The Long Term Care Ombudsman Program: Serving Rural LTC Residents

Presented by Todd Steele, MPA
Deputy State LTC Ombudsman, District 6
State of Oregon, Office of the LTC Ombudsman
Overview & Learning Objectives

- Introduction/Overview

- Learning Objectives:
  - Understand LTCO Program - Federal/State/Local
  - Synthesize LTCO Role in Protection & Advocacy for Oregon’s Aging Population
  - Describe Rural LTCO Service Implications
  - Explore Ideas for Improving Rural LTC and LTCO Services

- Q&A
The Long Term Care Ombudsman Program

advocacy
to change “what is” into “what should be”
LTCO - Federal Program

• Older American’s Act 1965 -Title VII
  • Chapter 2 - LTCO
  • Chapter 3 - Elder Abuse Prevention
  • Chapter 4 - Legal Assistance Development

• LTCO Requirements
  • Identify, investigate and resolve complaints
  • Ensure regular & timely service access, provide I&R
  • Represent interests before gov’t agencies
  • Analyze, comment on, and recommend changes in laws/regulations impacting LTC residents

Source: US CFR Title 42, Section 3058g
LTCO - State of Oregon

- Oregon Revised Statute (ORS)/Oregon Administrative Rules (OAR)
  - 441.400 & 114.100-600

- Organizational Structure
  - Residential Facilities Advisory Committee
  - State LTC Ombudsman - Fred Steele, JD, MPH
  - 7 Deputies
  - 4 Support Staff
  - 175 Certified Ombudsman (CO) statewide

- Federal Reporting - OR Key Performance Measures
  - Visitation
  - Complaint Resolution

April 24, 2017

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Oregon LTCO Districts

[Map showing Oregon LTCO Districts with districts numbered 1 to 7, colored in different hues and labeled with counties.]
Deputy Function

- CO Recruitment/Training/Management/Support
- Complaint Resolution/Consultation
- Visitation
- Systemic Advocacy

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## Top 10 LTC Resident Complaints

<table>
<thead>
<tr>
<th>Complaint Code</th>
<th>Description</th>
<th>Complaints Lodged</th>
<th>Nursing</th>
<th>Residential Care</th>
<th>Assisted Living</th>
<th>Adult Foster</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Discharge/Eviction Planning, Notice, Procedure, Implementation</td>
<td>256</td>
<td>78</td>
<td>68</td>
<td>84</td>
<td>21</td>
</tr>
<tr>
<td>41</td>
<td>Medications Administration, Organization</td>
<td>217</td>
<td>72</td>
<td>46</td>
<td>91</td>
<td>8</td>
</tr>
<tr>
<td>42</td>
<td>Care Plan/Resident Assessment - Inadequate, Failure to Follow Plan or Pay</td>
<td>204</td>
<td>69</td>
<td>67</td>
<td>69</td>
<td>6</td>
</tr>
<tr>
<td>71</td>
<td>Menu - Quantity, Quality, Variation, Choice, Condiments, Utensils, Menu</td>
<td>161</td>
<td>57</td>
<td>39</td>
<td>52</td>
<td>13</td>
</tr>
<tr>
<td>26</td>
<td>Dignity, Respect - Staff Attitudes</td>
<td>129</td>
<td>51</td>
<td>33</td>
<td>43</td>
<td>12</td>
</tr>
<tr>
<td>97</td>
<td>Shortage of Staff</td>
<td>129</td>
<td>51</td>
<td>33</td>
<td>43</td>
<td>12</td>
</tr>
<tr>
<td>38</td>
<td>Personal Property - Lost, Stolen Used by Others, Destroyed</td>
<td>109</td>
<td>38</td>
<td>28</td>
<td>37</td>
<td>6</td>
</tr>
<tr>
<td>41</td>
<td>Failure to Respond to Requests for Assistance</td>
<td>106</td>
<td>53</td>
<td>17</td>
<td>33</td>
<td>3</td>
</tr>
<tr>
<td>45</td>
<td>Personal Hygiene (includes nail care &amp; oral hygiene) and adequacy of drip</td>
<td>102</td>
<td>38</td>
<td>34</td>
<td>29</td>
<td>3</td>
</tr>
<tr>
<td>66</td>
<td>Resident Conflict, Including Roommates</td>
<td>96</td>
<td>32</td>
<td>39</td>
<td>29</td>
<td>5</td>
</tr>
</tbody>
</table>

**Total of top 10 complaints**

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<tr>
<td></td>
<td>1526</td>
<td>518</td>
<td>420</td>
<td>509</td>
<td>79</td>
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**Total of ALL complaints**

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<tr>
<td></td>
<td>3,817</td>
<td>1,348</td>
<td>1,191</td>
<td>1,154</td>
<td>233</td>
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</table>

About 3% (134 complaints) were referred to Adult Protective Services.
Ombudsman Authority & Protocol

- Best Wishes v. Best Interest Advocates
- Access to LTC residents, facilities, records
- Use informal dispute resolution
- Resolved to the satisfaction of resident
Local Certified Ombudsman

- Citizen Volunteer Corp - as intended
- Training & Certification
- Facility Assignments
- Contract Obligations - SOA
  - Visit, resolve complaints, report, CEU
  - Approx. 16 hrs/mo
- District 6 specific
  - 21 Active CO
  - Areas of need - Prineville, Madras, Ontario, Lakeview/Klamath

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P&A System Partners

• Federal - AOA/ACL
  • National Ombudsman Resource Center (NORC)
  • National Ombudsman Reporting System (NORS)

• State of Oregon
  • Department of Human Services
    • State Unit on Aging/Area Agency on Aging
    • Aging & People w/Disabilities - Licensing/Survey, Case Management, Adult Protective Service

• Others
  • Disability Rights Oregon
  • Aging and Disability Resource Center (ADRC)
  • Legal Aid Services
  • Provider Network - OHCA
Rural LTCO Service Provisions
District 6 - Largely Rural

- Approximately 4000 LTC residents in “rural” Oregon
- Currently 57% facility coverage, up from 34% in SFY 15

Rural LTC system
  - SNF - 3 closures in 5 years
  - AFH reduction
  - State services

State LTC service provision challenges
  - CO - finding, managing, hard to create “team”
  - Costly - travel, lost productivity
  - Multiple sets of “system partners”
Rural LTC Complaints

- Approx. 300 for SFY16 up 35% since SFY14
- Generally mirror statewide #
  - Increase in care plan complaints - emphasis?
- Resolving complaints challenging due to:
  - Lack of local CO network
  - Costs/time limitations
  - Resident pace v. gov’t/business pace

Source: OR LTCO Complaint Analysis
LTCO Rural Observations

- Strong Communities
  - Self-policing
  - Community/family involvement

- Health Care Districts
  - Lakeview, Pioneer (Malheur), Wallowa, Blue Mountain

- “Can do” perseverance & collaborative attitude
LTCO Rural Observations (cont)

- Lack of support services
  - Home Health
  - Hospice
  - Chore
- Lack of workforce
- Lack of critical “free market” elements
  - Consumers want to stay in community
  - Competition/Choice
  - Economies of scale
Improving Rural LTC & LTCO Services
LTCO Program Specific

- Capacity building
  - R&S increase target specific - skills, geographic, etc.
  - Use of education partners -
  - Use of “tele”-COs

- Increase technology infrastructure
  - Service provision
  - CO management

- Collaboration on legislative/regulatory efforts

- Collaboration w/other state LTCOs
Legislative/Regulatory

- Market incentives
  - Augmented rates
  - “Distressed” communities

- Workforce development
  - Education & Provider involvement

- Rural specific funding options
  - Federal/Private rural focus partnerships

- Hardship/Rule Variances
Community Specific

- Win/Win
- Faith/community based interventions
  - Chore services
  - Transportation
- Intergenerational
  - Transportation
  - Activities
- Itinerant Health & Social Services
Contact Information

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Thank You!