

**ALASKA COMMISSION ON AGING  
QUARTERLY MEETING**

**September 19 - 20, 2023**

**Location**

Seward Senior Center, Seward, Alaska

**Commission Members:**

Bob Sivertsen, Chair  
Paula Pawlowski  
Bob Pawlowski  
Nona Safra  
Janet Engan  
Darlene Supplee  
Cynthia Lovel  
Pam Samash  
Director Anthony Newman  
Lisa Von Bargen – ex officio

**Guests:**

Stephanie Wheeler, LTCO  
Kristin Cox, SDS  
Louise Ryan, ACL Region 10  
Jim McCall, AHFC  
Priya Helweg, HSS Region 10  
Ellen Hackenmueller, SDS  
Brenda Shelden, Mat-Su Council on Aging  
Jeanne' Larson, MIO  
John Walker  
Director Duane Mayes, DOL&WD, DVR  
Dana Paperman  
Cecile Greenway, CMS  
Norix Mangual-Arbelo, DOR, PFC  
Keren Kelley, Homer Senior Citizens  
Lorraine Cordova, Mat-Su Council on Aging  
Lesley Thompson

**Staff**

Jon Haghayeghi, Executive Director  
Martin Lange, Program Coordinator II

**Tuesday, September 19, 2023**

**CALL TO ORDER – 9:00 a.m.**

**ROLL CALL**

**WELCOME FROM THE CHAIR**

Chair Sivertsen welcomed Commissioners to the meeting and read the mission of ACoA.

**ETHICS DISCLOSURES**

No conflicts of interest were declared.

**ADOPTION OF THE AGENDA**

Chair Sivertsen noted some minor adjustments to the agenda. Jan Engan **MOVED** to approve the agenda as amended, **SECONDED** by Nona Safra. Hearing no objection, the motion **PASSED**, and the agenda was approved as amended.

**APPROVAL OF PREVIOUS MEETING MINUTES**

Nona Safra **MOVED** to approve the minutes from the May 2023 meeting, **SECONDED** by Janet Engan. Hearing no objections nor further discussion, the motion **PASSED**, and the minutes were approved as presented.

**CHAIR'S REPORT**

Chair Sivertsen welcomed Commissioners and partners to the meeting. He reported that the Senior Plan has taken up the majority of the Commission's time over the past year, but they are at the point of taking it across the finish line. The grants through SDS will be an important metric to help the Commission gauge the success of the goals and objectives in the State Plan. He stated that the use of technology helped to increase the data they received, and it was able to be broken down into information they could utilize in their plan. The data collected also showed that there were deficiencies in the outreach to rural and remote communities. Through the discussions of the Commission and looking at past practices, the Commission recognizes that there is a need to increase the outreach to those areas. This will require more travel and in-person contact to build support and partnerships for future surveys and information.

Chair Sivertsen stated that one lesson learned during recent outreach to Utqiagvik is that even with prior contact and scheduling, they need to be aware that priorities changes with the seasons. Even with advanced planning, they need to be flexible that plans change in the community. The remote hubs are where the Commission will be able to gather the most information, and through those hub contacts, they will be able to make contacts into the smaller, remote communities that utilize the hubs for services.

Other highlights include:

- Providing information for the sunset audit.
- Working with staff and SDS to better understand the Aspire system to get the first evaluation of the ED in on time. The Commission is very pleased with the performance of the director and staff.
- For the future, the Commission will need to focus on new legislation, look for new funding opportunities, and work to get the data to justify the growing needs of the

state. The Commission needs collaboration between local, state, federal, and tribal stakeholders supporting seniors in Alaska.

- The Commission needs to understand the budget needs and narrow their focus and duties as a commission.
- ACoA needs to work with the Administration on Community Living (ACL) and other states to better understand how they deal with similar concerns.
- ACoA needs to be more knowledgeable about the working of SDS and support SDS's mission where they can.
- Continue to partner with the Alaska Mental Health Trust Authority, Department of Labor and Workforce Development, AARP, and others to get the needed data to support seniors with their many issues.

Chair Sivertsen thanked everyone for helping him as the chair in trying to focus the Commission into the areas of priority. He also thanked their partners and appreciated the collaboration. He introduced Louise Ryan from ACL Region 10, and he noted that he would like to review the State Plans from the other states within Region 10 to ensure they are all in line.

### **VICE-CHAIR REPORT**

Paula Pawlowski stated that this year has been a flurry of activity and has taken more attention than any other year she has served on this board. Activities have included the executive director hiring process, the State Plan, the audit, and the general duties of the board including creating a new path forward for the Commission. This has been the opportune time to examine what they have done in the past, how that affects the future, and what they want to do going forward that affects the future of seniors in Alaska. She is very pleased with the progress they have made.

Paula Pawlowski stated that one of the duties of the vice chair is the bylaws and standing rules, suggested changes to which have been included in the board packet.

Other highlights:

- Legislative priorities for the upcoming session, and she would appreciate any suggestions from Commissioners. She believes that one of their legislative priorities will be the sunset clause and the continuation of the Commission.
- Advocacy Day for the Commission and partners. AARP and AgeNet agree that October 30<sup>th</sup> would be a good day for a two-hour teleconference.
- Looking forward to the development of a podcast.

### **EXECUTIVE DIRECTOR UPDATE**

Jon Haghayeghi shared that he has been with the Commission for about a year-and-a-half, and he reported the following updates:

#### **Strategic Planning and Policy Implementation**

- Focused on the State Plan for Senior Services.
- Submitted the State Plan by June 30<sup>th</sup> and received feedback. Worked diligently with Director Newman, Chair Sivertsen, and Ellen Hackenmueller to provide clarification. Optimistic they will get the final signatures by the end of the month.

### Team Development:

- New program coordinator – Marty Lange. His scope of responsibilities has expanded. The purview is statewide, and the initiatives are large.
- Marty Lange has been very effective in rural outreach, and he has unique skills they will be able to leverage, such as the podcast, which will allow ACoA to leverage the radio stations as well as online audio communication to get information circulated. The goal is to have 10 podcasts produced in order to set a regular schedule. Each podcast will be focused on a different topic that relates to senior issues. They will also be going on the Department of Labor & Workforce Development's (DOL&WD) podcast to provide education regarding what is available to seniors.

### Stakeholder Engagement

- Attended several meetings to engage with partners statewide:
  - Presentation to AARP regarding completion of the State Plan
  - Presentation to the Trust at a quarterly meeting.

### Budget

- Produced documents for the Trust, and coordinated with Nicole to determine the designated line item amounts.
- Worked with Chair Sivertsen, Nicole, and Director Newman to review the quarter one budget update and reviewed the travel budget.

### Outreach

- Held a statewide teleconference focused on an expert working with providers statewide trying to get an understanding of the providers' needs. The findings from the teleconference have been summarized in the meeting packet. Teleconference was very beneficial but they had issues with a lack of representation from the parts of the state that also were not represented in the Senior Survey. One way to get the information they need from these regions will be to go in person. They also plan to leverage telephone surveys.

### Audit and Compliance

- Jon has been dealing with the audit and receives in-depth questions a couple days a week. They are responding to all the audit requests as they come in, and the auditors have been great to work with. Jon appreciates Chair Sivertsen and Paula Pawlowski's help through the audit process.

### Labor and Workforce Development

- Looking to incorporate more workforce development as it pertains to seniors. Met with DVR Director Duane Mayes and Rita Gray to discuss the role of seniors and helping address the labor shortage issues in Alaska.
- One of the audit questions related to meeting their mandates in the statute, and they may look at the inclusion of the DOL&WD and possibly including a Title VI representative to be additional commissioners.

## Strategic Planning and Policy Coordination

- Working with the Trust on the Comprehensive Integrated Mental Health Program Plan (Comp Plan). The Comp Plan is the collection and analysis of several initiatives that are being made across the state and is a requirement of the lawsuit that created the Trust. They are currently looking to determine where there is overlap in the 173 strategies that are identified in the Comp Plan and comparing those with the objectives that ACoA has in their State Plan. ACoA has also been delegated to review the 10-year Alzheimer's Disease and Related Dementia (ADRD) plan.

Director Newman asked if there is a timeline for the results of the audit. Jon Haghayeghi believes it will go before the legislature this session, but he doesn't know the timeline.

Director Newman asked if ACoA has gotten any sense from the Governor's office about the sunrise legislation that is needed to keep the Commission going. Paula Pawlowski stated that they have been told the recommendation from Legislative Audit will go through the legislative process, but she is unsure at what point they will make a recommendation to sunset or extend the Commission. They have been advised to have a couple of legislators on board ready to propose legislation in the event the recommendation is to sunset the board. She stated that the Commission will make this one of their priorities, they will talk to all their partners, and they will try to have some legislators prepared to advocate for them as well as to extend the time period to 10 years instead of four.

## **RURAL OUTREACH SPECIALIST UPDATE**

Marty Lange reported the following updates:

### Visit to Utqiagvik and Wainwright

- Again, planning needs to be flexible when traveling to remote Alaska because plans can change depending on what is happening in the community.
- Building relationships is very important in doing outreach to rural communities.
- Communities get only one barge per year, which was very eye opening.
- Groceries were extremely expensive.
- Some communities are still using honey buckets.
- There is not enough housing, and the housing that exists is incredibly expensive.
- Building a house on the permafrost requires a lot of time, and the building season is approximately three-and-a-half months.
- Transportation is affected by weather.
- Travel for healthcare in the villages is expensive because they have to fly into a hub.
- Internet is available, but a recently severed Internet cable stopped all phone and Internet service. Starlink was available, and people switched to Starlink.
- Very difficult to repair things that are broken.
- Will continue to build relationships in rural Alaska, and the plan is to focus on the hubs of Nome, Kotzebue, Bethel, and Utqiagvik because they outreach to the rural villages.

## Promotion

- Accepted the position as project coordinator II, which adds more responsibilities. Marty is able to now leverage his last 30 years of experience working in communications and training.
- Working on the podcast, and he has selected 30 episode topics. He would like feedback from Commissioners on the list he has chosen to start with to assist him in prioritizing those. After five episodes have been created, he will examine the length of time needed to produce each episode so they can create a regular schedule.
- He would also like Commissioners' feedback on creating a name for the podcast.
- Marty was able to find a previously used matrix for following up on the progress of the State Plan. Monthly he and Jon Haghayeghi will look at one of the seven goals of the plan and will determine how things are going to get some live data back in so they can measure the progress they are making.
- Other duties include:
  - Keeping the website up to date
  - Public noticing
  - Preparing for meetings
  - Communicating with Commissioners
  - Fielding phone calls from constituents. Thank you to the Older Persons Action Group that published the Directory of Senior Services. Marty utilizes it regularly to make referrals to resources. Jon Haghayeghi noted that Marty will also contact providers directly and make a warm handoff for constituents that call ACoA.

Jan Engan requested that Marty list the tentative podcast topics. Marty noted that he inadvertently left that list home, but shared some of the topics he was pondering:

- Who is the Alaska Commission on Aging, and what do they do?
- What is the ADRC, and how do I reach them?
- What are personal care services and how to access them?
- How do I express my opinion to the legislature step by step?
- Fall prevention
- Guardianship and power of attorney
- The Internet/Affordable Connectivity Program
- SB 57 and Older American's Act
- Paying a relative to care for you
- Wills, what they do and why have one
- Nutrition and exercise for seniors
- Elder abuse, what is it and who to call
- Social Security payments, how to file and the video assistance that the Social Security office is offering in Kodiak, Utqiagvik, Bethel, and others.
- What is Medicare?
- What is Medicaid, and who is it for?
- The Senior Benefits Program

Chair Sivertsen suggested the podcast name could be indigenous. He also expanded on the trip to Utqiagvik by stating that the borough has resources from oil money, which

is able to provide funding for services that many other parts of Alaska cannot. There was a new housing development built in Utqiagvik as housing is multigenerational in single dwellings. They also saw many dilapidated structures in the region.

The Senior Center in Utqiagvik had a double oven with one that has been out of order for over six months because they can't get the part or someone to install it. The new director for the Senior Center has a very positive attitude. The borough has taken on the responsibility for six senior centers in outlying communities, but the maintenance person and the director have no idea of the condition of those senior centers. One of the communities lost their school to a fire, so the school is now at the senior center.

Chair Sivertsen stated that the remoteness and the lack of resources was very evident. People do with what they have, and people may have to wait for needed services. He noted that they had two grocery stores, the main one that was very expensive, and a smaller one that was less expensive. He was surprised by the number of restaurants and the quality of the offerings. The region also has a lack of workforce, and they may have to turn qualified applicants away due to blemishes on their records. They may also have to turn away people who apply for assisted living because of failed background checks.

Bob Pawlowski stated that a fundamental point is that Utqiagvik has money and natural gas, and they are actually subsidized by North Slope revenue. The coast of the Bering Sea and Aleutians are subsidized by a community development quota program. There are communities that have money, and there are a significant series of outliers that do not have the subsidies. They depend totally on the state and the federal government. He noted that Utqiagvik is expensive, but they have money; Dillingham is expensive, but they don't have money. Chair Sivertsen also noted the heating fuel subsidy available in Utqiagvik, which makes it more affordable for people to live there.

Director Newman asked if Marty Lange had any thoughts on future projects. Marty stated that he would like to go out to visit Bethel, Unalaska, Kotzebue, and either Gambell, King Salmon, or Valdez within this fiscal year.

Director Newman asked for the top three things the group came away feeling like seniors in the North Slope region needed. The team shared:

- Help with retirement planning
- Help with getting appointments made with Social Security (Wainwright)
- More care coordinators available for rural Alaska
- Lack of home and community-based services
- Need for coordination between the various layers of government in rural Alaska
- Government expects people to be able to do everything online, and rural Alaska is not online
- Outmigration of youth hurts the elders' ability to reach out to family members for help.

Bob Pawlowski shared that the school or any community center that has computer capability is often a hub for grandparents and children to bond over computer usage.

He also remarked that they can visit non-hub communities that have senior housing provided by AHFC or senior centers.

Nona Safra stated that there are areas of the Kenai Peninsula that don't have good Internet, and they also have people who do not use e-mail or credit cards. Without those things, doing business online with the state or federal government is impossible. It's not just rural Alaska, it's also in the more populated areas of the state. They need to be mindful of advocating for this population of people who do not want to use the technology. Chair Sivertsen noted that there are also language barriers in some of the rural communities.

Pam Samash sees outmigration of youth as a problem for the rural communities. She wondered if it would be appropriate for ACoA to advocate for funding for a basketball court or a skate park to help young people stay in their communities longer. Chair Sivertsen noted that youth are leaving communities in search of better opportunities such as jobs and education. Rural communities lack an economy, which appeals to some, but others are interested in more.

### **RECOMMENDATIONS TO THE GOVERNOR, LEGISLATURE, AND STATUTES**

Paula Pawlowski stated that the audit questions showed the importance of communicating with the Office of the Governor and making statutory and legislative recommendations. She noted that a lot of things are out of the Commission's control, such as the current administration as well as appointments made by Boards and Commissions.

Paula stated that she and Chair Sivertsen have been collaborating on a letter to the Governor. She stated that she also hopes the Office of the Governor takes notice and participates when ACoA begins to roll out the statewide teleconferences.

Chair Sivertsen stated that they will be introducing the new State Plan to the Governor, and they will relay information they discovered during their outreach across the state. They will continue to work with the legislature and the Governor, within their budget, to the best interest of the seniors in Alaska. It's important for the Governor to understand the ramifications of what is happening with the growing population of seniors in Alaska. Paula Pawlowski noted that the intent of the Office of the Governor is to help seniors, but this focus can easily be overshadowed by other issues within the state. The Commission needs to focus on being better advocates when they advise the State. The current members of the Commission are very much unified in pushing senior issues forward.

Jon Haghayeghi stated that after going through the audit, he noted that there will be more opportunities this coming session to transmit letters of support regarding specific bills, and staff will document these activities.

Jon also remarked on one of the audit questions regarding AS 44.29.790(a)(7) related to ACoA's relationship to AHFC and states that the Commission is to give assistance, upon request, to the senior housing office and AHFC in administration of the Senior Housing Loan Program and in the performance of the office's other duties. He stated



that ACoA hasn't done this in 20 years, so there is an opportunity for the Commission to make concrete recommendations as they pertain to their statutes.

Jon further added that once the Commission does Advocacy Day and the Lunch & Learn, they will have the opportunity to meet with AARP and AgeNet to figure out the true asks and ensure they are transmitted to the Governor and the legislature. This will be documented so they are able to show that they met the mandates of their statutes. They should also determine what is no longer relevant in their statutes. Jon feels that the teleconferences will give them information that will guide recommendations they pass forward to the legislature and Governor in future years.

Bob Pawlowski stated that since September 1, Alaska North Slope crude oil has been over \$90 a barrel. Between the State Plan and the audit, the importance of having specific asks to correct deficiencies over the last years in the senior programs is going to be critical because there will be many demands for the additional revenues coming into the state.

### **DISCUSSION OF REVISED STATUTES**

Janet Engan stated that she researched ACoA's statutes. AS 47.45 is the old statute, and the new statutes start with AS 44.29.750, which came about after the bifurcation of the Department of Health and Social Services. These new statutes were to become effective July 1, 2023 by Executive Order 121, Section 123. She compared the new statutes to the old statutes to determine if there were any changes, which she did find and suggested the Commission review and address.

Jan highlighted the following differences between the statutes:

#### **Sec. 44.29.750**

- Alaska Commission on Aging established in the Department of Health, members of the Commission include the commissioner of Health or the commissioner's designee, the commissioner of Commerce, Community, and Economic Development or designee, and a senior service provider, regardless of age, appointed by the Governor. The only change noted is that a person from the Pioneer Homes Advisory Board is also a member of the Commission.
- No. 5 is seven persons selected on the basis of their knowledge and demonstrated interest in concerns of older Alaskans appointed by the Governor in accordance of Section (B) of this section, which references the Older American's Act (OAA): Senior citizens organizations, names of persons who are qualified for and interested in serving on the Commission. The Governor shall appoint members to the Commission under (a)(5). Appointment shall be made by the Governor to assure representation of low-income persons and minorities and representation from rural and urban areas of the state and to secure statewide geographical representation to the Commission. At least six of the persons appointed by the Governor shall be 60 years of age or older, and at least two of these persons shall be 65 years of age or older. Each shall be a resident of the state. Jan's recommendation is that they compare this to the OAA and see what they can do to become more in compliance with the OAA.

- Sunset clause. Jan doesn't believe the sun will ever set on the need for a Commission on Aging as long as it remains in the OAA and the choice is to receive money under Title III. She doesn't know what would happen if the legislature were to say that they will not have a Commission on Aging. Among discussion between Commissioners and guests, it was noted that they don't need legislative approval to accept those Title III funds, and furthermore, it is highly unlikely the legislature would sunset the Commission.

#### AS 44.29.760

- Meetings and officers. Sections (b) and (c) are both new. (b) states that a majority of the members of the Commission constitutes a quorum for conducting business and exercising the power of the Commission. This is something they have already been doing, but the language is new to the statutes. (c) states that the Commission shall elect one of its members as chairperson and may select other officers as it considers necessary.

#### AS 44.29.770

- Compensation. The only change is a reference to the per diem and travel allowance authorized for boards and commissions, and they reference AS 39.20.180. This is a new addition.

#### AS 44.29.780

- Executive director. Wording was added to this section but largely remains the same. The executive director of the Commission shall formulate and submit to the department a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and present that plan to the Commission.

#### AS 44.29.790

- Powers, duties, limitations. This is largely the same as the old statute with the exception that they deleted two of the "shalls," and they renumbered another. One of the deletions is "The Commission shall, with the approval of the commissioner of Health and Social Services, set policy for the administration of federal programs, subject to state control, provided under 42 USC 3001-3058 ee, Older American's Act as amended. Jan would like to see some kind of wording inserted into the new statutes that reference the OAA, because that reference has been taken out. There is language in the OAA Section 306(a)(6)(D) that could be utilized. This section of the OAA outlays the establishment of an advisory council and expands on the composition of membership, which is different from what is in Alaska statute. It also outlines the purpose as to continually advise the Area Agency on Aging, and Alaska does not have an Area Agency on Aging. Alaska is a single state unit on aging, which carries a workload that is identified in the OAA for the Area Agency on Aging.
- Another deletion is, "The Commission shall, with approval of the commissioner of Health and Social Services, set policy for the administration of state programs provided under AS 47.65.010." This is something Jan believes the Commission needs to look at.
- In the old AS 47.45.240, they removed (7) and (8), and Jan recommended that they put some wording in this section that identifies the OAA. There were

changes made to sections (9) and (10) when they were moved up to replace the deleted sections. Section (9) references AHFC, and that remains the same, but they did update a reference to AS 18.56.170 and AS 18.56.700. In (10), they made some changes to “Provide to the Alaska Mental Health Trust Authority, for its review and consideration, recommendations concerning the Comprehensive Mental Health Program Plan for persons who are described in Section (d) for this section, and use the money in the Mental Health Trust settlement income account in a manner consistent with regulations adopted in...” and in the old statute it was AS 47.30.031 and it has been changed to AS 44.25.240. Jan noted that she had some questions with that statute because that’s where it talks about how the funding that SDS gets is distributed. It talks about the appropriations for service programs and how the appropriations from allocations are determined. She would like to know if that is just state money they are referencing or if they are also referencing the OAA funding including the match. To her, that goes back to the work the Commission did on the funding formula.

- In a different part of that same statute, it seems to address pilot projects. As they look at the increasing aging population and the ability for the legislature to appropriate 40 percent of the money annually for pilot projects, Jan believes they need to know more about that and how that could impact the State Plan, and they need to do more studying of items under AS 44.29.790 and take a look at Section (8).
- Under (b)(9), they changed the words “to set standards for levels of services for older Alaskans for programs administered by the Commission” to “may recommend standards for levels of services for older Alaskans for programs administered by the department.” Darlene Supplee noted that the old statute specifies “programs administered by the Commission,” and she wondered what programs the Commission administered. Jan thought it was interesting because they are in the section that details the duties and responsibilities of the Commission, and she found information that details how dollars will be spent and used, which she believes impacts how they develop their funding formula.

Pam Samash referenced a documentary called “The Blue Zone,” which focused on people living vibrant, active lives to 100 and beyond in the world. Pam believes this should be in the statutes because they are what people need to live long and happy lives. Blue Zone standards include:

- Togetherness, family, social, and community
- Exercise, preferably stairs
- Eat Mediterranean food
- Drink red wine
- Laughter
- Preventative healthcare.

Pam reiterated that funding should be directed to these bullet points for all senior living situations and should be included in the statutes. Chair Sivertsen noted that this might not rise to a consideration in the statutes, but they are things that the Commission can continue to work on and could be a podcast issue and a resource that can be made available. He also noted that to engage in these recommendations is an individual

choice, and not everyone chooses to participate in these activities. He appreciates Pam's passion and believes this an issue the Commission can discuss and promote.

Chair Sivertsen remarked to Louise Ryan that when the Commission gets the directives from the Biden/Harris administration that are brought forth through the Senior Plan, those are required standards, and the Commission can then provide recommendations to the state and focus on those required standards. Louise Ryan agreed that there is an extra emphasis on service equity through the Biden/Harris directives, which are already included in the OAA. With regards to things like funding, the OAA has some standards around funds for congregate nutrition or home delivered meals. Those can only be used for that purpose. Titles III, VI, and VII, regardless of what might be in state statute, are very targeted, directed funds and can't be used for other purposes. She is unsure what the 40 percent for pilot projects refers to in Alaska's statutes.

Jan Engan recommended that the Commission set up an ad hoc committee and work with SDS to further explore the questions identified in the statutes.

Bob Pawlowski asked for a copy of all of the changes in writing so Commissioners can review them. He volunteered to join an ad hoc committee to review the statutes. He also asked when they plan to draft language to change the statutes. Director Newman remarked that right now the Commission needs legislation to be continued past its sunset date, and to his knowledge, they have not reached the legislative drafting stage yet. There is potential to include language changes within such a bill. He cautioned that they need to be very careful proposing to change statutes that may not be perfect but aren't necessarily broken. Something that the ad hoc committee, with SDS's participation, may want to consider is, are these things something they can live with versus something that really needs to be fixed. When something is opened up for legislative discussion, there is no telling what the repercussions might be.

Director Newman congratulated Jan Engan on her impressive review of the statutes.

## **DISCUSSION OF REVISED POLICIES & PROCEDURES AND BYLAWS**

### **Bylaws**

Paula Pawlowski directed members of the Commission to the amended bylaws included in the Commission meeting packet. She stated that the changes made to the bylaws reflect the current practices of the Commission. She noted that items in red are portions that are crossed out, and the proposed language is in green along with a rationale for the change. The bylaws went out to the public for 60 days, and the one comment that was received was that it was easy to follow, and the rationale made sense.

Paula Pawlowski **MOVED** that the Commission accept the proposed bylaws as of September 19, 2023, **SECONDED** by Nona Safra.

Jan Engan referenced page 1 of the bylaws, Purpose, Section 1. The reference to the statute needs to be updated as well as any other place statutes are referenced. She recommended they verify that all of the references to statutes are correct before they approve them. Paula Pawlowski stated that this issue, as well as grammar and typographical issues, can be done without a change to intent after a vote is taken.

Hearing no further discussion, the motion **PASSED**. An ad hoc committee will review and change any miscellaneous errors to content.

### Policies and Procedures

Paula Pawlowski directed members of the Commission to the Operating Procedures Manual. This manual describes the day-to-day work of the Commission and is an internal document. As they have been going through the events of the year, including executive director recruitment and the bifurcation of the department, they discovered that nowhere in the office was there a manual of the executive director's duties.

This document also went out for public comment, even though it is an internal document. She directed members to the Planning Committee section and noted an amendment in Section 10 recommended by the public. It was recommended to add "and other departments overseeing Alaska's senior issues" after the reference to the Alaska Mental Health Trust Authority. Commissioners were in agreement to the addition. The public offered no other recommendations.

Paula Pawlowski **MOVED** adopt the Operating Procedures Manual as amended, **SECONDED** by Nona Safra. Hearing no further discussion, the motion **PASSED**.

Paula Pawlowski directed members of the Commission to the section on election of officers and noted that this typically takes place at the September meeting. The next quarterly meeting is in December of this year. Both her and Chair Sivertsen's terms will be up. Chair Sivertsen has served eight years and will no longer be able to serve on this commission. Paula has served four, and she has decided not to reup for another four years because she has already served 14 years. She feels very confident in the current commissioners and with the current staffing and no longer feels that she needs to stay. The Commissioners need to start thinking about who they want to forward for chair and vice chair as well as who is in charge of what committees. She recommended Jan Engan consider being the bylaws chair.

Discussion ensued on the service of Chair Sivertsen and whether four of his eight years of service were as the Pioneer Home Advisory Board representative. Chair Sivertsen noted that he will look into this further. Paula Pawlowski noted that Boards and Commissions is also unsure of Commissioners' status.

Director Newman referenced the section on the election of officers and noted that the term "fiscal calendar year" is used. In the bylaws, the word "fiscal" was stricken to ensure they reflected calendar. He questioned whether it was supposed to be fiscal or calendar year. Paula Pawlowski noted that the intent is to be calendar year.

### **PRESENTATION OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT WEBSITE – Grace Beaujean**

Grace Beaujean from the Division of Community and Regional Affairs appeared before the Commission to present on the DCCED Community Database Online. The newest iteration of this website has been live for going on four years and is ever evolving. She stated that their mandate is to provide and assist local governments while collecting and publishing information on them for local capacity.

Grace shared her screen and led Commissioners through a review of the site's features such as:

- The multiple locations for the search bar to search communities or datasets.
- Ability to look at the map view or the table view.
- High-level overview of communities.
- StoryMaps link – high-level overview of all of the communities. Includes such information as population demographics, GIS information, weather, census information, education, transportation, elected officials, precincts, healthcare facilities, utilities, and many others.
- Anything available on the StoryMaps is downloadable data.

Cynthia Lovel loves the way the website is organized. She wondered if there is a way the user can tell whether a community opted not to share data or if there was just no data available and how often the website is updated. Grace stated that “no data” means that the division does not have the information for that community, whether it exists or not. They have an update schedule that is variable depending on the dataset, and it depends on when the authoritative sources update their information. They have been trying to indicate the date last updated on the website datasets. The downloadable datasets have an “As of date” as well. If people are interested in the specifics of whether or not a community is participating versus the data isn't available, they are welcome to contact the office directly.

Director Newman asked where they are getting the information about health facilities. Grace stated that they receive it from the Safety Net Directory the Department of Health (DOH) maintains. Director Newman stated that he is going to reach out to the person from DOH who is working on this data because on the examples they were shown today, it didn't look like there were any SDS certified entities on there when there should be. Grace will get that contact information to Marty Lange for him to share with the Commission.

Paula Pawlowski pointed out how rich the data is on this site. As the Commission visits locations throughout the state, they can access this site for education beforehand, and after the visit, they can share their observations with Lisa Von Barga. Grace noted that the Division welcomes the feedback.

Commissioners were overall very impressed with the website.

### **DISCUSSION ON TELECONFERENCE OUTCOMES AND GUIDANCE**

Jon Haghayeghi reported that ACoA held the first teleconference which will continue to occur on a quarterly basis with a new topic at each. They are hoping for a good representation of providers and the public from across the state. The concept for the teleconferences is to provide a platform for Commissioners to make more informed decisions and have a more informed understanding of senior issues statewide. They didn't have the statewide representation they were hoping for at the first meeting, but they did have good regional representation.

#### **Mat-Su/Kenai Issues:**

- Nutrition:

- Employee recruitment and retention
- Cost of food
- Inflation
- Gas costs to deliver home-delivered meals
- Increased utility expenses
- COVID impacts – seniors still cautious and slow to return to congregate meals
- Growth in the number of seniors needing food in the region.
- Budget constraints for services:
  - Insufficient funds
  - Inflation
  - Concerns over loss of ARPA funding has providers unsure how to bridge the gap this next fiscal year
  - Declining donations and lower community contributions
  - Fundraising events have slowed down significantly.
- Transportation:
  - People are traveling long distances for vouchers
  - Limited capacity
  - Needs outweigh availability
  - Access to transportation – people need to book transportation for medical appointments and groceries weeks in advance.
- Support services:
  - First point of contact needs.

Pam Samash shared concerns she heard in the Mat-Su regarding the Kroger/Safeway merger noting that Fred Meyer does not accept VA prescription insurance.

#### Potential Solutions for Mat-Su/Kenai Region:

- Providing housing for employees to stabilize the workforce
- Find a way to negotiate food costs
- Innovative farming techniques to lower food costs
- Reevaluating NTS grant ties – exploring why OAA grants are tied to Medicaid and get clarification on other funding avenues.
- Bus line transportation
- United We Ride program
- Infrastructure bill funds
- Volunteer mileage reimbursement programs.

#### Kodiak Issues:

- Nutrition:
  - Irregular food supply
  - High meal costs
- Transportation and information gaps.

#### Potential Solutions for Kodiak Region:

- Sourcing more food locally
- Seeking funding at the community level

- Having more hubs for information to be disseminated among seniors.

#### Fairbanks Issues:

- Impacts of the climate in the winter making it difficult for seniors to leave their homes
- High energy costs
- Limited healthcare facilities.

#### Potential Solutions for Fairbanks Region:

- Improving infrastructure to be more weather resilient
- Providing energy subsidies
- Improving telehealth services.

#### Anchorage Issues:

- High cost of living
- Limited public transportation
- Social isolation.

#### Potential Solutions for Anchorage:

- Housing subsidies
- Enhanced public transportation
- Establishing more community centers that can help combat isolation.

#### Common Threads Between Regions:

- Widespread nutritional challenges across all the regions represented.
  - High food costs – logistics with delivering the food
  - Employee retention.
- Transportation is a critical challenge across the regions in terms of availability and cost.
- Resources – finding human resources is a statewide bottleneck.
- Differences in each region that can't be ignored. Challenges they face are unique and are based on a variety of factors.

#### Potential Recommendations Inclusive of These Regions:

- Collaborative sourcing in terms of nutrition. Bulk order food to save costs and streamline access. Collaborate with local farms.
- Tailored funding approaches, reevaluate the way funds are allocated to address the unique needs in each geographic region.
- Inter-region transit systems and collaboration.
- Improve infrastructure and funding for transportation.
- Unified support platforms to have a first point of contact to streamline how individuals obtain needed information.
- Community collaboration with local partners.
- Regional coordination – centralized task force for policy standardization and resource allocation.
- Data-driven decision making. Implementing the robust data analytics to continually monitor the effectiveness of implemented solutions to guide future strategies.



Jon Haghayeghi stated that the information learned from this teleconference gives the Commission a lot to think about. This will be particularly informative for Advocacy Day and the Lunch & Learn. They were able to see that some of the issues faced across the state are the same; and some of the issues are very different. The next teleconference is going to be on housing.

Cynthia Lovel remarked that she thought the teleconference was extremely successful, and she enjoyed taking part in it. She offered the suggestion that participants needed more time in the breakout rooms in order to offer everyone time to participate and have their voices heard.

Director Newman noted that attendance wasn't as big as they wanted it to be, and he suggested they take full advantage of SDS's communication tools such as the eAlert. Jon noted that they used the eAlert system and notified 50 providers who are listed as receiving OA funds for themselves or on behalf of others.

Director Newman asked about the remark about OAA funding being tied to Medicaid funding and asked for further information about that. Jon noted that he would have to go back and look at the transcript of the teleconference. Jan Engan suggested that this might be tied to Senior Center meals and the differences of who is on a Medicaid waiver and who is not.

### **PUBLIC COMMENT**

Public comment was heard, and a full transcript was prepared.

### **OLDER AMERICANS ACT GRANT FUNDING – Ellen Hackenmueller**

Ellen Hackenmueller presented to the Commission as follows:

#### **Older Americans Act Grant Programs**

- SDS receives approximately \$7M in OAA funding for Title III and Title VII programs.
- Title III funds support three grant programs:
  - Nutrition, Transportation, and Support
  - National Family Caregiver Support
  - Health Promotion and Disease Prevention
- Title VII funds support the Long-Term Care Ombudsman Program.
- SDS also received Title III ARPA funding that expires September 2024. FY24 ARPA funding is roughly \$2.7M distributed to grantees.

Jan Engan noted that Title VII also includes Adult Protective Services, and she wanted to know if that should be included up there. Ellen stated that she will double check and make a correction if needed.

Director Newman asked if the ARPA funds that are going to expire in September 2024 will be officially cut off in July, which is the end of the state fiscal year. Ellen stated that they incorporated the entire balance of the ARPA funding in the FY24 awards which expire for providers June 30<sup>th</sup>, 2024. That is the cutoff date that has been given to the

grantee agencies to allow the state to carry out their administrative duties in the following 90 days.

Jan Engan asked if there were specific constraints on which providers could spend the money on. Ellen stated that the ARPA funding can be spent on all of the same things that the regular Title III OAA award funding can be spent on.

#### Nutrition, Transportation, and Support Program Goals

- Reduce hunger, food insecurity and malnutrition of older adults
- Promote socialization of older individuals
- Promote the health and well-being of older people
- Assist them in gaining access to nutrition, transportation, and other support services
- Delay the onset of adverse health conditions resulting from poor nutritional health or sedentary behavior
- Forestall costly medical and institutional care allowing seniors to safely age in place.

#### Nutrition, Transportation, and Support Target Populations

- Low-income older adults
- Minority older individuals
- Older adults in rural communities
- Older individuals with limited English proficiency
- Older adults at risk of institutional care.

#### Nutrition, Transportation, and Support Services

- Congregate and home-delivered meals
- Nutrition education and counseling
- Assisted and unassisted transportation
- Homemaker
- Information and assistance and outreach
- Other Services:
  - Individual and group socialization including access to technology
  - Consumable supplies including emergency, safety, and engagement kits
- Volunteer services:
  - Senior Companions
  - Foster Grandparent/Elder Mentor
- Statewide services:
  - Legal assistance
  - Statewide media.

#### Nutrition, Transportation, and Support Grant Information

- Three-year grant cycle. NTS is currently authorized for FY23-25
- 32 agencies providing NTS services in all regions of Alaska
- FY24 funding is over \$8.5 million in state and federal funds; includes \$1.5 million in ARPA relief funding that will not be available in FY25
- In FY22, NTS provided services to 9,459 registered individuals.

Director Newman noted that the 9,459 figure should not be conflated with the total number of people that grantees are serving, such as Medicaid recipients being served through the nutrition program. Ellen agreed that this number does not reflect the full scope of services provided and individuals reached.

Jan Engan asked if it would be possible to get a listing of the current providers, their locations, the services provided, and a dollar amount of their grants. Ellen will send that information to Jon Haghayeghi.

#### Health Promotion and Disease Prevention Program Goals

- Evidence-based interventions to empower older Alaskans to take control of their health by maintaining a healthy lifestyle through increased self-efficacy and self-management.
- Target population:
  - Individuals over the age of 60 and their caregivers (if applicable). Priority is given to older Alaskans living in medically underserved areas who are of greatest economic need.

#### Health Promotion and Disease Prevention Services

Evidence-based health promotion activities that:

- Have been demonstrated through evaluation to be effective for improving the health and well-being or reducing disease, disability and/or injury among older adults
- Proven effective with older adult population using experimental or quasi-experimental design
- Research results published in a peer-review journal
- Fully translated in one or more community site(s)
- Includes developed dissemination products that are available to the public.

#### Health Promotion and Disease Prevention (HPDP) Grant Information

- HPDP is currently authorized for FY21-24
  - Looking to competitively solicit for FY25
- Five agencies providing HPDP services in all regions of Alaska:
  - Aleutian Pribilof Islands
  - Catholic Community Services (Southeast)
  - Nome Community Center
  - Seward Senior Center
  - Wasilla Area Seniors, Inc.
- FY24 funding is over \$271,000; includes \$104,000 in ARPA relief funding that will not be available in FY25
- In FY22, HPDP provided services to 292 registered individuals.

Jan Engan asked if Title III(d) is within the funding formula. It was noted by an attendee that for those states with area agencies, yes, but not in Alaska. Jan asked if these five agencies cover the entire state beyond those areas. Ellen said that due to the funding level of this program and the amount of money the state receives, it would be very

challenging to fund viable programs in every region of the state. The state competitively solicits, and in the RFP, the evaluation criteria for funding includes the OAA required elements. The State of Alaska procurement process is then followed to determine which agencies are successful with their applications.

#### National Family Caregiver Support Program (NFCSP) Goals

- Caregivers participating in the program will maintain optimum health and well-being to continue providing care for their loved ones in the home for as long as possible.

#### Anticipated Outcomes:

1. Increase or maintain the number of family caregivers receiving NFCSP service
2. Increase or maintain the number of caregivers caring for individuals with Alzheimer's Disease and Related Disorders
3. Caregivers report satisfaction with NFCSP services
4. Caregivers maintain NFCSP services helped them continue care.

#### National Family Caregiver Support Target Population

- Family Caregivers
  - Adults providing informal unpaid care to older adult(s) or to an individual of any age with Alzheimer's disease and related disorders.
- Older Relative Caregivers
  - Caregivers aged 55 or older; who lives with, is the primary caregiver for, and is providing informal, unpaid care to a child or a relative with a disability.
    - In the case of a child, the caregiver is a grandparent, step-grandparent, or other relative other than the parent.
- Priority is given to older adult caregivers with the greatest economic and/or social need.

#### National Family Caregiver Support Services

- Information to caregivers about available services
- Assistance to caregivers in gaining access to the services
- Individual counseling, organization of support groups and caregiver training
- Respite care to enable caregivers to be temporarily relieved of their caregiver responsibilities
- Supplemental services, on a limited basis, to complement care provided by caregivers.

#### National Family Caregiver Support Program Grant Information

- NFCSP is currently authorized for FY24-26
- Nine agencies providing HPDP services:
  - Aleutian Pribilof Islands, Alaska Legal Services, Palmer Senior Citizens, Fairbanks Resource Agency, Tanana Chiefs Conference, Senior Citizens of Kodiak, Volunteers of America, Catholic Community Services, Alzheimer's Disease Resource Agency of Alaska. There is one additional region still pending solicitation.

- FY24 funding is over \$1.6 million; includes \$324,000 in ARPA relief funding that will not be available in FY25
- In FY22, NFCSP provided services to 920 registered individuals.

Lisa Von Barga noted that these are in regional areas, and she asked if someone outside of one of these regions could apply for funding to serve a different region. Kristin Cox stated that if there isn't a grantee in a region, there is also funding available through Title VI, which is federal funding that comes to Alaska Native tribal entities. A lot of the regions not covered by Title III are covered by Title VI. A lot of those agencies are providing services to remote communities within their region. Some of them like Alaska Legal Services, Alzheimer's Disease Resource Agency, and Volunteers of America are statewide programs that provide statewide services, but the services are not comprehensive. Lisa further asked if a non-Native Alaskan in a region can apply for services funded through Title VI. Kristin stated that some of the agencies may cover non beneficiaries. Some of the agencies, such as Tanana Chief's Conference, receive Title VI and Title III funds, so everyone in the region is eligible to receive services.

Louise Ryan stated that Title VI funds come from the Administration for Community Living (ACL) direct to the tribal entities specifically for services to tribal elders and caregivers. She also noted that not all Title VI grantees applied for the caregiver funds within the Title VI grant.

#### Long-Term Care Ombudsman (LTCO)

- SDS is the agency of record that receives Title VII grant funding. This funding is passed directly to the Office of the Long-Term Care Ombudsman.
- Information and referrals
- Education about resident rights
- Investigate complaints
- Empower with self-advocacy
- Advocate to improve quality of life
- Visit residents age 60 and over
- Additional information and program data can be found in the Ombudsman's Annual Report.

Stephanie Wheeler shared that the LTCO is seeking additional funding from the legislature for FY25 because they have seen a huge increase in the assisted living and skilled nursing facilities, and there is more growth projected. October is Resident's Rights Month, and the LTCO is putting on two educational forums that will be held virtually. More information can be found on the LTCO website.

Stephanie Wheeler was asked to expound on the types of complaints that the LTCO investigates. Stephanie stated that she is currently working on the FY23 data, and she should have a more comprehensive overview of that data shortly which she will share with ACoA staff to distribute to Commissioners once it is completed.

#### Other Highlights:

Ellen Hackenmueller stated that there were proposed updates to the OAA regulations out this summer. The comment period has closed, and ACL is reviewing those

comments and compiling everything. They are hoping to see the final rules next year along with implementation timelines so they can begin to look at any State policies and operations that need updating to get everything in alignment.

Jan Engan feels they should include the LTCO request for additional dollars in their advocacy discussions.

### **DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT UPDATE AND RECOMMENDATIONS – Rita Gray**

Rita Gray stated that next week is Employ Older Workers Week, and she directed Commissioners to the Executive Proclamation in the board packet. She stated that Alaska has a shortage of workers with a 20 percent vacancy rate, and administration in the State of Alaska has a 60 percent vacancy rate. They are doing what they can to ask people to apply for work, accept work, come out of retirement, and keep youth in Alaska to go to school to prevent outmigration of workers. It's critical that they talk to people about why they aren't going back to work.

Rita Gray also directed Commissioners to the list of statewide staff that have been hired as part of the MASST program in partnership with DVR and Job Center Network. She stated that the move of the MASST program to DVR was one of the recommendations from the Alaska Work Matters Task Force final report. DVR Director Duane Mayes directed Commissioners to the report starting on page 41. He stated that the recommendation is to support and expand the Senior Employment Initiative. One of the major lifts within the DOL&WD was to move the MASST program to DVR. He noted that as people age, they develop disabilities, so this was a way to maximize resources.

Director Mayes added that the Task Force consisted of 24 members, many of whom were State officials. They met five times over the course of a year to develop the final report. These recommendations are to support all Alaskans with disabilities in competitive and integrated employment.

Director Mayes stated that he and Rita Gray met with Commissioner Munoz to discuss conversation they had been having with Jon Haghayeghi to see if they could get a formal seat on ACoA. To do so will probably require a statutory change. Director Mayes believes this would be beneficial because ACoA is hearing loud and clear from the community that seniors are struggling, and they are looking for employment. He noted that DVR is also hearing the same thing. DVR feels they are very relevant to addressing senior employment, and he believes it's time for them to have a seat on the board. He directed Commissioners to the memo that was sent to Commissioner Munoz seeking her official endorsement, and he remarked that her endorsement was immediate. Rita Gray noted that the combining of partnerships and resources between DOL&WD, Department of Health, and Department of Commerce, Community & Economic Development will increase the pool of people eligible to receive employment services so all the funding can be utilized and not sent back.

Director Mayes stated that they have been doing a podcast every month. During one of the internal podcasts they did, Director Mayes stated that as people age, the risk of acquiring a disability will go up 30 percent after the age of 65. Those disabilities include mobility; difficulty concentrating, remembering, and making decisions; hearing; vision;

independent living; and self care. For these reasons, Commissioner Munoz is very much in support of the additional seat on ACoA, and Rita Gray added that the commissioner would be happy to help the board get through the statute process.

Pam Samash believes that seniors working means them being able to provide their own medical insurance. She also feels it falls within the Blue Zone standard of purpose and activity, and it gives seniors a reason to get out of bed and get moving and promotes friendships and independence. She asked what age someone has to be to qualify for MASST. Rita Gray stated that the age is 55 years and older, unemployed, and low income. Low income in Alaska is \$22,700. Director Mayes noted that he also watched the Blue Zone, and he noted another part of that is civic engagement and work as well as laughter. Pam also expressed her support for DVR holding a seat on ACoA.

Cynthia Lovel stated that she is a former community resource provider (CRP) from DVR. She had three clients who were seniors who could have benefited hugely from MASST, but they didn't qualify because they were slightly over income. She finds this extremely frustrating and advocated for something beyond MASST to help these people who need help, because in her view, MASST is a waste of money. Rita Gray responded that the front door to the Department of Labor is the no-fee labor exchange at the Job Center. When people enter the Job Center, staff explore regular work before they put people on a training program because they know seniors come with skillsets. They also know that there are openings in communities, and sometimes all they need to do is match person to the job. Cynthia noted that these individuals needed training, which was key to getting these people the kind of positions that would have worked for them.

Cynthia supports DVR having a seat on this commission. Rita Gray encouraged Cynthia to call her directly if she is having problems with anyone out in the field.

Darlene Supplee asked if the monetary cap of \$22,700 is federal or state driven as far as the poverty level is concern. Rita stated that it's federally driven and is 125 percent above the national poverty level. Darlene further asked if that was evaluated yearly, to which Rita responded yes. Darlene noted that the senior companion program, which is similar, has an income level slightly higher. She asked where they can look to changing that dollar amount because \$22,700 is too low and limits them mainly to those individuals that have a challenge caring for themselves and have a lot of medical issues and perhaps a lifetime of experiences and behavioral health issues which is why these folks now find themselves in this situation. Darlene also expressed her support for DVR having a seat on ACoA.

Director Mayes stated that he has scheduled time to meet with the congressional delegation to discuss the 50-year anniversary of the Alaska DVR and the passage of the Rehab Act of 1973, the National Employment Team to expand higher paid jobs for all Americans with disabilities, and the MASST program.

Nona Safra has heard that the legislature is interested in receiving requests for statutory changes versus being asked for money. She also expressed her support for DVR having a seat on ACoA.

Jan Engan urged the Commission to attempt to get representation from the Department of Transportation (DOT) to engaged with the Commission. Chair Sivertsen stated that he would like to take this one step at a time. Because the DOL&WD has resources and a desire to accomplish this, this is the first step. They can continue to discuss DOT and engage then in conversation to determine their willingness. Chair Sivertsen encouraged Jon Haghayeghi to continue his work with Director Mayes and Rita Gray to move the process forward.

Pam Samash asked what could be done to raise the \$22,700 income cap. Rita Gray reiterated that it's set by the federal government and is a direct result of the \$10.85 minimum wage. Chair Sivertsen asked if the \$22,700 takes into account the federal cost of living. He wondered if this money could be subject to a COLA increase. Rita stated that they can say minimum wage, prevailing wage, or this is what the market needs. Chair Sivertsen stated that if they want to attract employees who are successful, a reasonable wage is important.

Pam Samash asked for additional details on how the MASST program works, which Rita Gray explained and then encouraged Pam to reach out to her directly for additional information.

### **ADMINISTRATION ON COMMUNITY LIVING (ACL) REGION X DIRECTOR – Louise Ryan, Priya Helweg, Cecile Greenway**

Priya Helweg reported to the Commission on the U.S. Department of Health and Human Services (HHS) Office of Intergovernmental and External Affairs (IEA) as follows:

- 10 regions in the country – Region 10 includes Idaho, Oregon, Washington, Alaska, and 272 federally recognized tribes.
- HSS family of agencies in each regional office: ASPR, ACL, HRSA, Children & Families, FDA, CMS, CDC, ATSDR, NIH, AHRQ, and SAMHSA.
- The role of IEA is to be a conduit for the regional staff as well as an entry point for partners and stakeholders.
- IEA is under the office of the Secretary of Health and Human Services Xavier Becerra.
- Top priority of the Secretary: Inflation Reduction Act – The President's new lower cost drug law bringing relief to seniors:
  - \$35 monthly cap per Medicare-covered insulin prescription.
  - Free recommended preventative vaccines, includes shingles and Tdap
  - Lower prices through direct negotiations with drug companies.
  - Key healthcare provisions of the Inflation Reduction Act include:
    - Continuing enhanced tax credits that helped 13 million people covered under the Affordable Care Act save an average of \$800 on their Marketplace health insurance in 2022
    - Capping a month's supply of each covered insulin at \$35 for people with Medicare
    - Eliminating catastrophic cost sharing and capping annual out-of-pocket drug costs for prescription drugs for people with Medicare Part D
    - Allowing Medicare to negotiate better prescription drug prices



- Requiring drug companies to pay a rebate to Medicare if they raise their prices faster than inflation.
- The law outlines multiple steps in the negotiation process including:
  - Identifying Medicare drugs eligible for negotiation
  - Selecting Medicare drugs for which prices will be negotiated
  - Collecting information to use for negotiation
  - An offer and counteroffer process between Medicare and prescription drug companies.
- <https://www.cms.gov/inflation-reduction-act-and-medicare>
- Other priorities of the Secretary: Medicaid renewals and education about the updated COVID vaccine.
- 988 and The Crisis System. Big focus on mental and behavioral health in the current administration. Crisis does not just affect young people. Seniors also need as much support as they can get.
  - <https://www.samhsa.gov/find-help/988>
  - <https://health.alaska.gov/dbh/Pages/Prevention/988>
- HHS R10 Newsletter both general and tribal:
  - <https://www.hhs.gov/iea/stay-connected/index.html>

Chair Sivertsen asked if HHS takes into account the varying financial resources of the different tribes. Priya Helweg stated that her office in general does not evaluate the services, but they provide services through different funding streams and programs through the different agencies. Her office ensures they are always in communication and consultation with the tribes, which allows them to better understand the needs of each community. It can be more formal tribal consultation or smaller meetings or direct contact, and then the IEA can pull together other agencies to address issues.

Louise Ryan stated that a lot of what they do is provide technical assistance to tribes, grantees and the state as well as to find and share promising practices.

Cecile Greenway from Centers for Medicare and Medicaid Services (CMS) stated that she initially came to CMS in 2007 as a Native American contact within CMS to work within the tribes. Different agencies have different relationships and different statutory requirements. It depends on the funding source how the statutory language is written and what the regulatory requirements are of any given agency that inform how tribal governments are treated within HHS and other federal agency programs. She noted that it is complicated.

Cecile Greenway shared some updates from CMS as follows:

#### Medicaid Rules or Medicaid Unwinding:

The first COVID act increased the amount of federal funds that came to states for the Medicaid program, and they came with the condition that states could not disenroll Medicaid recipients throughout the public health emergency. Numbers of people on Medicaid grew substantially, which has been a great help to healthcare providers and individuals who have become ill. Medicaid is a program based on an individual's or a household's income and resources. Slightly before the public health emergency ended, states were required to start a renewal process with a redetermination of the eligibility of

everybody who is on Medicaid. Every state is doing this under a state-designed plan and process, and they have up to 14 months to complete the process. Alaska requested and received an extension of the 14 months so they didn't have to do renewals during the summer months while people were engaged in subsistence.

Alaska and most states are finding that some of their processes are resulting in a lot of people being determined ineligible when they are probably not ineligible. CMS is asking everybody to keep pushing if they believe they are eligible and file an appeal if necessary. Everyone should ensure their information is current with the State, and they should respond to all information requests from the State.

One of the challenges is that there are different eligibility guidelines for different populations in Medicaid. Prior to the Affordable Care Act, there were 44 different eligibility groups, but that has been cut down to about 16, and each has different income guidelines. The other national trend they are seeing is that families are either not enrolling or the whole family is being disenrolled based on the adult's income, but a child may still be eligible.

### Telehealth

Prior to the pandemic, telehealth under the Medicare program was limited and restrictive. The law identified which providers were qualified, which beneficiaries were qualified to receive telehealth, which services were eligible, where those services were delivered from, and where they were delivered to. On an annual basis there were usually one or two new services added and sometimes new providers were added.

During the public health emergency as a consequence of hospital overcrowding and the potential for crisis standards of care, there were over 2,000 waivers, flexibilities, and changes made in CMS programs. Many of those changes surrounded telehealth services. As the public health emergency was winding down, those services have proven to increase access to care for many Medicare beneficiaries, and they have proven successful for physicians and other providers. Congress has enacted several changes in telehealth, so they won't be going back to what it was before the pandemic, but it is a constantly moving target. As of now, the provisions that were enacted during the pandemic will continue through the end of 2024. All Medicare providers are eligible to bill for and deliver telehealth services, and all Medicare beneficiaries are able to receive some services. There have been some changes to when and how those services are delivered.

### Open Enrollment for Medicare

Open enrollment for Medicare will be starting, and Cecile encouraged everyone to look at the prescription drug plans in Alaska to ensure plans meets the needs of seniors. Changes have been made as a consequence of the Inflation Reduction Act, so people should review available plans and choose the best plan for them.

Nona Safra shared that she received an e-mail from someone experiencing a brain injury who has the following questions, and Cecile Greenway responded:

- **Telehealth across state lines and provider licensing issues, how is that being dealt with?** It's under state licensure requirements. Alaska has made

some changes in state licensure requirements that have enabled somebody to continue receiving a service when somebody has been referred out of state, particularly in the context of children. Alaska protects state licensure very strongly, and there is a great deal of concern by healthcare providers in Alaska of having out-of-state practitioners deliver care in Alaska while they never step foot in the state and what that does to payment rates and other consequences. A provider participating in Medicare needs to be licensed in the state in which they are delivering that care. Cecile's understanding is that Alaska expanded the licensure requirements a little bit and opened that window for somebody who was sent out of state, received care out of state, and then comes back to Alaska but has some ongoing care with that provider, that service can continue to be billable under telehealth.

- **What kind of providers and care is included? Is it just physicians, or is it PT, OT, RNs, psychologists, or social workers?** Anybody who is qualified to bill Medicare can bill telehealth through the end of 2024. Generally nursing services are not qualified to bill Medicare, it's the providers. PT, OT, psychologists, psychiatrists, and most specialty physical care are eligible. There are some increased dental services that look like they will be covered, but they are waiting for the physician fee schedule final rule to see. CMS has proposed to expand dental services, particularly for those who need surgery and have to have dental work done before they can have that surgery done.
- **The visit hours and duration, is there a maximum number of services someone can have if they are on a Medicaid waiver?** There will be. The Medicaid program requires that states articulate what the number of visits or services are. There is an exception to that for kids under the Early Periodic Screening, Diagnostic, and Treatment provisions of Medicaid.
- **Is there a maximum total cost per month, year, lifetime, or injury episode?** Medicaid and Medicare are considered entitlement programs, which means that unlike Title III and Title VI programs under ACL, which are discretionarily funded programs, Medicare and Medicaid programs are available to all people who are eligible. People cannot be denied those services if eligible. Medicaid has mandatory services that must be provided, and it has optional services the state may add. There are also mandatory populations and optional populations the state may change. In-patient hospital care and nursing facilities are mandatory services; home and community-based services are not only optional; they are waiver services. It's an unusual mix, and for the most part they were developed in the mid-60's and don't meet the current delivery of healthcare. Until Congress changes the statutory language, that's the way the program remains. Cecile will send a list of those mandatory and optional services to Marty. She also noted that individuals have the right to appeal any decisions they disagree with. If they feel they need more services than the state is allowing, they should appeal that decision.

Jan Engan noted that it is difficult to find doctors in Alaska that will take Medicare. Not long ago, Alaska Regional Hospital in Anchorage closed its senior clinic, and 1,000 patients were scrambling to find doctors as their prescriptions ran out. It's a challenge to find a doctor to take Medicare statewide. Jan also noted that Alaska doesn't have the same selection of Medicare plans available that are found in the Lower 48. There are no Medicare Advantage plans up here. She wondered how there can be a federal

program that is not available to all citizens who qualify for it. Cecile Greenway noted that those are both great points, and the deputy administrator and others came up to Alaska in May to hear the concerns around access to care. Alaska has the highest Medicaid rates compared to Medicare rate of any state or territory in the country. In Alaska the complaint from providers is that the Medicare rates are too low. She encouraged people to comment on the fee schedules released each year. There is a differential in how Alaska and Hawaii's rates are determined, but whether or not it's accurate and adequate can best be communicated by Alaskans. The rates vary across the state of Alaska because of community cost differentials. CMS is well aware of the challenge beneficiaries have. The Medicare Advantage program is in parts of Alaska. The reality is in Region 10, there are areas of all four states that don't have Medicare Advantage. Because it's managed care, there is a dollar amount assigned per beneficiary the plan enrolls, and there has to be enough beneficiaries and providers to meet the contractual requirements. Right now in Alaska, no plans have found that they can meet their business goals by offering a Medicare Advantage plan in Alaska. She does not know if or when that will change.

#### Administration for Community Living Updates

Louise Ryan presented to the Commission as follows:

#### Highlights, Questions, Discussion

- ACL Initiatives and Updates:
  - Older Americans Act regulations
  - 2022 National Strategy to Support Family Caregivers
  - Title VI Programs – new grant cycle.
- HHS and Presidential Initiatives
  - Executive Order on Caregivers
  - Nursing Home Staffing Standards proposed regulation
  - Proposed updates to the Rehab Act regulation.

This week is Fall Prevention Week, and there is a Council on Aging toolkit that Louise Ryan will send to Marty and Jon. To commemorate the 50<sup>th</sup> anniversary of the Rehab Act, ACL will be hosting webinars at the end of the month.

#### OAA Notices of Proposed Rule Making

- A Notice of Proposed Rule Making (NPRM) regarding the OAA regulations for Titles III, VI, and VII was published in the Federal Register on June 16<sup>th</sup>.
- From June 16<sup>th</sup> to August 15, 2023, ACL collected input on proposed updates to the regulations for most of its OAA programs.
- The last substantial update to most OAA program regulations was in 1988. The regulations for Title VII have not been updated since 2015.

#### Proposed Rule Making Includes:

- Through this NPRM, ACL seeks to address:
  - Supportive services
  - Nutrition
  - Evidence-based disease prevention and health promotion

- Caregiver
- Legal, LTCO, and other services provided by states, territories, tribes and tribal organizations, area agencies on aging, and local service providers under the OAA.

#### OAA Proposed Rule Making Resources

- ACL's OAA regulations webpage: <https://acl.gov/OAArule>
- Fact sheets
- Summaries of key provisions
- Webinar slide deck
- Link to the federal register.

#### OAA NPRM Resources, continued

- Current OAA regulations:
  - Grants to State and Community Programs on Aging: Older Americans Act Regulations (1988), 45 CFR Part 1321 (Title III)
  - Grants for Indian Tribes for Support and Nutrition Services: Older American Act Regulation (1988), 45 CFR Part 1322 (Title VI)
  - Grants for Supportive and Nutritional Services to Older Hawaiian Natives: Older American Act Regulations (1988), CFR Part 1323 (Title VI)
  - Allotments for Vulnerable Elder Rights Protection Activities, including Subpart A – State Long-Term Care Ombudsman Program: Older Americans Act Regulations (2015), 45 CFR Part 1324 (Title VII)

Louise Ryan stated that since the public comment period has ended, there is a team at ACL working on reviewing all the comments and considering the feedback and editing as needed. There is no current timeline for when the final regulations will come out, but it is a priority at ACL to get it done as soon as possible. The regulations also have to be reviewed by other HHS divisions before they are published as final.

Jan Engan read some of the OAA comments from some of the national organizations, and comments were interesting regarding their impact to the states, particularly when it talked about the contracting process and that getting everything through will cost money. She asked if this is going to be a cost to the states or if more money will come in for the implementation of regulations. Louise Ryan stated that Congress appropriates the funds, and they typically don't give extra money to implement regulations. Every regulatory proposal has to have a cost estimate, and she believes the determination was that there was not a substantial cost because they are developing regulations on an existing law. She did note that sometimes the cost is time in training.

Jan Engan noted that there is always language on the intent of Congress in the passing of law. If regulations are written that are outside that intent, how does that get handled? Louise Ryan stated that when the regulation is published as a draft, it has already been through legal review, so they would probably say that they have done the legal review and it is consistent with the law.

#### Adult Protective Services (APS) Proposed Regulations

- Public comment is open until November 13<sup>th</sup>

- It will require plans to establish policies and procedures
- The proposed regulations are based on the work of the National Voluntary Consensus guidelines for APS systems. Those guidelines have been out for eight or nine years, and a lot of APS programs have used them as they have reshaped their programs as more funding has come in.
- The APS language is not in the OAA but in the Elder Justice Act, which is part of the Affordable Care Act.

Director Newman shared that he has been learning that APS is a relatively new field, and it's great to have rules. He did note, however, that there are CMS access rules that have been proposed, OAA rules proposed, and APS rules now proposed. Those all three affect the Division of Senior and Disabilities Services (SDS) as they are all three administered through this state agency.

### National Strategies - RAISE

- RAISE Act – Recognize, Assist, Include, Support, and Engage (caregivers)
- SGRG Act – Family Caregivers Act and Supporting Grandparents Raising Grandchildren Act
- Strategies:
  - Person- and family-centered approaches
  - Trauma and its impact
  - Diversity, equity, inclusion, and accessibility
  - The direct care workforce
- [https://acl.gov/sites/default/files/RAISE\\_SGRG/NatlStrategyToSupportFamilyCaregivers.pdf](https://acl.gov/sites/default/files/RAISE_SGRG/NatlStrategyToSupportFamilyCaregivers.pdf)

Louise Ryan noted that in the State Plan on Aging, there is a requirement to look at the strategies and decide which strategies states might want to implement at a state level.

### RAISE Actions

- The strategy includes two appendices which list actions organized by goal that can be undertaken by a wide range of stakeholders.
  - Federal actions include 345 commitments submitted by 15 federal agencies
  - Actions for others include actions for states, communities, and other stakeholders to support caregivers in ways that are aligned with the strategy.

### National Strategies – RAISE

- Joint meeting of RAISE Family Caregiving Advisory Council and Advisory Council to Support Grandparents Raising Grandchildren September 19, 2023. These meetings are broadcast, and people are welcomed to watch them.
- The joint meeting will focus on an analysis of public comments on the 2022 National Strategy to Support Family Caregivers and updates from federal agencies about their progress in implementing the strategy.

## OAA – Title VI Grants

- The FY23 – FY26 Title VI applications have been approved, and first-year grant funds have been released:
  - Part A: Nutrition and supportive services for elders
  - Part C: Caregiver support services
  - Nutrition services incentive program.
- There are 84 tribal grantees in Region 10 with 48 in Alaska.
- What opportunities exist to boost collaboration between Title III and Title VI programs?

## Other Federal Initiatives

- Executive Order on Caregivers – also included direct care workforce initiatives and caregivers for elder care, grandparents raising grandchildren, and child care. Executive Orders give the foundation to help inspire and encourage Congress to fund programs and initiatives.
- Nursing Home Staffing Standards Proposed Regulation – Public comment period now open for CMS’s Nursing Home Minimum Staffing Requirements Rule.
- Proposed updates to the Rehab Act regulation.

Director Newman shared that he has been sorting through what is allowed for legal responsible caregivers, and this is something that he and colleagues have been discussing at national meetings. Alaska had a bill pass that is allowing legally responsible caregivers (spouses and parents of minor children) to be able to be paid through one of SDS’s personal care services programs. There tends to be a lot of confusion around the term “family caregiver” because family members, such as siblings and adult children, have always been allowed to be caregivers. He encouraged people to use precise language when they talk about who a family caregiver is.

Director Newman also remarked that he receives many inquiries from vendors and advocates who want to talk about technology in the face of workforce shortages. He stated that it would be a complex and heavy lift to work toward those sorts of changes. He was curious where the federal government stands on these types of products and approaches to care. Louise Ryan stated that the federal government can’t endorse products, but she noted that it has been approved to spend funds on mechanical pets, for example. The federal government funds assistive technology centers, who do great work. Some of it will come down to program guidelines.

Commissioners discussed a variety of technology options they have discovered as well as alternative services available for respite care.

## **CLOSING COMMENTS**

- Nona Safra - Glad to be here, and thanks to everyone online for attending.
- Jan Engan - Great meeting. It’s nice to have Marty and Jon here to help, and it’s nice to gather with people in person and talk.
- Chair Sivertsen - This has been a more technical meeting than usual, and it was rewarding to receive all this information. The rule making will be an interesting process. Appreciate Director Newman’s input and service to the state. Thank you to Rita Gray as well.

- Lisa Von Barga - Appreciate the opportunity to have attended this afternoon, and apologies for not being able to attend the morning session.

### **ADJOURN BUSINESS MEETING**

Jan Engan **MOVED** to adjourn the business meeting, **SECONDED** by Nona Safra. Hearing no opposition, the motion **PASSED**, and the meeting adjourned at 4:30 p.m.

### **Wednesday, September 20, 2023**

#### **SITE VISITS**

Commissioners engaged in site visits to AVTEC and Seward Mountain Haven Assisted Living.