

Connecticut



Connecticut Long-Term Care Ombudsman Program

2016 Annual Report

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1. History of Connecticut's Long-Term Care Ombudsman Program

Mandated by the Federal Older American's Act and Connecticut General Statute 17a-405, the Connecticut Long Term Care Ombudsman Program serves to protect and promote the rights and quality of life for residents of skilled nursing facilities, residential care homes and managed residential care communities (also known in Connecticut as assisted living facilities). The Regional Ombudsman and Volunteer Resident Advocate provide a voice to residents' concerns about their care and services and, as importantly, empower residents to have a voice in ensuring their rights. This is achieved through individual consultation and complaint resolution, resident councils and also through work with other state agencies and advocacy organizations. The State Ombudsman also works with policy makers, legislators and stakeholders to advance and improve systems and protections at the systems/state level. At the national level the State Ombudsman is a member of the National Association of State Ombudsman Programs (NASOP). As a member of NASOP's Advocacy Committee the Ombudsman works specifically to identify and advocate for improved federal policies and legislation.

As the result of a seminal study regarding the resident experience during a closure, commissioned by the Ombudsman in 2000, Connecticut laid the groundwork for future advocacy for residents relocating from a closing nursing home. The "Grant Street Workgroup" was convened and comprised of the various organizations involved with the residents discharging from the Grant Street Rehabilitation Center. This intervention became the model for future nursing home closure interventions in the state. The core component of this model was to ensure residents have the opportunity to make an informed choice about their next living setting. A specific action plan for closures was developed as a result of the Grant Street study. The plan has been amended over the years and the Ombudsman now works closely with the Department of Social Services and the Money Follows the Person Program, to ensure that residents have the opportunity to make an informed choice during a nursing home closure. The Connecticut model was chosen to be highlighted as a best practice in a 2016 study commissioned by the Consumer Voice for Quality Long-Term Care on nursing home closure practices throughout the country.

Ms. Carol Rosenwald founded the Voices Forum in 1997. She and her husband lived in a Connecticut nursing home and when she had complaints about care and services at the home she sought assistance from the

Ombudsman Program. However, she was concerned about meeting with her Ombudsman in the home itself and requested to meet at another location. That experience empowered her to advocate for herself and her husband and later on to advocate on behalf of all residents. She said that residents must give voice to their concerns “outside the walls of their nursing homes.” And thus, the annual Voices Forum was born. Each year we pay tribute to Carol’s vision by honoring an individual or group with the Carol Rosenwald “Spirit of Advocacy Award”. The award pays tribute to others in Connecticut who continue Carol’s vision to promote resident issues and advocate on their behalf. In 2016, the Carol Rosenwald Award was presented to Julie Evans Starr. For many years Ms. Starr was the Executive Director of what is now the former Connecticut Legislative Commission on Aging. We are enormously grateful to Ms. Starr for her boundless advocacy for quality care and services for long-term care consumers over the years.

In the early years of the Voices Forum, residents raised their concerns about the low amount of money they received in their Personal Needs Allowance (PNA). As a result of residents, the Ombudsman and other advocates lobbying the General Assembly, the proposal to raise the PNA and to add an annual Cost of Living Adjustment were added to statute. Unfortunately, in recent years due to state fiscal issues the PNA has been reduced and the annual COLA eliminated from statute. Despite ongoing lobbying and support from legislators and other advocates, the PNA has not been increased.

In 2005, nursing home residents raised their concerns about fear of retaliation when they complain to staff about their care and services. As a result, the Ombudsman Program openly engaged residents and staff in conversation about retaliation issues at the 2006 Annual Voices Forum. The Ombudsman used what was learned at the Voices Forum to develop work groups to understand the residents’ perspective and learn ways to assist both residents and staff to better understand and resolve resident complaints. As a result, the CT Ombudsman Program produced a video, *“Voices Speak out Against Retaliation”* in which residents, in their own words, talk about their experiences. A curriculum was developed for staff in order that they might better understand the residents’ perspective about retaliation if they complain. Ultimately, in 2013, the Connecticut General Assembly passed legislation that mandates Connecticut nursing home staff must be provided annual training on Fear of Retaliation. Connecticut is the only state in the country which mandates this type of training as a further protection for its nursing home residents. The video and curriculum have become tools for other states to train their Ombudsman staff and volunteers. Some higher education institutions around the country now use the video and the curriculum in their gerontology programs. We are very grateful to the courageous residents who spoke about their experiences regarding nursing home life in this video. They have left a resounding message for others about how they want to be treated by their nursing home caregivers.

The Ombudsman strives to continue to give voice to residents by seeking opportunities for residents to tell their stories. Through their unique perspectives residents tell others what quality care and services means to them and what makes life meaningful for them. There are many occasions for residents to speak up and provide their viewpoints including in their own homes at the Resident Council meetings. Through the Voices Forum and ongoing Ombudsman work with individual Resident Councils residents are empowered as a group to address issues in their homes. Connecticut General Statute 17b-338 specifies that the president of the Coalition of Presidents of Resident Councils serves on the legislative Long-Term Care Advisory Council. This is a meaningful opportunity for outreach to a wide audience. Members of the Long-Term Care Advisory Council include legislators, long-term care providers, representatives from Legal Services and other organizations. And these meetings are often televised, giving even greater opportunity for outreach and education to Connecticut residents. The annual Voices Forum is another wonderful opportunity for all presidents of Resident Councils to collectively discuss broader issues and inform legislative initiatives and policy development.

In 2016, the Ombudsman initiated a new award in honor of Brian Capshaw. Brian was a skilled nursing home resident who served as the home's Resident Council President. He became active on the Executive Board of Presidents of Resident Councils. And later at the federal level Brian became quite active in national advocacy. Sadly, Brian passed away too early for all of us, but he left a legacy of exceptional advocacy at both the state and national levels. He loved his rock music and as his advocacy had grown to a national level we soon referred to Brian our "rock star". From that perspective we began an annual tradition of awarding an individual who carries on Brian's legacy as a Rock Star at the federal level. Brian was passionate about staffing levels and about the Personal Needs Allowance. With his background in finances, he also studied nursing home financial accountability issues.



Brian was a legend in his own time! And when we considered some appropriate way to honor him, we knew we had to entitle the recognition the "Brian Capshaw Rock Star Award." In 2016, this first "Rock Star" award was given to Lisa Tripp. Ms. Tripp is an Associate Professor at Atlanta's John Marshall Law School and is a consultant to the Centers for Medicare & Medicaid Services. Ms. Tripp also served as the Chair of the Consumer Voice Leadership Council and Brian was her Vice-Chair. Together, Lisa and Brian were instrumental in Consumer Voice's policy work, of enforcement and staffing. We believe Brian would be pleased that Lisa was the first recipient of the award in his honor.



2. Message from Nancy Shaffer, State Ombudsman

The Connecticut Long-Term Care Ombudsman Program is an independent unit within the State Department on Aging. As the State Ombudsman I am proud to speak of the collaborative relationship between myself and Commissioner Betsy Ritter. Over her tenure as Commissioner, Ms. Ritter has honored the mission of the Ombudsman and at all times has been supportive and respectful of our two roles. At the same time she is the first to say "how can I be of assistance." Throughout 2016, a focus for the Ombudsman was the new federal Ombudsman regulations and Commissioner Ritter supported the efforts of the Ombudsman to bring the Program into compliance. Commissioner Ritter has supported Ombudsman activities, including legislative proposals and provides an extra voice on an issue when that voice is clearly needed. It has been a pleasure to work with Commissioner Ritter over the past few years.

I am also extremely proud of the Regional Ombudsmen and the work that they do on behalf of residents. They are a highly professional and expert group of advocates and they work tirelessly to assist the resident to achieve a desired outcome for their complaint. They use their professional expertise and also their personal insights and even at times a large handful of creativity to assist residents with their concerns and help them to take action to resolve their concerns. They collaborate with one another and they always pull out every tool in their Ombudsman tool boxes to understand an issue and explore all avenues for a satisfactory resolution. Every day I am proud of their work!

While our corps of Volunteer Resident Advocates is small, they are an enthusiastic and keenly devoted group of individuals who actively advocate for the residents at their assigned nursing homes. On a weekly basis they visit the residents and assist them with a multitude of issues and concerns, everything from meal preferences to getting assistance when care is requested, or questions about payment or discharge. I am so grateful for the dedicated work the Volunteer Resident Advocates provide for the Ombudsman Program. They represent the Office faithfully and with integrity. When the resident requests the Volunteer Resident Advocate's assistance, their advocacy can be key to resolving the concern quickly and to the resident's satisfaction at its most ground level. Recruitment and

retention seems to be an ongoing challenge for the Program and we strive to increase our numbers of Volunteer Resident Advocates in a variety of ways including outreach activities, promotional materials and a strong and ongoing curriculum.

Challenges over recent years remain much the same: Connecticut's changing long-term care landscape persists at a fast pace and at times leaves the consumer wondering about their next steps and plans for their care and services. Nursing homes continue to close and this leaves residents in a position that they must choose where they will live next. There are more options available for them to live in the community and the Ombudsman is dedicated to ensuring residents have the opportunity for informed choice when making these decisions. In the past year, Connecticut has continued to have nursing homes in bankruptcy reorganization or receivership and understandably residents and their representatives feel anxious about what that means for them. Residential care home residents experience issues and concerns about their care and services and sometimes it is difficult for them to advocate for themselves or reach out to others who can advocate for them. The trend to receive few complaints from residents of assisted living facilities continues and Ombudsman outreach in these settings remains a goal for the Program.

Additionally, resident care complaints remain the highest category of complaints the Ombudsman received in FFY2016. And there is a trend in increased complaints about quality of life issues, in particular from nursing home residents. These complaints have increased in some categories (community interaction, social services, food service and environmental issues) two and in some cases threefold from 2015. Why this is the case is not completely understood but, it demands our analysis. And Ombudsman cases continue to be more complex at all levels of the long-term care continuum we serve. The complexity of the case most often requires more Ombudsman attention and time and frequently increased referrals to other entities in order to bring resolution to the situation.

Most importantly, in all of our Ombudsman work whether it is direct complaint resolution or policy and legislation advocacy, it is the residents that determine and guide our work. Policy and legislation are the foundation and support our advocacy activities, but sensitivity and problem-solving are at the core of how we approach our work and advocate for residents. The dignity, care and attention that residents so richly deserve are at the very core of what makes Ombudsman work so meaningful and worthwhile. There are opportunities every day to make a difference in the quality of care and life for a resident. And we are grateful to be doing this work. Time and again I say it is an honor to serve as the Connecticut Ombudsman.

2016 was an active legislative session for health and long-term care related legislation. Following are some key proposals the Office of the State Ombudsman supported in 2016. Summaries provided by the Connecticut Office of Legislative Research Reports are included:

Senate Bill 161, Notice to Nursing Home Owners of Penalties for Resident Abuse and Neglect (PA 16-6, effective October 1, 2016)

By law, a nursing home licensee or owner must make a written application to the CT Department of Public Health for a change in ownership. This new law requires that DPH includes a statement in the application notifying the potential licensee or owner that he or she may be held civilly or criminally liable for abuse or neglect of a resident by a nursing home employee.

Senate Bill 166, Utilization of Patient-Designated Caregivers at Nursing Homes (PA 16-59, effective October 1, 2016)

A new law extends to nursing homes existing requirements for hospitals regarding the designation of patient caregivers at the time of a patient's discharge. Among other things, the nursing home, when discharging a resident to his or her home must (1) allow the resident or the resident's representative to designate a caregiver at or before receiving the discharge plan, (2) attempt to notify the designated caregiver of the resident's discharge, and (3) instruct the caregiver on post-discharge tasks the caregiver will assist the resident with at home.

Senate Bill 266, Nursing Home Resident Admission Agreements (PA 16-209, effective July, 2016)

This new law requires a nursing home to include in any resident admission agreement, notice of the responsibilities and liabilities of the person who signs the agreement (i.e. "responsible party") and the circumstances in which the responsible party (1) will be held legally liable and (2) may have his or her assets pursued for payment to the home

Senate Bill 280, Long-Term Care Ombudsman's Notice to Nursing Home Residents (PA 16-8, effective July, 2016)

This new law adds an informational letter on patients' rights and available services to the written notice that long-term care facilities must provide to residents and other parties when planning to terminate a service or substantially decrease bed capacity. The informational letter includes an explanation of the process of a Certificate of Need application to close the home as well as an explanation of residents' rights during this process

Select bills that the Ombudsman provided testimony to the General Assembly but which did not become law:

HB 6690, Nursing Home Facility Minimum Staffing Levels

HB 6893, Increase Personal Needs Allowance to \$65 with a Cost of Living Allowance

HB 6895, State Ombudsman Investigates Home and Community Based Care Recipient Complaints



3. Mission of the Connecticut Long Term Care Ombudsman Program

The mission of the Connecticut Long Term Care Ombudsman Program is to protect the health, safety, welfare and rights of long term care residents by:

- Investigating complaints and concerns made by or on behalf of residents, in a timely and prompt manner.
- Bringing residents to the forefront to voice their concerns directly to public officials on issues affecting their lives.
- Supporting residents in their quest to shape their own legislative agenda and to represent the residents' interests before governmental agencies.

In Federal Fiscal Year 2016, the Office of the Ombudsman fulfilled this mission by:

- **Investigating complaints and concerns made by residents, or on behalf of residents in a timely and prompt manner;**

1,809 cases were opened ~ 3,044 total complaints were received ~ 960 consultations were provided to individuals ~ 68 community education sessions were provided ~ 204 resident council meetings were attended ~ 272 nursing home, residential care homes and assisted living facilities were visited ~ 235 consultations to facilities were provided.

- **Bringing residents to the forefront to voice their concerns directly to public officials on issues affecting their lives;**

The 20th anniversary of the Voices Forum was celebrated in 2016. It seemed appropriate that we make this milestone an opportunity to reflect about where we've been and what we've done over the years and to especially consider where we are going in the upcoming years. The theme for the 20th celebration therefore was "A Commitment to Change." The world has changed dramatically over the past twenty years. Technology and health care services are very different in 2016 from what they were in 1997. As innovations have evolved so have options for health care services and long-term living settings and choices. There are far greater options available to long-term care consumers now versus 1997. These topics were included in the 2016 Voices discussion.

- **Supporting residents in their quest to shape their own legislative agenda and to represent the residents' interests before governmental agencies.**

A member of the Executive Board of Presidents of Resident Councils serves on the Long-Term Care Advisory Council which is now chaired by the Executive Director of the Commission on Women, Children and Seniors. This is an excellent opportunity to bring the residents' voice to this esteemed body and to engage in meaningful conversations that inform potential policy and legislation at the state level.

During their 2016 annual Executive Board of Presidents of Resident Councils summer retreat, we were honored to be visited by Governor Dannel Malloy. Governor Malloy graciously joined the retreat to do a ceremonial bill signing of two bills of significance for long-term care consumers: Public Act No. 16-6, AN ACT CONCERNING NOTIFICATION OF PENALTIES FOR ABUSE AND NEGLECT OF NURSING HOME RESIDENTS and Public Act No. 16-8, AN ACT CONCERNING THE LONG-TERM CARE OMBUDSMAN'S NOTICE TO NURSING HOME RESIDENTS. Governor Malloy was joined by Commissioner Elizabeth Ritter, State Department on Aging, and Representatives Mae Flexer and Marilyn Moore, along with Senator Tony Hwang.



Throughout the retreat the Executive Board members took the opportunity to discuss future legislative advocacy. During the 2016 legislative session the Executive Board was kept apprised of Ombudsman advocacy efforts and provided opportunities to reach out to legislators themselves and provide their perspectives on important topics.



4. 2015 Office of the State Ombudsman Statistics

In Federal Fiscal Year 2016, the Office of the State Ombudsman served 35,835 Connecticut residents living in long-term care facilities-skilled nursing facilities, residential care homes and assisted living facilities. The staff participated in:

- 248 consultations to facilities
- 12 trainings to facility staff
- 100 training sessions for Ombudsman staff and volunteers
- 205 facilities visits
- 89 licensure and certification surveys
- 78 community education presentations
- 6 nursing home closures

In FFY 2016, the CT Office of the Ombudsman was managed by the State Ombudsman with nine Regional Ombudsmen, 1 Administrative Assistant and 2 Clerical/Intake Staff. After a number of years, 2016, was the first year that the Office of the Ombudsman had a full complement of Regional Ombudsmen.

Operating budget of \$2,311,329 (\$201,204 Title VII, Chapter 2, Ombudsman federal funds, OAA Title IIIB \$280,826 and State funds \$1,829,299)



5. State Advocacy Activities

The Ombudsman serves on a variety of statewide stakeholder workgroups and legislative committees on behalf of long-term care residents, including the Connecticut Legislature's Long-Term Care Advisory Council and the Nursing Home Financial Advisory Committee. These two activities provide excellent opportunities for the Ombudsman to give voice to residents' issues and concerns and to promote policy and legislation beneficial to the resident and their supports and services. The Ombudsman also attends the Long-Term Care Planning Committee as an observer with opportunity to provide input upon request. Other workgroups and advocacy committees include the Connecticut Elder Action Network (also known as CEAN) and the Department of Public Health's newly formed committee to address the new Home and Community Based Services federal regulations. These new federal regulations will affect residential care home residents who receive waiver services at their RCH. A seat at this table provides the Ombudsman the opportunity to bring the resident's voice to the conversation. The Ombudsman is pleased to join members of the larger LGBT Aging Advocacy coalition in a small work group to advance LGBT aging advocacy issues specific to those individuals who reside in Connecticut's long-term care facilities.

The Office of the Ombudsman participates in other stakeholder collaborations relevant to its advocacy work for long-term care residents. These collaborations include many esteemed long-term services and supports partners such as the Center for Medicare Advocacy, the Statewide Connecticut Legal Services, the Connecticut Partnership to Improve Dementia Care, the Connecticut Culture Change Coalition, the LGBT Aging Advocacy workgroup and the Connecticut End of Life Coalition. State agency collaborations include the Connecticut Department of Public Health, the Connecticut Department of Mental Health and Addiction Services, the Connecticut Department of Consumer Affairs and the Office of the Chief State's Attorney among others.

In terms of oversight of homes experiencing financial concerns, the Ombudsman continued to serve as the federal Patient Care Ombudsman in the Johnson Memorial Hospital/Evergreen Health Care Center bankruptcy reorganization. The Ombudsman also accepted appointment as the Patient Care Ombudsman in the Affinity bankruptcy reorganization in 2016. The Patient Care Ombudsman appointments provide an added layer of oversight during the home's bankruptcy reorganization. The Ombudsman and her designees provide regular onsite visits as well as complaint-related visits. The focus remains residents' health, welfare and wellbeing in particular as it may be affected by the ongoing financial reorganization.

There were six nursing facilities that closed during Federal Fiscal Year 2016: Alexandria Manor, Astoria Park, Garden View, Holy Spirit, Paradigm South Windsor and The Kent. The Office of the Ombudsman continues to provide oversight of residents' rights to ensure each resident has the opportunity to make an informed choice about their next living arrangement and supports and services during the closure process. The Office collaborates with the Money Follows the Person team along with other state agencies and residents and their representatives to provide information.

The first step for a Connecticut skilled nursing facility that wants to close its business operations is to make a formal request to the State Department of Social Services in what is called a "Letter of Intent". This letter is sent simultaneously to the Department of Social Services, the residents and their representatives and to the Office of the Ombudsman. Many of these letters reflect the opinion of the owner that the home is in a dire financial situation and that closing the home is likely. As a result of ongoing concerns of the Ombudsman regarding the Certificate of Need process, in particular the tone and message of many of these Letters of Intent, the Office of the Ombudsman proposed legislation to ensure that residents receive a notice from the Office about their rights at the same time as they receive the Letter of Intent from the home. The 2016 General Assembly passed Senate Bill No. 280 and Governor Malloy signed it into law on May 5, 2016. Governor Malloy graciously accepted an invitation from the Executive Board of Presidents of Resident Councils to do a ceremonial signing of the bill in July, 2016.

The new federal regulations for Home and Community Based Services for Residential Care Homes remained a focus for the Connecticut Ombudsman Program during FFY 2016. The CT LTCOP partnered with the CT Legal Services in 2015 and this continued into 2016 with ongoing work with the Department of Public Health's HCBS Regulations workgroups. Connecticut Legal Services and the Ombudsman developed resident-focused materials to educate residents about the regulations and their rights related to the new regulations. Companion materials for Residential Care Home providers and for agencies which provide services to RCH waiver residents were developed as well. Presentations were provided to stakeholders and residents throughout the state. This is an ongoing project that will extend into 2017 with more materials, trainings and Ombudsman participation in issue specific workgroups.

The Connecticut Office of the Ombudsman compliance with the new federal rule for the Ombudsman was a priority in 2016. This new rule provides guidance and clarifications to the requirements for the Ombudsman regarding issues related to policies and practices. Subjects identified include definitions of "resident" and "resident representative", abuse reporting, grievance policy and procedures, organizational and personal conflict of interest, among others. While Connecticut was in a good position of compliance with many aspects of the new rule, this was an excellent opportunity to identify missing elements to policy and procedure and to reexamine Connecticut Ombudsman statute and regulations relative to the new rule. Connecticut's response to the Administration for Community Living was accepted. Revisions to statute and regulation were identified in the response and now these proposed changes must be made to the General Assembly. The Ombudsman and the Administration for Community Living anticipate that Connecticut will be in full compliance with all federally required statutory, regulatory and policy and procedures by the end of 2019.



6. Ombudsman Advocacy Activities

During federal fiscal year 2016, residents and/or their relative or friend continued to be the main source of complaints received by the Ombudsman. Of the 3,044 complaints received by 1,764 individuals in FFY '16, the highest category of complaints continues to fall into the "Resident Care" category. Most of the complaints about Resident Care fall into the areas of "care plans/resident assessments" "medication administration" and "accidental or injury of unknown origin, falls, improper handling".

An area in which the Ombudsman experienced increased numbers of complaints in 2016 is the Quality of Life category. Complaints in this category are nearly doubled in some of the complaint sub-categories (community interaction, transportation) and in other sub-categories nearly tripled (social services, dietary issues, e.g. quantity and/or quality of food). Environmental complaints also raised significantly, double the number in some categories. Those issues include heating, cooling, ventilation and cleanliness. Complaints about linen supplies rose by more than three times that of the previous year's data. Analysis of this data is essential to plan advocacy strategies for upcoming years, especially if these numbers are maintained and/or the upward trends continue.

Ombudsmen participate in Resident Care Plan meetings when invited by the resident or their representative to do so. Advocacy at these meetings is often a good way to assist residents and their representatives articulate their concerns and helps to ensure ongoing accountability and follow-through on those issues of concern. Often times, the resident or representative initiates the complaint because they believe a need has been discussed and addressed at their care plan meetings, but they do not believe there is consistent follow through to meet the goals set in the care plan.

The "Admission, Transfer, Discharge, Eviction" category continues to also receive a great number of complaints, second only to "Resident Care". This is a national trend throughout State Ombudsman Programs. Ombudsman assist residents most often when they receive involuntary discharge notices, helping them to understand their rights and refer them to a legal assistance

organization if they wish. Often times a major role for the Ombudsman is to understand and attempt to resolve the reasons for the involuntary discharge, consulting with the resident and with the nursing home to clarify all reasons for the notice and to negotiate for a satisfactory resolution for the resident. Sometimes the home reports it is no longer able to meet the needs of the resident due to challenging behaviors, sometimes there are financial or payment issues that may result in the home giving a notice to discharge. Whatever the reason may be, if the resident chooses to ask the Ombudsman for assistance the Ombudsman will do its best to problem-solve and negotiate a remedy for the identified concerns.

Complaint resolution is the largest part of the Regional Ombudsman's work, but they also engage in many other advocacy activities. The Regional Ombudsmen promotes effective Resident Councils by educating residents about Resident Councils, providing support to them and facilitating the needs of the Resident Councils as they arise. They also support the work of the Executive Board of Presidents of Resident Councils. Regional Ombudsmen provide outreach to the public as well. They attend senior fairs throughout the state and provide presentations to various groups and organizations. During nursing home closures Regional Ombudsmen maintain an active role in the home to inform and support resident choice about where they will move. During facility bankruptcy reorganizations and receiverships, the Regional Ombudsmen also increase their presence in the homes to support residents and ensure their rights are honored during what can be a difficult and anxious time.

When the Ombudsman accepts the appointment of Patient Care Ombudsman subsequent to the federal Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, the Regional Ombudsman role is intensified with increased visitation and investigations into issues related to the bankruptcy reorganization and protection of resident health, safety and well-being. For example, traditionally the Regional Ombudsman responds to complaints brought to their attention. In this role the Regional Ombudsman also investigates supply and vendor issues, staffing levels and changes in administrative staff, physical plant/environment matters and provides that information to the Ombudsman. This increased monitoring of the status of the home along with an evaluation of complaints received that may be relevant to the bankruptcy reorganization are taken into account when the Ombudsman reports to the Bankruptcy Court.



7. The Connecticut Coalition of Presidents of Resident Councils

and

The Executive Board of Presidents of Resident Councils

The Executive Board of Presidents of Resident Councils continues in an active role advocating for their fellow residents of skilled nursing facilities. The Executive Board members bring issues to the attention of the State Ombudsman and they advocate and offer ideas and solutions about how the Program can affect the quality of life and the well-being of long-term care residents throughout the state. They advise the Office of the State Ombudsman about policy and legislative initiatives that will make theirs and the lives of their peers better. Over the past few years Connecticut has had the incredible representation of these residents contacting media, drafting letters and statements regarding issues of importance and testifying before the General Assembly on proposed legislation.

It has been such a privilege for all of us at the Ombudsman Program to be a part of this unique resident advocacy effort. I am often reminded what a wonderful experience we have in Connecticut to be able to bring residents together at the Annual Voices Forum and to engage the Executive Board members in regular monthly conferences so that they inform the Ombudsman Program and identify legislative and policy initiatives to support residents and Resident Councils throughout the state.



8. Future Recommendations

CHALLENGE:

The changing landscape of CT's long-term services and supports (LTSS) continues to present challenges. CT experienced six nursing homes closures in FFY '16. Besides these closures, two nursing home businesses were in bankruptcy reorganization in FFY '16, one a multi-facility business in which one of the homes closed during the bankruptcy reorganization. From the consumer's standpoint these are unsettling situations. The Ombudsman has served as the federally appointed Patient Care Ombudsman in all but one bankruptcy in the past decade, and this a multi-state reorganization. All of these various circumstances make for additional challenges for long-term care consumers attempting to navigate the long-term care environment in Connecticut. And the ongoing constraints on resources are a challenge for the Ombudsman.

OPPORTUNITY:

The Office of the State Ombudsman is committed to the State's efforts to rebalance the LTSS systems. And in this fast-changing environment the Ombudsman must be a part of the conversation to ensure best practices for informed choice and continue the conversation to explore advocacy strategies for individuals residing in long-term care facilities.

The challenges for consumers must be acknowledged and strategies developed to improve their experience. Participation in the Nursing Home Financial Advisory Council is one opportunity for the Ombudsman to be a part of the high level discussions about rebalancing opportunities. The Office of the Ombudsman can strategize ways to improve the experience of consumers when a nursing home is in bankruptcy reorganization. Future Patient Care Ombudsman appointments may provide opportunities for exploring such advocacy initiatives.

CHALLENGE:

Ensuring that residential care home residents know and are able to fully exercise their rights and access the Ombudsman has been historically problematic. Challenges arise for a variety of reasons, including Ombudsman access to residents, resident concerns about accessing the Ombudsman, less frequent licensure and certification survey schedules and provider dynamics.

OPPORTUNITY:

Opportunities to improve the residential care home residents' experience include regular Ombudsman visitation, distribution of educational materials and information about residents' rights and ongoing advocacy. Opportunities for improvements to regulations and/or statutory protections can be assessed on an ongoing basis, including participation in the Department of Public Health's Home and Community Based Services Regulations workgroup. And opportunities for outreach and education of the providers can be further explored.

CHALLENGE:

Ombudsman cases in Connecticut continue to increase, following the national trend over recent years. And the cases are more complex. Because of their complexity the need for Ombudsman resources also increases. In 2016, Connecticut Ombudsman data shows that numbers of complaints are significantly increased in some categories of complaints. These include Quality of Life issues and Environmental issues. For the Ombudsman this means we must utilize all advocacy resources. Greater efficiencies and partnerships may be key to doing more with less in the future.

OPPORTUNITY:

The Office of the State Ombudsman will continue to explore policy and legislative remedies for abuse, neglect and exploitation of individuals who reside in long-term care facilities. The Ombudsman will strategize opportunities for advocacy as well as identify ways to streamline daily activities, including technology upgrades. The Ombudsman has the opportunity to continue to actively engage with the partners of the Coalition for Elder Justice in Connecticut. These activities provide insights and opportunities for Ombudsman work with older individuals who reside in long-term care facilities. The Ombudsman will continually explore partnerships with other state agencies and private entities to improve the resident experience.