

WALA ADVOCATE



WISCONSIN ASSISTED LIVING ASSOCIATION • SPRING 2023 VOL. 28 • NO. 1



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CHAIRPERSON'S CORNER

By Crystal Miller, WALA Board Chairperson



We just wrapped up our spring conference at the Kalahari Conference Center and I want to thank everyone who participated, but especially our hard-working, WALA staff! Mike, Erin, Heather, and Kayla did a great job organizing, and facilitating an event where many relationships were formed and developed. As I reflect on what we experienced, I see so much strength in our industry, not only in the providers who consistently provide care to our frail and vulnerable citizens, but in the many partners who are working hard to make sure that we have the resources that we need. It is exciting to see what WALA has in store for our members as an Education Subcommittee is developing a strategy around leadership development, not only a course, but an entire strategy aimed at attracting and retaining the best talent for our industry. Stay tuned for more and please participate in the survey regarding your thoughts on this initiative.

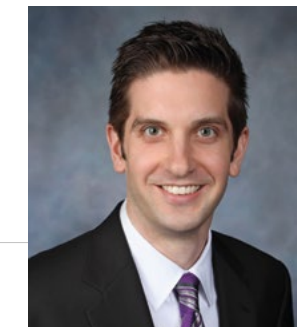
WALA is a nationally recognized leader and because of your membership, we can continue to do even greater things. I recently saw a statistic that ranks Wisconsin as number five in the nation for the economic impact that assisted living provides to our state. Just think about that! We only trail California, New York, Florida and Texas. Wow. As a busy provider myself, I know I often don't take time to think

about the influence that we have on important topics like immigration reform, workforce development, and regulatory issues, but as we become stronger, we have an even greater opportunity and responsibility to do so. Thank you for your continued engagement as a member of WALA, and as a contributor to our Political Action Committee which we will utilize to continue to fight for important issues that affect each of us.

As I sign off, I would like to take a moment to thank the outgoing board members, Glen Choban, Pam Preston, and Holly Pitas. Thank you all for the service that you provided to our organization, best wishes for all that is ahead. It's been an honor to serve on the WALA Board of Directors with you.

CEO CORNER

By Mike Pochowski, WALA President & CEO



Thank you to everyone who joined us in-person at our 2023 Spring Conference. It was great to see and host 700 assisted living professionals and industry experts. We were excited to have 100+ exhibitors, 30+ educational sessions, our first-ever Innovation Showroom, and a number of great networking opportunities – notably kicking off the conference with The LoveMonkeys. Further, it was wonderful to celebrate the Annual Hero Awards and the inaugural graduating class of our Leadership Certification Program. Thank you to all of our attendees, sponsors, exhibitors, speakers, and volunteers for making the conference a huge success.

We are also looking forward to our events and classes for 2023:

Legislative Day

April 20th. Madison, WI

83.15 CBRF Administrator Course

May 2023: Brookfield, WI

July 2023: Virtual

October 2023: Deforest, WI

2023 Autumn Golf Classic

August 30, 2023: University Ridge Golf Course, Madison, WI

Fall Conference

September 19th & 20th, Brookfield, WI

For our Legislative Day, WALA members will be meeting with their elected officials to advocate on the following issues:

- Funding the Family Care Rate-Bands (Fee-Schedule). Request adequate funding to implement Family Care Provider Rate-Bands (Fee Schedule).
- Family Care 5% Rate Increase for Providers. Continue and fully fund the Family Care 5% rate increase initially funded by ARPA.
- Direct Care Workforce Funding Initiative. Request continuation and increase of the Direct Care Workforce Funding Initiative.
- Long-Term Care Staffing Sustainability: Managing the Benefit Cliff. Manage the benefit cliff for health care workers who surpass Medicaid (BadgerCare) income eligibility criteria.

Thank you for your continued support and membership in WALA, we greatly appreciate it.



WALA MISSION STATEMENT

Wisconsin Assisted Living Association's mission is to support providers in enhancing the best quality of life for residents in assisted living in Wisconsin through advocacy, education, communication, and quality initiatives.

Effective 2020, the WALA Watch is now the WALA Advocate. The WALA Advocate is the newsletter of the Wisconsin Assisted Living Association. Published in April, August, and December by the Wisconsin Assisted Living Association. Reprint permission available from WALA. All rights reserved. Promotional information and rates are available by contacting WALA. We reserve the right to decline promotions submitted for publication.

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THE LEGAL EDGE

The Legal Edge is a regular feature column authored by the Assisted Living and Long Term Care Group at the [Reinhart Boerner Van Deuren law firm](http://Reinhart.Boerner.Van.Deuren.law.firm) featuring Bob Lightfoot, RN. Bob Lightfoot can be reached at 608-229-2257 or rlightfoot@reinhartlaw.com.

DIFFICULT RESIDENT DISCHARGES

At the American Health Law Association's Long Term and Post-Acute Care Law annual conference in early March 2023, I spoke about difficult resident discharges. Why? It seems to be an emerging issue, and one I get a lot of calls about.

Any time you must involuntarily discharge a resident through a facility-initiated discharge, it's not easy for the resident or the facility. But oftentimes it's necessary. Valid reasons for discharge range from nonpayment of fees, to care required that you can't or are not licensed to provide, to ongoing threats of harm to the resident or others, to needing 24-hour availability of a nurse or even significant improvement in a resident's condition such that the setting is no longer appropriate.

Obviously, the best strategy is to attempt to avoid the involuntary discharge altogether through such things as case conferences, working with a reasonable family member or an MCO, or consulting with the Ombudsman or Regional Office. But there are times when these strategies simply don't work and a Notice of Discharge is inevitable and appropriate.

Whether you are an AFH, CBRF or RCAC, you must follow the respective regulation on involuntary discharge precisely. To a "T". Revisit your facility's Notice of Discharge letter or have someone knowledgeable review it. Many times, such notices are not compliant with the regulations and are missing certain requirements such as the precise reason for discharge, the regulation permitting such involuntary discharge, appeal rights, or, ironically in the case of RCACs and AFHs your letter may include appeal rights to appeal the discharge where none are given to residents in the RCAC or AFH regulations (a mistake in RCAC and AFH Discharge Notice letters I see a lot).

Other Notice of Discharge letter requirements include listing the name, address and telephone numbers of the Regional Assisted Living Director, the State Ombudsman Program, and if the resident has a disability, the name, address and telephone number of Disability Rights Wisconsin.

If subject to regulatory review, failure to precisely adhere to these requirements will render your discharge letter void and reset the 30 days.

Consultation with the same resources listed above when discharge is required and difficult can help, but sometimes it just becomes too frustrating or drawn out. For those difficult resident discharges, you should consider the nuclear option...state court eviction. Yes, it's as unpalatable as it sounds. Make sure you utilize legal counsel that understand the assisted living involuntary discharge process when considering the state court eviction process because there can be pitfalls for the unwary. But in most instances the eviction process can be effective.

Armed with the appropriate tools and knowledge, difficult resident discharges can be easier for both the resident and your facility.



FLSA CONSIDERATIONS FOR SENIOR LIVING AND SOCIAL SERVICES ORGANIZATIONS

by Marleah Keuler Grahek, Risk Manager M3 Insurance

Recently, employers have experienced an increase in Fair Labor Standards Act (FLSA) wage and hour class action lawsuits. Senior living and social services organization employers are no exception and should take particular note of the following issues:

Paid vs. Unpaid Meal Breaks

Many senior living and social services organization employers' payroll systems include automatic 30-minute deductions for unpaid employee meal breaks. This may be a risk-adverse practice considering the current staffing environment and responsibilities of senior living and social services employees. Employees must be paid for missed or interrupted meal breaks.

Considerations for employers:

- Discontinue use of automated meal break deductions OR implement a process to account for missed/interrupted meal break time.
- Require employees to punch in/out for actual unpaid break time or incorporate a paid meal break policy.
- Designate a separate meal break area away from the work environment.
- Set clear expectations regarding cellphone/pager monitoring during unpaid break time and whether employees are required to remain on-site during meal breaks.

Employers should ensure that employees and supervisors are educated on any adopted process.

Time Clock Rounding

The "7-minute rule" (rounding down or up to the nearest quarter hour) is permissible according to the Department of Labor (DOL). However, there has been a significant increase in class action lawsuits due to this practice. Rounding must not result in the failure to compensate an employee for the work they actually performed.

Considerations for employers:

- Record exact time punches instead of rounding.
- Round up to the nearest quarter hour if rounding is utilized.

Non-Discretionary Bonuses in OT Calculations

Many senior living and social services organization employers offer non-discretionary bonuses to employees, such as additional pay for picking up shifts and COVID pay. Non-discretionary bonuses must be calculated into the employee's regular pay rate when determining overtime pay.

Considerations for employers:

- Properly identify non-discretionary bonuses offered to employees.
- Audit payroll practices to ensure non-discretionary bonuses are included in overtime pay calculation.
- In addition to these issues in the senior living and social services industry, these areas are worth attention as well:
- Accurate classification of exempt vs. non-exempt employees- [DOL Fact Sheet](#).
- Non-payment for compensable time, such as travel time during work hours, training and education, investigations/discipline, infection control requirements (onsite vaccination clinics, COVID testing, etc.).
- Remote work policies that should include eligibility for remote work, expected work hours, reporting of hours worked and adherence to the employer's over-time policy.

Key Takeaway

FLSA wage and hour class action law suits can be very costly for employers in the senior living and social services industry. These employers would be well-served to address the issues and considerations outlined above, and consider internal controls and engagement with an employment law attorney for a comprehensive wage and hour review. A standard Employment Practices Liability insurance policy may include limited wage and hour coverage to recoup attorney fees and defense costs, but will not cover any judgments or settlements. Contact your [M3 account executive](#) for more details.

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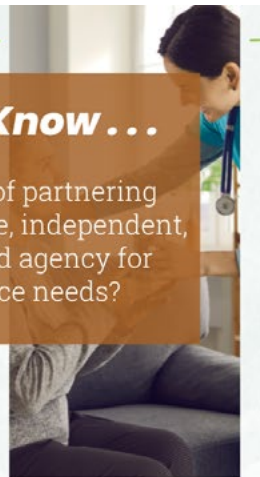
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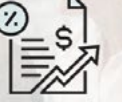
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EFFECTIVE TOURING THAT LEADS TO CLOSE

The assisted living industry exists to provide housing and care solutions for seniors who require additional support to live a vibrant and healthy quality of life. The heart of “sales” is simply meeting an unmet need and the reason we exist is to meet the aforementioned need. In a mutually beneficial relationship, both the community and the senior (and their family) will benefit from the sales encounter as unmet needs are explored and solutions are presented.

The insight given here is gleaned from the thousands of hours of touring that CarePatrol Representatives have done in hundreds of communities across Wisconsin. We all share the mutual goal that our clients will have a positive outcome in their transition of care and you will welcome a pre-qualified new resident into your building! CarePatrol Advisors personally accompany clients on tours and use a tour sheet documentation process to highlight the positive attributes of your community and reinforce the reasons for the tour. Look to them for cues during the tour and be prepared by reviewing the client information that is provided in advance. A CarePatrol Advisor will facilitate conversations if deficiencies or other transitions require further explanation. Utilizing placement as an extension of marketing can be a strategic method to overcome potential objections when a community is in a rebuilding phase.

Consider your marketing activity as a big funnel: every web search, paid SEO, senior expo, brochure, print ad, special event, and lead list is for the express purpose of seeing a new resident walk through your front door. But how do you maximize that visit and tour to improve your closing rates? Consider this unexhausted list of tips:

Presale. Learn about the senior’s situation and prequalify prior to a tour. As much as possible, determine that your license level and care policies can meet their needs. Communicate costs in a way that determines affordability for the senior. Understand their timeline and your availability of rooms. A CarePatrol Advisor will provide a client face sheet and prequalify the client for you. Know who will be on the tour and making the care decisions.

You have one chance to make a **“First Impression”**. Walk through your community in advance as you see, hear, and smell your surroundings. When you meet and communicate with the family use a friendly and personable tone. Use their names and make sure you speak to the senior and be mindful

to not speak about them in the third person when they are in the room. Start your discovery by learning about the senior as much as possible, find ways to make a connection, and build trust throughout the tour.

The Tour. Be mindful of the “why” and be ready to highlight your community’s related attributes. Pause for an “internal summary” to review what they have seen and what you are showing next. Keep pace with the family and maintain their attention throughout the tour. Use a conversational tone and answer questions as you go. If possible, have a resident visit and testimonial during the tour, perhaps even show off an occupied room. Everyone on staff is an ambassador for your community so smiles and nametags go a long way to communicate “care”!

The Close. Solicit feedback throughout the tour, and conclude by asking open-ended questions. “Give me your impressions, please. I always learn from our families, what is top of mind?” Identify how your community specifically meets their needs. If appropriate, ask for the close: “what would prevent you from taking an application today or holding _____ (room 104, the room by the dining room, etc)?” Understand that objections are real and not personal. Understand your community’s weaknesses and validate their questions or comments.

Leverage Placement. CarePatrol supplements your marketing efforts by touring pre-qualified new residents – never “leads” – to meet your operational and financial goals. Since 1993, CarePatrol has served seniors and their families by finding safe and appropriate senior living options based on care level, financial ability, geography, values, and preferences. Leveraging placement will reduce your lead to a close timeline, free up valuable marketer time, and increase community occupancy levels.

We look forward to meeting you at the door!



Kim M Seidl, CPRS, Owner and Executive Director, CarePatrol of Greater Milwaukee & SE Wisconsin (2022, 2021, 2020 Top CarePatrol Office, Franchisee of the Year) Kim and her husband Todd have owned successful senior home care and placement businesses since 2007. She is an NPRA Certified Placement and Referral Specialist.



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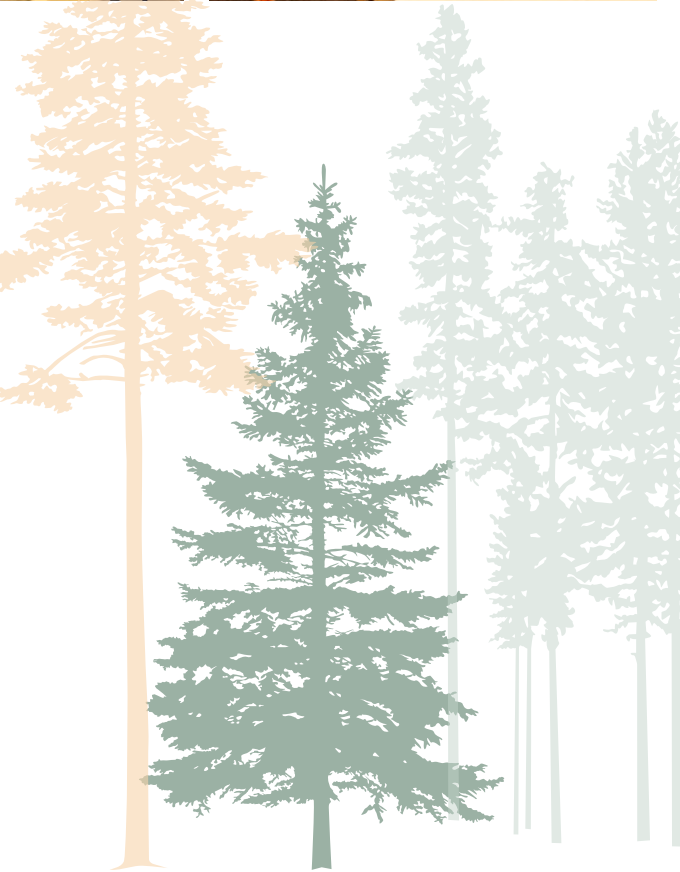


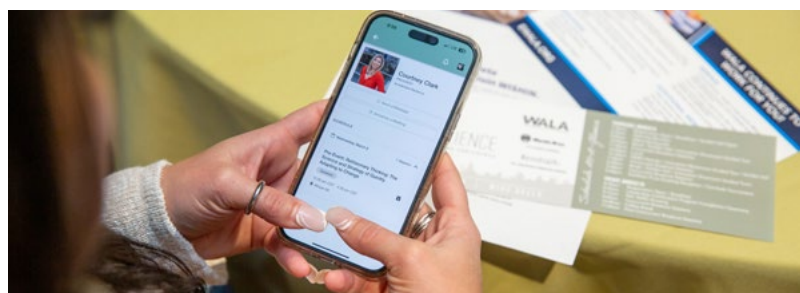


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“SPEED, PERSISTENCE AND CRUCIAL MOMENTS”

by Eagan Heath from Get Found Madison

SPEED TO LEAD

What’s the fastest way for a local business like a senior living company to grow sales?

The answer may surprise you.

Improve responsiveness and persistence when following up with leads that come in.

Here’s what the Harvard Business Review found:

“Firms that tried to contact potential customers within an hour of receiving a query were nearly seven times as likely to qualify the lead...as those that tried to contact the customer even an hour later—and more than 60 times as likely as companies that waited 24 hours or longer.”

How would you like to be 7x times more likely to have a sales conversation with a family who is ready to move their loved one into senior living?

How about 60x times?

And what about following up with leads faster than one hour?

It turns out that it’s worth setting up systems to follow up as quickly as possible.

The companies in the HBR study saw a **400% drop off when follow-up happened after 10 minutes instead of five minutes.**

Those leads you paid to generate through marketing and advertising can just slip down the drain like that if you’re not responsive.

It’s a fast-moving, cold world out there, and your competitors are just a thumb tap away on your sales prospect’s smartphone. People can be impatient, even about major purchase decisions once they’re ready to buy. That’s why you want your staff to be trained and available to help prospective families whenever they reach out.

WHY PERSISTENT FOLLOW-UP IS CRUCIAL

If you don’t reach leads right away, the key is to keep trying! Most sales reps only follow up with a lead once or twice. But the chance of making contact with only two follow-up calls is

only 40%. In order to increase the chance of making contact to 90%, companies needed to follow up with leads six times.

That’s right: **If you follow up 6 times, your odds of reaching the lead are 90%.**

Most sales reps give up long before that.

Another study found that 30% of leads are never contacted at all.

Many companies that invest in marketing are basically fumbling at the one-yard line before the touchdown.

SOME MOMENTS MATTER MORE THAN OTHERS

The key to a full census is being there at the right time when a family needs assisted living.

Here’s what that can look like online and offline. Take the story of Amy.

Amy is a middle-aged daughter who notices that her dad is struggling at home. She starts to wonder what kinds of options there are for him. She’s not in the industry or had contact with it before, so she doesn’t know “what’s all out there.”

Around this time, Amy sees an ad on Facebook talking about the kinds of care available for aging seniors. She clicks the ad and signs up for a free guide. She enters her name and email address, then receives a PDF document in her email. The free guide outlines the different levels of care available, who is right for each when, and how people pay for these.

The guide includes a “Call to Action” to tour this specific senior living company in her area, but she’s not sure she’s ready to do that yet.

Amy continues to receive educational and informational emails from the company every week or two. Some talk about how much better the middle-aged children of an aging parent felt after they moved their mom into senior living. They have direct quotes that say they could finally go back to being a daughter instead of a caretaker.



These emails keep this senior living company top of mind for Amy, but she’s not ready to take action yet.

Her father continues to struggle. Then one day he falls and that really concerns her.

She searches Google for “assisted living near me” on her computer and sees a result for the same company from which she downloaded that free guide last month. She clicks on that result because she’s familiar with them, and now she calls to book a time to schedule a tour.

A friendly and helpful staff member answers the phone cheerfully and gets her scheduled for a tour that Saturday. She gets a confirmation email right away with an online calendar invite she can save to her calendar to see on her phone.

On Friday, she receives a reminder text message from the company saying they’re looking forward to seeing her at 10:30 am as scheduled. The text message includes a handy link she can click for directions on Google Maps on her smartphone.

The tour goes well, and afterward, she receives both an email and a text message thanking her for touring. These messages also outline the next step: completing the application for her father to move in.

But Amy gets busy with other things with her family that weekend so she doesn’t get to the application.

That Thursday she receives an email that includes testimonials from families who are glad they moved their parents into this company’s senior living facility. The quotes talk about how relieved the family was not to have to worry all the time about their mom and how friendly and helpful the staff have been. There’s even a video she can click to watch.

These singing reviews help put her over the line. She completes the application, and her dad moves in that month.

BUSY LIVES AND DIFFERENT CONTEXTS

Notice all the different touch points the senior living company above had with Amy:

- A Facebook Ad
- A free guide
- A series of helpful automated emails
- A search engine result on Google
- A phone call
- Personalized email and text message reminders

If any of those had been missing, Amy might not have moved her father into that company’s assisted living.

What if when Amy called the phone number, she didn’t speak to a friendly or helpful staff member? What if she got an impersonal automated phone system? Or a stressed staff member who wasn’t in charge of sales and didn’t know how to book Amy for a tour?

What if she booked the tour, but then didn’t have it on her digital calendar and forgot about it? Without the helpful text and email reminders, she would have missed it.

Each step in the buying process matters.

WANT HELP?

If you’d like help setting up automated marketing systems like the ones described above for your senior living company, you can email eagan@getfoundmadison.com.

Sources Cited:

- [HBR: The Short Life of Online Sales Leads](#)
- [HubSpot: Best Practices for Lead Management](#)



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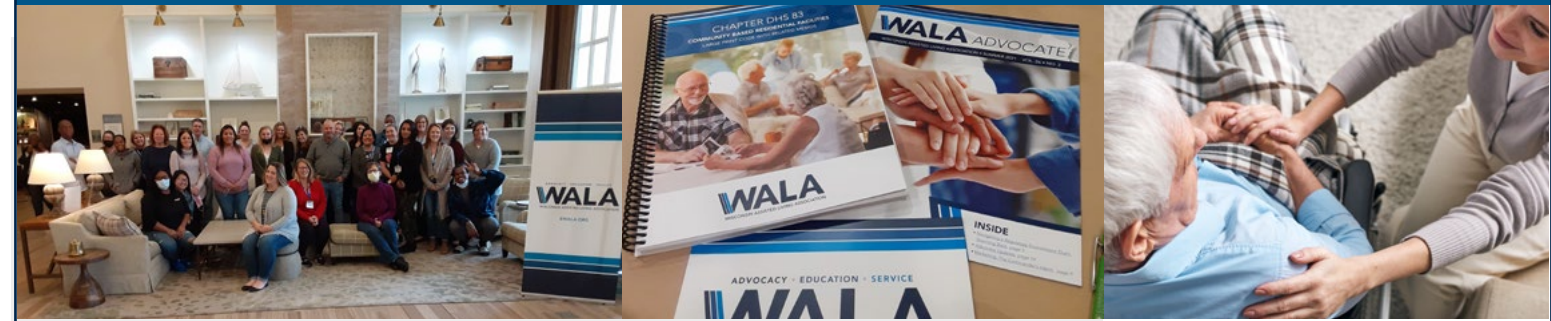
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WALA's 83.15 CBRF ADMINISTRATOR COURSE



UPDATED CONTENT FOR 2023!

WALA is pleased to announce dates for our 2023 83.15 Administrator's Course. Whether you prefer the flexibility of online learning or thrive with in-person instruction, we've got you covered in 2023.

2023 COURSE DATES:

May 9-11, 16-18, 23-25 Brookfield
July 11-12, 18-19, 25-26, Aug 1-2 Virtual
Oct 17-19, 24-26, Oct 31-Nov 2, Deforest

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ABOUT THE WALA LEADERSHIP CERTIFICATION PROGRAM

The WALA Leadership Certification program was developed in partnership with the Leadership Development Group to address the most common challenges faced by assisted living leaders. Applicants are selected on their personal profiles along with letters of recommendation. Class size is limited to ensure individualized attention. Students attend a combination of in-person and virtual sessions that tackle employee retention, coaching, building trust, increasing personal responsibility within your team, eliminating gossip and more.

The next WALA Leadership Certification Program will begin Tues, September 12th. Scan the QR Code above for more information and to apply today!



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WALA HONORS THE 2023 WALA HERO AWARD RECIPIENTS

The 2023 WALA Hero Awards were presented at the 2023 WALA Spring Conference. With nearly 50 outstanding nominees this year, the process for choosing the nominees that best represented the spirit of assisted living in Wisconsin was challenging. Ultimately, the selection committee was impressed with the touching stories and acts of kind, selfless service demonstrated by the four winners.

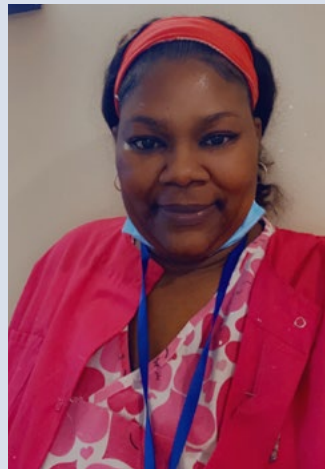
ABOUT THE WALA HERO AWARDS

The WALA Hero Awards serve to recognize outstanding employees in assisted living communities all across Wisconsin. Honorees represent the heart of assisted living through their exemplary work - going above and beyond the call of duty to provide the highest level of care, support and compassion to residents, residents' loved ones, and fellow employees. Nominated by their peers in 4 distinct categories, the honorees represent a diverse range of job titles, experience and responsibilities, but they all have caring spirits that exemplify what it means to have the heart of a hero



WALA thanks everyone who took time to nominate a Hero. We recognize and appreciate the dedication and hard work of those who were nominated. We encourage you to think about someone in your assisted living community that deserves to be recognized among their peers for the extraordinary work they have done. Nominations for the 2024 Hero Awards will be open in late 2023. For more information about the WALA Hero Awards or to learn how to nominate a Hero in your community, please visit our website (ewala.org) or follow WALA on LinkedIn.

THE HONOREES



Caregiver: Irene Reed, Village Pointe Commons

Irene's healthcare experience started in 2006, as a volunteer. She was then hired on because of her impressive work!

She admits to being hesitant to take her first caregiver position several years later and almost quit on her very first day! But the residents quickly melted her heart and she fell in love with helping seniors. Irene is passion-

ate and dedicated to her resident's wellbeing. She is especially adept at encouraging residents to participate in activities. She wants everyone to have fun and even spent three months planning the perfect senior prom! Irene is known for lighting up a room and providing a much-needed shoulder to cry on for those in need of comfort.

When Irene is not at work, her 4 children keep her busy. When she does have some time to herself, she loves to write poetry and short stories, cook and color. She is very family oriented and hosts family dinner every Sunday.



Team Member: Kyle Eggers, Great Lakes Senior Living

Kyle is proud that working in Assisted Living has been something that he shares with both of his parents. His father works in a senior community in Maintenance and his mother was a Caregiver. He has a quiet, calm presence that reassures residents that he will take care of things the right way,

right away. He has befriended even the most challenging of residents and does not hesitate to put other's needs before his own. He even spent his Christmas making sure residents were safe and comfortable when a pipe unexpectedly burst in the facility.

He is always willing to help out with activities, even serving as a temporary tattoo artist and a dunk tank target! He is a fanatic about golfing, and does this as often as possible during nice weather with his father. Yoshi, his French Bulldog, is a proud new member of his family.



Executive Director: Atiyah Nichols, Cache James Better Living

Atiyah brings a wealth of progressive leadership experience to her role at Cache James Better Living. Starting in healthcare as a nursing assistant nearly two decades ago, she now serves as a mentor and role model to other aspiring young leaders, encouraging them to follow their passions. With more

than 18 years of experience under her belt, she loves building opportunities for herself and others.

Atiyah is described by those who know her as a teacher, mentor and role model. She is enthusiastic about giving people in the broader community an exceptional place to live and work.

Atiyah says "Authenticity is my craft - believing in my own vision, and mission while manifesting my dreams with ambition. Caring and giving to others motivates me! I love to see Compassion and Growth at its finest. God and My Family gives me tunnel vision to serve My Community"



Department Director: Kristina Pierce, Deer Path Integrated Living

Kristina teaches independent living skills, helps to build upon resident recovery, and provides therapeutic education. Kristina has found that life is like a puzzle. She aims to help others put their "puzzle" together, throwing out the pieces that don't belong and learning to admire the pieces that do.

Kristina always puts residents needs first. She even drove in the middle of the night to pick up a resident who was having a crisis so that person did not have to stay in jail. Kristina is always displaying her selfless nature and even spends her days off helping out to make sure residents have the resources they need to be active in the community.

In addition to working tirelessly with residents, she loves spending time with her family and helping her children (ages 16, 17, and 21) put their life puzzles together. Kristina frequently lives by and shares her philosophy with the following quote, "Life's challenges are not supposed to paralyze you; they're supposed to help you discover who you are."

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2023 UPCOMING WALA EVENTS

APRIL 4, 2023

Legislative Day
Madison

MAY 2023

83.15 CBRF Administrator Course
Brookfield (Milwaukee Area)

JULY 2023

83.15 CBRF Administrator Course
Virtual

AUGUST 30, 2023

WALA Autumn Golf Classic
University Ridge (Madison Area)

SEPTEMBER 19-20, 2023

WALA Fall Conference
Brookfield Convention Center

OCTOBER 2023

83.15 CBRF Administrators Course
DeForest (Madison Area)



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