

The Office of the Long- Term Care Ombudsman

Residential
Facilities
(RFO)

Long-Term
Care
Facilities
(LTCO)

Public
Guardian/
Conservator
(OPG)

Residential
Ombudsman &
Public
Guardianship
Advisory Board
(ROPGAB)

Ways and Means Subcommittee Presentation

March 11, 2021



Residential
Facilities
Ombudsman
Program

OLTCO: Our Mission

To protect the individual rights, promote independence, and ensure quality of life through informed advocacy and education for Oregonians living in long-term care and residential facilities and Oregonians with decisional limitations.

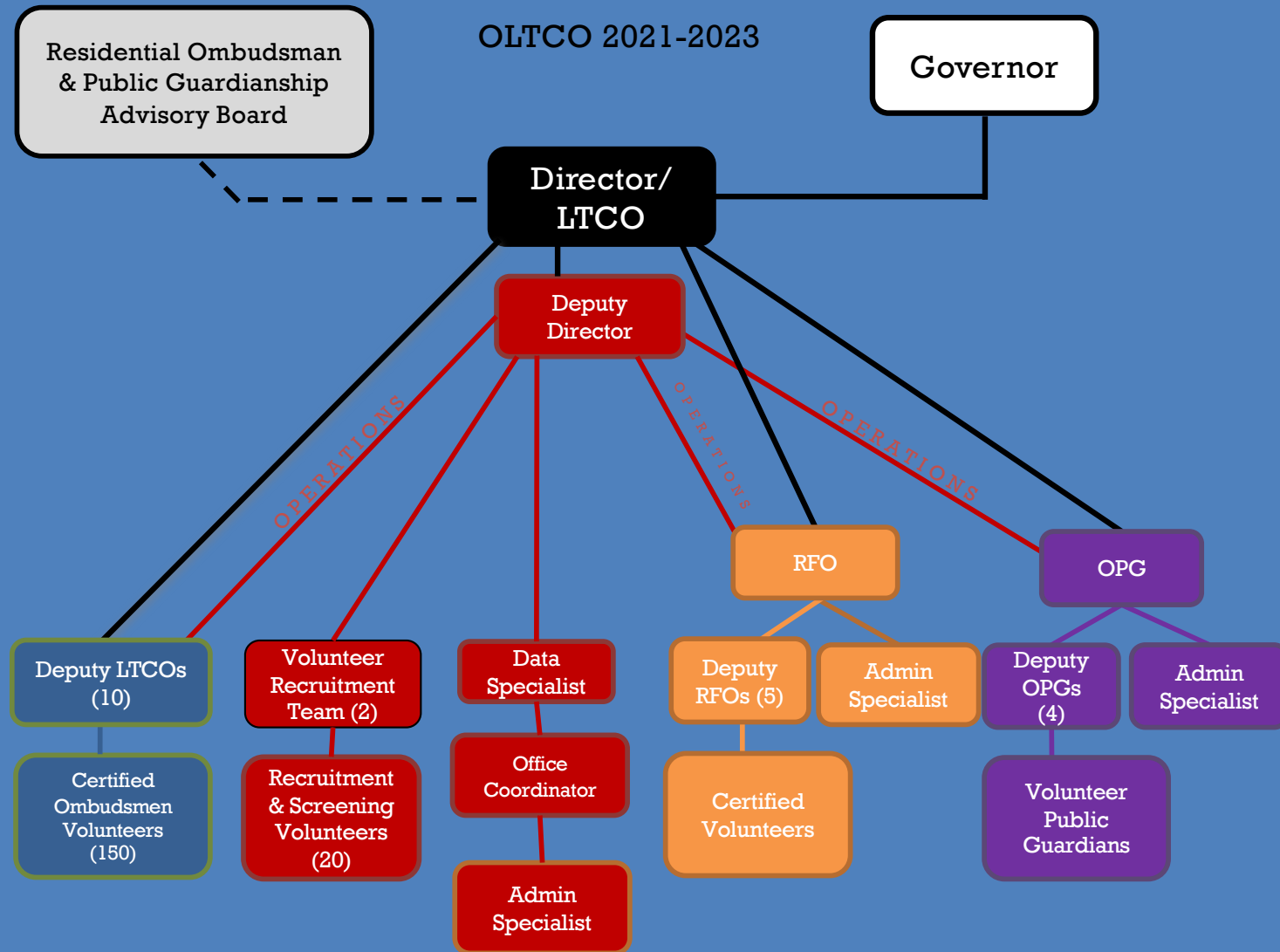


OREGON
LONG-TERM CARE
OMBUDSMAN



Residential
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Program

OLTCO 2021-2023 Organizational Chart



Long-Term Care Ombudsman (LTCO) Volunteers

Prior to the pandemic, volunteers visit their assigned facilities on a weekly basis, making them the most consistent and frequent State presence in a long-term care facility and uniquely able to identify potential issues involving resident safety, service quality, protection of rights and environmental factors well before any other State agency would be aware of them.

In 2019, One
LTCO Volunteer:

Visited an
Average of
2.1
Facilities

Completed
85 Facility
Visits

Advocated
for an
average of
134
residents

Volunteers
155 Hours
a Year

And 150 of them
combined, over a
biennium:

Do the work
of 15 paid
FTE

Donate close
to 50,000
hours of
advocacy

Save the
State \$1.1
million



Long-Term Care Ombudsman - LTCO 2019 & 2020 Accomplishments

- ❖ Regularly covered **46%** of the **696** facilities in Oregon
- ❖ Delivered **13,726** visits to residents living in long-term care facilities
- ❖ Assisted residents with **7,316** complaints providing some level of resolution to **90%** of cases
- ❖ Supported **150** volunteers that gave **23,278** hours of service
- ❖ Provided long-term care education to **1,234** individuals



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Long-Term Care Ombudsman - LTCO

Top 10 Resident Complaints 2018-2019

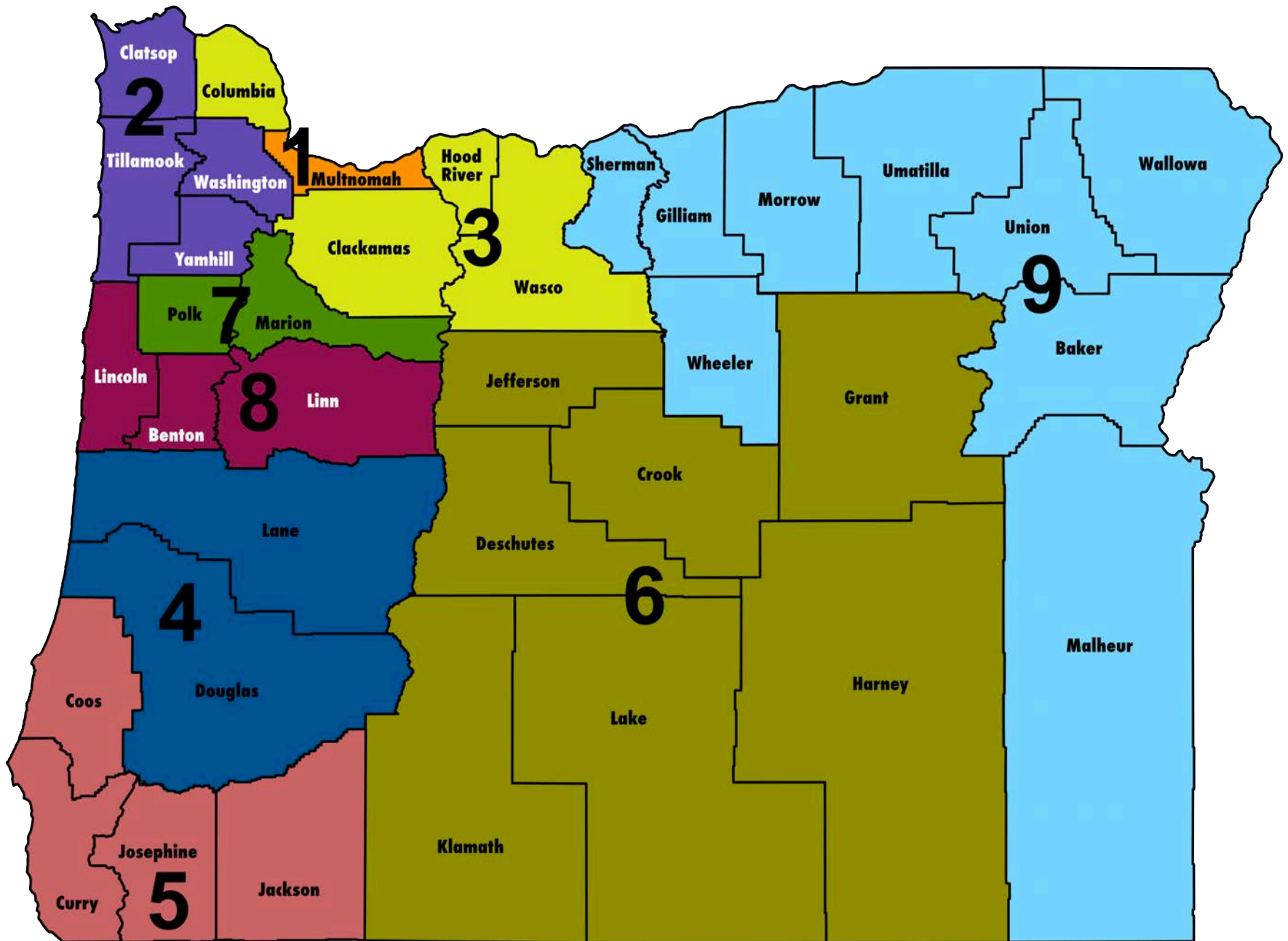
Complaint	Total Complaints	Nursing Homes	Residential Care	Assisted Living	Adult Foster
Discharge/Eviction - Notice, planning, procedure, implementation	694	254	180	208	50
Care Plan/Resident Assessment	491	175	133	170	13
Medications Administration/Organization	466	176	97	184	9
Menu Quality/Quantity/Variation/Choice	454	142	133	159	20
Dignity - Respect	374	124	97	135	17

Long-Term Care Ombudsman – LTCO

Top 10 Resident Complaints 2018-2019 (continued)

Complaint	Total Complaints	Nursing Homes	Residential Care	Assisted Living	Adult Foster
Failure to respond to requests for assistance	352	186	79	82	5
Shortage of Staff	331	100	112	115	4
Billing/Charges Notice, approval, questionable accounting	285	40	93	133	18
Personal Property Lost, stolen, used by others, destroyed	266	92	87	78	9
Personal Hygiene Nail care, oral care, bathing	259	96	95	65	3

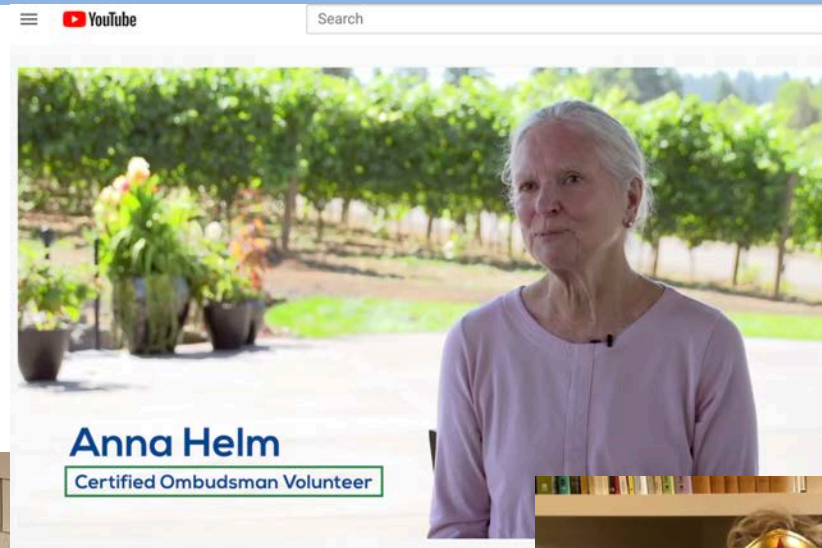
LTCO – Deputy Ombudsman Assigned Districts



COVID-19 – Reducing Isolation

Outreach

- Implemented iPad Pilot program to increase communication
- Sent postcards to all residents across the state – 45,000 beds
- Filmed public service announcements about our Agency in English and Spanish
- Direct mail to recruit volunteers
- Increased social media directed at Residents



COVID-19 – Advocacy

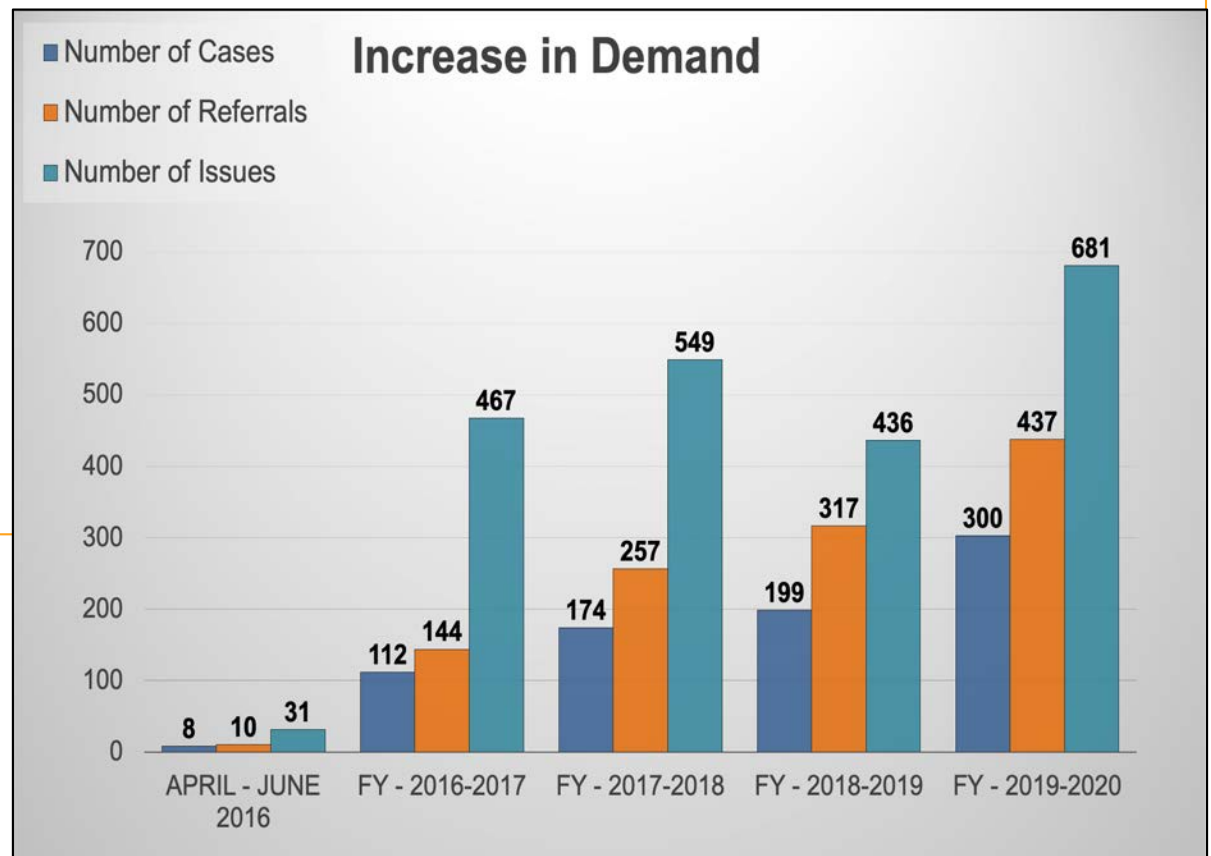
Advocacy

- Met with DHS/OHA multiple times per week to share issues/concerns
- Worked with elected officials at State and Federal levels
- Frequent Media interviews
- Engaged with local public health authorities
- Scheduled vaccines for volunteers to be able to re-enter facilities
- Moved trainings and continuing education online
- Procured PPE for all staff and volunteers

1,185 (53%) of COVID-19 deaths in Oregon are associated with Long-Term Care

Residential Facilities Ombudsman - RFO Activity Report 2019-2020 (FY)

- Conducted **268** home visits reaching **1,049** individuals
- Conducted **74** no-contact porch drop visits reaching **292** individuals
- Opened **300** Cases comprised of **681** issues
- Resolved **96%** of Cases



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Pandemic – COVID 19

Primary Complaints from Individuals

Forced Relocation

- Involuntary Move out based on Individual's well-documented support needs
- Threats of eviction if individual goes in the community
- Abandonment in hospital or nursing home – providers refusing return

Access to Food / Personal Finances

- Increased household restrictions on access to food and eating times
- Decreased quantity of food in the home and access to preferred foods
- Restricted access to personal funds and loss of individual property

Forced Isolation

- Individuals in prolonged isolation within the home
- Individuals prevented from visiting family and friends even under allowable safety guidelines
- Inability to see or interact with significant other – dating denied

Retaliation for contacting RFO, case management, guardians, family

Access to Medical Care

- Lack of access supporting significant chronic conditions
- Lack of ADA accommodations



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RFO Systems Involvement - Fostering Systemic Change

Intellectual/Developmental Disabilities

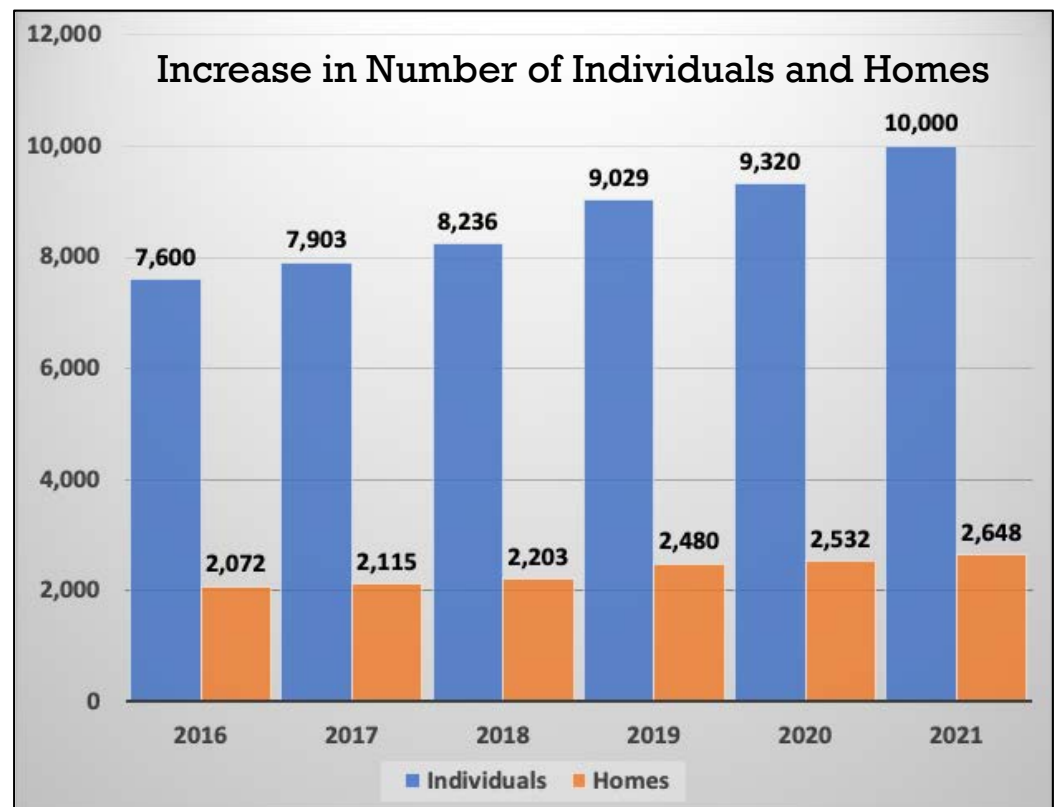
- OAR: preserving grievance rights and timelines for individuals with involuntary move-out notices
- OAR: Ability of individuals to travel both in and out-of-state and extension of timelines while still maintaining services
- OAR/Policy and procedures regarding provider use of audio and video
- Developing process and implementation of HCBS Individually Based Limitations
- Policy for visitor access and guidelines to continue individual access to community

Mental Health

- OAR: Introducing person-centered planning to mental health residential process
- Appeal and hearings rights related to discharge to homeless
- Developing process and implementation of HCBS Individually Based Limitations
- OHA process for reviewing move out notices during COVID 19



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RFO VOLUNTEER PROGRAM: TIMELINE



Volunteer Recruitment Begins

- Recruitment and community outreach activities begin
- Hosted recruitment open houses - Multnomah and Coos counties

First Volunteers Recruited

- Development of ambassador training
- Multnomah County - **2** Volunteers recruited and trained

2017

2018

Pivoting with COVID-19

- Multnomah County - **1** Volunteer recruited and trained
- **Volunteers excluded from entering I/DD and MH homes - COVID-19 March 2020**
- Volunteers spearhead porch drop outreach

Volunteer Home Visits Increase

- Volunteers opened **110** new homes in Multnomah County to RFO services
- Issues referred by Volunteers - **100%** resulted in cases

Expanding Our Reach

- Multnomah County - **5** Volunteers recruited and trained
- Marion County - **1** Volunteer recruited and trained

2020

2019

Outreach to Homes Re-Imagined

- Volunteers begin work on outreach videos
- Volunteers contact facilities, conduct no-contact porch drops, connect with individuals via Zoom

Continuing to GROW

- Josephine County - **1** Volunteer recruited and trained
- Union County - **1** Volunteer recruited and trained

2020

2021

Building on a Firm Foundation

- **Counties** - expand volunteer presence from **1 to 4** counties
- **Volunteers** - Increased volunteers to **10**
- **Retention Rate** - **90%**
- **In Process** - **3** additional volunteer applicants

RFO Volunteers in Action

- Invested over **588** hours
- **Conversations** educating legislators
- **Conducted 50** no-contact porch drops
- **Wrote, produced, edited** outreach videos
- **Provided specialized consultation**
- **Provided support to special projects**
- **Responded to requests for RFO materials**

RFO Volunteer Perspective...

"The best part of being an RFO volunteer is the true ability to make a difference in the lives of individuals in our community..." Eva A., RFO Ambassador

★ ★ ★

"Being someone who brings the good news to group home residents that there are advocates who will help them go to bat on improving their quality of life is the joy of being an ambassador to RFO." Dena W., RFO Ambassador



March 2021

● = Outreach Recruitment Webinar

Oregon Public Guardian & Conservator

❖ The Guardian of Last Resort

❖ High risk of serious harm required

➤ Guardianship needs to be limited to when it is truly needed

❖ No other viable option is available

➤ No less restrictive alternative to guardianship

➤ No appropriate alternative guardian is available



Who we serve

Protecting the most vulnerable adults in Oregon

- Clients have highly complex cognitive, medical and behavioral needs
 - **38%** Major Neurocognitive Disorder (84% experience co-occurring mental illness or behavioral disturbances)
 - **34%** Severe and Persistent Mental Illness (45% have a serious ongoing medical condition)
 - **24%** Intellectual or Developmental Disability (55% have a serious ongoing medical condition, 20% experience co-occurring mental illness)
 - **5%** Brain injury (60% have co-occurring MND with behavioral disturbances)
- **53%** were homeless at the time of referral
- **32%** abuse or neglect by others was the primary cause of their high-risk of serious harm
 - **55%** For ID/DD clients
- **38%** were stuck in a medical hospital unable to safely discharge at time of referral
- **10%** were stuck at Oregon State Hospital (OSH), unable to safely discharge
- **28%** have at least one episode of care at OSH



How we serve

❖ Person Centered Guardianship

- Guardianship plans are created around the protected person's values goals and desires
- Rapport building and trust is key
- Direct personal advocacy
- Follow all Oregon and national ethical standards

❖ Extensive assessment and front-front end legal process

- Ensures OPGC does not take on inappropriate cases

❖ Collaborate with numerous state and local programs

- APD, APS, County BH and ID/DD programs, Hospitals, OSH, Support services brokerages, Veterans Groups, Home health and hospice, Representative payee programs, VR, legal aid and others



COVID-19 Impacts and Response

- ❖ **Early implementation of policy to protect staff and protected persons.**
 - Initial reduction in face-to-face visits except when essential
 - Acquired PPE and distributed to staff early
- ❖ **Direct impact for the clients we serve**
 - 12 clients have tested positive
 - 2 clients have died



Successes '19-'21 Biennium

❖ Continued to take on new cases despite full capacity

- Appointed as guardian for 20 new protected persons during the current biennium
- Client successes

❖ Major impacts for system partners

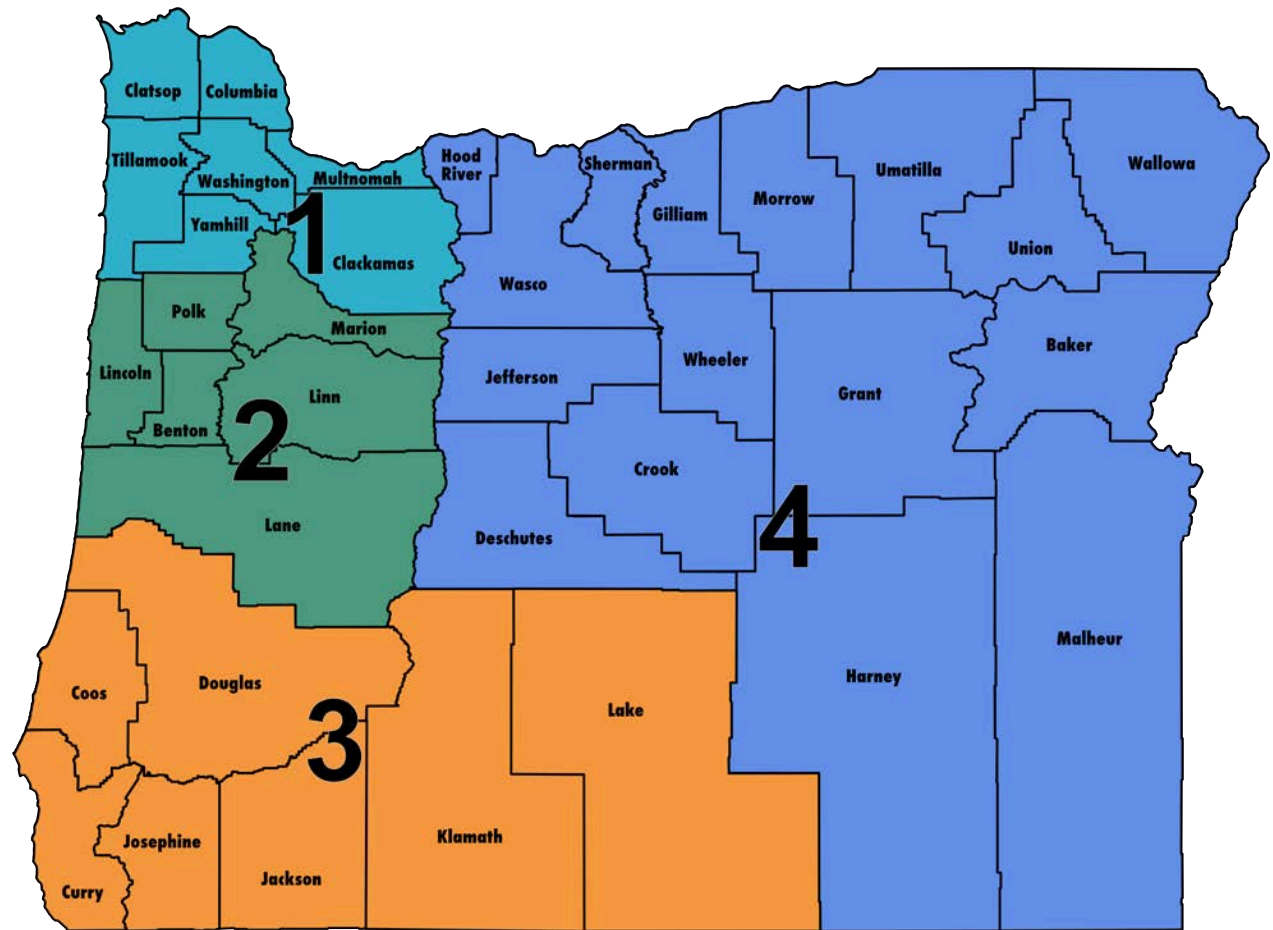
- Law Enforcement - almost complete elimination of law enforcement interaction for OPG clients after appointment
- Local Hospitals - Facilitates safe discharge for incapacitated individuals that become stuck and prevents chronic misuse of ER and other emergency services
- The Oregon State Hospital - facilitates safe discharge and divert people from a chronic cycle of returning



Challenges '19-'21 Biennium

❖ Limited resources

- 4 deputies statewide
- Large geographic districts
 - Inefficient
 - Barriers to providing quality services

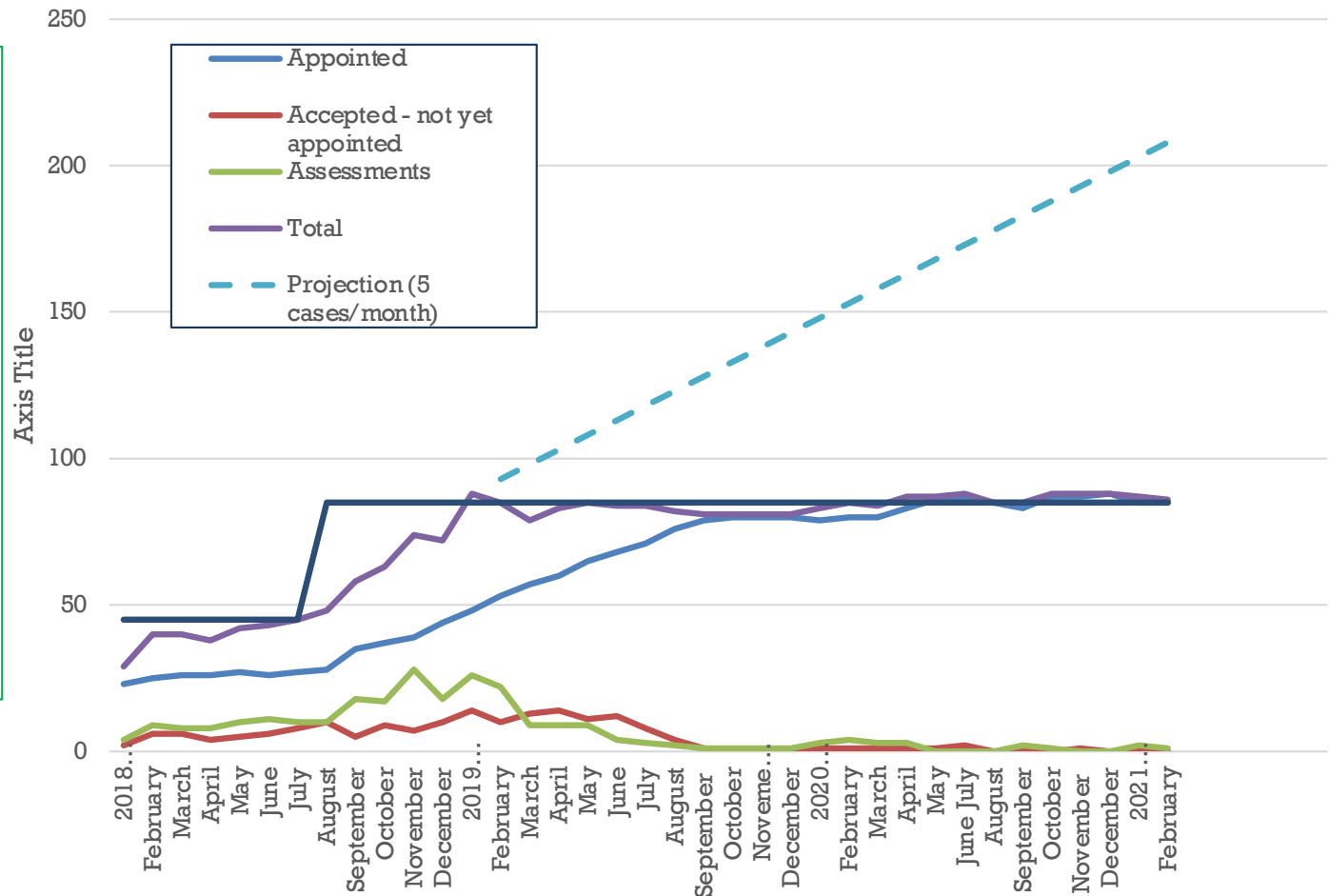


Challenges '19-'21 Biennium

❖ Full Caseload Capacity

- Unable to take on most new cases
- Waitlist for all regions have been closed periodically

OPGC Caseload 2018 to Current



Proposed '21-'23 Budget

❖ Significant investment for vulnerable Oregonians in need of OPG services proposed in GRB (\$1.7 million increase)

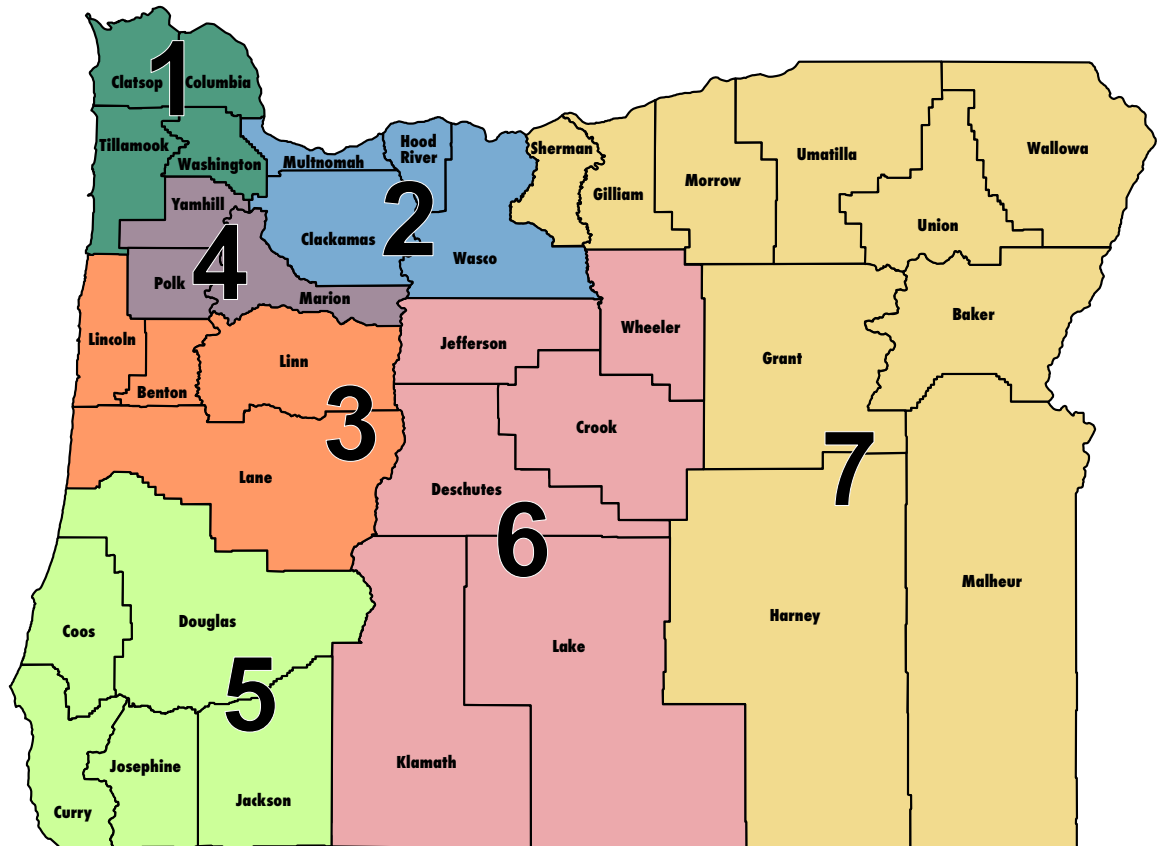
- 6 additional staff positions would double the staff for the program
 - 5 Additional deputies would double current caseload capacity
 - 2 Lead deputies are needed for internal program supports
 - 1 Additional support staff position also highly needed



Proposed '21-'23 Budget

❖ Main benefits

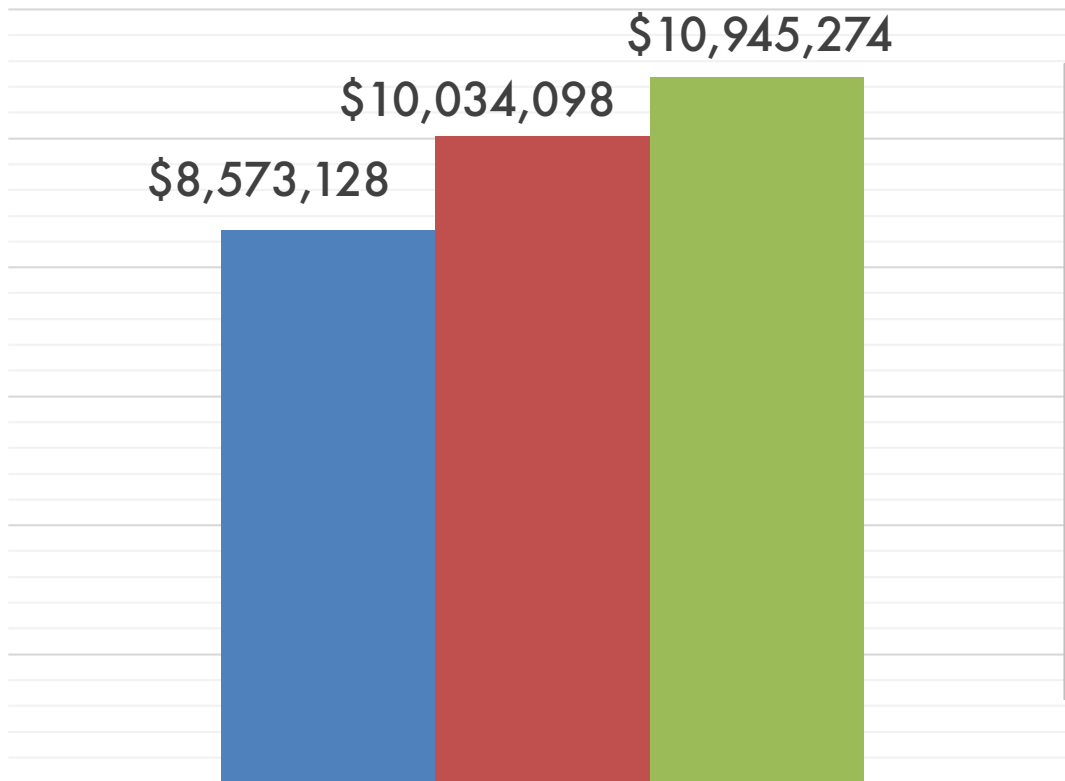
- Capacity to take on most new cases in the 21-23 biennium
- Increased efficiency through smaller districts
- Decreased emergency response time
- Ability to support a volunteer guardian program



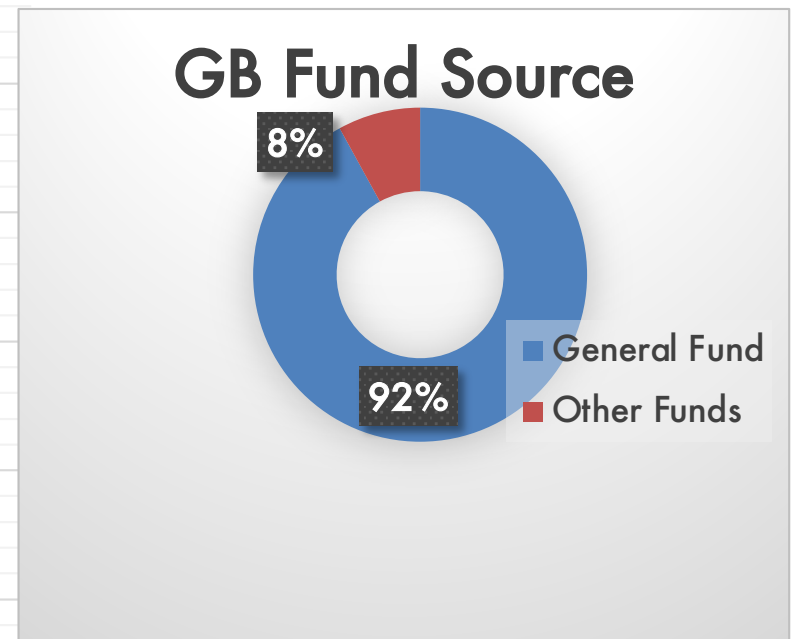
KEY PERFORMANCE MEASURES

- KPM #1 – LTCO – percentage of complaints where action is needed that are partially or fully resolved.
 - Target of 98% - in 2019 was 93% and in 2020 was 89%
- KPM #2 – LTCO – average initial response time, measured in business days
 - Target of 1.5 days – in 2019 was 1.03 and in 2020 was 1.17
- KPM #3 – LTCO – length of time to close cases
 - Target of 25 days – in 2019 was 15 days and in 2020 was 13.46
- KPM #4 – LTCO - % of Nursing Facilities, Residential Care and Assisted Living Facilities with an assigned Ombudsman.
 - Target of 70% - in 2019 we had 47% and in 2020 remained at 47%
- KPM #5 - LTCO – number of hours spent in LTC facilities, recruiting new volunteers, and serving on advisory committee.
 - Target in 2019 was 28,000 and we had 25,141
 - Target in 2020 was 29,000 and we had 15,848
- New OPG KPMs #6 & #7 (only one year of data)
 - KPM #6 of hospitalizations, ER visits, arrests or psych holds of clients
 - Target is 1 and we are at .96
 - KPM #7 of referrals diverted away from OPG by finding less restrictive alternatives
 - Target is 65% and we are at 64.9%
- No established KPMs for RFO

OLTCO: Agency Budget



- Legislatively Approved Budget
- Current Service Level
- Governor's Budget

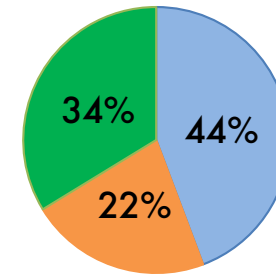


Long-Term Care Ombudsman - LTCO

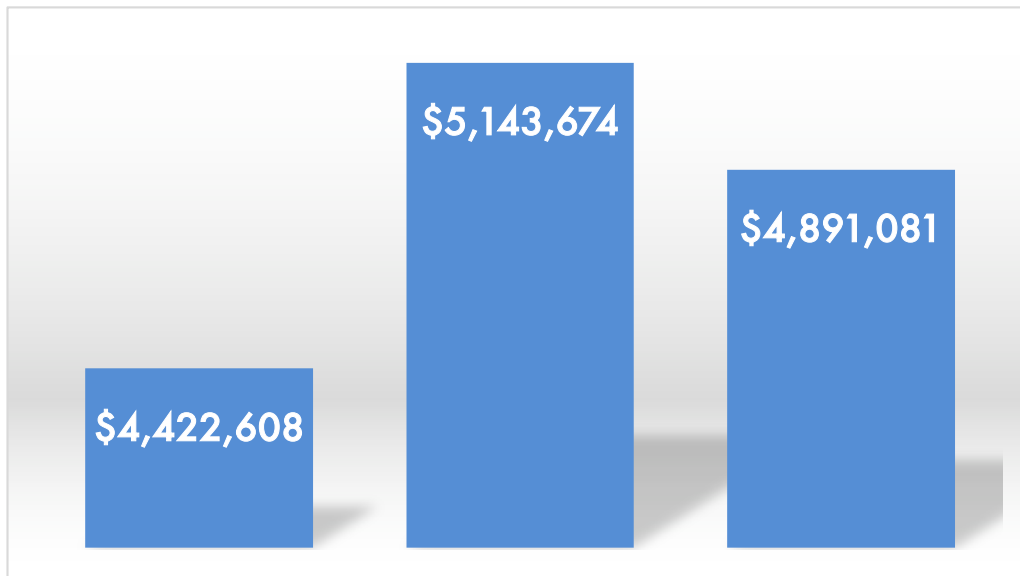
Established: 1972 (Federal)
1985 (State)

Scope: 45,000 Residents
Nursing Facilities
Assisted Living
Residential Facilities
Adult Foster Care

GRB



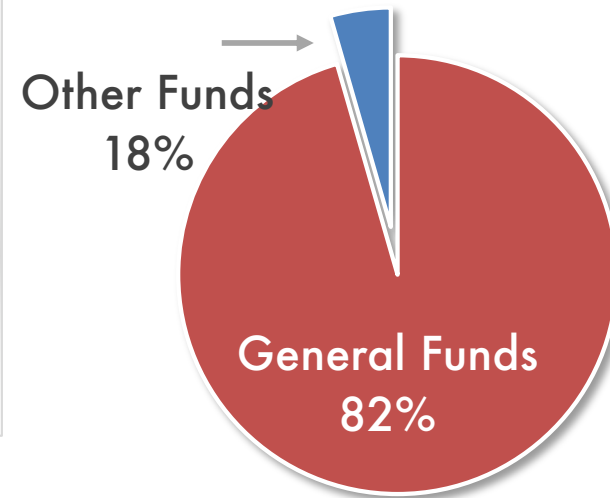
■ LTCO ■ RFO ■ OPG



19-21 LAB

CSL

21-23 GRB



21-23
LTCO
GB
Funds

Residential Facilities Ombudsman - RFO

Established: 2013 (State)

9-2015 Ombudsman hired

7-2016 Deputies hired & Home visits begin

12-2018 First Volunteers Certified

Scope:

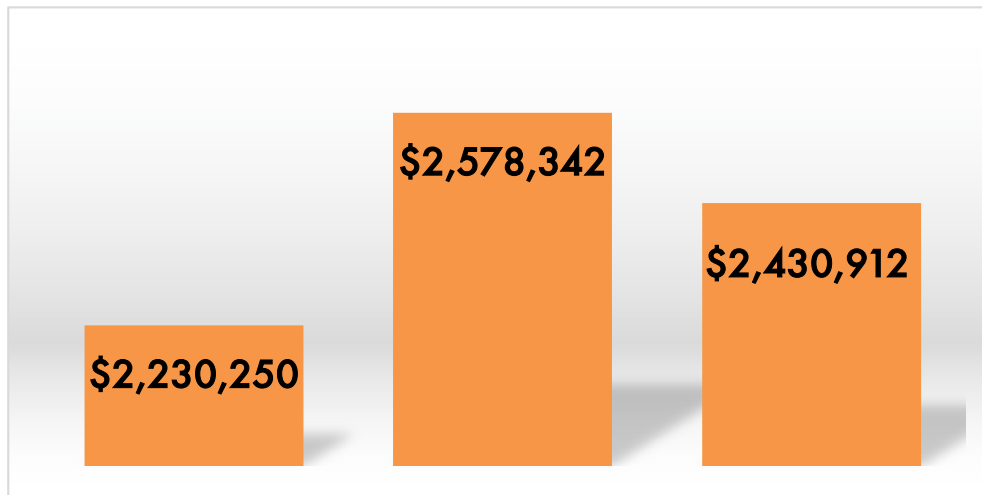
10,000 Individuals

2,648 Homes/Facilities

Mental Health: 3 Home/Facility Types

Intellectual and/or Developmental Disabilities:

5 home/facility Types of children & adults

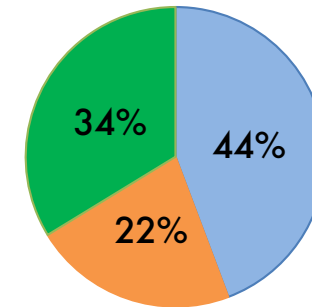


19-21 LAB

CSL

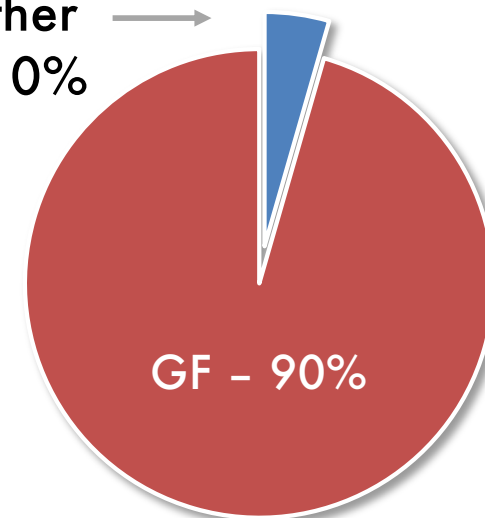
21-23 GRB

GRB



■ LTCO ■ RFO ■ OPG

Other
= 10%



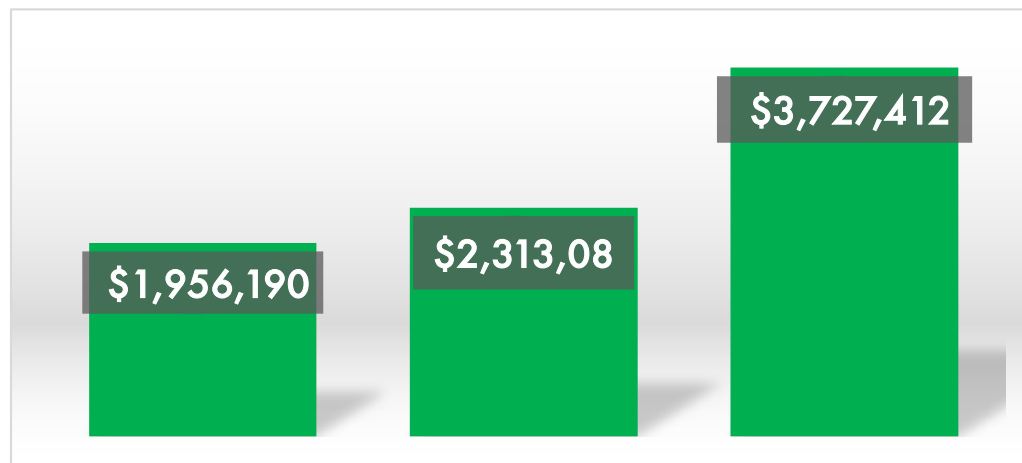
21-23
RFO
GB
Funds

Oregon Public Guardian/Conservator OPG

Established: 2014 (State)

Scope: Oregonians Who:

- Are At Serious Risk
- Are Unable to Make Decisions
- Lack Any Other G/C Options

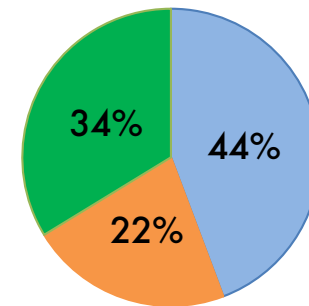


19-21 LAB

CSL

21-23 GRB

GRB



LTCO RFO OPG



21-23 OPG
GB Funds

Governor's Budget

GB Recommendations:

- Continues funding for core services and personnel for LTCO and RFO which is critical in this time of intensive needs due to COVID-19 within our licensed care settings.
- Invests in OPG by including the Policy Option Package which increases the program by 6 FTE to better-serve Oregonians in need of a surrogate decision-maker.
- With the proposed investment in OPG, the overall OLTCO agency budget is proposed to be 21.7% higher than the 2019-2021 Legislatively Approved Budget.
- Includes reductions in our DOJ allocations, expendable property, expendable IT property, unemployment assessment and services and supplies budgets.

Residential Ombudsman & Public Guardian Advisory Board

❖ Established under ORS 441.416

Eleven Member Board

❖ **441.417 Duties:**

1. Monitor the Long-Term Care Ombudsman Program.
2. Advise the Governor and the Legislative Assembly on the Long-Term Care Ombudsman Program.
3. Nominate, after interviews and according to prescribed criteria, three persons to fill the Long-Term Care Ombudsman position or to fill a vacancy in the position.

Residential Ombudsman & Public Guardian Advisory Board

- ❖ Solidify support for volunteer resources
- ❖ Policy support for caregiver workforce development
- ❖ Continuing work on disaster preparedness



Questions?

www.oltco.org



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