

Utah Commission on Aging
Minutes for October 24, 2006

Commission Member Attendees:	
TantaLisa Clayton	Utah Legal Services
William Cox	Rich County
Michael Deily (for David Sundwall)	Utah Department of Health
Tani Downing	Utah Department of Workforce Services
Michael Jones	Utah Department of Financial Institutions
Pat Jones	Utah House of Representatives
Norma Matheson	Honorary Chair
JoAnn Seghini	Midvale City
Rev. Robert Shrank	St. John's Lutheran Church
Scott Wright (for Anne Peterson)	University of Utah
Commission Members Unable to Attend:	
Allen Christensen	Utah Senate
Lisa-Michele Church	Utah Department of Human Services
Rob Ence	AARP
Leone Harwood	Utah Department of Transportation
Joette Langanese	Rural Health Management
Larry Marx	Taylorville Police Department
Kristie McMullin	Southwest Applied Technology College
Shauna O'Neil	Salt Lake County Aging Services
Jason Perry	Governor's Office of Economic Development
Anne Peterson	Osher Lifelong Learning Institute
Sara Sinclair	Sunshine Terrace Foundation
Michael Styles	Utah Office of Ethnic Affairs
Dr. David Sundwall	Utah Department of Health
Other Attendees:	
Lori Gawf	Utah Office of Public Guardian
Lynn Samsel	Coalition of Non-profits
Alan Ormsby	Utah Department of Aging and Adult Services
Marilyn Luptak	University of Utah
Angie Welling	Deseret Morning News
Dr. Mark Supiano	University of Utah
Grant Howarth	Community Nursing Services
Carole Rush	AARP representative to SLCO Aging Services Legislative Committee
Montenna Porter	Housing Authority of Salt Lake City
A. Grace Pural	SLCO Council on Aging
Polly Stewart	Utah Pride Center
David Turner	SLCO Aging Services
Janetta Williams	Utah Transit Authority

The meeting was called to order by Chair Norma Matheson.

The meeting will be taped according to the updated Open and Public Meetings Act.

The August 31, 2006 Minutes and current list of Special Committee and Work Group members were presented for approval. They were approved unanimously; however, there was not a quorum. They will be presented for approval at a future meeting.

Recommended 2007 Legislation Status

Maureen Henry presented the following status information.

- 1. Allow court to award attorneys' fees in civil elder abuse matters.** Sponsored by Sen. Lyle Hillyard. Health and Human Services Interim Committee passed the bill with a favorable recommendation at 10/18/06 meeting.
- 2. Revise the Personal Choice and Living Will Act.** Co-sponsored by Sen. Allen Christensen and Rep. Patricia Jones. Draft being circulated to and discussed with stakeholders, including ethics committee at LDS Hospital, UHA, UMA, UHCA, UHPCO, Utah State Bar Committee on Law and Aging, senior centers (10th East, Westside, and Sandy), Salt Lake County Aging Services. Discussions have already been held with Eagle Forum, St. Mark's Ethics Committee, Governor's HIPAA Preemption Task Force, and Palliative Physician Practice Group. Will present a bill to the Health and Human Services Interim Committee at the November meeting.
- 3. Increase the small estate affidavit exemption amount.** Sponsored by Rep. Ross Romero. Language of bill amended at the suggestion of the Commission to tie the exemption amount to the rate of inflation so that the bill does not have to be continually updated. Health and Human Services Interim Committee passed the bill with a favorable recommendation at 10/18/06 meeting.
- 4. Allow Transfer on Death Deeds for real property.** Sponsored by Rep. Patricia Jones. Initial draft provided to legislative counsel's office; research on tax implications is being conducted to respond to concerns expressed by some lawmakers. If tax implications are adequately addressed, will move forward with draft and request for consideration.

Recommendations of the Ad Hoc Legislative Committee

Maureen Henry presented the following information as an update on the work of the Legislative Ad Hoc Committee. This committee has met three times since the August 31, 2006 Commission on Aging meeting.

- 1. Medicaid Long-Term Care**
 - a. Bed Buy Back Proposal**

Dirk Anjewierden of the Utah Health Care Association (UHCA) presented a proposal under which the State of Utah would “buy back” the licenses for skilled beds from those who currently own those licenses, with the hope that the occupancy rate in licensed nursing facilities in Utah would increase from its current level of approximately 70% to a more viable 90%.

Many questions could not be answered, including whether the federal government would match the dollars spent by the state to buy licensed beds, how many facilities would participate (a plan to allow bed banking was not used as much as hoped), and what savings the state would see from this plan.

Because so many questions remain, the committee recommends that the Commission take no position on this proposal at this time.

b. Other Medicaid Issues

Three approaches to containing growth in Medicaid cost were discussed, including Pre- and Post-Admission Screening, Care Management for Chronic Disease Patients, and a Preferred Drug List.

The committee recommends that the Commission take no action on this issue until the Commission and the Department of Health discuss whether the two organizations will attempt to jointly address Long-Term Medicaid (discussions planned this month).

2. Property Tax Deferral for Seniors

Bryant Howe, at the request of the Revenue and Taxation Interim Committee, asked Commission staff to collect information about property tax deferral for seniors. The committee is considering expansion of existing tax deferral programs to eliminate the income limits and expand the program to property other than the primary residence.

In response, Lorna Koci spoke with officials from 5 counties about current programs and interest in an expanded program. She also conducted research on programs in other states.

Property tax deferral that results in a lien on the property was far and away the least popular of available programs. County officials indicated that they are able to accommodate requests for property tax relief under existing programs. At the same time, even if only a small fraction of individuals might take advantage of an expanded program, it could be an important safety net for those not eligible for other programs.

5. Adult Care Credit

The committee will consider tax credits for caregivers. Staff will locate Rep. David Litvak’s bill for consideration at the next meeting.

6. Moratorium on Licensing New Long-Term Care Beds

The committee discussed whether the Commission should make recommendations concerning the proposed moratorium on licensing new long-term care beds.

Many facilities have been opened in past years that are not eligible for Medicaid licenses, due to the moratorium that is already in place. These new facilities therefore take only Medicare and private pay residents. There is widespread concern that this has created a “have and have not” system, where higher paying Medicare and private pay residents are in one set of facilities, while the Medicaid population is isolated in other facilities that are struggling financially because they need the Medicare and private pay residents to stay afloat.

The other side argues that the moratorium will eliminate choice for consumers and protects those who are providing low-quality care from market forces.

The committee recommends that the Commission take no action on this issue at this time.

7. Ombudsman Program

In discussing the best ways to improve the quality of care in long-term care facilities, the committee recommended that we work with DHS to increase support for the Ombudsman program. This will be addressed at the next meeting of the committee.

Commission on Aging Renewal

Maureen Henry presented details regarding the proposal to move the commission on Aging to the University of Utah Center on Aging effective July 2007. This is at the suggestion of Governor Huntsman. The Center on Aging and Commission on Aging have very similar objectives and responsibilities, making this move one that could strengthen both entities. Executives at the University of Utah have approved the proposed addition to the University of Utah pending board approval and legislative approval of funding.

Items of discussion on this topic included:

- Assurance that Lisa-Michele Church was in agreement with this approach.
- Assurance that the support of the Governor’s Office would continue.
- Concern that state agencies are not funded to provided support for groups like the Commission on Aging. As an example, the Department of Workforce Services funds Commission on Aging work currently with federal funds. On-going demand for supporting the Commission on Aging is difficult. Agencies are in a situation where they are often having to do more work with less funding.
- The benefit to the Center on Aging of a move to the University of Utah. In reply to this, Dr. Mark Supiano shared the excitement felt on behalf of the University of Utah about the Commission on Aging moving to the University. This move would help the Center on Aging accelerate its mission to provide community service and community outreach. Norma Matheson shared concrete examples of synergistic work that is already being accomplished by the University of Utah and the Commission on Aging.

- The ideal linkages with the university's work on public policy

Attendees voted unanimously to support the proposal to renew the Commission on Aging and move it to the University of Utah. An e-mail vote will be taken due to lack of a quorum. This bill will be co-sponsored by Sen. Allen Christensen and Rep. Patricia Jones

Issues Facing Utah's Diverse Population

David Turner and Polly Stewart presented information about needs of gay, lesbian, and transgendered (LGBT) elders in Utah for consideration by the Commission on Aging. Their report is included at the end of this set of minutes. The presentation included the following information.

- Approximately 12,000 individuals in Salt Lake County would be considered LGBT
- These individuals are largely invisible to their communities and are reluctant to ask for help
- Many LGBT do not access long term care or even hospital care
- The Pride Center offers referral information to LGBT individuals
 - Open for 30 years
 - 20 Member board
 - Full time executive director, 1 LCSW, and staff
 - Provides a catalyst for acceptance and improvements in quality of life
 - Funded by membership, grants, and donations

The Commission on Aging meeting was adjourned and the meeting transitioned to the Town Meeting moderated by Pat Jones.

Town Meeting

- The following needs are being protected by Aging Services
 - Staying in one's home
 - Transportation
 - Fall prevention
 - Caregiver support
- Individuals have a lack of knowledge of services that are available
- Aging issues are not on the forefront in the legislature, the gender gap in the legislature contributes to this
- It may be helpful if seniors could spend more time with legislators
- It would be good to get away from the use of lobbyists; seniors can't compete with professional lobbyists giving them little representation
- It is critical to use individuals to talk to seniors who speak their language, literally and figuratively
- Developing trust with seniors is key to understanding them and working with them
- At some point everyone will realize that we all will age
- It is important to meet with legislators and establish rapport with them