



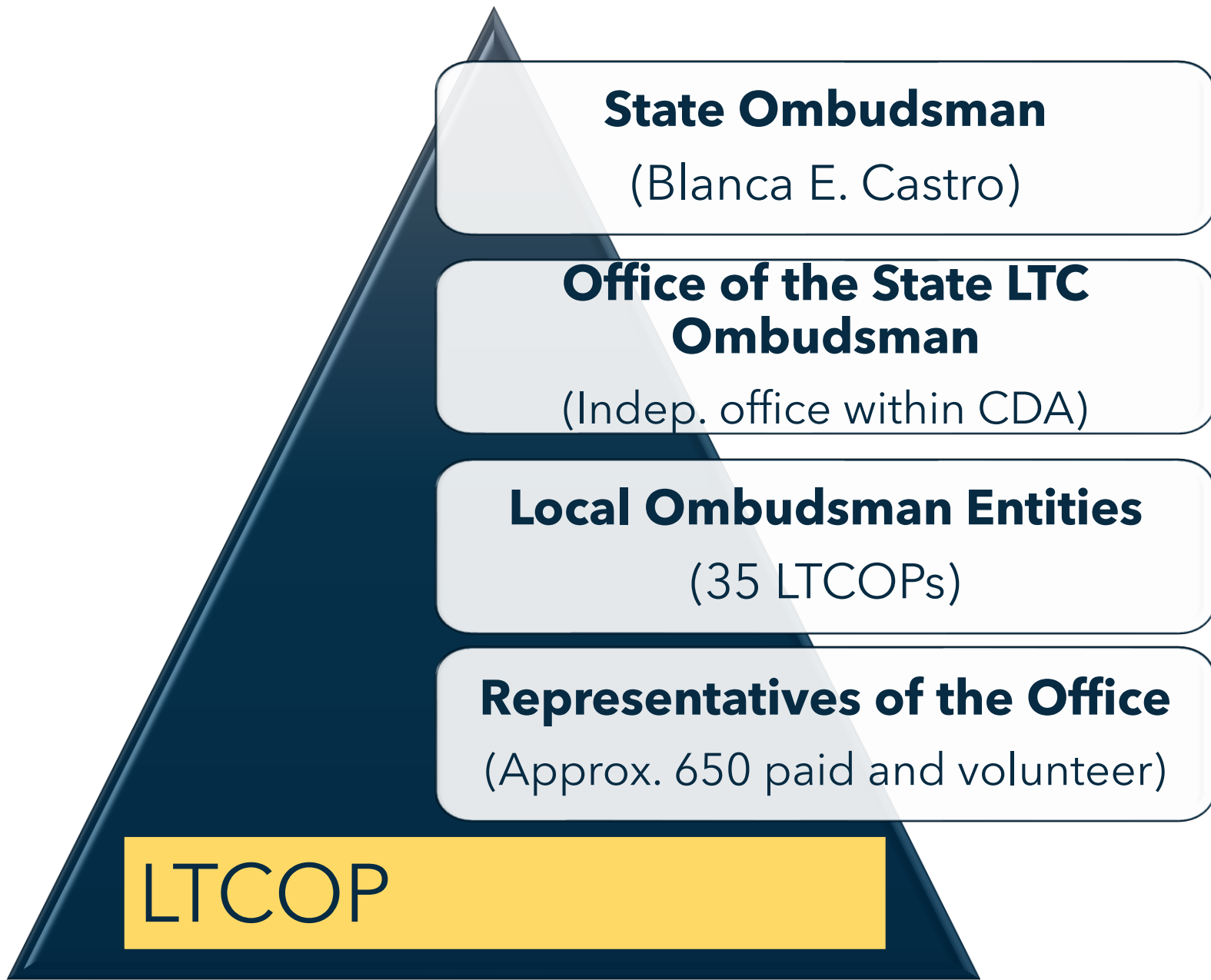
January 17, 2023

# Long-Term Care Ombudsman Program

## **Roles and Responsibilities**



**Om•buds•man**



**State Ombudsman**

(Blanca E. Castro)

**Office of the State LTC Ombudsman**

(Indep. office within CDA)

**Local Ombudsman Entities**

(35 LTCOPs)

**Representatives of the Office**

(Approx. 650 paid and volunteer)

LTCOP

# What is a LTC Ombudsman?



## LONG-TERM CARE OMBUDSMAN

Improving the quality of life



# Responsibilities



- Identifying, investigating, and resolving **complaints**
  - **Educating** residents, their family and facility staff about residents' rights, good care practices, and similar long-term services and supports resources
  - Ensuring residents have regular and timely access to Ombudsman services
  - Providing technical support for the development of **resident and family councils**
- Advocating for changes to **improve residents' quality of life and care**
  - Providing information to the public regarding long-term care facilities and services, residents' rights, and **legislative and policy issues**
  - Representing resident interests before governmental agencies
  - Seeking legal, administrative, and other remedies to **protect residents**

# What Makes the LTCOP Unique?





# Consent and Confidentiality



- **Federal**

- Title 42 United States Code section 3058g(b) and (d)
- Title 45 Code of Federal Regulations parts 1324.11, 1324.13 and 1324.19

- **State**

- California Welfare and Institutions Code sections 9715, 9724, and 9725
- Ombudsman Services of Northern California v. Superior Court of Placer County (2007) 154 Cal. App. 4<sup>th</sup> 1233



# Residents' Rights



- **Federal 1987 Nursing Home Reform Law**
  - specifically, §483.10 resident rights and §483.12 freedom from abuse, neglect, and exploitation and §483.15 admission, transfer, and discharge rights.
- **California Code of Regulations**
  - 22 CCR 72527 Patients' Rights Skilled Nursing





# Freedom from Abuse, Neglect, and Exploitation



The resident has the right to be free from abuse, neglect, misuse of resident property, and exploitation.

This includes, but is not limited to, freedom from physical punishment, involuntary seclusion and any physical or chemical restraint not required to treat the resident's medical symptoms.

# Responding to Reports of Abuse

## **Ombudsman investigate abuse in:**

- Skilled Nursing Facilities (SNF)
  - Distinct Part SNFs
- Intermediate Care Facilities (ICFs)
- Residential Care Facilities for the Elderly
- Adult Residential Facilities
- ICFs for the Developmentally Disabled
- Congregate Living Health Facilities
- Adult Day Programs/Adult Day Health Programs
- Adult Residential Facilities for Persons with Special Health Care needs

# Total Complaints Received

## Federal Fiscal Year 2021

- **40,178 Total Complaints** made by or on behalf of a residents in LTC
- **Top 5 Complaints Categories**
  - 10,557-Abuse, gross neglect, exploitation
  - 10,162- Care
  - 4,155- Autonomy, Choice, Rights
  - 3,177- Environment
  - 2,927- Admission, Transfer, Discharge, Eviction

# Abuse Complaints Received

## Federal Fiscal Year 2021

- **10,557 Total Abuse Complaints** made by or behalf of residents in LTC
- **Abuse Complaints Received**
  - 4,792 - Physical Abuse
  - 2,558 - Gross neglect
  - 1,354 - Psychological
  - 992 - Financial exploitation
  - 861 - Sexual



# Effective Advocacy



- **Coordination and Collaboration**

- Federal, State and Local levels
  - Public Education Sessions
    - Congress, Legislature, Government Boards, Committees, Civic Organizations
  - Memoranda of Understanding
    - Licensing, Law Enforcement, Adult Protective Services, Legal Aid
  - Statewide Partnerships
    - LTC Facility Access Policy Workgroup, EDJCC, Partnership to Improve Dementia Care, Disaster Preparedness
  - Networks and Coalitions
    - Silence=Violence



# Silence=Violence



- Network formed to increase public awareness and decrease the number of people with disabilities and elders who experience abuse
- Comprised of representatives from agencies serving people with disabilities and seniors



# Additional Information



- **The Office of the State Long-Term Care Ombudsman (OSLTCO)**
  - 916-419-7510 | email: [Stateomb@aging.ca.gov](mailto:Stateomb@aging.ca.gov)
- **California Department of Aging (CDA)**
  - Find services in your area: [Aging.ca.gov/services](https://aging.ca.gov/services)

# Questions?

