



2019 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, two Clerical/Intake Staff, and a group of volunteers known as Resident Advocates (RA's).

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

The Regional Ombudsmen (RO's) provide a voice to residents' concerns. Equally important, RO's empower residents to exercise their rights. This is achieved through direct consultation and complaint resolution with the individual at their home. The Regional Ombudsmen respond to residents' concerns and act based on the resident's direction. Regional Ombudsmen are a highly professional, expert group of advocates who work tirelessly to assist residents to achieve his or her desired outcome for their complaint. Regional Ombudsmen explore all avenues to fully understand an issue and reach a satisfactory resolution.

Resident Advocates are trained by Ombudsman staff in residents' rights and problem solving. Resident Advocates spend four hours per week in one assigned nursing home and help residents solve problems or address concerns with facility administration.

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

The Ombudsman Program has an operating budget of \$ 1,700,316.

- Federal Funds: \$374,135 (\$199,108 from Title VII, Chapter 2 of the Older Americans Act, and \$ 175,027 from Title IIIB of the Older Americans Act)
- State Funds: \$1,326,181

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 2019, 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:
 - 3755 complaints received
 - 2094 cases were opened
 - 521 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 Uniting Resident Voices across the state. The theme of the Annual Voices Forum was “VOICES UNITED” and the residents were given tools and participated in an advocacy training. AARP and Robert Blancato, National Elder Justice leader, presented a state and national overview discussing ways resident voices can have impact to create change. This annual event provides an opportunity for 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 these issues impact 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 2019 legislative session, reaching out to legislators, meeting with them and providing testimony at public hearings when able. Some of their areas of outreach and advocacy included the Personal Needs Allowance legislation and increased staffing.
 - LTCOP testified to the key Aging, Human Services, and Public Health Committees.

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:

- 3,755 complaints received
- 2,094 cases were opened
- 42 facilities visit other than for complaints (unduplicated)
- 324 consultations to facilities
- 128 training sessions for Ombudsman staff and volunteers
- 43 licensure and certification surveys
- 52 community education presentations
- 5 training to facility staff
- 1 nursing home closure

Problems Experienced and Complaints Made

Residents and/or their relatives or friends continued to be the main source of complaints received. Of the 3,755 complaints received in 2019, the highest category of complaints was related to “Residents’ Rights”. This category received 1,519 complaints with most of the complaints, 534, being in the subcategory “Admission, Transfer, Discharge, Eviction”.

There has been an increase in this type of complaint nationally and this year we saw a 9.95% increase in skilled nursing homes cases related to Admission, Transfer, Discharge, and Eviction. 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 or residential care home to clarify all reasons for the notice. They try to negotiate a satisfactory resolution for the resident.

Sometimes the 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 510 complaints in this category with 185 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 1,149 complaints with 954 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 management. Residents and representatives have ongoing concerns about their overall well-being.

The area that we saw the largest increase in complaints was “Autonomy, Choice, Preference, Exercise of Rights, Privacy Complaints” that rose from 379(2018) to 479(2019), with the largest area of complaints being in the subcategory of “Dignity, respect - staff attitudes.” This raises questions about appropriate staffing levels, training and supervision of care team members. We have had concerns related to staffing and the amount of care each staff member needs to provide. Not having the appropriate amount of time to care for each person in a dignified way and the stress the staff are under can directly impact the residents’ experience. This can also increase the risk for abuse and neglect.

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

- Increased staffing levels to meet the needs and goals of long-term care residents.
- Connection to community transportation for individuals living in a long-term care setting who wish to remain connected to the greater community.
- With high complaint numbers related to involuntary transfer/discharges we need a case tracking system that specifically tracks the notices, facility, notice dates, appeals and

outcomes. This level of data will allow the program to provide the appropriate oversight and advocacy to address these concerns. 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 Statewide Coalition of Presidents of Resident Councils, or Executive Board. The Executive Board has an active role advocating for their fellow residents of skilled nursing facilities. 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 promote the quality of life and 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. Executive Board members are encouraged to reach out to their legislative body to make their voices heard and they assist other residents in completing these functions as well. It has been a privilege for 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 these interactions to inform the Program and identify legislative and policy initiatives to support residents and Resident Councils throughout the state.
- One of the program's areas of focus was related to LGBT inclusivity work and this had previously been a focus. However, this year we began to focus on the idea of Inclusive Communities for All. This is a public and private partnership that was spearheaded by the Long-Term Care (LTC) communities. To accomplish this goal, the program:
 - Partnered with state agencies, community partners, other advocacy groups and long-term care communities to form the Inclusive Communities for All workgroup.
 - Vision Statement:
 - A diverse group of providers, advocates, government agencies, professionals, and individuals that works collaboratively to strengthen the long-term care

continuum to be inclusive, accepting and welcoming for all individuals so they may invariably be their authentic selves.

- Mission:
 - To cultivate communities that care for one another and build bridges of common humanity while maintaining respect for every individual. To give voice, identity and specific attention to individuals who identify with one or more marginalized or disempowered group. To curate a toolbox of Inclusive Communities Educational Resources that is utilized across the long-term care continuum.
- Goal:
 - Create an educational toolkit and video series offered to residents, family members, and staff members of LTC facilities to help create and cultivate inclusive LTC communities. This toolkit will include educational materials as well as application techniques broken down into specific subchapters relating to various marginalized groups and how to ensure that all individuals within the community are able to be their Authentic Selves
- Objectives:
 - To provide resources free of charge that are vetted and championed throughout the LTC industry. These education materials will be available to residents, family members and staff to help create and cultivate inclusive LTC communities.
 - Continued ongoing outreach to provider groups to discuss inclusion in Long Term Care facilities;
 - Maintained LTCOP website and other outreach materials to reflect inclusivity vision for 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.

Bankruptcies

Name	Town	Outcome
Bridgeport Health care Center	Bridgeport	Still in court/Trustee

Receiverships

Name	Town	Outcome
Waterbury Gardens	Waterbury	Outcome pending

Closures

Name	Town	Number of beds
Rose Haven Ltd.	Litchfield	28 (SNF)

Barriers that Prevent the Optimal Operation of the Program

There has been a 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 nursing home closures, bankruptcies and receiverships that are extremely demanding of the program's time and advocacy. The complexity of cases has increased steadily over the past few years. The LTC 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 an integral component to the program for many years; however, with people working later in life or choosing to leave the state once they retire; our pool of volunteers has greatly diminished. The State Ombudsman identified new ways to generate potential volunteers and is slowly increasing the number of RA's.

Policy, Regulatory and Legislative Recommendations

Systemic Advocacy

The Office of the State Ombudsman is 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,
- 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,
- Lesbian, Gay, Bisexual & Transgender (LGBT) Aging Advocacy,
- Inclusive Communities for all workgroup

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 2019 include:

SB 375 - AN ACT CONCERNING NURSING HOME STAFFING LEVELS. To ensure adequate reporting of the numbers of nursing home staff.

SB 804 - AN ACT CONCERNING A COMMUNITY OMBUDSMAN. To expand the investigatory oversight of the State Ombudsman to include home and community-based services. Special Act 19-18

SB 827 - AN ACT CONCERNING ALZHEIMER'S DISEASE AND DEMENTIA TRAINING AND BEST PRACTICES. To require certain health care professionals who provide primary care or emergency treatment for adults to receive training in recognizing the signs and symptoms of Alzheimer's disease and dementia and to establish a working group to develop recommendations on improving the care of Alzheimer's disease and dementia patients. Public Act 19-115

SB 832 - AN ACT CONCERNING REGISTRIES OF PERSONS FOUND RESPONSIBLE FOR ASSAULTS OR OTHER ABUSE, NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY PERSONS OR PERSONS

WITH DISABILITIES. To provide the public with access to a searchable database of perpetrators of crimes and other substantiated abuse, neglect, exploitation or abandonment of elderly persons or persons with disabilities. Commission on Women, Children, Seniors and Equity will have a portal established on its website with links to publicly available background databases; Commission will convene a working group; bill specifies disqualifying offenses, Public Act 19-116

SB 1088 - AN ACT CONCERNING PARTICIPATION BY A RESIDENT OF A NURSING HOME FACILITY OR RESIDENTIAL CARE HOME IN A RECEIVERSHIP PROCEEDING. To ensure the health and well-being of a nursing home resident who is at risk of being involuntarily transferred from one facility to another as the result of a receivership proceeding.

Selected LTCOP Program-Related Bill Topics That Did Not Pass Either Chamber

Increase PNA to \$72/Month; Permit Video Camera Installation, Nursing Home Falls, Non-Emergency Medical Transportation.

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 2019. 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 Medicaid waiver services. This is an ongoing project, which continues to have materials, trainings and issue-specific workgroups developed. The Program recommends heightened protections and amendments to the statutory language if an individual living in a Residential Care Home is 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, in addition to other public and private entities and individuals. The Coalition has

an independent website and hopes to serve as an ongoing resource for consumers and for its members.

Inclusive Communities for All

- The Program has gathered a diverse group of providers, advocates, government agencies and individuals to work collaboratively in effort to strengthen the long-term care continuum to become an inclusive system for all individuals.

Informed Choice

- The Program advocates for 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
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.	<ul style="list-style-type: none"> • 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 and receive LTSS in the community.
Ensure that residential care home residents know about and can fully exercise their rights and access the Ombudsman.	<ul style="list-style-type: none"> • 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.
Ombudsman cases are more complex with a focus on involuntary discharges and person-centered care planning. This has been a national trend.	<ul style="list-style-type: none"> • The Office of the State Ombudsman will continue to explore policy and legislative remedies for involuntary discharges. • 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.

	<ul style="list-style-type: none"> • 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.
<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"> • 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. • When appropriate, the State Ombudsman will accept appointment as 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"> • 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. • The Ombudsman will continue to actively look at how this impacts the ability to access pain medication at the end of life. • The Ombudsman will collaborate with other state agencies to explore the LTSS options related to telehealth and Medication Assisted Treatment (MAT). • The Ombudsman will collaborate with other state agencies to explore options for housing and least restrictive environment.
<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"> • 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.

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