



**Office of the State
Long Term Care
Ombudsman**

2017

ANNUAL REPORT

Submitted By:
Claudette Royal
State Ombudsman

The Long-Term Care Ombudsman Program 2017 Annual Report

Educating, Empowering, Advocating

Report Summary:

This report has been developed to meet the annual reporting requirements established pursuant to the NYS Elder Law regarding the operations of the New York State Long Term Care Ombudsman Program (NYS LTCOP). This report provides an overview of LTCOP program operations, effects of regionalization, the enactment of changes outlined in new federal regulations, advocacy efforts, and the focus of the program for the upcoming year.

Regionalization:

Enhancing LTCOP's efficiency in recent years included the establishment of a regional approach to administering the program. The goal of this effort was to provide residents of long term care facilities across the state with improved access to certified ombudsmen. The initiative has proven effective in enhancing access to program services and providing community outreach and awareness.

New Regulations:

Following the promulgation of new federal regulations in 2016, NYS LTCOP, with guidance from the Administration on Community Living (ACL), has been working to come into compliance with the new requirements, which includes developing and enacting policies related to advocacy on behalf of residents in long term care facilities and overseeing local ombudsmen programs. An area of focus delineated by the new regulations was systems advocacy work. To facilitate its expansion and meet the changing needs of residents, the Office of the State Long Term Care Ombudsman has identified a need for increased funding for the program and the Personal Needs Allowance (PNA) initiative.

2018 Focus:

In 2018, the proposed state regulations will take effect. NYS LTCOP will also draft and propose legislation during the 2018 legislative session to conform the state elder law with the new federal requirements. Additionally, NYS LTCOP will address areas of concern identified by residents and families to ensure the continued increase in residents' quality of care and quality of life.

Program Overview:

The mission of the Long-Term Care Ombudsman Program is to serve as an advocate and resource for older adults and persons with disabilities who live in long-term care facilities, such as nursing homes, adult homes, assisted living facilities and family type homes. Ombudsmen help residents and their families understand and exercise their rights in order to effectively address concerns which impact their health, safety and quality of life. These services are provided through approximately 40 paid staff 570 certified volunteer ombudsman throughout the state. The program advocates for residents at both the individual and systems levels by receiving, investigating and resolving complaints made by or on behalf of residents, promoting the development of resident and family councils, and informing governmental agencies, providers and the general public about issues and concerns impacting residents of long-term care facilities.

The Older Americans Act, administered by ACL, requires each state to establish an independent Office of the State Long-Term Care Ombudsman, as defined in the federal regulations recently issued by ACL. In New York, The Office of the Long-Term Care Ombudsman is administratively housed within the State Office for the Aging (NYSOFA) and provides advocacy services statewide through a network of 15 regional programs who provide coverage to approximately 1500 facilities which house over 150,000 long term care residents.

Program Regionalization:

New York State LTCOP was restructured to enhance the program's administrative efficiency having gone from 34 local programs, to 15 regional programs primarily sponsored by not-for-profit agencies, and one Area Agency on Aging (map attached). The goal of regionalization was to provide increased access to ombudsman services with more paid staff dedicated to the program who could provide training and technical assistance to the volunteers in their designated region. In the first year of regionalization, there were some growing pains related to training new staff, recruitment and management of volunteers, and teaching these individuals the intricacies of the program. In 2017, the program was better prepared to move in a positive direction and obtain better results from these efforts in relation to reaching residents and families and providing increased advocacy efforts at both the individual level and statewide systems level.

Long Term Care Ombudsman FFY 2017 Data:

In FFY 2017 The NYS Ombudsman Program had the following aggregate data:

- investigated 1636 complaints throughout NYS (see attached graphs)
- responded to 43,768 requests for information and consultation about long-term care questions and issues from residents, caregivers and the general public.
- visited 58% of nursing homes and 30% of adult care facilities at least quarterly to provide residents with access to advocacy assistance and to monitor quality of care.

- conducted 240 community education sessions on residents' rights and long-term care issues.
- volunteers contributed 72,505 hours of service in support of advocacy on behalf of long-term care residents.

Below is a sample list of resident issues certified volunteer ombudsmen and paid ombudsmen assist with:

- Violation of residents' rights or dignity
- Physical, verbal, or mental abuse, deprivation of services necessary to maintain residents' physical and mental health, or unreasonable confinement
- Poor quality of care, including inadequate personal hygiene and slow response to requests for assistance
- Improper transfer or discharge of residents
- Inappropriate use of chemical or physical restraints
- Any resident concern about quality of care or quality of life

Role of Ombudsman:

Certified ombudsman, often volunteers, provide a “regular presence” in facilities and because of this are able to get to know residents, their needs, and those things that make a difference in their everyday lives. For residents without any family or loved ones, the ombudsman may be their only socialization from outside the facility and the only advocate they can count on. Ombudsman become a lifeline for those who have nobody to turn to when they need assistance.

Federal Regulations:

In 2016, federal regulations governing the Long-Term Care Ombudsman Program went into effect. NYS LTCOP spent much of 2017 promulgating state regulations to ensure the program meets these new federal requirements. This Office did engage in discussion with ACL to obtain guidance and assistance in this process. A key provision of the federal regulations was to provide the Office of the State Long Term Care Ombudsman with autonomy to act as an independent office. The areas that were referenced include the development and implementation of laws, regulations, policies and actions relating to residents of long term care facilities, as well as in the oversight of the local ombudsman entities in their implementation of the program.

Advocacy Efforts:

Another area of focus in the new regulations was designation of the Office of the State Long Term Care Ombudsman as a distinct and separate entity, allowing the office to independently engage in systems advocacy and making recommendations that improve the quality of care in

long term care facilities and the quality of life for residents. In 2017, this Office began statewide efforts to reach out to legislative offices and the Governor's Office regarding increasing the funding to this program and the Personal Needs Allowance for nursing home residents.

The increase in funding would allow the program to expand its number of paid staff, enhance volunteer recruitment and ultimately increase resident's ability to access the ombudsman program. Volunteer ombudsmen are the primary resource for coverage in facilities in the current program structure. However, the needs of residents are changing and becoming more complex, often requiring paid staff assistance along with, or instead of, the volunteer. Increasing paid staff would greatly increase the ability to provide more specific advocacy services to residents, and increase the ability to reach more facilities.

As a statewide program initiative, the office sought to advocate for a resident-specific concern, the Personal Needs Allowance (PNA). This has not been increased in over 30 years, though resident's costs for items such as a haircut, a candy bar, or a card has drastically increased in that time. The program has advocated for an increase in this from \$50/month to \$75/month and will continue these efforts statewide.

Focuses for 2018:

The proposed state regulations will be taking effect in early 2018. NYS LTCOP will also be preparing legislation for introduction during the 2018 legislative session that will adapt the state elder law to be in compliance with these new federal regulations.

The Office of the State Long Term Care Ombudsman has identified areas of concern in long term care facilities, discharge processes and staffing, which are common complaints from residents and families. LTCOP staff relay these concerns to state and regional DOH staff and plan to pursue systems advocacy efforts related to these areas.

Our offices are now receiving facility-initiated discharge notices from nursing facilities as a result of the new federal nursing home regulations. In 2018, the office will be evaluating nursing home discharges at a more detailed level related to resident's rights. We will be working with Department of Health to determine what areas related to discharge can be improved, and what avenues can be taken to enact these improvements.

All of the regional programs will continue efforts to increase the quality of care and quality of life for all long-term care residents.

For additional information, contact the New York State Long Term Care Ombudsman Program at 1-855-582-6769 or visit the NY State Ombudsman Program website: www.ltcombudsman.ny.gov.

Claudette Royal

New York State Long Term Care Ombudsman



Office of the State Long Term Care Ombudsman

The Long Term Care Ombudsman Program

Educating, Empowering, Advocating

Purpose. The LTC Ombudsman Program is an advocate and resource for persons who reside in long-term care facilities such as nursing homes, assisted living and board & care homes. Ombudsmen help residents and their families understand and exercise their rights and effectively address concerns which impact their health, safety and quality of life. The program advocates for residents at both the individual and systems levels by receiving, investigating and resolving complaints made by or on behalf of residents, promoting the development of resident and family councils, and informing governmental agencies, providers and the general public about issues and concerns impacting residents of long-term care facilities.

Administration. The Older Americans Act, which is administered by the Administration for Community Living (ACL), requires each state to establish an Office of the State Long-Term Care Ombudsman. In **New York**, the program is administratively housed within the State Office for the Aging (NYSOFA), and provides advocacy services through a network of 15 regional programs. Each regional ombudsman program has a designated ombudsman coordinator who recruits, trains and supervises a corps of volunteers (approximately 570 statewide) that provide a regular presence in nursing homes and adult care facilities.

Highlights. In FFY 2017

The NYS Ombudsman Program:

- investigated 1636 complaints throughout NYS.
- responded to 43,768 requests for information and consultation about long-term care questions and issues from residents, caregivers and the general public.
- regularly visited 58% of nursing homes and 30% of adult care facilities to provide residents with access to advocacy assistance and to monitor quality of care.
- conducted 240 community education sessions on residents' rights and long-term care issues.
- volunteers contributed 72,505 hours of service in support of advocacy on behalf of long term care residents.

For additional information:

Contact the New York State Long Term Care Ombudsman Program at 1-855-582-6769 or visit the NY State Ombudsman Program website: www.ltcombudsman.ny.gov

Claudette Royal, New York State Long Term Care Ombudsman

LTCOP Regions

- 1 Family Service League
- 2 Family and Children's Association
- 3 Center for Independence of the Disabled
- 4 Westchester Independent Living Center
- 5 Hudson Valley LTC Ombudsman Program
- 6 Catholic Charities Senior and Caregiver Support Services
- 7 North Country Center for Independence
- 8 Northern Regional Center for Independent Living, Inc.
- 9 Resource Center for Independent Living
- 10 ARISE Child and Family Services, Inc.
- 11 Action for Older Persons
- 12 Tomkins County Office for the Aging
- 13 Lifespan
- 14 AIM Independent Living Center, Inc.
- 15 People, Inc.



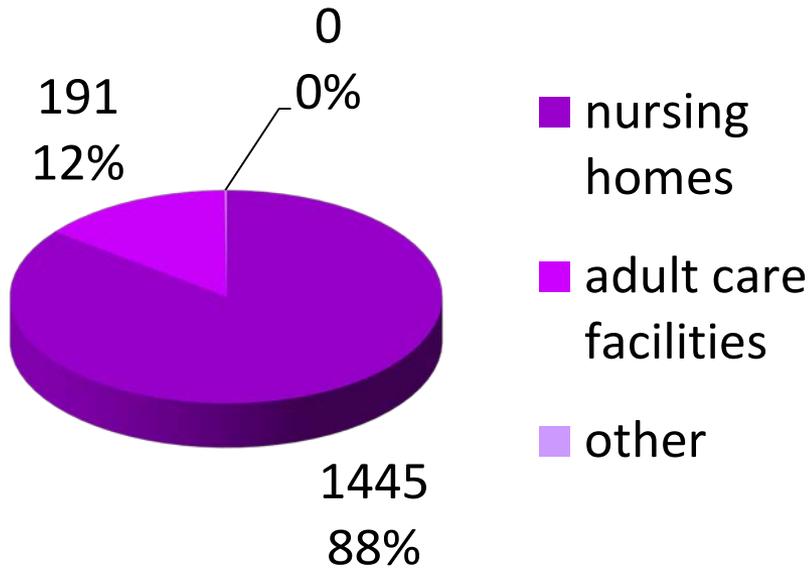
NYS Ombudsman Program Complaint Data



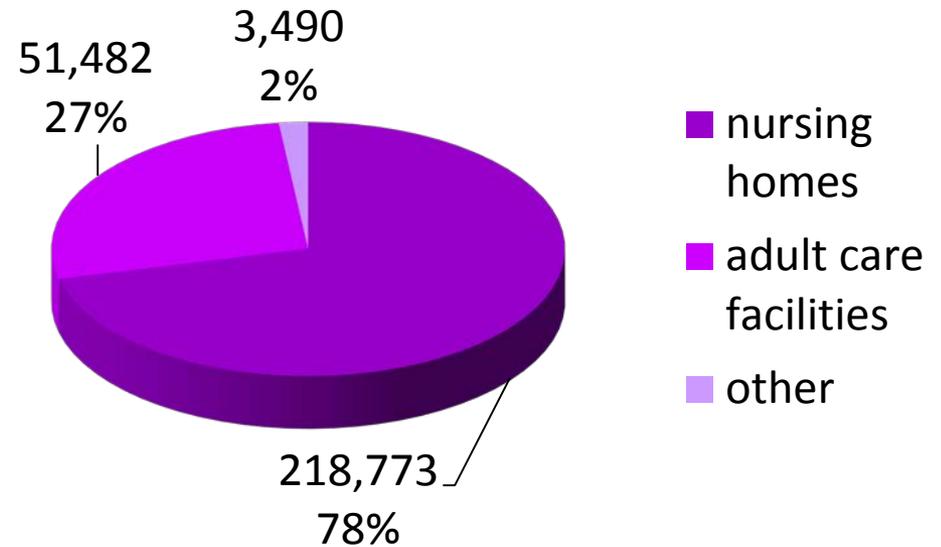
NYS LTCOP 2017 Data

Complaint Venue

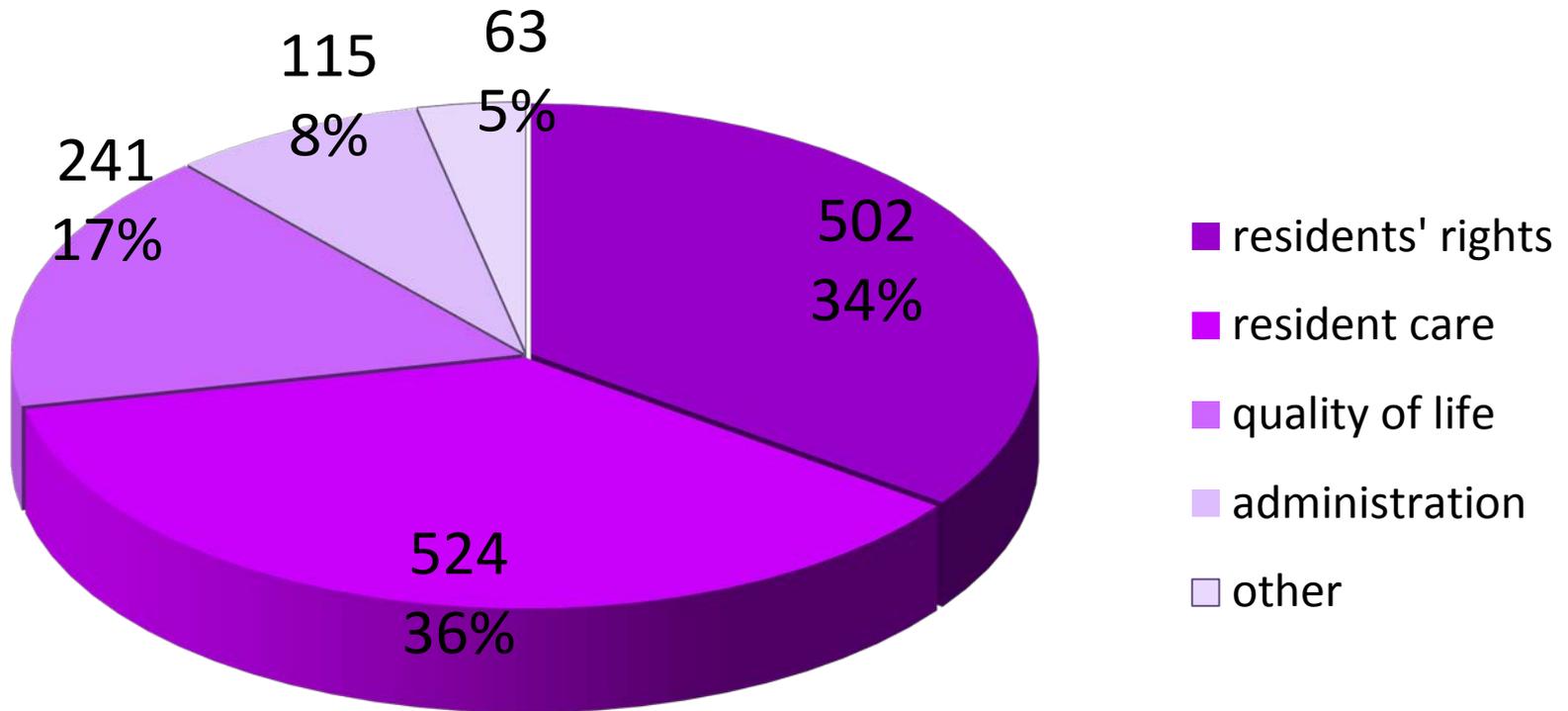
New York 2017



National 2015



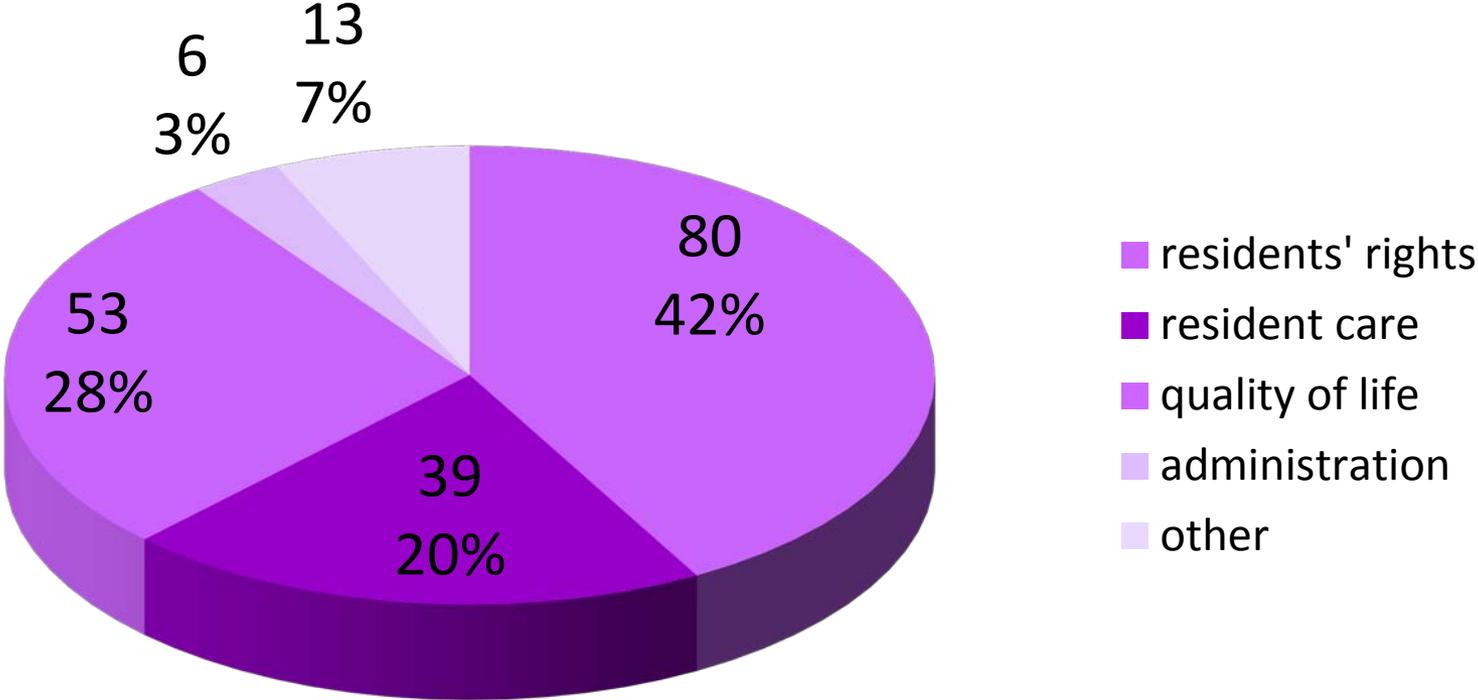
Nursing Home Complaints by Category



Most Frequent Nursing Home Complaints

- Dignity/respect/staff attitudes
- Medications – administration, organization
- Failure to respond to requests for assistance
- Discharge/eviction (planning, notice, process)
- Personal Hygiene & adequacy of dressing/grooming

Adult Care Facility Complaints by Category



Most Frequent Adult Home Complaints

- Medications – administration, organization
- Discharge/Eviction-planning, notice, procedure, implementation, abandonment
- Personal property lost, stolen, used by others, destroyed, withheld from resident
- Cleanliness, pests, general housekeeping
- Resident conflict, including roommates