



# **2018 Annual Report**

## **Connecticut Long-Term Care Ombudsman Program**

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

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. This is a program that is mandated by the Federal Older Americans Act and Connecticut General Statutes Sec. 17a-405 (Formerly Sec. 17b-400). The program consists of one State Ombudsman, eight Regional Ombudsmen, one Administrative Assistant and two Clerical/Intake Staff as well as a group of volunteers known as Resident Advocates (RA'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, empowers residents to have a voice in ensuring their rights. This is achieved through individual consultation and complaint resolution with the individual at their home. The Regional Ombudsmen respond to residents' concerns and take action to resolve them based on the individual resident's direction. Regional Ombudsmen are a highly professional, expert group of advocates who 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.

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

The Ombudsman Program has an operating budget of \$1,812,009.

- Federal Funds: \$350,105 (\$174,158 from Title VII, Chapter 2 of the Older Americans Act, and \$175,947 from Title IIIB of the Older Americans Act)
- State Funds: \$1,461,904

## 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:

- ❖ 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 their interests before governmental agencies.

In 2018, the staff of the Ombudsman program fulfilled their mission and requirements by:

- ❖ Investigating complaints and concerns made by residents, or on behalf of residents in a timely and prompt manner:
  - 3,423 complaints received
  - 1,964 cases were opened
  - 363 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 their individual stories in order to improve their person-centered care at the nursing home. The theme of the Annual Voices Forum was “What’s the Story?” and the residents were given toolkits to bring back to their individual nursing homes. These toolkits included different methods of engaging individuals in telling their stories and promoting better care. This annual event provides an opportunity for the Presidents of Resident Councils in nursing homes to speak directly to public officials and agency heads in attendance, letting them know important issues they are dealing with 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, a smaller regional representation of residents who are the Presidents of the Resident Councils at their nursing home, actively engaged in legislative advocacy at the General Assembly throughout the 2018 legislative session, reaching out to legislators, meeting with them and providing testimony at public hearings when able. One of their areas of outreach and advocacy was on the Personal Needs Allowance legislation.
  - LTCOP/DORS testified to the key Aging, Human Services, and Public Health Committees bills.

## **Data Collected and Analyzed**

The 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:

- 3,423 complaints received
- 1,964 cases were opened
- 38 facilities visits other than for complaints (unduplicated)
- 340 consultations to facilities
- 91 training sessions for Ombudsman staff and volunteers
- 49 licensure and certification surveys
- 39 community education presentations
- 1 training to facility staff
- 5 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 3,423 complaints received in 2018, the highest category of complaints was related to “Residents’ Rights”. This category received 1348 complaints with the majority of the complaints, 495, being in the subcategory “Admission, Transfer, Discharge, Eviction”.

There has been an increase in this type of complaint nationally, however in Connecticut we saw a 4.81% decrease from 2017-2018. This might be attributed to the ongoing education and outreach provided by the LTCOP. Ombudsmen assist residents to understand their rights and, if they wish, refer them to legal assistance organizations. The Ombudsmen work to understand and 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.

“Autonomy, Choice, Preference, Exercise of Rights, and Privacy” also had 389 complaints in this category with 155 relating to a subcategory of “Resident Concerns Regarding Staff Attitudes”, in particular dignity and respect. Ombudsmen spend a significant amount of their time consulting

with the residents as well as facility staff to ensure that residents feel that they are treated in a dignified and respectful manner.

The second largest area of concern was in the category of “Resident Care”. This area received 1083 complaints with 895 of those complaints being directly related to the subcategory “Care and Services”. Most of the complaints about Resident Care continue to be focused on plans/resident assessments. 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. If invited by the resident or their representative, Ombudsmen participate in Resident Care Plan meetings. Medication administration is the second most common complaint in this category, followed closely by pain. Residents and representatives have ongoing concerns about the overall well-being.

The area that we saw the largest increase in complaints was “Quality of Life”. Complaints related to quality of life rose from 448(2017) to 584(2018). This raises the questions about the experience of the individual and services they are receiving. We know that the average nursing home census in the state has been down and wonder if this can be attributed to the quality of the services some residents are receiving.

Receiving complaints and working to find a resolution is the largest part of the Regional Ombudsman’s work, but they also engage in many other advocacy activities. The Regional Ombudsmen promote Resident Councils by 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. 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**

- Accountability through the prosecution of individuals who commit acts of abuse, neglect or exploitation of an older adult or an individual with a disability.
- Better community connection for individuals living in a long-term care setting or a nursing home, but wishing to remain connected to the greater community.
- With high complaint numbers related to involuntary transfer/discharge cases the Coalition for Elder Justice in Connecticut, a public and private Stakeholder group that addresses elder

justice issues, in conjunction with the Long Term Care Ombudsman program, recommends that guidelines and protections continue to be developed for all levels of the system.

- To have Informed Choice provided to all individuals living in a long-term setting. The individual sets the primary goal as to where they wish to receive their long-term services and support and all options are explored to reach this goal if possible.

## **Successes and Barriers of the Program**

### **Successes 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 involvement from these residents contacting media, drafting letters and statements regarding issues of importance. 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 conference calls. 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 workgroup made up of LGBT Aging Advocates, community providers, the State Unit on Aging and LTCOP employees;
  - Continued to disseminate LGBT Residents' Rights brochures specific to LGBT Residents' Rights to long-term care communities as well as Leading Age and Connecticut Association of Health Care Facilities' provider groups;
  - Continued ongoing outreach to provider groups to discuss LGBT inclusion in Long Term Care facilities;
  - Distributed LGBT inclusivity materials to providers at the annual Voices Forum;

- Planned and delivered a symposium on LGBT aging issues and inclusivity;
- Maintained LTCOP website and other outreach materials to reflect inclusivity vision for LGBT clients on Long Term Services and Supports;
- Facility bankruptcies, receiverships, and closures – 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. In 2018, the State Ombudsman completed 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.

- Bankruptcies

Birmingham Health Center	Derby	Closed
Bridgeport Health care Center	Bridgeport	Still in court/Trustee
Bridgeport Manor	Bridgeport	Closed/Trustee
Crestfield	Manchester	Put up for sale
Park Place	Hartford	Put up for sale
Rosegarden	Waterbury	Closed/Trustee

- Receiverships

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Name	Town	Number of beds
Park Place	Hartford	Put up for sale
Crestfield	Manchester	Put up for sale

- Closures

Name	Town	Number of beds
Birmingham Health Center	Derby	102
Blair Manor	Enfield	98
Bridgeport Manor	Bridgeport	240
Ellis Manor	Hartford	105
Rosegarden	Waterbury	82

## **Barriers that Prevent the Optimal Operation of the Program**

The largest barrier that prevents the optimal operation of the program was the ability to be fully staffed. The State Long Term Care Ombudsman, Nancy Shaffer, retired in January of 2018, and the new State Long Term Care Ombudsman, Mairead Painter, started in the end of May 2018. We were fortunate that the previous State Ombudsman was able to stay on in a limited capacity as a Temporary Worker Retiree, but it did impact the work that the Regional Ombudsman had to support. We also had one Regional Ombudsman accept a new position. This loss for the Program required that the remaining 7 Regional Ombudsman covered larger geographic areas and significantly more residents. We continued to see an increase in complaints, but we are working to fill this position.

The State Department on Aging was dissolved and the State Unit on Aging and the LTCOP were merged with the Department of Rehabilitation Services. Initially this caused some instability and draw on time regarding reorganization, but ultimately this has proven to be a very beneficial alignment and has worked very well for the LTCOP.

There has also been a recent growth in the number of Assisted Living Facilities built in the state and this increased the number of individuals that are served. There have been several nursing home closures that are extremely demanding of the program's time and advocacy. The complexity of cases has increased steadily over the past few years. The Long-Term Care market has changed as has the time a Regional Ombudsman has to dedicate to each case.

The program has a historic low in the number of Resident Advocates (RA's). The RA's have 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. The State Ombudsman identified new ways to reach potential volunteers and hopes to see this number grow over the next year.

## **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 National Association of State Long-Term Care Ombudsman Programs (NASOP), Connecticut Long-Term Care Advisory Council, Connecticut Nursing Home Financial Advisory Committee, Co –Chair of the Connecticut Elder Justice Coalition, LGBT+ Aging Advocacy



Group and the Medicaid Long Term Services & Supports Rebalancing Initiatives Steering Committee. 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 2018 include:

- SB 155 - Personal Needs Allowance (PNA) and December 2017 E-Board letter to Governor and legislators about PNA
- SB 309 - Aligning LTCOP With Older Americans Act
- SB 235 - Ombudsman Volunteers
- SB 257 - Concerning Office of the Long Term Care Ombudsman
- HB 272 - Visits by Non-ambulatory Nursing Home Residents to Visit Their Families
- HB 5038 - Governor's Budget Recommendations on Human Services; merging the State Department on Aging and LTCOP with the Department of Rehabilitation Services
- HB 5243 - Aging in Place Initiatives
- HB 5256- Require DSS to Collect and Maintain Data Requiring Transportation Needs of Medicaid Recipients

### **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 2018. 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, 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. The 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.

## Inclusive Communities for All

- The Program is starting to gather a diverse group of providers, advocates, government agencies, professionals, and individuals to work collaboratively to strengthen the long-term care continuum to be inclusive, accepting and welcoming for all individuals so they may invariably be their authentic self. One goal is to create a toolbox of Inclusive Communities Educational Resources that is utilized across the long-term care continuum. The group also seeks to give voice, identity and specific attention to individuals who identify with one or more marginalized group. Finally, the group is focused on cultivating communities where we take care of each other and build bridges of common humanity while maintaining respect for every individual.

## Informed Choice

- The Program looked to empower individuals to reside in the 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

Challenges	Opportunities
<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 residents’ lives 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</li> </ul>

	the federal Patient Care Ombudsman.
<p>Opioid Epidemic continues to grow and impact our long term care communities. This increases the risk for homelessness and need for long-term care.</p>	<ul style="list-style-type: none"> <li>• The Office of the State Ombudsman will partner with all appropriate entities to find ways to address this epidemic as it increases the risk of elder abuse and exploitation.</li> <li>• The Ombudsman will continue to actively look at how this impacts the ability to access pain medication at the end of life.</li> <li>• The Ombudsman will collaborate with other state agencies to explore the LTSS options related to telehealth and Medication Assisted Treatment (MAT).</li> <li>• The Ombudsman will collaborate with other state agencies to explore options for housing and least restrictive environment.</li> </ul>
<p>As the composition of our long-term care communities has changed we need to ensure that these communities are inclusive, welcoming and accepting for all.</p>	<ul style="list-style-type: none"> <li>• The Office of the State Ombudsman will form an Inclusive Communities workgroup to discuss gaps and develop tools to assist long-term care communities to be inclusive.</li> </ul>

**State Ombudsman:**

Mairead Painter

**Regional Ombudsman:**

Brenda Foreman

Brenda Texidor

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Lindsay Jesshop

Patricia Calderone

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