IN, MA, MO, NH, NJ, NY, OH, RI, WA
- Regulatory Process (Survey Agency and Process) — AL, ID, IL, KS, LA, OR, RI, TX
- Tort Reform — CO, FL, KY, MD, MS, NC, VA
- Liability Insurance — AL, AR, FL, MD, MN, WVA
- Medication Aide — AL, MT, OH, OK, UT
- Executive Director Requirements — IN, KS, MD, OK, VA
- Dementia Care (Funding and Regulations) — CA, CO, KY, NC
- Fire Safety — LA, RI, SC, TX
- Levels of Care — AR, GA, NC



VOICE OF THE MEMBERSHIP

Comments from WALA members are always welcome. If you have something you want to say, contact WALA.

OVERNIGHT STAYS

Recently, there was a query from a WALA member: *Has WALA undertaken a survey of its members to determine what sort of policies each has in a CBRF or RCAC regarding residents' families staying overnight in the facility—either in the resident's room or an unoccupied room of the unit? If so, what were the results? If not, is there any other data to suggest what the center of gravity might be on this issue?*

WALA has not done a survey, but here are the results of an email query WALA did in October 2003, to various WALA members. WALA did some minor revising to keep the answers anonymous. We think you might find this interesting.

Answers to the query:

- RCAC, yes in Res. apt. If other apts. are available, they can stay for a nominal fee. CBRF, okay in furnished unit if available — for free if one or two nights.
- We can't accommodate a family member in our CBRF. In our RCACs we welcome family members. Guests are welcome to stay in a resident's apartment. We also offer a guest apartment for a nominal fee, if we have one available.
- Some larger facilities offer guest rooms. I believe that guest accommodations are made available if facilities exist or if the patient's condition is terminal (like hospital) in many facilities. Some companies take the other view.
- Each facility should have a policy on visitors. Are there restrictions on hours of visitations? With overnight stays, where does the person sleep? Do they need a cot or bed? Our policy is to handle each situation individually. Often there are end of life issues involved in a CBRF. In an RCAC issues are much different in that there are larger apartments/suites with more space, residents are typically more independent, etc. There is a wide variety of situations that would require an overnight stay by a visitor/family and a standard policy may inhibit your ability to provide the best customer service.

- We have an overnight guest stay of two weeks. If it is longer than that then we may approve on a case-by-case basis.

- As an RCAC, we allow overnight guests ad lib. The only cost is for guest meals: \$4 for breakfast, \$7 for lunch, and \$5 for supper. Regarding where they stay, they have to stay in the resident's apartment since we don't usually have any open units.

- I figure in my RCAC it is totally up to the resident if a relative wants to stay over...it is their apartment. If it is an extended stay I will charge for meals. In my CBRF, no relative has ever requested to stay overnight.

- VERY bad idea...I have had the question posed in the past but replied clearly that we are not able to accommodate overnight guests who are not contracted clients of the CBRF — period. I would not recommend ever following this situation...potential for problems, legal and otherwise far outweigh possible benefits. (CBRF operator)
 - Jim, while I do not believe our company has a set policy about family member overnight stays, someone has shared an interesting observation from former employer of hers in Florida. If I come across anything more definitive from our side, I'll let you know. (That observation): I am not aware of any policy our company has about family spending the night. I know in a previous life we "rented" our model rooms at a daily rate for family visiting. It was great revenue (\$60-\$100). I wonder if we do something like this in our company?
 - Only in a couple of our buildings did we allow a family member to be in the house overnight. Last year only one person stayed overnight in the buildings we have. The family member could not perform any services or cares for their loved one as that was the staff's responsibility. Family member was aware of the fire evacuation route. We received permission from Activated POA for family member (adult only) to stay overnight due to hospice type situation. Family member slept in a vacant room or on the couch in the resident's room. Family member was with resident late at night and early in the morning. We have not made this an "open" offer to families, as there are more appropriate sleeping accommodations in town. In the few instances (two times) that have occurred in the last six years it has proven to be a good thing for that person to stay overnight.
 - We have had a family sleeping in our RCAC apartments. We had a Hospice supported resident/tenant and her family (daughter, granddaughters from Michigan) stay for days. We charged them for meals and assisted them as much as possible because they, working with Hospice and our staff, took on much of the services for the tenant/resident.
- In terms of our CBRF we have had no one stay overnight. There really isn't any place in the resident's room for anyone to stay. We have not had any vacant rooms to provide for an overnight stay. We have not had anyone ask to stay.

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JIM MURPHY'S COMMENTS AT THE 2003 WALA FALL SYMPOSIUM

NOTE: The following comments were part of Jim Murphy's presentation at the 2003 WALA Fall Symposium. WALA has received many requests for these comments so they could be shared with staff. Here they are, direct from BQA (but paraphrased by Jim).

As assisted living providers, you deal with real people in real situations 24/7 and in the real world people make mistakes. But it is my sad duty to give a quick list of some of the more difficult SODs (Statement of Deficiencies) that have come from assisted living in the last 18 months. While what I am about to read to you are the original public record SOD's and may have been revised or dropped later, please remember that this is what the surveyors see. Of course, this is only one version of the story and I did not contact the facilities to get another version. Because what is important is that when the Licensing Specialists (yes, that is their actual title) come into your building, they have all of these SODs — and worse — in the back of their head. Can they stay neutral after hearing these? Could you?

1. The facility had an odor, particularly bad in one area that smelled like sewer gas or rotten cabbage. The Licensing Specialist stated that it was "nauseating" and staff and residents complained of burning eyes and headaches from the smell, which had been present at varying degrees for **four** months.
2. A blind, profoundly retarded resident who is a non-swimmer had a near drowning experience while participating in a weekly swim. The resident was hospitalized for aspiration pneumonia and the physician gave orders to not allow the resident in more than four feet of water and to supervise with a staff person actually in the water. Six months later the same supervising caregiver sat in a chair reading and eating candy while the resident was in the pool. The resident sank to the bottom of the pool and a hook had to be used to get the resident out of the pool.
3. A resident developed a pressure ulcer that continued to worsen for 2-3 weeks. No medical attention was sought until the ulcer began to bleed. The hospital record indicates that there was purulent drainage and the Achilles tendon was ruptured. The resident had a below the knee amputation but expired.
4. The facility did not provide appropriate care for grooming of nails. After investigating the complaint, the resident's nails were found to be 2" long, thick and yellow and curling over.
5. The facility did not turn on the heat until October 13. Residents complained of the cold. On October 14, a resident room was 61 degrees. From September 13 to October 13 outside low temperatures ranged from 33 degrees to 49 degrees.
6. The facility has 15 residents and only one staff person at night. The one caregiver was expected to cook meals, clean the facility and care for the residents' needs, which cannot be completed. Two residents wander frequently and need redirecting. Three residents, whose care plans direct toileting every two hours, require the assist of two for transfer and thus are not toileted or are transferred unsafely.
7. An employee left residents in a van for 1½ hours while she watched a movie at a theatre 40 miles from the facility. During this time, one resident had a seizure and his body temperature had dropped to 96.9 degrees — the outside temperature was 26 degrees with a wind-chill of 15 degrees. The DOJ criminal background check had not been completed for the employee.
8. Facility had removed the outside landing and stairs from the 2nd floor when the building was re-sided. The stairs and landing were not replaced. Two years later a resident opened the door where the landing and stairs should have been. Even though there was a sign, the door was not locked. The resident fell to the ground and is paralyzed from the chest down.



10 REASONS TO INCREASE YOUR TRAINING BUDGET IN 2004 2004 WALA SEMINARS AND PROGRAMS

| DATE | TOPIC | LOCATION | COMMENTS |
|---------------|---|---|--|
| 1 Jan 21 & 22 | 2-day Administrators & Managers Intensive | Laureate Group in Waukesha — 40 max. | Mindy Manone, Kal Wenig, Joel Moyer, Char Everett |
| 2 Feb 18 | Buying & Selling | Laureate Group in Waukesha — 40 max. | Mike Collins |
| 3 March 23 | Pre-conference Event | Olympia, Oconomowoc | Networking by each license type: AFHs with focus on meds; CBRFs with focus on ISPs; RCAC Provider Forum with focus on risk agreement |
| 4 March 23-25 | 2004 Annual Conference | Olympia, Oconomowoc | WOW — too many choices! And even a dance! |
| 5 April | FISH | Wisconsin Dells | FISH was so successful, we are doing it again! |
| 6 May | Sales and Marketing: 3-day Intensive | TBA | Rae Schweer, Mari Jo Grace and others return for this successful event. Attend 1, 2 or all 3 days. |
| 7 May | Sales & Marketing — 2 weeks later — ½ or 1 day on what caregivers and managers need to know to work with — not against — the Sales & Marketing team | Follow-up in all five regions — just like the 2003 Fall Symposium — right in your backyard! | Designed for front line staff and caregivers. |
| 8 August | HIPPA | TBA | HIPPA cannot be ignored. Are you ready? |
| 9 September | Fall Symposium | All 5 BQA regions | Topic TBA. |
| 10 October | Advanced level Administrators and Managers | TBA | Mari Jo Grace, Cindy Senke, etc. WALA is helping develop a NATIONAL curriculum! |

For information on these programs, go to the WALA website, www.ewala.org or contact the WALA office at 608/288-0246.

ARE YOU A WALA MEMBER?

You may not be, and not even know it. For the last year, WALA has been sending mailings, Fax Blasts, and E-mail Blasts to non-members in the interest of promoting the benefits of WALA membership.

This benefit will be discontinued next month. Check out the mailing panel to see when your WALA membership expires— or if you ARE a member.

If you are a current WALA member, you will continue to receive all of the updates and newsletters that WALA mails out. If your membership has expired, please contact WALA to find out how your business can continue to enjoy the benefits of WALA membership.

Don't let this chance to receive the vital information WALA has provided you with in the past slip away! Stay connected and make sure you are the first to know about training programs, networking events, legislative climate, and regulation changes. Benefits don't stop there! Call our office to receive a no-obligation membership packet, and find out what you have been missing. You can't afford not to know what WALA members know.

Membership in this organization is indispensable!

Jim's Comments continued from page 14

- Licensee's son placed one Developmentally Disabled resident into a dog cage to punish him for having placed the dog in it earlier. Licensee's son also "stomped" on this resident's back for "messing with the dogs" and locked the resident outside in his boxer shorts when he didn't let the dog in. Another resident stated that the residents could not have anything to drink after 7:00 p.m. and that the licensee would use a bungee cord to lock them in their rooms at night.

So, I don't want to scare you — just to hear part of what is driving the changes at BQA. So do most of you provide good care most of the time to most of residents? Of course you do. But remember, in some cases, but for the grace of God — and a lot of luck — goes you.





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Wisconsin Assisted Living Association
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Madison, Wisconsin 53713-3120

608/288-0246
Fax: 608/288-0734
E-mail: info@ewala.org
Website: www.ewala.org

WALA Membership Valid To:

WALA CALENDAR OF EVENTS

| | | | |
|--|--|---|---|
| CALENDAR LISTINGS | WEDNESDAYS | JANUARY 27 | APRIL |
| Expanded to include regional meetings. Did you miss yours? Contact Chris Herb at WALA. | JANUARY 14 THROUGH FEBRUARY 4 Caregiving at Life's End Training and Support Program | Stevens Point/Portage County Network Contact Donna Warzynski 715/346-5534 (email: warzynskid@smhosp.org) | FISH: Creating a Better Way to Live at Work, Location TBA Wisconsin Dells, WI www.ewala.org for more info |
| 1ST TUESDAY OF EACH MONTH | 1:00-3:00 p.m., HospiceCare, Inc. | JANUARY 29 | MAY |
| Stoughton Senior Service Provider Group Location Varies Contact Gwen Zimmerman at 608/575-3045 | 5395 E. Cheryl Parkway, Madison Call the Alzheimer's Association at 232-3400 or 800/428-9280 to register. | North Central Assisted Living Association North Central Health Care Facility 1:30-3:00 p.m. | WALA's Sales & Marketing Intensive Location TBA www.ewala.org for more info |
| 3RD TUESDAY OF EACH MONTH | 3RD THURSDAY OF EACH MONTH | Contact Rose Boron 715/693-7146 (email: roseeboron@aol.com) for 2004 schedule. | MAY 5 - 8 |
| Community Care Alliance (Ft. Atkinson/Jefferson County) Contact Terri Brouchoud 608/279-0352 (email: tbrouchoud@extendicare.com) | 8:00 a.m.-10:00 a.m. Continuity of Care Meeting Braeburn Court, Madison Contact Donna Malaise 608/230-4504 | FEBRUARY 18 | ALFA Conference Hyatt Regency, Chicago, IL For information, go to the ALFA website, www.alfa.org |
| 3RD THURSDAY OF EACH MONTH | SATURDAYS, JANUARY 17 THROUGH 31 | Buying And Selling Assisted Living Facilities Oak Hill Terrace Training Center Waukesha, WI www.ewala.org for more info | AUGUST |
| LaCrosse Area Assisted Living Association Meeting Contact Marlene Grabon 608/787-1810 January meeting at Bethany Riverside in LaCrosse | ABC's of Alzheimer's & Dementia 9:30-11:45 a.m. Lake Edge United Church of Christ 4200 Buckeye Road, Madison Call the Alzheimer's Association at 232-3400 or 800/428-9280 to register. | MARCH 23 | HIPAA: Are you ready? Location TBA www.ewala.org for more info |
| 3RD TUESDAY OF EVERY OTHER MONTH | 2004 | 12:30-4:30 p.m. WALA Spring Conference — CBRF, RCAC, or AFH Provider Roundtable 5:00-8:00 p.m. Optional dinner and Rick Grimes of ALFA as speaker. Olympia Resort, Oconomowoc, WI www.ewala.org for more info | AUGUST 9 |
| Washington County Assisted Living Network Contact Jennifer Rayl 414/259-9820 for schedule of 2004 meetings. | JANUARY 8 | MARCH 24 | BQA's Assisted Living Provider Conference for Adult Day Care, Adult Family Homes, Community Based Residential Facilities, and Residential Care Apartment Complexes (Location TBA) 608/267-1438. |
| 2ND WEDNESDAY OF EACH MONTH | JANUARY 8 | North Central Assisted Living Association North Central Health Care Facility 1:30-3:00 p.m. | SEPTEMBER |
| Dane County Committee On Aging Contact Mary Nickelson 608/251-1010 | 8:30 a.m.-10:00 a.m. Walworth County CBRF Networking Meeting, Location Varies Contact Jean Duesterbeck at 262/275-6103 for schedule of 2004 meetings. | Contact Rose Boron 715/693-7146 (email: roseeboron@aol.com) for 2004 schedule. | WALA's 5th Annual Fall Symposium Regional (Location TBA) www.ewala.org for more info |
| 4TH WEDNESDAY OF EVERY MONTH | JANUARY 21 & 22 | MARCH 24 & 25 | OCTOBER |
| Sun Prairie Area Networking Meeting Location Varies Contact Mariah Ruhland 608/335-0218 (email: mkrhland@charter.net) | WALA's Administrators & Management Intensive Oak Hill Terrace Training Center Waukesha, WI www.ewala.org for more info | WALA Spring Conference Olympia Resort, Oconomowoc, WI www.ewala.org for more info | Advanced Administrators & Management Location TBA www.ewala.org for more info |