

PENNSYLVANIA DEPARTMENT OF AGING



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*Pennsylvania's Long-Term Care Ombudsman
ADRC Presentation
November 2018*

Today's Agenda

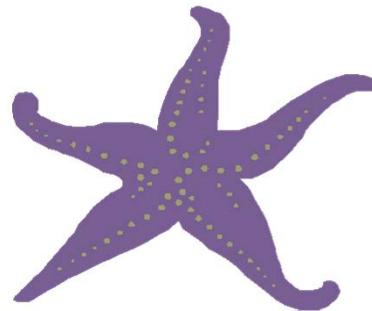
- History of Ombudsman Program
- PA Long-Term Care Ombudsman Office
- Expectations of Local Ombudsmen
- Elements of the Ombudsman Program
- Ombudsman Roles
- PEER Program
- Types of Facilities & Services Ombudsman Serve
- Resident Rights

Our Vision . . .

“Advocate for those who can’t,
support those who can,
and ensure all long-term care consumers
live with *dignity and respect.*”

The Starfish Story

Why is the Starfish Story so important to us?
It's all about "Making a Difference."



History of Ombudsman Program

Older Americans Act of 1965 established the Ombudsman Program – Swedish term meaning “***citizen representative***”

- 1978: Law mandated every state have an Ombudsman program for nursing home complaints
- 1981: Law expanded program to encompass personal care homes, assisted living residences, and domiciliary care homes
- 1987: Law created State Long-Term Care Ombudsman Office and required training for ombudsmen prior to investigating complaints
- 1992: Law required that residents have regular and timely access to ombudsman
- 2015: U.S. Administration for Community Living (ACL) released Federal Final Rule for Ombudsman Programs, effective July 1, 2016

National Level

- ACL is the federal agency responsible for oversight of Ombudsman programs across the country (www.acl.gov)
- 2013 national statistics show that ombudsmen:
 - Provided 335,088 consultations to individuals
 - Visited 70% of nursing homes and 29% of personal care and assisted living at least quarterly
 - Conducted 5,417 training sessions in facilities
 - Provided 129,718 consultations to facilities
 - Participated in 21,812 resident council and 2,371 family council meetings

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National Level

- 2013 national statistics show that ombudsmen:
 - Worked to resolve 190,592 complaints with top issues including:
 - Improper Eviction or inadequate discharge/planning
 - Unanswered requests for assistance
 - Lack of respect for residents, poor staff attitudes
 - Quality of life, specifically resident/roommate conflict
 - Administration and organization of medications
 - Resolved or partially resolved 73% of all complaints to the satisfaction of the resident or complainant

State Level

Pennsylvania's Long-Term Care Ombudsman program is –

- Federally funded by Older Americans Act, Title VII; Pennsylvania Lottery provides state funding
- Located at the Pennsylvania Department of Aging
- Comprised of –
 - State Long-Term Care Ombudsman
 - Ombudsman Program Manager
 - Ombudsman Specialists

State Level Requirements

State Office is responsible for statewide operations in partnership with the 52 Area Agencies on Aging covering all 67 counties in the Commonwealth. This includes –

- Implement policies/procedures to meet federal standards
- Develop training curricula, conduct trainings and certify local ombudsmen via a tier-based system
- Conduct quality performance via monitoring of local programs, and provide technical assistance to local agencies
- Assist local agencies with OmbudsManager documentation
- Publish federal and state annual reports to meet requirements
- Organize and provide annual conference for ombudsmen enrichment purposes and quarterly regional network meetings

Local Level Requirements

Local agencies responsibilities include, but are not limited to –

- Receive, investigate, and resolve complaints
- Maintain complaint and case data to meet reporting requirements and report to State Office
- Provide information and education about Ombudsman program and rights of consumers
- Visit each licensed facility
- Support resident and family councils
- Ensure confidentiality of all information
- Collaborate with licensing agencies
- Recruit and maintain a volunteer complement

Local Level Volunteers & Staff

- Increase visibility
- Expand skills and expertise
- Increase personalization of service
- Create proactive versus reactive approach

Ombudsman Scope & Limitations

Certified Ombudsmen –

- Represent Pennsylvania's Long-Term Care Ombudsman program.
- Have access to facilities and the consumers who live there. Only consumers can deny an ombudsman access.

Ombudsman Scope & Limitations

Certified Ombudsmen are not –

- Care providers
- Regulators/inspectors
- Undercover agents
- Experts on capacity – that is a medical/legal finding

Conflict of Interest

- Professional
- Employment
- Familial
- Emotional
- Financial Interest
- Agency Programmatic



Confidentiality

- Sign a confidentiality statement
- Conduct all conversations with residents in private
- Safeguard all records, including volunteer reports
- Avoid gossip
- Re-direct questions
- Respect the resident's wishes to share or not information relayed to the ombudsman

Elements of the Program

- Client-directed
- Legally-based
- Highly visible
- Access to facilities, residents, records
- Impartial
- Non-partisan

Resident is Consumer

- Follow resident's direction on all ombudsman activities
- Ensure that always knock before entering a resident's room
- Cease any and all action if the resident says "no" or requests no further action by the ombudsman

Self-Advocacy

Ombudsmen empower individuals receiving long-term care services to self-advocate.

“Ten Steps to Being an Effective Self-Advocate”

Pennsylvania's Empowered Expert Residents

- Started in 2002 with a group of residents wanting to enhance their advocacy skills.
- Trained PEERs advocate for themselves and other residents in their homes.
- PEER 10-hour training curriculum created by State Office with assistance of PEERs. Over 2,700 PEERs have completed the training.

Where would you find ombudsmen?

- Nursing Homes
- Personal Care Homes
- Assisted Living Homes
- Domiciliary Care Homes
- Older Adult Daily Living Centers / LIFE
- Home and Community-Based Services

Nursing Homes

- A person entering a nursing home must be deemed appropriate for that level of care.
- Some residents may qualify for financial assistance (medical assistance).
- Several nursing home types exist.
- PA Department of Health (DOH) regulates and inspects nursing homes.

Personal Care Homes (PCH)

- PCHs conduct pre-admission screening to deem whether appropriate level of care.
- Residents requiring SSI supplemental payments are screened by the AAAs.
- Majority of residents in PCHs are private pay.
- PA Department of Human Services regulates and inspects PCHs.

Assisted Living Residences (ALR)

- ALRs are different from PCHs in four ways.
 - Concept: ALRs allow residents to “age in place.”
 - Construction: ALRs have private living units with kitchen capacity, locked doors, & private bathrooms.
 - Level of Care: Residents are able to continue to live in ALR when they reach nursing home level of care.
 - Private Pay: ALRs only provide services to private pay individuals.
- PA Department of Human Services regulates and inspects ALRs.

Domiciliary Care Homes (Dom Care)

- Dom Cares are small home-like placements for consumers who –
 - Need 24-hour supervision
 - Need assistance with activities of daily living
 - Do not require a nursing home level of care
- PA Department of Aging through the AAA network certify Dom Care.

Other Settings

- Home and Community-Based Settings
- Older Adult Daily Living Centers
- Living Independence for the Elderly (LIFE)

Understanding Resident Rights

- Resident Rights are outlined in regulations.
 - Nursing Homes – PA Department of Health regulations (28 PA Code § 201.29) and Federal Nursing Home Reform Law (42 C.F.R.)
 - Personal Care Homes – PA Department of Human Services regulations (55 PA Code § 2600.42)
- State Office provides publications that highlight resident rights.
- Take the residents rights quiz...

Abuse in Facilities

- Act 79 provides for Older Adult Protective Services.
- Each AAA has a Protective Services unit, which is responsible for receiving reports of abuse.
- Abuse is defined as abuse, neglect, financial exploitation, and abandonment.
- What is Imminent Risk? What to do if you witness –
 - No food in the facility
 - Batteries removed from smoke detectors
 - An incident of abuse

Contact Us:

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