

WALA ADVOCATE



WISCONSIN ASSISTED LIVING ASSOCIATION • SUMMER 2022 VOL. 27 • NO. 2



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CHAIRPERSON'S CORNER

By Crystal Miller, WALA Board Chairperson



I am often reminded of the happiness in my life related to the fact that I get to do good work that is meaningful both to me and the people I serve. I am sure that you can share this sentiment with me. It's part of what makes assisted living such a wonderful place to invest our lives! One of the things that I have recently been reminded of is the value of embracing the diversity that is present in our teams and in the groups of the people we serve.

A heartwarming example of caregivers embracing and celebrating diversity happened recently and as I heard about it, it embodied so much of what we want to see happen in our day to day lives. A Wisconsin assisted living community resident, who is of Japanese descent, was nearing the end of life while her family lives in Japan. The family was in regular communication with the care team here and indicated that the Japanese tradition of death is rich in rituals, one of which is that the individual who is passing should be dressed in a traditional kimono. As you can imagine, it isn't the easiest to secure that in the middle of Wisconsin. However, the family wanted to send one, hoping that it would arrive in time. When it arrived, the caregivers provided care for the resident that included traditional music, special grooming, and of course careful dressing in the kimono. This experience was healing for the care team and provided comfort for the resident and her far-away family. What a joy it was for the whole team in that community to embrace and celebrate a cherished cultural tradition. This experience was transformative for the team.

I share this as an encouragement to continue, or perhaps start, thinking about diversity and inclusion differently or in a greater way. We know that these past few years have been some of the most difficult we have experienced in attracting and retaining the best team members. Perhaps if we creatively consider ways to embrace and celebrate team members who may have historically felt that they don't 'fit in' or that we don't value the differences they bring, we could have another tool in our toolbox to solve our workforce challenges. Perhaps you could use this sweet story as a springboard for some discussions with your team! Think about the ways that people on your team are similar to each other. Think about people you may be leaving out because they simply don't have connections through similarities. What could you (individually and as a team) do to change that? Not only is this the right thing to do for the communities that we lead and the communities that we live in, but it could also be a catalyst for long lasting and needed change for strength in our industry.

I am looking forward to seeing many of you at our Fall Conference, early bird registration is open until August 22, and if you'd like to talk more about diversity and inclusion in our industry and on our teams, I'd love to chat about it. Hope to see you there!

CEO CORNER

By Mike Pochowski, WALA President & CEO



Thank you for everything you are doing to provide outstanding care and services to all of your residents. We know this continues to be an unbelievably difficult time enduring a caregiver and staffing crisis. Please know you are doing an amazing job and we are thankful for everything you are doing.

Over these past several months, we are continuing to advocate on your behalf. Here are some of the updates:



Passage of Senate Bill 392 (2021 Wisconsin Act 254) which establishes a certification program for expanded function dental auxiliaries. This bill creates greater access to dental services to underserved populations such as individuals with cognitive and behavioral disabilities and those with Alzheimer's and dementia. I very much appreciated the opportunity to be invited to join Governor Tony Evers for the signing of this very important bill.

WALA has been actively advocating on your behalf to provide consistency and transparency within the Family Care Program. Through our advocacy efforts, the Wisconsin Department of Health Services (DHS) has agreed to develop minimum fee schedule rates for Family Care. The rate setting process is underway and WALA will have representatives participating in all workgroups and meetings.

Erin Boutan and myself had the honor and privilege to be invited to attend the 2022 Assisted Living Quality Summit. This event highlighted all of the great and continued work of the Wisconsin Coalition for Collaborative Excellence in Assisted Living (WCCEAL) and included top leaders from the Wisconsin Department of Health Services, Wisconsin Board on Aging and Long-Term Care, state long-term care provider associations, federal long-term care provider associations (including Argentum), M3 Insurance, and consumer advocacy groups. WALA is looking forward to the continued collaborative partnerships and promoting quality care and services in assisted living.



We are looking forward to our upcoming Fall Conference taking place on September 21st and 22nd at the Brookfield Conference Center in Brookfield, WI. Our Fall Conference is offering 21 educational breakout sessions with 8 available CEUs. Additionally, there will be a number of networking opportunities, access to industry experts, exhibitors, and sponsors. The agenda and registration information can be found on our website.

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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Mike Pochowski, President & CEO
Erin Boutan, Quality Improvement & Communications Director
Heather Novoselac, Event Services & Education Manager
Kayla Goodall, Office Administrator

5325 Wall Street, Suite 2305
Madison, WI 53707-7730
Phone: (608) 288-0246
Email: info@ewala.org • Website: www.ewala.org



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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 [Reinhardt Boerner Van Deuren law firm](https://www.reinhardtboerner.com) featuring Bob Lightfoot, RN. Bob Lightfoot can be reached at 608-229-2257 or rlightfoot@reinhardt.com.

TO APPEAL OR NOT APPEAL – THAT IS THE QUESTION

You've received a regulatory violation from DHS. Instinctively, you run the gamut of emotions from anger to embarrassment, to disbelief and perhaps acceptance. Acceptance? No way! After reading your Statement of Deficiency, you decide that's just not the way it happened, or there's more to the story than is in the SOD. Or, that's just plain wrong. As you read the DHS cover letter that accompanied the SOD, you see the "Notice of Right to Appeal".

"Should I appeal?" you ask yourself. Let's talk about why you may want or not want to appeal.

First, what, if any, are the enforcement actions in the SOD cover letter? A fine, small or large? Just simply the directive to correct? Or worse: harder hitting enforcement actions such as Special Orders, No Admit Orders, or the assisted living version of a coup-de-gras – a revocation of license? Obviously, the degree of, or lack of enforcement actions will be a motivating factor in consideration of whether you wish to appeal. And it generally goes like this: big fine, no admit order, revocation = appeal. Small fine, minor enforcement actions = no appeal.

Also primary in consideration of appeal is the SOD language and citations. Is it completely wrong? Is it only partially wrong? Is key information missing? Are residents or staff misidentified? Are the citations themselves something you'd consider at a "very serious" level? With this analysis it generally goes like this: Cite completely wrong, very serious citation = appeal. Minor details wrong or missing, non-serious citation = no appeal. Sometimes, the decision not to appeal is simply a business decision and that's alright too.

You can certainly understand appealing a license revocation. After all, what's the real downside? The worst is that your license gets revoked. The best is it doesn't. The grayer areas on deciding whether to appeal involve everything else – no admit orders, serious violations, minor violations, enforcement actions. Certainly, an appeal adds to the timeline of most adverse DHS actions against your facility. But you may decide you need to dispute a citation or multiple citations either because DHS is flat out wrong, or sometimes just on principle.

We can help you with your analysis on whether to appeal, looking at timelines, likelihood of success, settlement outcomes, etc. But don't delay. **YOUR APPEAL DEADLINE IS 10 CALENDAR DAYS FOLLOWING RECEIPT OF YOUR CITATIONS.** The bottom line is that with non-infection control surveys back at full force, you need to be able to critically evaluate whether it makes sense to appeal a citation you feel is wrong or incorrectly cited by DHS.

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QUICK TIPS TO ACQUIRE, DEVELOP AND MAINTAIN TALENT

Dave Molenda, Positive Polarity

Are you currently looking to add some “rockstar” talent to your team? If not, you are in the minority! According to a recent study on the healthcare workforce, staffing shortages are the number one concern facing your industry today. In fact, in the US, approximately 96% of medical facilities and senior living communities are facing staffing shortages. While these numbers can be overwhelming, we do have some control over these issues. I want to help you look at some of these areas of concern from a different perspective. It is easy to give up and lose hope. Before you do that, I want you to consider some of these ideas and I encourage you to implement some or all of these in your business. One of the important things to notice is that most of these ideas won't cost the company any money...

Let's start towards the beginning of the journey. You determine a need, and you want to write a job description that outlines what you want. So, you start with a long laundry list of tasks that you want to be performed and how you want them performed. Ask yourself, “What sets your job description apart from the other 10 job ads that are competing for the same “rockstar’s” attention”? Have you ever considered to ask members on your team what are some words that describe your company culture? Use them in your job description! Words that describe a place that people would want to work at like, “positive, encouraging, connected, flexible, engaged, and empathetic,” will set your ad apart from the other places and get people to respond. Next, ask yourself, “if the job could talk, what would it say it needs?” Consider doing a job benchmark for your next position where you build a panel of subject matter experts that know the job. They assist with the job description and hiring process. Rather than just have HR involved, get some frontline people who know what personality type the job requires. Dig deeper than just the tasks that need to be performed.

Once you have found the right person, make sure that you have a robust onboarding experience planned. Did you know that having a great onboarding program increases staff retention by 82% and can improve productivity by 70%? Find an expert in this if you are not equipped!



Onboarding is so much more than filling out forms. In fact, the average new hire is assigned 41 administrative tasks to complete! So, help them along with some important things like a welcome kit and assign them a “buddy” which is different than HR, or a leader. Additionally, ask for input regularly along the way. The more connected they feel to the company, the more apt they are to stay. Show you care by thanking them for coming onboard, sharing how excited you are they joined your team, and taking them to lunch. Using a DISC assessment or other personality tools will help you better understand your new team member. This will tell you how to effectively communicate with them, how to lead them, and what motivates them. These are all important components that will keep them on your team longer. When they see that you are investing in them, chances improve greatly that they will re-invest back into the company. Once they are contributing, the attention needs to continue. Recognize them frequently, care for them like you would your best customer. After all, your team is as important as your customer.

In closing, please remember that your team is a vital part of your company's success. So why not get them on board before, during and after you hire them? You won't regret it!

Dave Molenda is the founder of Waukesha-based Positive Polarity, Amazon #1 selling author, and host of the Positive Polarity podcast. You can learn more by visiting Positive Polarity online or by calling 262-522-7676. Register for WALA's 2022 Fall Conference in Brookfield to hear him in-person for his educational breakout session Talent: If You Recruit Right, You Will Retain!

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WALA LEADERSHIP CERTIFICATION BY LEADERSHIP DEVELOPMENT GROUP

The topic of employee recruiting and retention in a tight labor market has perhaps never been more important than it has been over the past two years. Since the COVID-19 pandemic shook up the global economy with every kind of disruption it could muster, the long-term impact on the labor market in the United States has seen the largest effect on the shortage of available workers in a variety of fields.

We have seen it firsthand in our Wisconsin assisted living communities. Raising hourly wages will only go so far to improve recruiting. Unfortunately, raising pay does little to nothing when it comes to retention, especially in the current inflationary market. If your employees are unhappy at all with their job, they can find another one all too easily.

The biggest key to retaining current workers and attracting strong talent is having supervisors and managers with excellent leadership skills.

That's why WALA is proud to team up with the Leadership Development Group to present an effective solution to employee retention and productivity. When put into practice, these leadership skills will positively impact recruiting and retention. Exclusive to our association, the WALA Leadership Certification by Leadership Development Group is kicking off this fall.

More details will be available very soon, please stay tuned!



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HOW TO ATTRACT AND RETAIN MILLENNIALS AND GEN Z WORKERS TO YOUR TEAM

By Cindy Schamber
Founder, JobLink Healthcare



How is your company faring with today's recruitment struggles? Have you noticed a shift in how you recruit new talent? We have, and here's how we're navigating it.

Currently, millennials make up 1/3 of the total workforce population and are expected to make up 75% by 2025. The other 25%? Gen Z. But they won't stay at that percentage for long. By 2030 they'll represent more than 30% of the workforce, which means that 1 in 3 of your applicants will likely be a Gen Z-er, and that's coming up faster than you think. So, our task is to speak to and attract both Millennials and Gen Z. How do we do it? First, let's talk about Millennials.

Their greatest strengths are being creative and achievement-oriented. Web MD Health Services reports that, based on a new study, "Millennial employees are eager to take advantage of workplace benefits to reduce stress. Moreover, fitness amenities and free snacks and beverages would help 40% and 52% of the respondents feel better during working hours. Interestingly, a pet-friendly workplace would reduce the stress of 40% of millennial workers." To speak to the Millennials, emphasize opportunities for creative problem solving that grant them recognition, and make simple, small investments in amenities that add value in a big way to your workplace. Focus on making them feel cared for and reducing their stress as much as possible.

How does this differ from the up-and-coming Generation Z workforce? Pay attention to this one, because it's a language we all need to learn, and one that I've come to enjoy speaking. Generation Z seems to pick purpose over salary. In fact, a quick Google search reveals that Generation Z is often called the "purpose-driven generation". They can be confident and assertive about their wants. This generation was raised being digitally connected through technology to the world of social media where they can quickly and vividly express their opinions, becoming influencers to others. They don't just want a job; they want to make a positive impact on the world today. Gen Z's want to learn and apply their skills. To keep them engaged at work they need a sense of fulfillment.

One more note about both Millennials and Gen Z'ers: their priorities may differ, but one thing they both certainly share is a priority for work-life balance. To attract and retain both generations, we need to signal that we are serious about helping them prevent burnout.

So does this change the way you think about attracting and retaining workers? It's my personal mission to connect the next generations to employment in healthcare. I'd love to have you as part of the conversation, so find me on [LinkedIn](#) for more content just like this.

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THE MARKETING LEAD DEBATE – PROSPECTS VS PREQUALIFIED RESIDENTS

By Kim M Seidl, CPRS, Owner and Executive Director, CarePatrol



There is a debate brewing in the world of Assisted Living around the relative marketing merits of web-based lead generators. The dialogue ensued when Larry Kutscher, CEO of A Place for Mom, was interviewed by Senior Housing News and a subsequent rebuttal was posted in Senior Living Foresight by Steve Moran.

Moran revealed his opinion with the title, “5 Areas Where A Place for Mom Has It Wrong”. He debates the claims that 1) Advisors are focused on move-ins, not leads; 2) sales counselors appreciate the help they get from APFM; 3) prospects and families love the help they get from APFM; 4) hospitality and senior housing are fundamentally the same; 5) APFM honors the prospect’s timeline, even if it takes more than two years to move. Moran ends his rebuttal with, “Isn’t it enough of an interruption to have 12 to 15 communities calling a prospect, in many cases a senior adult, when the APFM Advisor is also calling, scheduling tours, and asking for a decision? Enough is enough!”

Perhaps it is time to make a clear differentiation between the personalized service of senior placement advisors and web-based lead generators. As a Certified Placement and Referral Specialist (CPRS) with the National Placement and Referral Alliance (NPRA), as well as owner of CarePatrol’s largest and most successful franchise office, consider this glimpse into the work of a professional Senior Care Advisor:

A daughter was sitting in a hospital cafeteria catching a much-needed cup of coffee and went online to check some assisted-living options. She didn’t know that her search would result in an unsolicited and unwelcome barrage of sales calls while her dad is upstairs with dementia and recovering from a broken hip.

A CarePatrol Senior Care Advisor has been recommended to her and immediately begins a discovery of care

considering both the current care needs and long-term dementia prognosis of the senior client. In addition, a review of financial resources and values and preferences of the individual and family will further reduce the number of appropriate care options. With knowledge of license levels, community care policies, a review of care and violation history, with working knowledge of staffing levels and ownership changes, only vetted and recommended communities are presented to the daughter.

When the Senior Care Advisor presents the client to those preselected communities, they are unable to be compensated for a subsequent move-in because an “innocent web-based search” has captured and sold the name of that client. And online companies often have backdoor access into the databases of the communities to determine if their prospect lead has actually become a new resident. The current internet landscape does not provide for consumer choice as the “lead” does not actively agree to representation by the entity that released community information, often in direct competition to the organic search for the very communities that the consumer is seeking.

Kim M Seidl, CPRS, Owner and Executive Director, CarePatrol of Greater Milwaukee & SE Wisconsin (2020, 2021 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.

1 [A Place for Mom CEO: We Are Halfway Through Our Reinvention, \\$175M Raise Will Fuel the Effort](#) by Tim Regan | April 11, 2022

2 [5 Areas Where A Place for Mom Has It Wrong](#) by Steve Moran | Jun 29, 2022

3 [National Placement and Referral Alliance](#) Mission: To cultivate the advancement of professionalism, fairness and the development of the senior placement and referral industry through collective initiatives to better serve seniors and their families.

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Kelsey Haag, M3 Insurance

It's no secret there has been an increasingly sophisticated and widespread effort to target the healthcare industry with cyber-attacks. Your industry is one of the most desirable industries to cyber criminals due to the valuable personal information you store.

You may think that cyber-attacks only affect large hospital organizations, but statistics actually show that 58% of malware attacks are on small businesses (2018 Data Breach Investigations Report). Hackers are looking to these smaller organizations as targets that require less time and effort, with money to exploit.

Cyber Measures Healthcare Organizations Must Have in Place

Given the trend in threats targeting the healthcare and long-term care industry, cyber insurance carriers are more cautious than ever to safeguard themselves. Carriers are verifying that the most basic security measures are in place to determine both insurability and rate at your next renewal.

- [Multi-factor authentication \(MFA\)](#) on email, remote access AND privileged users as an extra layer of security to verify the identity of the person trying to gain access to an account.
- **Data management, backup strategy and security** can vary and carriers want to know more. Out-of-date backups or backups that aren't segregated aren't worth much when you experience a system-wide compromise. It's important to implement a proven and tested data backup and recovery. Even if your organization outsources data management, it's good to make sure that your vendor has access controls in place and that you are running security checks on your vendors.
- **Privileged Access Management (PAM)** sets policies and procedures to ensure the security of sensitive data and special access permissions for users, accounts, processes and/or systems.
- [Endpoint Detection and Response \(EDR\)](#) for continuous and automated real-time detection to respond to cyber



threats like ransomware and malware. The days of firewalls and antivirus software aren't enough for today's advanced cyber criminals.

- **Regular employee education & training.** Threats are not only external, but internal, with one of the leading causes of loss being human error. On average, a person receives 80 emails per day. Train staff to recognize suspicious emails and when a call to action is needed.
- **Email filters** (aka spam filtering) to allow the software to flag spam/phishing content, and automatically move to a separate folder.

Key Takeaways

Healthcare organizations are being targeted by cyber criminals at a growing rate due to the valuable personal information they store. At the same time, cyber insurance carriers are becoming more cautious of insurance placement, and are requiring organizations to have security safeguards in place in order to obtain coverage.

Healthcare organizations would be well-served to evaluate their current security programs and plans, and update them to current standards in order to obtain reasonable cyber insurance coverage at your next renewal.

[Reach out to your M3 account executive](#) to discuss your current cyber coverages, or risk management practices you can put into place in order to better protect your organization, employees, and patients.

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DIAMOND SPOTLIGHT THE WCCEAL ADVANTAGE

Erin Boutan, Quality Improvement & Communications Director

Along with WALA President & CEO, Mike Pochowski, I had the privilege of attending the recent Assisted Living Quality Summit held in Racine in late June. This was an incredible opportunity to collaborate with state and national stakeholders on how to advance quality in assisted living. One of my key takeaways from these discussions is how the assisted living industry in Wisconsin serves as a unique example of hands-on teamwork and cooperation between so many different and competing organizations.

The most distinct example of this ongoing synergy is the [Wisconsin Coalition for Collaborative Excellence in Assisted Living \(WCCEAL\)](#). If you are not familiar with WCCEAL or have not looked at it for some time, I would encourage you to consider the ways in which WCCEAL can help you achieve your assisted living community's quality improvement goals.

The WCCEAL system gives assisted living providers throughout the state access to a secure, data-driven platform that can help them assess their own internal quality improvement efforts. Participants are able to create customized reports to compare themselves to targeted peer groups, giving them the ability to compare "apples to apples" in key quality areas.

Additionally, providers who remain in good standing in the WCCEAL program have complimentary access to the online Clinical Resource Center (CRC). The CRC is an excellent source of reliable and up-to-date information designed for

staff members who care for residents in long term care settings. The CRC provides tools, case studies, training materials and other resources in a wide variety of clinical and care areas.

WCCEAL rolled out a gold level membership to distinguish communities that are meeting all membership standards plus reviewing reports on a quarterly basis. Communities that meet the criteria for gold level membership are identified publicly on the WCCEAL homepage and can print out certificates for their communities to highlight their status.

All of these WCCEAL benefits – and so many more – can be accessed as part of [WALA's Diamond Accreditation Program](#). If you want to learn more about how the Diamond program and WCCEAL can help you take your quality program to the next level, please [contact me](#) to set up a demonstration or learn more.

I am so proud of all the amazing accomplishments of our Diamond Accreditation Program participating and accredited communities. Every facet of our program was built on the belief that by working together, we can achieve more for the residents who depend on us to provide excellent quality care. There is so much energy and enthusiasm for securing Wisconsin as the benchmark of quality in assisted living and I look forward to discovering just how high we can reach in the future.



UPCOMING DIAMOND EVENTS YOU WON'T WANT TO MISS:

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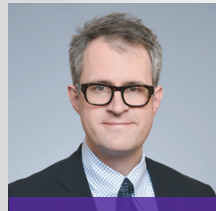
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