



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

2020

ANNUAL REPORT

Submitted By:
Claudette Royal
State Ombudsman

The Long Term Care Ombudsman Program 2020 Annual Report

Educating, Empowering, Advocating

Report Summary:

This report provides an overview of the Office of the State Long Term Care Ombudsman program operations per state and federal regulations, advocacy efforts, and the focus of the program for the upcoming year.

Program Overview:

The mission of the Long Term Care Ombudsman Program (LTCOP) 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 loved ones understand and exercise their rights in order to effectively address concerns that 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.

The Older Americans Act, administered by the U.S. Administration for Community Living (ACL), requires each state to establish an independent Office of the State Long Term Care Ombudsman, as defined in federal regulations. In New York State, the Office of the State Long Term Care Ombudsman is administratively housed within the New York State Office for the Aging (NYSOFA) and provides advocacy services statewide to approximately 160,000 long-term care residents in almost 1,500 facilities.

New York State LTCOP is administered through 15 regional programs consisting of 14 not-for-profit agencies and one Area Agency on Aging (map attached). Throughout the state, there are approximately 50 paid staff (full and part-time) and over 300 certified volunteer ombudsmen providing advocacy services to long-term care residents. Paid program staff provide facility coverage, information and assistance to residents and families, technical assistance to the certified volunteers and assistance with advocacy efforts at the facility, regional and state levels. Paid program staff are also responsible for the management of all volunteers, ensuring LTCOP policies and procedures are being followed and volunteers are provided with ongoing education as it relates to long-term care residents.

Role of an Ombudsman:

Certified ombudsmen, often volunteers, provide a “regular presence” in facilities. Because of this presence, they get to know residents, their needs, and the factors that make a difference in their lives.

For residents without any family or loved ones, the ombudsman may be their only social connection outside of the facility and the only person they can rely on. Ombudsmen often become a lifeline for those individuals who have no one else to turn to when they need assistance the most.

The COVID-19 pandemic created barriers to in-person ombudsman access for residents. As per federal guidance, visitation to long-term care facilities was stopped as a safety precaution. LTCOP continued to provide access through alternate means of communication, such as telephonic, email and virtual platforms.

2020 Focus Issues:

NYS LTCOP is charged with identifying issues raised by residents and their families and helping them resolve their concerns. The primary focus of program activities during 2020 included issues that arose due to the pandemic as well as fielding calls and concerns about visitation in facilities. Families were contacting the program frequently for assistance with checking on their loved ones in facilities. LTCOP worked to assist families seeking compassionate care visits for residents that met the criteria set forth by federal regulations. LTCOP also worked to facilitate virtual communication opportunities for families to contact the facility utilizing the technology provided to facilities during the pandemic.

In July, the New York State Department of Health (DOH) and LTCOP partnered to develop a plan to assist residents in long-term care facilities. This plan had several key areas focused on improving resident quality of care and resident rights.

Enhance Communications with Residents

DOH provided facilities with funds to purchase technology equipment to allow for communication between residents, families and LTCOP as a tool to combat social isolation. LTCOP and DOH publicized the availability of continued ombudsmen access, which could be provided using the technology purchased, as well as through other alternate means.

Marketing Campaign

LTCOP implemented a marketing campaign for both volunteer recruitment and program awareness. LTCOP and DOH both provided public information about the ombudsman program to ensure residents and their loved ones were aware of their rights to access an ombudsman. LTCOP also worked with AARP in these efforts to reach a larger audience for program awareness and volunteer recruitment.

Involuntary Discharges

In 2018, LTCOP identified facility-initiated or involuntary discharges as a concern and worked with multiple agencies to create a taskforce to evaluate this issue and develop strategies to address it. A taskforce was created in one region and has expanded to include other LTCOP regional programs. The taskforce also includes a variety of stakeholders such as Area Agencies on Aging (AAAs), advocacy organizations, the New York State Office of Children and Family Services' (OCFS) Adult

Protective Services (APS), and legal service organizations, all of whom have come together to work toward improving the discharge process and assisting residents facing involuntary discharge. The concerns related to discharge were discussed with DOH, and, as part of the partnership, DOH developed materials for nursing homes to provide to residents upon serving a notice of involuntary discharge. These materials included a listing of free legal advocacy options, facility ombudsman contact information, and additional information on resident rights related to discharge.

Advocacy Efforts:

An area of focus in the regulations is the designation of LTCOP as a distinct and separate entity, allowing the office to independently engage in systems advocacy to make recommendations that improve the quality of care in long-term care facilities and the quality of life for residents. In 2020, LTCOP at both the regional program and state office level, engaged frequently with legislators to discuss how the pandemic was impacting long-term care residents and their families. As part of this outreach, LTCOP also provide education about the program's mission and discussed any pertinent proposed legislation.

NYS LTCOP monitored and analyzed proposed legislation that related to residents' quality of care and quality of life, providing comments on proposed laws, regulations, policies, and actions relating to residents of long-term care facilities.

During these legislative meetings, LTCOP also discussed the need for resources to be directed to the program to ensure residents are able to obtain access to the advocacy services provided by certified ombudsmen. The pandemic brought awareness of how valuable ombudsmen are for residents and families as a resource for information and education as it relates to quality of life in long-term care facilities.

An increase in resources would allow the regional programs to increase the number of paid staff, enhance volunteer recruitment, and ultimately increase residents' ability to access the ombudsman program. Volunteer ombudsmen are the primary resource for facility coverage in the current program structure, and the pandemic has impacted their participation in the program. At the same time, the need for residents to access ombudsmen services has risen and the concerns they face have become more complex, often requiring paid staff assistance along with, or instead of, the volunteer. Increasing paid staff would greatly increase the ability to serve more residents and provide them with more specific advocacy services.

Long Term Care Ombudsman FFY 2020 Data:

In FFY 2020, NYS LTCOP:

- Investigated 7,031 complaints throughout New York State.
- Responded to 69,626 requests for information and assistance about long-term care questions and issues from residents, caregivers, facility staff and the general public.
- Conducted 138 community education sessions on residents' rights and long-term care issues.

- Volunteers contributed 29,175 hours of service in support of advocacy on behalf of long-term care residents.
- Due to federal guidance related to visitation and the COVID-19 pandemic, no facilities received regular visitation.

Attached is a breakdown of the complaints received by each LTCOP regional program and a summary of program activities.

Focuses for 2021:

The Office of the State Long Term Care Ombudsman has identified areas of concern in long-term care facilities inclusive of visitation and quality of care issues, which were the most common complaints from residents and families. LTCOP provided DOH with recommendations for improving the concerns related to visitation late in the program year and will continue to pursue systems advocacy efforts to ensure this issue can be addressed throughout 2021.

Our regional offices continue to receive facility-initiated discharge notices from nursing facilities per federal nursing home regulations. In 2021, the office will continue to evaluate nursing home discharges in a more detailed fashion related to the protection of residents' rights. LTCOP will work with DOH to determine what areas related to the discharge process can be improved, and what avenues can be taken to enact these recommendations.

All regional programs will continue efforts to increase the quality of care and quality of life for all long-term care residents. At both the statewide and regional levels, the program will focus on ways to increase access to ombudsman services and educate the public on the quality advocacy services that can be offered.

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

Claudette Royal
New York State Long Term Care Ombudsman



Summary of Completed Activities FFY 2020

Region-Counties Served	Facility Visits	Information and Assistance to Individuals (other)	Information and Assistance to Facility Staff	Work with Resident Councils	Work with Family Councils	Participation in Facility Surveys	Training Sessions for Facility Staff	Community Education	Number of Active Volunteers	Average Hours Provided Per Week Per Volunteer
Region 01-Suffolk County	1,919	9,286	3,444	169	13	161	1	2	50	2.41
Region 02-Nassau County	876	5,447	1,844	179	5	11	0	0	26	2.16
Region 03-Bronx, Kings, New York, Queens, Richmond Counties	453	1,665	472	28	12	8	0	26	39	.97
Region 04-Putnam, Rockland, Westchester Counties	664	4,160	1,589	63	7	10	0	0	23	1.74
Region 05-Columbia, Dutchess, Greene, Orange, Sullivan, Ulster Counties	475	2,701	674	66	8	11	0	15	19	1.76
Region 06-Albany, Fulton, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington Counties	409	2,096	859	62	13	8	0	1	22	1.01
Region 07-Clinton, Essex, Franklin Counties	269	2,153	1,169	61	12	8	0	51	7	1.87
Region 08-Jefferson, Lewis, St. Lawrence Counties	132	823	198	12	1	0	0	9	0	0
Region 09- Herkimer, Madison, Oneida, Otsego Counties	587	3,129	1,491	105	13	16	1	7	15	1.75
Region 10-Cayuga, Cortland, Onondaga, Oswego Counties	824	2,908	1,203	101	34	12	8	5	10	3.84
Region 11-Broome, Chenango, Delaware, Tioga Counties	425	2,121	352	22	1	8	4	7	9	1.49
Region 12-Chemung, Schuyler, Tompkins Counties	192	1,060	428	16	0	6	4	6	4	1.64
Region 13-Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates Counties	1,209	5,458	2,748	1361	13	19	12	1	57	1.59
Region 14-Allegany, Steuben Counties	199	1,293	510	29	1	10	0	0	5	1.40
Region 15-Cattaraugus, Chautauqua, Erie, Niagara Counties	974	6,112	2,249	116	16	17	5	8	49	1.01
Statewide Totals:	9,607	50,412	19,230	1,165	149	160	35	130	335	1.66

**Region 8 does not utilize volunteers at this time

Definitions:

Region-Counties Served: Each Long Term Care Ombudsman Program is identified with a region number and provides services to facilities in the counties listed.

Facility Visits: The total number of visits provided to all facilities within the region. These visits may be routine visits or related to a specific complaint received by the program.

Information and Assistance to Individuals (other): The total number of contacts with individuals where information was provided to anyone who is not a staff in a facility. The types of information provided may include, but is not limited to services provided by an ombudsman, choosing a nursing home, resident rights, long term care facility regulations, or legal resources. These contacts may be provided in person, over the phone, email, or any other communication method and includes residents, families, and members of the community.

Information and Assistance to Facility Staff: The total number of facility staff provided information regarding issues that impact residents by the ombudsman program.

Work with Resident Councils: The total number of Resident Council interactions with an ombudsman. This may include meeting with council leadership, training the council, and/or attending a council meeting (both in-person and virtually).

Work with Family Councils: The total number of Family Council interactions with an ombudsman. This may include meeting with council leadership, training the council, and/or attending a council meeting (both in-person and virtually).

Participation in Facility Surveys: The total number of ombudsman participation in both standard Department of Health (DOH) surveys and complaint surveys. Survey participation may include pre-survey information to surveyors, sharing ombudsman-related reports, and participation in facility exit conferences.

Training Sessions for Facility Staff: The total number of formal training sessions to facility staff conducted by an ombudsman. Topics may include but are not limited to, the role of an ombudsman in a facility and resident rights.

Community Education: Ombudsman attendance at health fairs, community events, and general presentations given to organizations or groups in the community.

Number of Active Volunteers: The total number of volunteers who performed ombudsman-related duties in the year. Duties may include facility visitation, providing information and assistance or participating in required continuing education trainings.

Average Hours provided per week per Volunteer: The average hours per week donated by all volunteers in a region.



LTCOP Complaints FFY 2020 (10/01/19-09/30/20)

LTCOP Regional Map can be found at the end of the document

Statewide: Total Complaints by Region															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
1254	595	587	300	394	385	526	55	443	570	239	234	785	111	576	7054

Total Complaints by National Ombudsman Reporting System (NORS) Category Code:

Abuse, Gross Neglect, Exploitation (Code A): serious complaints of willful mistreatment of residents by facility staff, resident representative/ family/friend, other residents or an outside individual. Includes physical, sexual, or psychological abuse, financial exploitation, or gross neglect.															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
12	15	61	9	22	30	8	5	35	15	19	5	30	13	35	314

Access to Information (Code B): complaints against the facility regarding access to information made by or on behalf of the resident. Includes access to records, language or communication barriers, and willful interference with ombudsman duties.															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
50	40	38	12	27	12	12	2	0	14	9	11	23	0	8	258

Admission, Transfer, Discharge, Eviction (Code C): complaints against the facility involving issues regarding Admission, Transfer, Discharge and/or Eviction. Includes appeal process and room issues.															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
104	37	44	39	28	27	15	4	17	33	12	22	41	8	97	528

Autonomy, Choice, Rights (Code D): complaints involving facility staff failure to honor and promote a resident's right or preferences. Includes choice of health care, living in less restrictive setting, dignity and respect, privacy, response to complaints, retaliation, visitors, resident or family council participation, or any other rights and preferences.

Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
299	99	155	40	103	76	80	5	103	128	54	61	115	28	69	1415

Financial, Property (Code E): complaints involving facility staff mismanagement of residents' funds and property or billing problems. Includes incorrect billing and charges and loss or mismanagement of personal property.

Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
73	55	20	21	26	21	36	2	33	38	16	21	31	1	24	418

Care (Code F): complaints involving facility staff failure to provide care including, poor quality care, planning and delivery. Includes accidents and falls, response to requests for assistance, care planning, medications, personal hygiene, access to health-related services, symptoms unattended, incontinence care, assistive devices or equipment, rehabilitation services physical restraints, chemical restraints, and infection control.

Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
349	137	105	79	88	98	206	26	111	214	76	49	285	37	160	2020

Activities, Community Integration and Social Services (Code G): complaints involving activities, community integration or social services. Includes lack of choice of activities, transportation, conflict resolution between residents, and lack social services.

Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
68	37	45	7	8	7	18	3	34	20	10	19	24	5	24	329

Dietary (Code H): complaints regarding food service, assistance. Includes choice, quantity and quality of food, assistance with dining or ensuring hydration, and therapeutic or special diets.

Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
74	56	23	19	14	17	36	2	38	47	19	17	36	3	29	430

Environment (Code I): complaints involving the physical environment of the facility, including the resident's space. Includes room or water temperatures, ventilation concerns, building structure, supplies, storage, furnishings, building and grounds accessibility, housekeeping, laundry, and pest abatement.															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
70	56	11	29	12	29	41	0	24	37	11	10	46	5	49	430

Facility Policies, Procedures and Practices (Code J): complaints regarding acts of commission or omission by facility leadership/owners including: administrators, resident managers, etc. Includes administrative oversight, fiscal management, and staffing.															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
96	27	48	29	47	45	61	3	33	13	8	5	89	7	27	538

Complaints about an Outside Agency (non-facility) (Code K): complaints involving decisions, policies, actions or inactions by the programs and agencies listed below; including private and public benefits. Includes regulatory/licensing agency, Medicaid, Managed care, Medicare, Veteran's Affairs, or private insurance.															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
44	6	24	7	2	4	10	0	5	2	2	2	22	0	11	141

System: Others (non-facility) (Code L): complaints including resident representative or family conflict which interferes with resident decision making, complaints regarding services from an outside provider, barriers to requests to transition to a community setting.															
Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Region 13	Region 14	Region 15	Total
15	30	13	9	17	19	3	3	10	9	3	12	43	4	43	233

LTCOP Regions

- 1 Family Service League
- 2 Family and Children's Association
- 3 Center for Independence of the Disabled
- 4 Long Term Care Community Coalition : Tri-County LTCOP
- 5 Long Term Care Community Coalition : Hudson Valley LTCOP
- 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 Tompkins County Office for the Aging
- 13 Lifespan
- 14 AIM Independent Living Center, Inc.
- 15 People, Inc.

