



**2017 Annual Report  
Connecticut Long-Term Care Ombudsman Program**

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## **Overview of the Connecticut Long-Term Care Ombudsman Program**

This is a program that is mandated by the Federal Older American's Act and Connecticut General Sec. 17a-405 (Formerly Sec. 17b-400); the Connecticut Long Term Care Ombudsman Program (LTCOP) protects and promotes the rights and quality of life for residents of skilled nursing facilities, residential care homes and managed residential care communities, also known as assisted living facilities. The program consists of one State Ombudsman, eight Regional Ombudsmen, one Administrative Assistant and two Clerical/Intake Staff and Volunteer Resident Advocates (VRA's).

The State Ombudsman works with other state agencies, advocacy organizations, policy makers, legislators, and stakeholders to advance and improve systems that offer protections at the state and federal level.

The Regional Ombudsmen provide a voice to residents' concerns and, as importantly, empower residents to have a voice in ensuring their rights. This is achieved through individual consultation and complaint resolution at with the individual at their home. The Regional Ombudsmen, who work on our team, respond to resident concerns and take action to resolve them based on the individual resident's direction. Regional Ombudsmen are a highly professional, expert group of advocates and they work tirelessly to assist the resident to achieve a desired outcome for their complaint. The Regional Ombudsmen always explore all avenues to understand an issue and to reach a satisfactory resolution.

Volunteer Resident Advocates are trained by Ombudsman staff in residents' rights and problem solving. Volunteer Advocates are asked to spend four (4) hours per week in one assigned nursing home and help residents solve problems or concerns.

In partnership with the residents, their representatives and other long-term services and support stakeholders, the LTCOP celebrates the collaborative achievements of many individuals and partners. The Connecticut Long-Term Care Ombudsman Program is dedicated to the principle of providing residents the opportunities to give voice to their concerns and issues.

The Ombudsman Program has an operating budget of \$1,940,478.

- Federal Funds: \$327,427 (\$176,424 from Title VII, Chapter 2 of the Older Americans Act, and \$151,003 from Title IIIB of the Older Americans Act)
- State Funds: \$1,613,051

### **Activities carried out by the office**

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:

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

In 2017 the staff of the Ombudsman program fulfilled mission and requirements by:

- ❖ Investigating complaints and concerns made by residents, or on behalf of residents in a timely and prompt manner;
  - 3,090 complaints received
  - 1,791 cases were opened
  - 400 consultations were provided to individuals
- ❖ Bringing residents to the forefront to voice their concerns directly to public officials on issues affecting their lives;
  - The Office of the State Ombudsman developed materials for residents that focused on person centered care at the nursing home level. The theme of the Annual Voices Forum was “It’s all about Me” and the residents were given signs and ideas of ways to promote person centered care in their nursing home. This was one opportunity for the Presidents of Resident Councils to speak directly to public officials and agency heads in attendance, letting them know why this is such an important issue and how it impacts their quality of life.
- ❖ Supporting residents in their quest to shape their own legislative agenda and to represent the residents’ interests before governmental agencies.
  - The Executive Board of Presidents of Resident Councils actively engaged in legislative advocacy at the General Assembly throughout the 2017 legislative session, reaching out to legislators, meeting with them and testifying at public hearings when able. One of their areas of outreach and advocacy was SB 770 – Increasing the Personal Needs Allowance (PNA) for Long-Term Care Facility Residents and Executive Board member Jeanette Sullivan-Martinez testified on the need for increased funding under this program.

## **Data collected and Analyzed**

Office of the State Ombudsman offered advocacy services to approximately 35,000 Connecticut residents living in long-term care facilities-skilled nursing facilities, residential care homes and assisted living facilities.

The staff participated in:

- 3,090 complaints received
- 1,791 cases were opened
- 290 facilities visits
- 231 consultations to facilities
- 91 training sessions for Ombudsman staff and volunteers
- 51 licensure and certification surveys
- 48 community education presentations
- 7 trainings to facility staff
- 4 nursing home closures

## **Problems experienced and complaints made**

Residents and/or their relatives or friends continued to be the main source of complaints received. Of the 3,090 complaints received in 2017, the highest category of complaints fell into the “Resident Care” category. This area of concern received 839 complaints. Most of the complaints about Resident Care continue to be focused on plans/resident assessments. Ombudsmen participate in Resident Care Plan meetings if invited by the resident or their representative. These complaints are often initiated because they do not believe there is consistent follow through to meet the goals set in the person centered care plan. Medication administration is the second most common complaint within the Resident Care category. Residents and representatives have concerns about what, how and when their medications are administered.

The second largest area of concern was the “Admission, Transfer, Discharge, Eviction” category receiving 520 complaints, with the “Discharge/Eviction” sub category receiving 383 complaints. The increase of this type of complaint is a national trend. Ombudsmen assist residents to understand their rights and refer them to legal assistance organizations if they wish. The Ombudsmen work to understand and attempt to resolve the reasons for the involuntary discharge, consulting with the resident and nursing home to clarify all reasons for the notice. They try to negotiate a satisfactory resolution for the resident. Sometimes the nursing administration of the home reports it is no longer able to meet the needs of the resident due to challenging behaviors, or there are financial/payment issues that may result in the home giving a notice of discharge. Whatever the

reason may be, if the resident chooses to ask the Ombudsman for assistance, the Ombudsman will work to negotiate a remedy for the identified concerns.

The third largest area of concern was “Autonomy, Choice, Preference, Exercise of Rights, and Privacy”. There were 379 complaints in this category and 149 related to resident concerns regarding staff attitudes, in particular dignity and respect. Ombudsmen spend a significant amount of their time consulting with the resident as well as facility staff to ensure that residents feel that they are treated in a dignified and respectful manner.

Complaint resolution is the largest part of the Regional Ombudsman’s work, but they also engage in many other advocacy activities. The Regional Ombudsmen promote effective Resident Councils by educating residents about Resident Councils, providing support 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 and provide outreach to the public. Regional Ombudsmen attend senior fairs throughout the state, providing presentations to various groups. During nursing home closures Regional Ombudsmen maintain an active role to inform and support resident choice about where they will move. And 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 in what can be a difficult and anxious time.

### **Recommendations**

- Members of the Coalition of President of Resident Councils have asked the program to work towards better connection for individuals living in a long term care setting, but wishing to remain connected to their greater community.
- With the increase in the number of involuntary transfer/discharge cases the Coalition in conjunction with the Long Term Care Ombudsman program recommends that guidelines and protections are developed at all levels of the system.
- To have Informed Choice provided to all individuals living in a long term setting and that they decide where to receive their long term services and support.

## Success and barriers of the program

### **Success in providing services to residents of long-term care facilities**

- Connecticut is one of the only states with an active Coalition of Presidents of Resident Councils and Executive Board of the Presidents of Resident Councils. The Executive Board has an active role advocating for their fellow residents of skilled nursing facilities who are members of the Connecticut Coalition of Presidents of Resident Councils. 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 their lives and the lives of their peers better. Connecticut has incredible representation from these residents contacting media, drafting letters and statements regarding issues of importance. For example, Jeannette Sullivan-Martinez, a member of the Executive board of Presidents of Residents Councils, testified in person at an Aging Committee public hearing in March on SB 155 – Personal Needs Allowance. Residents are encouraged to reach out to their legislative body to make their voices heard. It has been such a privilege for all of us at the Ombudsman Program to be a part of this resident advocacy effort. Connecticut offers a unique experience that is not duplicated in any other state. We bring residents together at the Annual Voices Forum, as well as engaging the Executive Board members in regular monthly conferences. We use all of these interactions to inform the Program and identify legislative and policy initiatives to support residents and Resident Councils throughout the state.
- One identified area of focus was promoting LGBT inclusivity in long term care communities. To accomplish this goal the program:
  - Partnered with the State Unit on Aging to form a work group made up of LGBT Aging Advocates, community providers, the State Unit on Aging and LTCOP employees;
  - Produced a LGBT Residents’ Rights brochure specific to LGBT Residents’ Rights and distributed to Leading Age and Connecticut Association of Health Care Facilities’ provider groups and members;
  - Met with leaders of provider groups to discuss LGBT inclusive practices in LTC facilities;
  - Met with at least one individual provider from each region of the state to discuss inclusivity and learn about their best practices;
  - Distributed LGBT inclusivity materials to individual providers at the annual Voices Forum;

- Developed a work plan incorporating provider best practices, national research, and state initiatives to create and support inclusive Long Term Care Settings;
- Planned and delivered a meeting/information session with LGBT aging advocates and LTCOP staff about LGBT inclusivity;
- Updated LTCOP website and other outreach materials to reflect inclusivity vision for LGBT clients on LTSS;
- Facility closures, bankruptcies and receiverships – Along with resident advocates and other state agencies, including the Money Follows the Person team at the Department of Social Services, the Ombudsman Program maintained a presence at each of the homes to ensure that residents had an opportunity for Informed Choice. The program staff empowered Residents to explore all options and develop a person centered plan where they could reside in the setting of their choice that best met their identified wants and needs. There were four nursing home closures in 2017 and the program assisted in each of them:
  - Greensprings, East Hartford- 145 beds
  - Alexandria Manor, Bloomfield – 120 beds
  - Spectrum Torrington, Torrington – 126 beds
  - Harbor Village South, New London – 66 beds
- Bankruptcies - In 2017, the State Ombudsman accepted the appointment as the federal Patient Care Ombudsman in a bankruptcy reorganization case for Spectrum Health Care LLC and the Residents representative regarding care and services in the case
- Receiverships – Two of the four homes that closed were in receivership (Greensprings and Spectrum Torrington) and the Ombudsman’s office played an active role in the process.

**Barriers that prevent the optimal operation of the program –**

The largest barrier that prevents the optimal operation of the program is the reduction in number of Regional Ombudsman. The most senior Regional Ombudsman retired and we were not able to fill the position. This was a loss for the Program and requires that the territory for the remaining 8 Regional Ombudsman covers a larger geographic area. This also comes at a time when there are more nursing home closures and an increase in complex cases. The time a Regional Ombudsman has to dedicate to each case is impacted by the loss in staff.

The program also has a historic low in the number of Volunteer Resident Advocates (VRA’s). The VRA’s have historically been a large component of the program, however with people working later in life or choosing to leave the state once they do retire, our pool of volunteers has greatly diminished.

## **Policy, regulatory and legislative recommendations**

### **Systemic advocacy**

The Office of the State Ombudsman is pleased and honored to be a member of and participate in many statewide stakeholder groups relevant to its advocacy work for long-term care residents. These groups include the Long-Term Care Advisory Council, the Long-Term Care Planning Committee, Nursing Home Financial Advisory Committee, Co –Chair of the Connecticut Elder Justice Coalition and a member of the Steering Committee for Money Follows the Person Program. Collaborations include many esteemed long-term services and supports partners such as the Center for Medicare Advocacy, Statewide Connecticut Legal Services, Connecticut Partnership to Improve Dementia Care, Connecticut Culture Change Coalition, Lesbian, Gay, Bisexual & Transgender (LGBT) Aging Advocacy workgroup and the Connecticut End of Life Coalition, along with state agencies including the Connecticut Department of Public Health, the Connecticut Department of Social Services, the Connecticut Department of Mental Health and Addiction Services and the Office of the Chief State’s Attorney.

### **Legislative advocacy**

It was an active legislative session for health and long-term care related legislation. Some key proposals the Office of the State Ombudsman supported in 2017 include:

- SB 326 - An Act Concerning Access to Medical Records and the Fees Charged for Medical Records
- SB 762 – Clarifying the Role of the Office of the Long-Term Care Ombudsman in the Mandated Reporting of Abuse of Elderly Persons and Deleting Obsolete Statutory Provisions
- SB 770 – Increasing the Personal Needs Allowance (PNA) for Long-Term Care Facility Residents
- SB 811 - An Act Concerning the Patient Bill of Rights for Long-Term Care Residents
- HB 5821 - An Act Concerning Transportation for Nursing Home Residents
- HB 6984 - An Act Requiring the State Ombudsman to Investigate Complaints Concerning Recipients of Home and Community-Based Services

### **National and State advocacy activities**

Home and Community Based Services for Residential Care Homes

- This federal change continued to be a focus for the Connecticut Ombudsman Program during 2017. The Connecticut LTCOP has partnered with the Department of Social Services, Department of Public Health, Connecticut Legal Services and the Residential Care Home Association to provide advocacy and develop guidelines for Residential Care Home



providers and agencies that provide services to RCH residents who receive waiver services. This is an ongoing project that continues to have materials, trainings and issue specific workgroups developed. The Program recommends that there are protections added and language put in place for individuals living in Residential Care Homes if given an involuntary discharge notice.

#### Elder Justice - co-chairing the Coalition for Elder Justice in Connecticut

- As part of the Ombudsman Program's ongoing support of Connecticut's Elder Justice Coalition, the State Ombudsman continues to partner with the State Unit on Aging, and Legal Services, co-chairing the Coalition for Elder Justice in Connecticut. The Connecticut Coalition is modeled after the federal Elder Justice Act and recommends that there continue to be an annual Coordinating Council meeting and a full day symposium.
- To date, the Coordinating Council consists of 26 member organizations and state agencies; General Coalition is 60+ organizations including legal, aging and law enforcement agencies, other public and private entities and individuals. The Coalition is developing an independent website and hopes to serve as an ongoing resource for consumers and for its members.

#### Lesbian, Gay, Bisexual or Transgender (LGBT) inclusivity

- The Program recommends that we continue to support person-centered care, LGBT inclusivity and has created a workgroup to promote inclusive philosophies with more tangible outcomes in our Connecticut Long Term Care communities.

#### Informed Choice

- The Program looked to empower individuals to reside in the community setting of their choice. Several strategies and measures were developed specific to this plan. The objective stemmed from a consensus among community and State advocates to increase person centered care delivery and person centered care planning for those residing in long term care communities across the State. This process promotes equal access and resources to individuals residing in long term care settings when deciding where they wish to receive their Long Term Services and Supports.

**Information regarding challenges in long-term care facilities and opportunities for change**

<b>Challenges</b>	<b>Opportunities</b>
<p>The changing landscape of Connecticut’s long-term services and supports (LTSS) presents challenges to consumers’ rights to Informed Choice as well as the right to health, safety and well-being no matter the setting in which LTSS are received.</p>	<ul style="list-style-type: none"> <li>• The Office of the State Ombudsman is committed to the State’s efforts to rebalance the LTSS systems. The Ombudsman will be a part of the conversation for Informed Choice and advocacy for individuals choosing to live in the community and receive LTSS.</li> </ul>
<p>Ensure that residential care home residents know about and are able to fully exercise their rights and access the Ombudsman.</p>	<ul style="list-style-type: none"> <li>• The Office of the State Ombudsman will continue to work with other advocates to provide necessary outreach and educational materials to residential care home residents as the introduction of the Home and Community Based Settings rule is considered for residential care homes.</li> </ul>
<p>Ombudsman cases are more complex with a focus on involuntary discharges and person centered care planning. This has been a national trend.</p>	<ul style="list-style-type: none"> <li>• The Office of the State Ombudsman will continue to explore policy and legislative remedies for involuntary discharges.</li> <li>• The program is offering training for Residents and staff on Person Centered care plans, the importance of this tool and how it can assist in improving their quality of life.</li> <li>• The Ombudsman will continue to actively engage with the partner agencies and other advocacy groups to address these concerns and advocate for appropriate notice, appeal rights and individualized person centered care plans.</li> </ul>
<p>Connecticut continues to have nursing home closures. This impacts the resident’s life significantly, as they are forced to make decisions they did not foresee.</p>	<ul style="list-style-type: none"> <li>• The Office of the State Ombudsman will maintain a presence at each of the closing homes to ensure that residents have an opportunity for Informed Choice when deciding where they will move. The State and Regional Ombudsman will meet with residents regularly to explain their rights in the closure process.</li> <li>• When appropriate the State Ombudsman will accept appointment as the federal Patient Care Ombudsman.</li> </ul>



**State Ombudsman:** Mairead Painter

**Regional Ombudsman:**

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