



## COMING TOGETHER TO ADVOCATE FOR OLDER ADULTS

### **NC Coalition on Aging December Update – December 12, 2016**

**Coalition Hears from DHHS Head Brajer, Establishes 2017 Legislative Priorities** – The Coalition on Aging meet on Friday, December 9, for its last membership meeting of the year. It was a full agenda with Secretary of the N.C. Department of Health and Human Services, Rick Brajer, present to address the group as well as to hear from Coalition members. In addition, the Coalition finalized its legislative agenda for 2017.

Secretary Brajer offered brief remarks, but most of his time with the Coalition was devoted to a free-flow discussion between him and Coalition members about the needs of older North Carolinians and how to better advance an aging agenda in the state. The Secretary, who acknowledged that his days in the Department are numbered with the pending change in administrations, offered insights and comments on issues and concerns raised by Coalition members and shared suggestions for working with the General Assembly in the upcoming legislative session.



Secretary Rick Brajer Addresses Coalition

Coalition members voted on Friday on a **legislative agenda for 2017** that consists of five priority issues. These issues are:

- Increase the recurring state funding for the Home and Community Care Block Grant (HCCBG) by \$7 million.
- Establish a joint legislative committee to examine issues pertaining to our state's older population and to make recommendations on how to address these issues. (note: the wording for this is still being refined).
- Increase state funding and support for adult protective services (APS) and guardianship services and conduct a comprehensive evaluation of these services.

- In order to better support direct care workers and help reduce worker turnover, invest in Medicaid Personal Care Services (PCS) and Community Alternatives Program (CAP-DA) programs by increasing the reimbursement rate over a two year period from \$13.88 per hour to the national average of \$17.73 (verifying this amount – sources suggest it has increased).
- Pass legislation that will support working family caregivers and help to keep them in the workforce.

**We Know the Winners** – Last week, Governor Pat McCrory conceded the Governor’s race to Democrat Roy Cooper and Republican Buck Newton conceded the Attorney General’s race to Democrat Josh Stein. Both Cooper and Stein have track records of being advocates for issues which impact older North Carolinians. When both of them served in the General Assembly (Cooper from 1987-2000 and Stein from 2009-2016), they were viewed by aging advocates as friendly to legislation and funding requests pertaining to programs and services for older adults. In his 16 years as Attorney General, Governor-elect Cooper also strengthened consumer protection programs, including efforts to prevent fraud against seniors. Attorney General-elect Stein worked under Cooper from 2001-2008 as a Senior Deputy Attorney General handling consumer protection issues, including those impacting older adults.. In other election news, Republican Chuck Stuber conceded the State Auditor’s race to Democratic incumbent Beth Wood on Friday. With this concession, all Council of State positions have now been settled.

**Legislature Returns December 13 for Special Session** – Governor Pat McCrory is calling the General Assembly back on December 13 to take action to address Hurricane Matthew relief as well as the recent wildfires in the mountains. It remains to be seen if this is the only issue the legislature will take up while they are “in town” for this special session. The Joint Legislative Oversight Committee on Health and Human Services meeting scheduled for 8:30 a.m. on that date has been cancelled.

**Republican State Legislators Nominate Leaders** – Senator Phil Berger from Eden has been nominated by his fellow Republicans in the State Senate to remain the Senate president pro tempore, a position he has held since 2010. Other nominations for Senate positions are Senator Harry Brown of Jacksonville as majority leader, Senator Jerry Tillman of Archdale and Senator Wesley Meredith of Fayetteville as majority whips, and Senator Louis Pate of Mount Olive as deputy president pro tempore. In the State House of Representatives, Rep. Tim Moore of Kings Mountain has been nominated for a second term as speaker of the House. Rep. John Bell of Goldsboro was nominated as House majority leader and Rep. Sarah Stevens from Mount Airy was nominated for speaker pro tem. Since Republicans hold majorities in both the Senate and House, those nominated should win the formal vote when the legislature reconvenes in January. In other legislative news, Senator Berger has announced that Sen. Bill Rabon of Southport will be the Senate Rules Committee chair. Rabon replaces long-time Rules Chair Sen. Tom Apodaca who did not seek re-election.

**Congress Passes Stopgap Funding Bill – Government Shutdown Averted** – With less than an hour to spare before the federal government shutdown, the U.S. Senate on Friday passed legislation to fund the government until April 28. The measure passed by a vote of 63-36 after a group of disgruntled Democrats, many of whom face tough reelection battles in pro-Trump states in 2018, withdrew their threats to block or delay the funding measure because of a dispute over healthcare benefits for retired miners. President Obama signed the bill, which had been passed by the U.S. House earlier in the week, in the early morning hours on Saturday. When Congress returns in the new year, they will have to reach an agreement on a budget for the rest of the 2017 fiscal year while also confirming numerous executive branch nominees and a potential Supreme Court nominee and working on priorities of the new Trump administration. The budget measure signed by President Obama includes \$170 million to overhaul the infrastructure of communities with contaminated drinking water such as Flint, Michigan; \$4.1 billion in disaster relief to rebuild areas, including North Carolina, inundated by Hurricane Matthew and other storms; and \$870 million to fund the 21<sup>st</sup> Century Cures Act which provides new funding for biomedical research (including the “moonshot” project to “eliminate cancer as we know it” pushed by Vice President Joe Biden), mental health research and treatment and opioid abuse treatment.

**Nominees to Lead HHS and CMS Announced – Signal Intent to Repeal and Replace Affordable Care Act (ACA)** – President-elect Donald Trump has announced his nominees to lead the Department of Health and Human Services (HHS) and the Centers for Medicare and Medicaid Services (CMS). Both nominations will require Senate confirmation. Rep. Tom Price, a six-term Congressman from Georgia, is the nominee to head HHS. He is an orthopedic surgeon, a former Georgia Senate majority leader, and chair of the House Budget Committee. He has been a strong critic of the Affordable Care Act (ACA) and has crafted his own alternate plan, Empowering Patients First Act (H.R. 2300), which would repeal the ACA and offer age-adjusted tax credits for Americans to purchase health insurance. Last year he also introduced a budget proposal that would gradually convert Medicare into a premium support program. His proposed budget would also cut Medicaid by an estimated \$913 billion over 10 years and convert it into a block grant to states. Seema Verma is the nominee for the CMS administrator position. She is currently president of SVC, Inc., a health care consulting company that helped Indiana, home state of Vice President-elect Mike Pence, structure its Medicaid expansion program under the ACA. The Healthy Indiana Plan provides private market coverage through a high-deductible health plan, paired with a \$2,500 contribution that operates like a Health Savings Account (HAS). To learn more about these nominees, go to this [site](#) from NCOA and check out this relevant [article](#) in *Modern Healthcare*.

**What Might a Trump Administration Mean for Medicaid?** – Check out this new [fact sheet](#) from the Kaiser Family Foundation which examines key questions around the potential changes President-elect Donald Trump and the next Congress may seek to make in Medicaid, a program that covers 73 million people nationally.

**Affordable Care Act (ACA) Cost** – According to new data released by the Kaiser Family Foundation this month, North Carolina has some of the highest health insurance cost under the ACA. The data also shows that North Carolinians covered by the ACA receive some of the nation’s highest subsidies per person, and the number of subsidized people would be even higher if all eligible enrollees took advantage of the federal financial aid. The average ACA subsidy in North Carolina was \$401 as of March 31, the third-highest in the nation. As of last March, 545,354 people in the state were enrolled in the ACA. About half a million ACA enrollees in the state are subsidized with 85% of ACA enrollees here paying less than \$100 a month and 77% paying less than \$50 a month. The state has the fourth-highest subsidy bill in the country. Blue Cross and Blue Shield, the state’s largest health insurer and the only health insurer to offer ACA plans in all 100 counties, is raising ACA rates 24.3% in 2017 after raising ACA rates 32.5% this year. To read more about this, check out this [article](#) by John Murawski with the *News and Observer* and an additional [article](#) by him about how those who don’t qualify for subsidies feel the sting of rate hikes.

**Affordable Care Act (ACA) Enrollment Continues Until January 31** – At this time, the ACA is still the law and the ACA marketplace is open for enrollment now until January 31. Consumers who enroll and pay their first premium by December 15 will have health insurance coverage starting January 1. Free expert appointments are available all across the state for assistance in get information and enrolling in a plan. To make an appointment, call toll-free at 855-733-3711 or go on-line to [www.GetCoveredAmerica.org](http://www.GetCoveredAmerica.org).

**Gerrymandering Update** – On November 29 a federal court ordered North Carolina to hold a special legislative election in 2017 after 28 House and Senate districts are redrawn to comply with a gerrymandering ruling. Earlier this year, a U.S. District Court judge threw out the current state legislative district map ruling that 28 of them were unconstitutional racial gerrymanders. The 2016 elections were allowed to continue under the old maps, but legislators were ordered to draw new districts in 2017. Republican lawmakers have appealed this District Court ruling to the US Supreme Court. The November 29 order gives legislators a March 15 deadline to draw new district maps. Every legislator whose district is altered will have their current term shortened to one year. A primary will be held in late August or early September and the general election will be in November. As lawmakers tackle the task of redrawing district maps, more than 28 districts could be impacted. With numerous legislators potentially facing another election in 2017, it remains to be seen what impact this will have on the upcoming legislative session. To read more about this, click [here](#).

In more gerrymandering news, on December 5 the U.S. Supreme Court heard oral arguments in a case alleging racial gerrymandering in the drawing of controversial boundaries around two majority-black Congressional districts (districts 1 and 12) in our state. The case, which is on appeal to the Supreme Court after a panel of three federal judges earlier this year found evidence of racial gerrymandering, could serve to clarify what federal law says about how state legislatures can use racial demographics when drawing voting districts. A ruling on this case

could come this spring, but may be delayed if the Court waits on a judicial nominee from President-elect Donald Trump. To read more about this, click [here](#).

**Overtime Rule Halted by Federal Judge** – On November 22, a U.S. District Court Judge in the U.S. district court of the eastern district of Texas granted an emergency motion for preliminary injunction and thereby halted the U.S. Department of Labor from implementing and enforcing the new federal overtime rule that would have doubled the Fair Labor Standards Act salary threshold for exemption from overtime pay. Twenty-one states filed an emergency motion for a preliminary injunction in October to stop the rule. They claimed the Department of Labor exceeded its authority by raising the salary threshold too high and by providing for automatic adjustments to the threshold every three years. The states’ case was consolidated last month with another lawsuit filed by the U.S. Chamber of Commerce and other business groups. The overtime rule was scheduled to take effect December 1 and would have raised the salary threshold from \$23,660 to \$47,476. A preliminary injunction preserves the status quo while the court determines the department’s authority to make the final rule as well as the final rule’s validity. On December 1, the Department of Labor filed a motion for an expedited briefing of its appeal of the judges decision . To read more on this, go to [this](#) and [this](#) (click through to bypass password).

**Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) Resources Available** – Last legislative session, the General Assembly passed UAGPPJA legislation which applies to all new incompetency and adult guardianship proceedings filed on or after December 1. Meredith Smith at the UNC School of Government has prepared a very useful list of resources available to assist with the implementation of UAGPPJA in North Carolina. To find out more, click [here](#).

**N.C. Housing Coalition Calls for Funding for Hurricane Matthew Housing Recovery** – Coalition member, the N.C. Housing Coalition, reports that as of November 25, \$55.6 million in federal Housing Assistance has been distributed through FEMA to 17,026 households in North Carolina impacted by Hurricane Matthew with an average award of \$3,224. There were, however, 29,765 households who applied for aid who were ineligible. Only 31% of applicants in affected areas have received any assistance. As the General Assembly comes back for the special session this week, the Housing Coalition is urging lawmakers to provide at least \$30 million toward housing recovery in affected counties. For more information, contact Samuel Gunter, Director of Policy and Advocacy with the N.C. Housing Coalition, at (919) 827-4496 or [sgunter@nchousing.org](mailto:sgunter@nchousing.org).

**N.C. Division of Aging and Adult Services (DAAS) Award Winners Named** - Congratulations to the following winners of the annual awards given by DAAS:

- **Bobbie Redding** is the recipient of the Maddox Award which recognizes an individual or organization that has excelled in creative programming for older adults. Ms. Redding is

managing attorney for the Cumberland County Department of Social Services, and is a spokesperson and advocate for older adults and persons with disabilities.

- **Caswell Family Medical Center** in Yanceyville was selected for the Messer Award which recognizes a community that has excelled in addressing the needs of its older citizens. The Medical Center was recognized for its house-call program that serves those who are bed-bound or home-bound and has documented excellent clinical outcomes. The Medical Center has a close working relationship with the Caswell County Senior Center.
- **The N.C. Institute of Medicine** is the recipient of the Busse Award that recognizes an individual or organization that has had a significant impact on enhancing the health status of older North Carolinians through efforts to direct health-related policies and/or to provide leadership in developing innovative solutions to health care problems. The Institute was recognized for its work in convening the Task Force on Alzheimer's and Related Dementias which produced "Dementia Capable North Carolina: A Strategic Plan for Addressing Alzheimer's Disease and Related Dementias."

**2017 Social Security Changes** – Check out all the Social Security changes for 2017 by reviewing this [fact sheet](#).

**Friends of Residents in Long Term Care Adopts Public Policy Goals for 2017 Legislative Session:**

- Require notification, access and input by residents, family members or responsible parties in the penalty determination process for adult and family care homes.
- Appropriate additional recurring state appropriations to meet the growing need and complexity of Adult Protective Services in North Carolina.
- Enact legislation that will bring North Carolina's Community Advisory Committees into compliance with federal requirements for volunteer ombudsmen.
- Require an independent, objective cost study of the actual cost of providing care in assisted living facilities in North Carolina with the goal to increase reimbursement rates for personal care and special assistance if warranted.
- Enact state legislation to prohibit the use of mandatory pre-admission arbitration agreements as a condition of admittance to long term care.

**Comments Sought on Draft Long-Term Care Ombudsment Policy and Procedures Manual**

In January of 2016, the N.C. Division of Aging and Adult Services (DAAS) and the State Long-Term Care Ombudsman Program assembled a Final Rule Workgroup to review and revise the policies and procedures of the N.C. Long-Term Care Ombudsman Program. This Workgroup has produced a draft of the revised Ombudsman Program Policy and Procedures Manual and it is now available for comment. To find out more about the draft Policy and Procedures Manual and the federal rule that prompted this change, contact Victor Orija, State Long-Term Care Ombudsman at [victor.oriya@dhhs.nc.gov](mailto:victor.oriya@dhhs.nc.gov). Comments on the draft Manual are due to Victor by December 30.

**Social Services Consortium Sets Legislative Priorities** – 2017 legislative priorities for the N.C. Social Services Consortium are:

- Increase funding and enhance services for Adult Protective Services and Guardianship while also improving Behavioral Health Services for vulnerable, older, and disabled adults.
- Appropriate recurring funds to support the State’s Child Welfare Program Improvement Plan.
- Preserve Federal and State Block Grants for county administered programs (TANF, SSBG, CSBG, HCCBG), oppose unfunded mandates, and prevent unnecessary workload increases to counties (including shifting state responsibilities to counties).

**Office of Inspector General (OIG) Releases 2017 Work Plan** – In early November, the OIG released its 2017 fiscal year work plan which summarizes new and ongoing reviews and activities that OIG plans to pursue with respect to Health and Human Services programs and operations. New areas of focus for skilled nursing facilities, hospices, and home health agencies reflect OIG’s continued efforts to identify and offer recommendations to reduce improper payments, prevent and deter fraud, and encourage economical payment policies. To read more about specific areas of focus, click [here](#).

**Additional News and Resources of Interest:**

- **Carla Obiol, Senior Deputy Commissioner at the NC Department of Insurance, has announced her retirement** from the Department effective January 31, 2017. Prior to assuming this position, Carla was the long-time director of the Seniors’ Health Insurance Information Program (SHIIP) in the Department where she developed this program into the model consumer assistance program in the country.
- **Bob Hall, Executive Director of the advocacy group Democracy North Carolina** since it was founded in 1991, has announced that he **will retire** from the job next spring. Democracy North Carolina has been one of the most active organizations in lawsuits and other action opposing voter ID and other election changes as well as addressing issues of money in politics.
- Thanks to the work of a group of Social Work students at N.C. State University, the **Directory of Resources for Older Adults in Wake County has been translated to Spanish and Korean**. The translated directories will be posted at [www.resourcesorseniors.com](http://www.resourcesorseniors.com). The students will be working with agencies on aging in additional counties to translate their directories.
- **Senior Centers 2017: Fostering Well-Centered Aging**, a conference for senior center personnel, will be held on June 14-16 at the Hyatt Lodge in Oak Brook (Chicago), Illinois.

- According to the Agency for Healthcare Research and Quality, in 2014, the top 1% of persons ranked by their health care expenditure accounted for 22.8% of the total health care expenditure, while the bottom 50% accounted for only 2.8%. **Persons age 65 and older comprised 15.1% of the U.S. civilian noninstitutionalized population and accounted for 33.6% of total health care expenditures.** To learn more, click [here](#).
- According to the Agency for Healthcare Research and Quality, 76% of Americans within the U.S. community population had expenditures for ambulatory care while 61% had expenses for prescribed medicines, 20% had home health care/other medical equipment expenses, and 7% had hospital inpatient care expenses. To learn more, click [here](#).
- **The N.C. Alliance for Health is now accepting applications for a Grassroots Coordinator position.** This position will be responsible for membership engagement and grassroots organizing, capacity and partner building, developing educational materials, and coordinating and conducting advocacy training to support the Alliance's tobacco use prevention and obesity prevention campaigns. To view the full application, click [here](#).

**Aging Programs on NRP** – NPR has had a number of reports on aging issues in the last month. To view a program, click on it. Programs include:

- Caring For A Loved One At Home Can Have A Steep Learning Curve
- Life Expectancy In U.S. Drops For First Time In Decades, Report Finds
- A Brighter Outlook Could Translate To A Longer Life
- Life Inside The Alzheimer's Ward: A Hidden World Revealed
- It's Never Too Late To Quit Smoking, Even In Your 60s
- Golden Years, Iron Bars: Japan Sees Rise In Crime By The Elderly
- Dementia Risk Declines, And Education May Be One Reason Why
- Hospital Companions Can Ease Isolation For Older People
- Older Patients Can Benefit From Lung Cancer Surgery
- A Growing Group Of Doctors Are Big-Money Prescribers In Medicare

**Additional Articles/Stories:**

*News and Observer* – December 10, 2017 – [“Seniors’ Plans Halted by Recession, Cost of Living”](#)

*NC Policy Watch* – December 4, 2016 – [“Alan Briggs, NC Association of Feeding America Food Banks, Discusses the Faces of Hunger in North Carolina”](#)

*NC Health News* – December 1, 2016 – [“Aquatic Exercise for People with Dementia Appears to Refresh Body and Spirit”](#)

*News and Observer* – November 29, 2016 – [“A Quiet Hunger, Triangle Seniors Without Food”](#)



*News and Observer* – November 27, 2016 – “[Another Move to Suppress Votes](#)”

*CBS 60 Minutes Overtime* – November 27, 2016 – “[Drug Trials to Prevent Alzheimer’s](#)”

*The New York Times* – November 24, 2016 – [A Battle to Change Medicare Is Brewing, Whether Trump Wants It or Not](#)”

*News and Observer* – November 21, 2016 – “[Senior PharmAssist Helps Seniors Manage Medications](#)”

*USA Today* – November 18, 2016 – “[Divided America: Easy Retirement, Only for a Privileged Few](#)”

*Medical Express* – November 18, 2016 – “[Palliative Care May Mean Fewer Difficult Transitions for Older Adults Nearing the End of Life](#)”

*NBC Nightly News* – November 16, 2016 – “[Surprise Medical Bills Found in 2 Percent of ER Visits](#)”

*WRAL Local News* – November 16, 2016 – “[Local Non-Profit Serves Senior Veterans](#)”

*AARP* – November 14, 2016 – “[Caregiving Costly to Family Caregivers](#)”

**Coalition Meetings for 2017** – The Coalition has set its meeting schedule for 2017. The dates are January 27, February 24, March 24, April 28, May 19, June 23, August 25, September 22 (annual meeting), October 27, and December 8. All meetings, with the exception of the September annual meeting, are scheduled for 10:00 a.m. in the first floor conference room at the NC Division of Aging and Adult Services (693 Palmer Drive, Taylor Hall on the Dix campus). The location for the annual meeting will be announced the first of the year.

**Submitting Information for Updates** – If you have news or information on activities and events you would like to have included in an Update to Coalition members, please send details to Mary Bethel, Coalition President, at [mmbethel72@gmail.com](mailto:mmbethel72@gmail.com).

**Coalition on Aging Membership** – Are you interested in getting more involved in being an advocate for older North Carolinians? If yes, consider becoming a member of the Coalition on Aging. Membership in the Coalition is open to any agency, organization, group, or individual who is interested in aging in North Carolina. To renew your membership or to sign up for the first time, go to <http://www.nccoalitiononaging.org/membership.aspx>. Membership dues notices for 2017 will be e-mailed in early January.

**Have questions about the Coalition on Aging or need more information? Check out our website at <http://www.nccoalitiononaging.org/>.**