

Steve Sisolak
Governor



Richard Whitley
Director

State of Nevada Department of Health and Human Services

Long Term Care Ombudsman Overview

Aging and Disability Services Division

Marie A. Coe, Adult Rights Supervisor



11/13/2019

Helping people. It's who we are and what we do.

Agenda Item VIII A (SILVER)
Meeting Date: 11-13-19

Agenda

- History and authority under which the long-term care ombudsman (LTCO) operates
- Understand the role of the LTCO
- Understand how complaints come in and what happens
- Data and Top Complaints



History of the Ombudsman

- 1972
 - Five Nursing Home Ombudsman demonstration programs established to focus on nursing home resident complaint resolution
- 1978
 - Older Americans Act (OAA) amendments **required all states** to establish an Ombudsman Program
 - Program designed to be a **local, community program** utilizing volunteers
- 1981
 - Duties expanded to board and care homes (e.g., Assisted Living Facilities)
 - Name changed from Nursing Home Ombudsman Program to Long-Term Care Ombudsman Program (LTCOP)
- 1987
 - LTCOP access to resident records (with resident consent)
 - States must prohibit willful interference of official LTCOP duties and/or retaliation against a LTCOP representative, resident or other individual related to LTCOP duties
- 2016
 - LTCOP Rule was effective July 1, 2016
 - Older Americans Act was reauthorized
- 2019
 - Dignity in Aging Act of 2019 Passes the House which reauthorizes the Older Americans Act
 - Updates to come!



Authority of the LTCO

- The LTCO Program is authorized under the Older American's Act
- 45 CFR §1324.13
- Nevada Revised Statute 427A
- Nevada Administrative Code 427A

Who does the LTCO Represent?

- Skilled Nursing Facilities
- Residential Facilities for Groups
- Homes for Individual Residential Care
- Passage of AB228 from the 2019 Legislative Session allows LTCO, under the direction of the Administrator of the Aging and Disability Services Division, to investigate:
 - Facilities for long-term care rehabilitation
 - Community Based Living Arrangements
 - Supported Living Arrangements
 - Adult Day Care Centers



Role of the Ombudsman

- **Advocates** for increased consumer protections in state and federal laws and regulations.
- **Educates** residents about their rights.
- **Empowers and supports** residents and families to discuss concerns with facility staff.
- **Identifies and seeks to remedy** gaps in facility, government, or community services.
- **Protects** the health, safety, welfare, and rights of individuals living in nursing homes and assisted living facilities.
- **Provides information and assistance** regarding long-term services and supports.
- **Receives and investigates complaints** and assists residents to resolve problems.
- **Represents** residents' interests before governmental agencies.
- **Respects** the privacy and confidentiality of residents and complainants



LTCO Do NOT

- **Do not** conduct licensing and regulatory inspections or investigations
 - LTCOP representatives are knowledgeable of federal and state regulations and will refer to relevant regulations as they advocate for the highest quality of care and life for residents and if necessary, with resident consent, a LTCOP representative will file a complaint with licensing and regulatory.
- **Are not** Adult Protective Services (APS) investigators
 - LTCOPs provide information regarding preventing and reporting abuse, neglect, and exploitation. LTCOPs attempt to resolve complaints to the residents' satisfaction (including those regarding abuse), not gather evidence to substantiate that abuse occurred. They will refer to the complaint to APS, if the resident gives consent if there is any doubt.
- **Do not** provide direct care for residents
 - LTCOPs share information about quality care practices and ways to enhance the quality of life for residents and are a resource for staff training and providing information for community resources.



Who Can Report a Complaint or Concern?

- Complaints and concerns can come to the LTCO many ways:
 - The long-term care resident
 - Family or guardian of the resident
 - Friends of the resident
 - Staff from the facility
 - Any social service agency or program
 - Adult Protective Services
 - Law Enforcement
 - Anonymously
- The resident (or guardian) **MUST** give consent to investigate



What Happens When a Complaint or Concern Comes In?

- Supervisor reviews to ensure the issue falls under the scope of the LTCO
- If the issue can be addressed by the LTCO, the case is assigned to an ombudsman
- The ombudsman has 7 days to initiate first contact
- In addition to complaints and concerns the LTCO must make routine visits to each facility quarterly
 - 675 total facilities statewide (as of October 1, 2019)
 - 15 ombudsman statewide
 - Additional 7 to be hired through this biennium



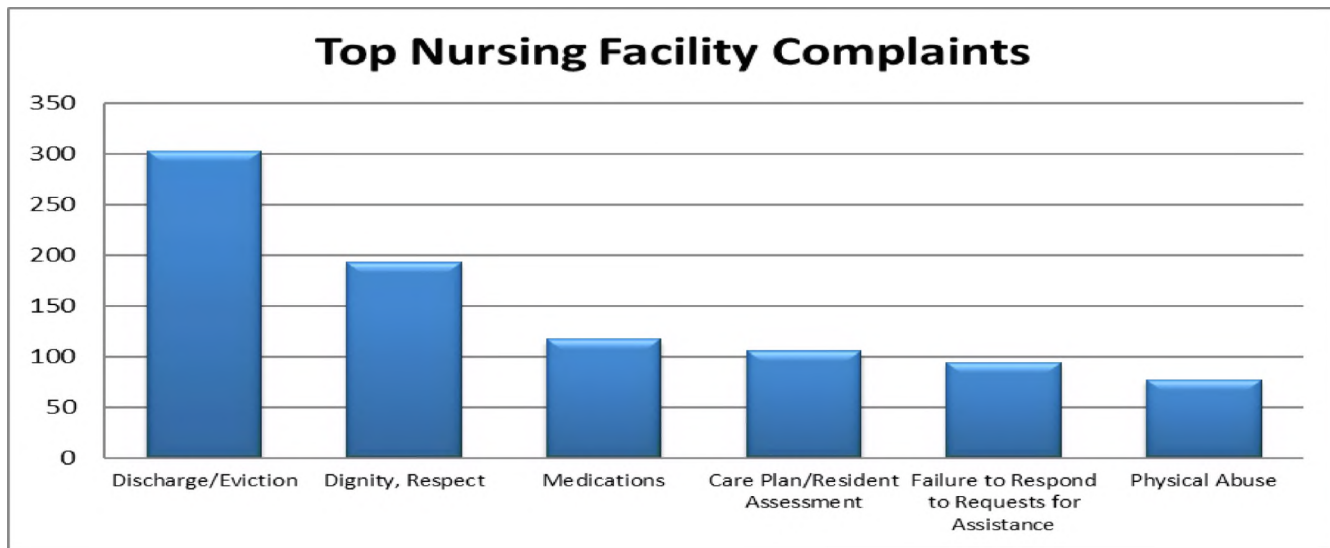
October 2017 through September 2018

- Opened 1,845 cases and investigated 3,847 complaints on behalf of Nevada's Long-Term Care residents
- Resolved, or partially resolved, 97% of nursing home complaints and 97% of group home/assisted living complaints.
- 2,273 total facility visits
- 20,456 consultations for information and assistance to facility residents and family
- 5,912 consultations to facility providers
- Attended 233 resident council meetings and 50 family council meetings

Top 6 Nursing Facility Complaints

- Discharge and Eviction concerns
- Dignity and Respect concerns
- Medications
- Care Plan/ Resident Assessment
- Failure to Respond to Requests for Assistance
- Physical Abuse

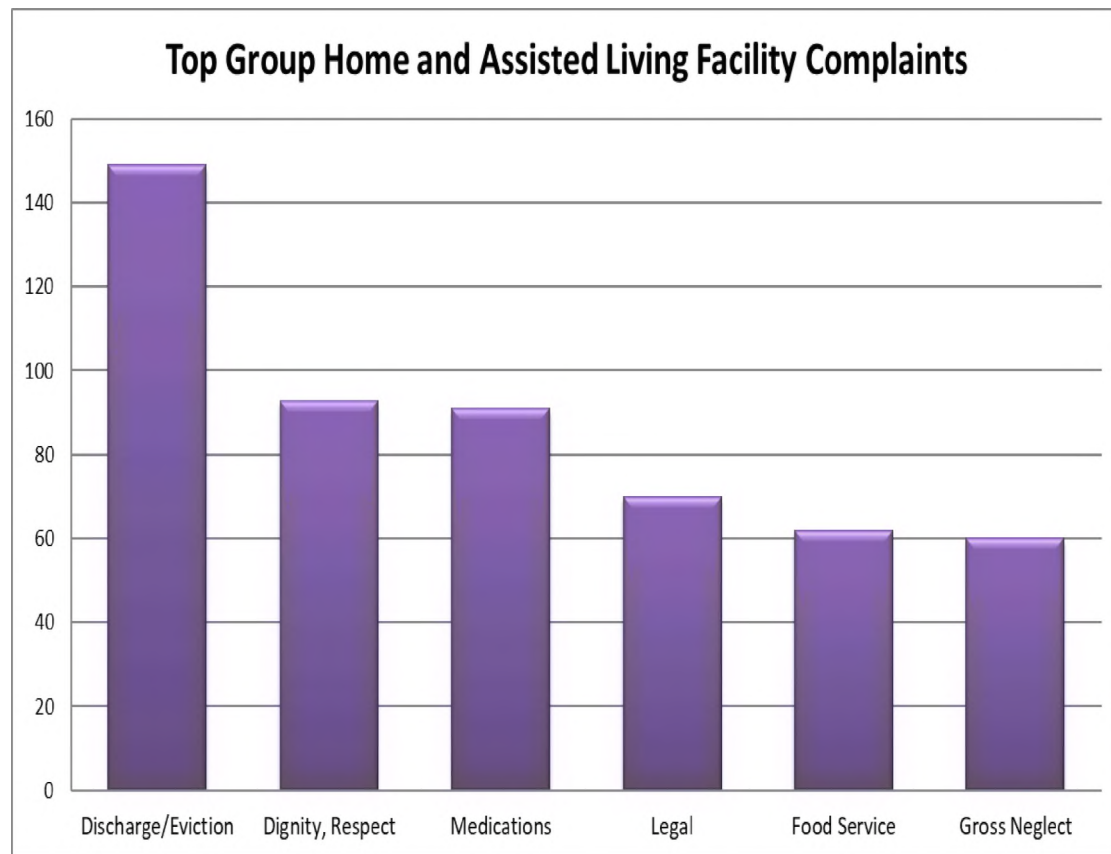
Out of
2,258
Complaints



Top 6 Group Home/Assisted Living Complaints

- Discharge and Eviction concerns
- Dignity and Respect concerns
- Medications
- Legal Issues
- Food Services
- Gross Neglect

Out of
1,584
Complaints





LTCO Program Hotline

1-888-282-1155



Questions?



Contact Information

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