

# Office of the Long-Term Care Ombudsman

Residential Ombudsman &  
Public Guardianship Advisory Board



**Ways and Means Subcommittee Presentation**  
February 23, 2023

# 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

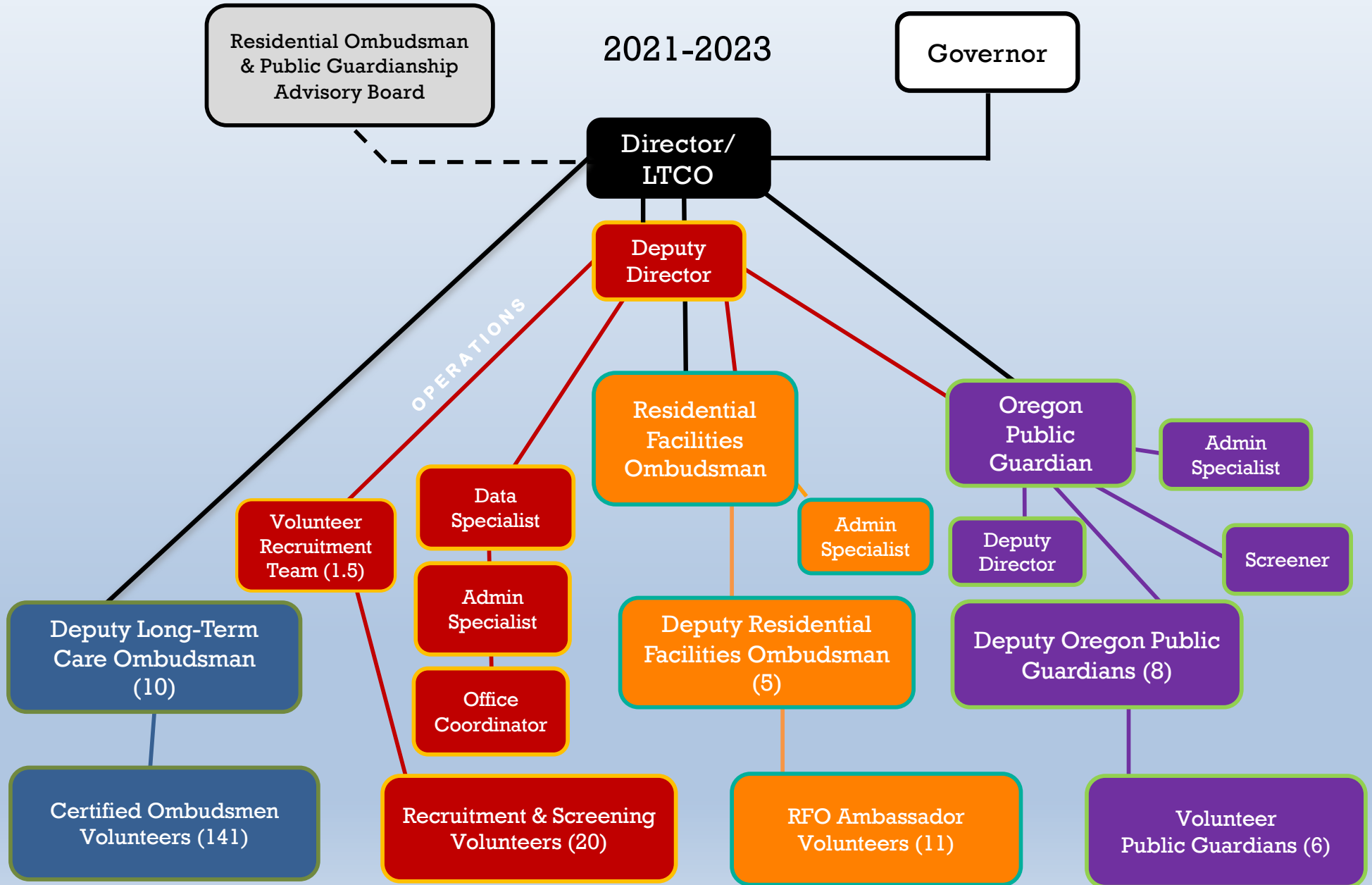


Oregon Public Guardian Program



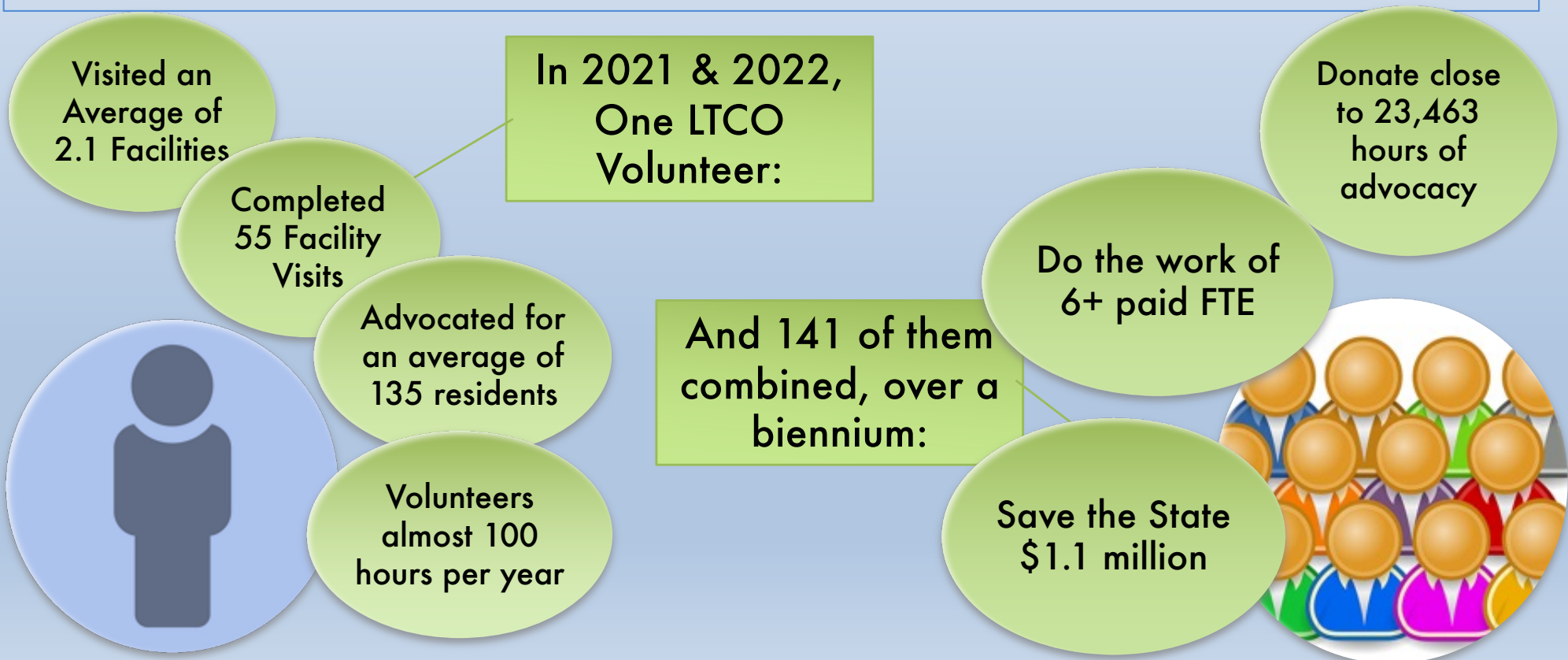
Residential  
Facilities  
Ombudsman  
Program

# Agency Organizational Chart



# Long-Term Care Ombudsman (LTCO) Volunteers

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.



# Long-Term Care Ombudsman - LTCO 2021 & 2022 Accomplishments

- ✓ Volunteers are assigned to **40%** of the **713** facilities in Oregon
- ✓ Delivered **7,664** visits to residents living in long-term care facilities
- ✓ Assisted residents with **7,234** complaints providing some level of resolution to **89%** of cases
- ✓ Since Oct. 2020 - trained and onboarded close to **100 volunteers**
- ✓ Provided long-term care education to **3,537** individuals



# Long-Term Care Ombudsman – LTCO

## Top 10 Resident Complaints 2021 & 2022

Complaint	Total Complaints	Nursing Homes	Residential Care	Assisted Living	Adult Foster
<b>Discharge/Eviction -</b> Notice, planning, procedure, implementation	514	147	120	170	76
<b>Care Plan/Resident Assessment</b>	441	104	137	191	9
<b>Food Services</b> Quality/Quantity/Variation/Choice	306	60	55	182	9
<b>Billing and Charges</b>	286	34	96	140	15
<b>Other Rights and Preferences</b>	276	69	57	135	13

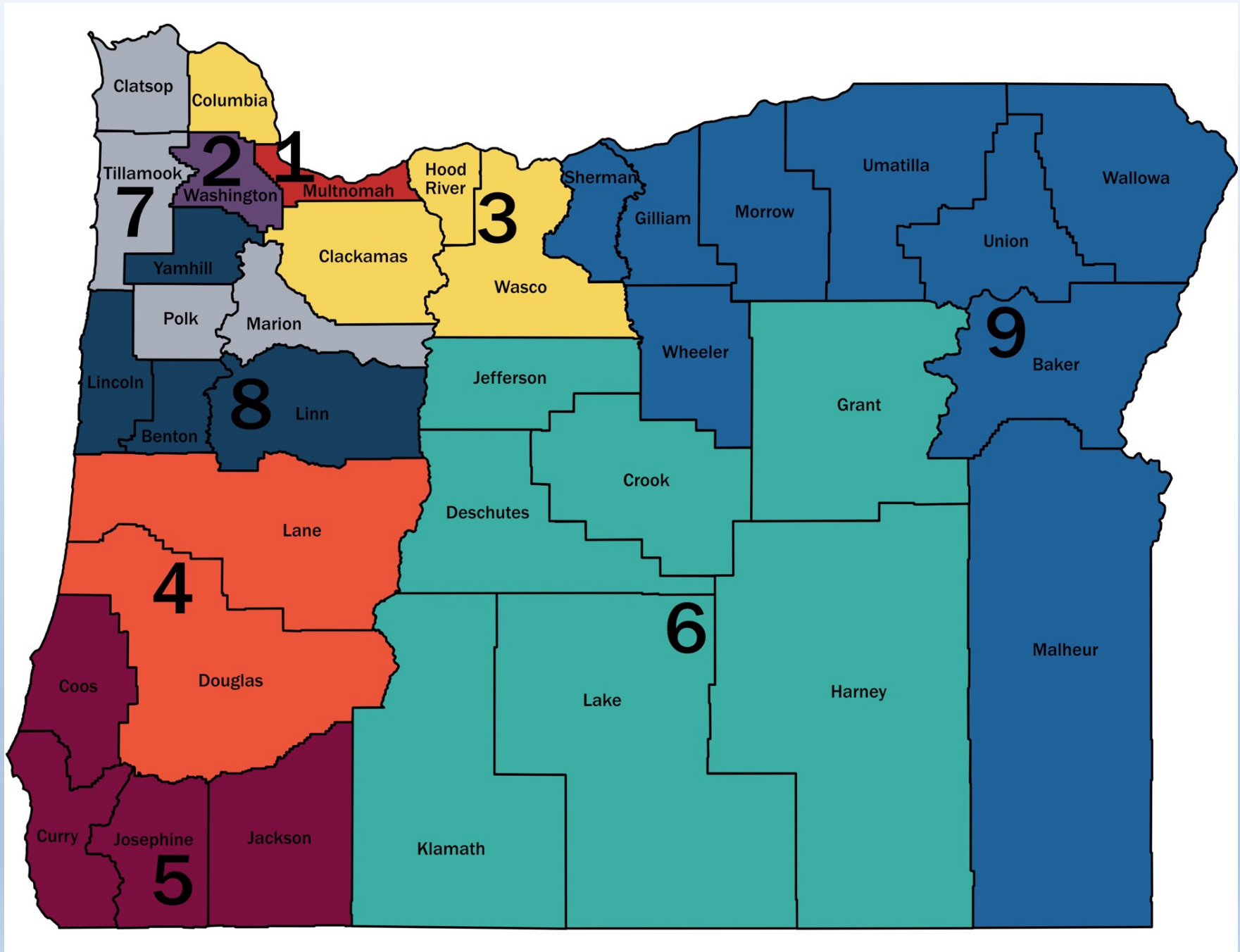
# Long-Term Care Ombudsman – LTCO

## Top 10 Resident Complaints 2021 & 2022 (Continued)

<b>Complaint</b>	<b>Total Complaints</b>	<b>Nursing Homes</b>	<b>Residential Care</b>	<b>Assisted Living</b>	<b>Adult Foster</b>
<b>Medication Issues</b>	254	57	59	127	11
<b>Housekeeping, Laundry, Pest Abatement</b>	246	34	81	124	4
<b>Staffing Issues</b>	236	28	111	92	4
<b>Response to Requests for Assistance</b>	232	67	55	102	6
<b>Loss of Personal Property</b>	192	59	57	67	8



# LTCO - Deputy Ombudsman Assigned Districts





# COVID Relief Funds

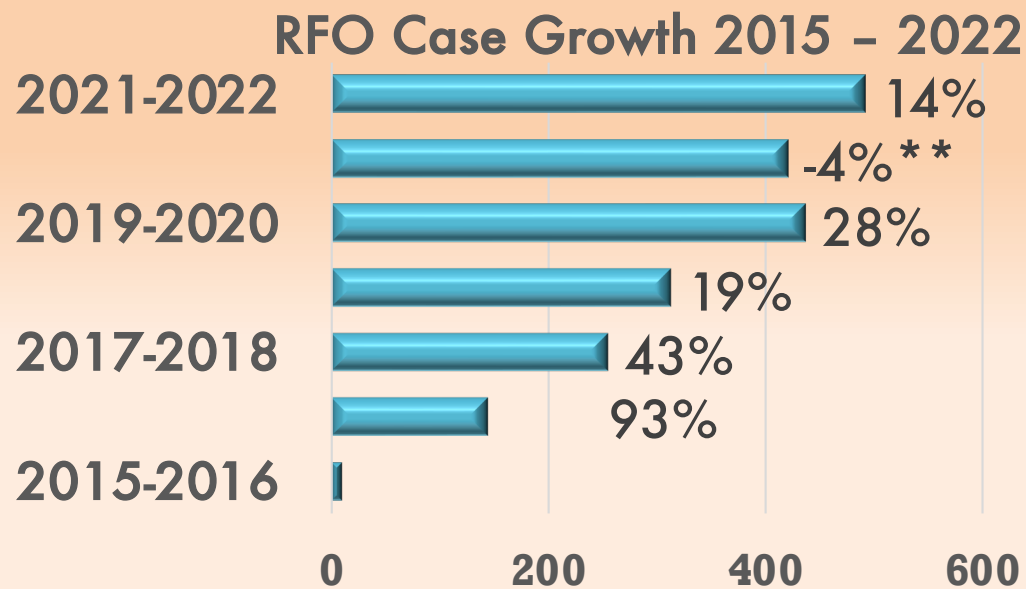
## Resident Support and Volunteer Recruitment

- Advertised services and volunteer opportunities statewide
- Delivered door hangers for residents with our contact info to long-term care facilities statewide
- Hired temporary employees to increase in-person visits to residents statewide



# Residential Facilities Ombudsman Activity Report 2021-2022 (FY) Serving Developmental Disabilities and Mental Health

- Conducted face to face visits with **716** adults and children residing in **221** different licensed/certified settings for Mental Health and Developmental Disabilities
- Conducted **793** no-contact COVID-19 visits reaching **2755** individuals



- Opened **491** Cases comprised of **843** separate issues for individuals
- Responded to requests for assistance within **48** hours **87%** of the time

\*\* directly affected by COVID-19 restrictions

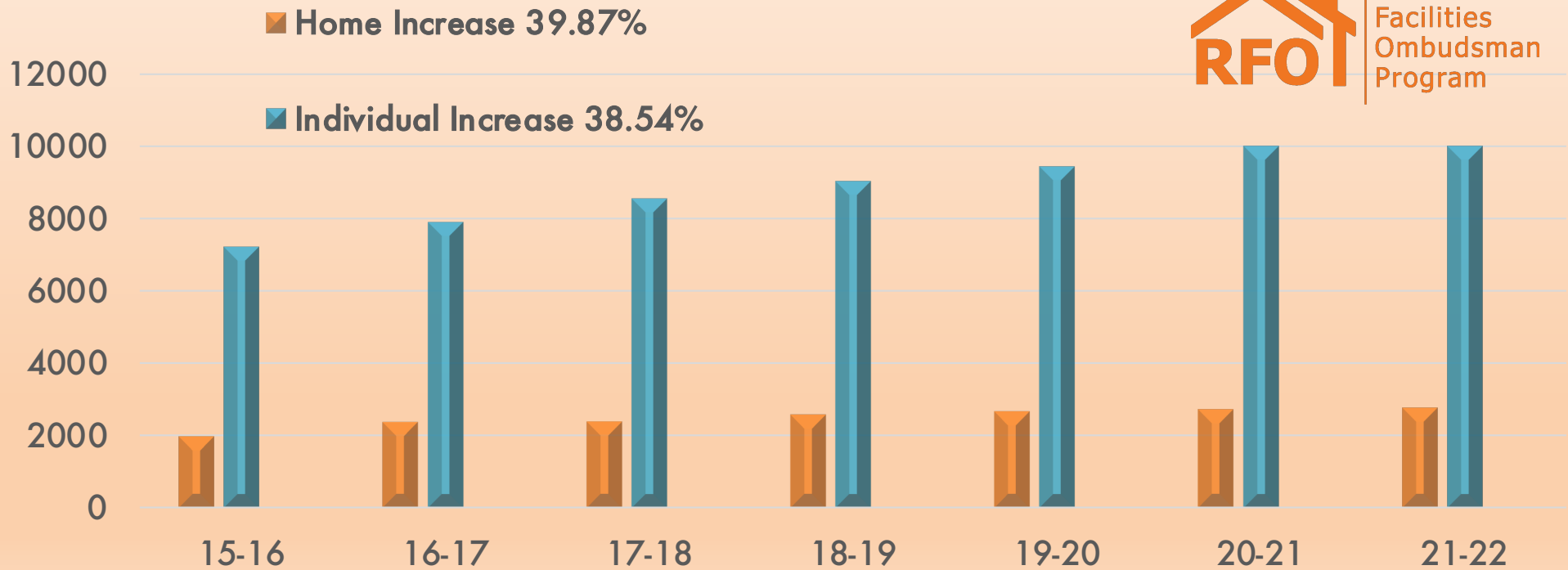


Residential  
Facilities  
Ombudsman  
Program

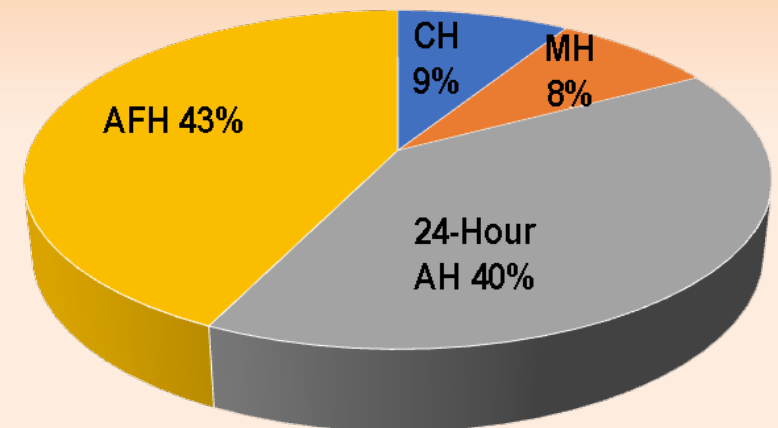
# Residential Facilities Ombudsman Growth of a Program



Residential  
Facilities  
Ombudsman  
Program



- Beginning in 2015 the number of homes under RFO purview included 7218 individuals living in about 1956 homes.
- Currently there are approximately 10,000 individuals living in over 2,600 homes – a 40% increase in homes and 39% increase in individuals served by RFO.
- Governor’s priorities focus on further increasing Mental Health residential settings served by RFO.



Homes by Type

# Top Challenges faced by Individuals

## With Housing:

- Lack of input regarding where individuals live/restrictions/accessibility
- Involuntary move-out notices/No legal notice/assistance to appeal
- Homes/facilities in disrepair, bad odors, pests, access to home/neighborhood

## With Providers/Caregivers:

- Staff are not available, trained or responsive to individuals' care needs
- Restrictions of movement, food, social interaction, finances, communication
- Access and choice of food, language, own culture, external social activities

## Regarding Rights Violations:

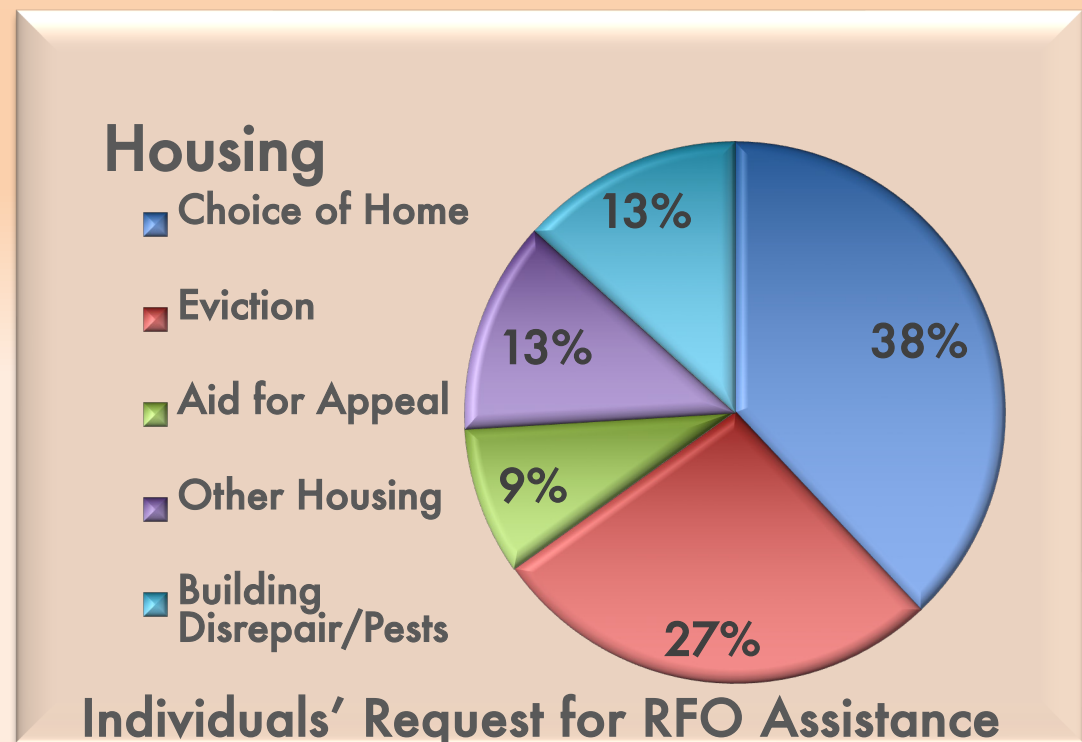
- Lack of access to prompt medical/mental health services
- Denied right to consent/refuse
- Restriction of individual choice

## Regarding Abuse/Neglect:

- Neglect of care
- Verbal, Emotional, Psychological
- Physical



Residential  
Facilities  
Ombudsman  
Program



# RFO Systems Involvement - Fostering Systemic Change

## Intellectual/Developmental Disabilities

- OAR: preserving grievance rights and timelines for individuals with involuntary move-out notices
- OAR: Improvements related to monitoring of provider services, licensing standards, application of abuse definitions
- OAR: Environmental standards in Adult Foster Homes,
- Policy: Return of on-site and in person monitoring by state and local licensing to homes and facilities
- Policy: Visitor access and guidelines to continue individual access to community

## Mental Health

- Collaborate in the development of a written, legal grievance/appeal form for Mental Health settings providing an individual opportunity to exercise rights and access services
- Work for implementation of appeal and hearings rights to prevent discharge to homeless
- Developing process and implementation of HCBS Individually Based Limitations
- Supported extending OHA process for reviewing move out notices post COVID 19
- Identify delivery and accessibility issues to local residential case management, peer supports and CCO services

# Oregon Public Guardian - OPG

## Guardian of Last Resort:

- ✓ Significant cognitive impairment – “incapacity”
- ✓ High risk of serious harm or death without a guardian
- ✓ No less restrictive alternative available
- ✓ No appropriate alternative guardian is available



# Who we serve

## Protecting the most vulnerable adults in Oregon

- ❖ Reasons for incapacity – Highly complex cases
  - 57% **Severe and Persistent Mental Illness (SPMI)**
    - 50% also experience co-occurring MND, ID/DD or TBI
  - 43% **Major Neurocognitive Disorder (MND)**
    - 82% also experience co-occurring SPMI or behavioral disturbances
  - 21% **Intellectual or Developmental Disability (ID/DD)**
    - 60% also experience co-occurring SPMI, MND or TBI
  - 9% **Brain injury (TBI)**
    - 84% also experience co-occurring SPMI, MND or ID/DD





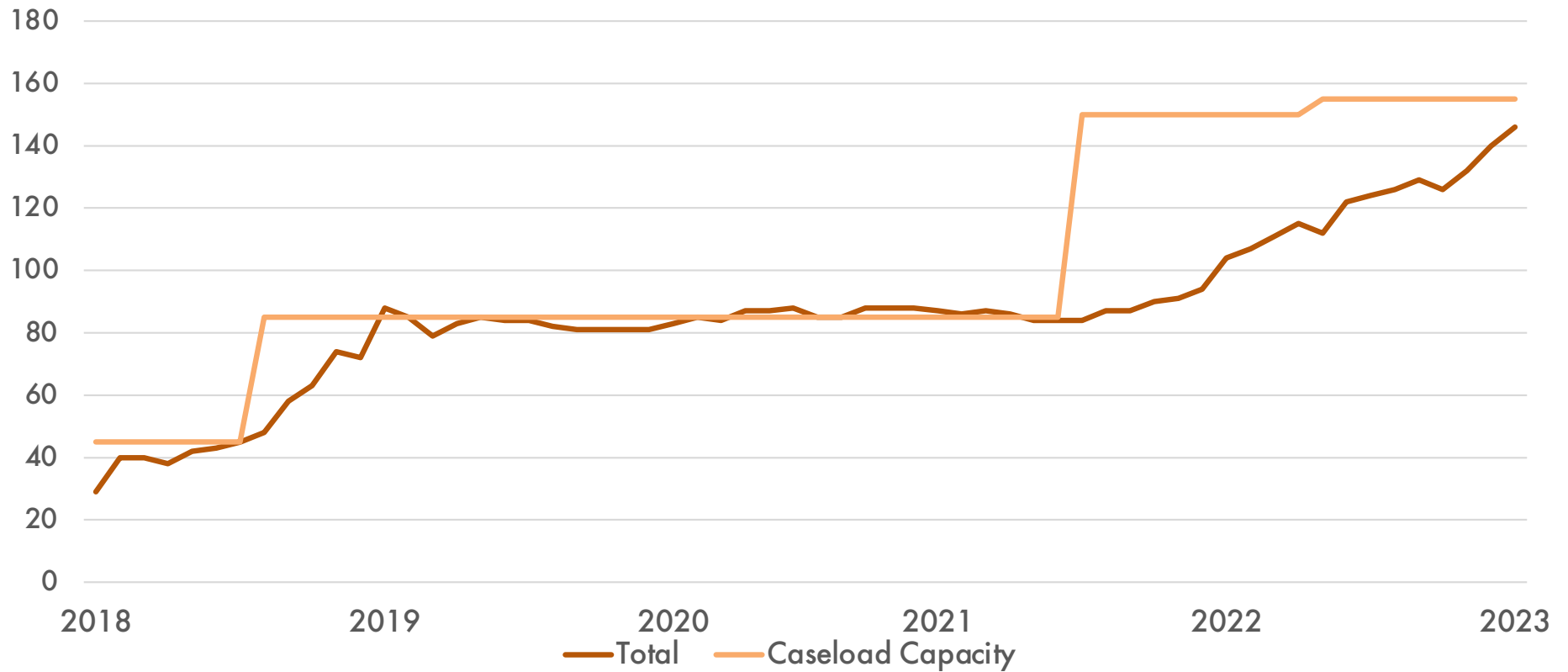
# Who we serve (continued)

Protecting the most vulnerable adults in Oregon:

- ❖ 60% suffer from a **serious chronic medical conditions** in need of intensive management
- ❖ 53% were **homeless or about to become homeless** at the time of referral
- ❖ 51% were **stuck in a medical hospital** unable to safely discharge at time of referral
- ❖ 31% **abuse or neglect** by others was the primary cause of their high-risk of serious harm
- ❖ 10% were **stuck at OSH**, unable to safely discharge
- ❖ 27% have at least one episode of care at OSH



# Caseload Growth (2018 - current)



**Current Caseload Capacity: 155-160**

**Current Caseload: 146**



Oregon Public Guardian Program

# How we serve

## Person Centered Guardianship

- Guardianship plans are created around the protected person's values, goals and desires
- Building rapport and trust is highly important
- Direct personal advocacy
- Follow all Oregon and national ethical standards for guardianship

## Extensive screening and assessment process

- Identify less restrictive alternatives and appropriate alternate guardians whenever possible
- Assists with implementing less restrictive alternatives whenever available

## Collaborate with numerous state and local programs

- APD, APS, county behavioral health and ID/DD programs, Hospitals, OSH, support services brokerages, veteran services, homeless outreach programs home health and hospice agencies, representative payee programs, VR, legal aid and many others



# Major Impacts for System Partners

- ❖ **Local Hospitals** – Facilitates safe discharge of incapacitated individuals that become stuck in hospitals and prevents chronic misuse of ER and other emergency services
- ❖ **Law Enforcement** - Almost complete elimination of law enforcement interaction for OPG clients after appointment, stopping the chronic cycle of homelessness, arrest, aid & assist, release to homelessness
- ❖ **The Oregon State Hospital** – Facilitates safe discharge and divert people from a chronic cycle of returning
- ❖ **Adult Protective Services** – Implement interventions to protect victims of abuse that could not otherwise be achieved by APS alone.
- ❖ **Care Facilities and Case Management** – Implement additional services including behavioral health supports to stabilize placement plans that would otherwise be unsuccessful



# Ongoing Issues

## ✓ Limited resources

- Only 8 deputies, statewide
  - Large geographic districts that are inefficient to cover for each deputy
  - Delays in response time in emergency situations

## ✓ High demand for OPG services

- Despite processing over 110 new cases through screening and assessment, the waitlist for OPG services grew during the biennium
  - 40 cases on the waitlist as of July 1<sup>st</sup>, 2021
  - 61 cases on the waitlist currently



# Successes 21-23 Biennium

- ✓ 2021 Expansion: Efficient onboarding of new staff allowed OPG to immediately begin taking on new cases
- ✓ OPG appointed as guardian for 70 additional individuals during the 21-23 biennium
- ✓ OPG appointed as guardian for 39 individuals that had become stuck in local hospitals, unable to safely discharge
- ✓ OPG appointed as guardian for 6 individuals stuck at the Oregon State Hospital unable to safely discharge
- ✓ Launch of the OPG volunteer program - 6 trained





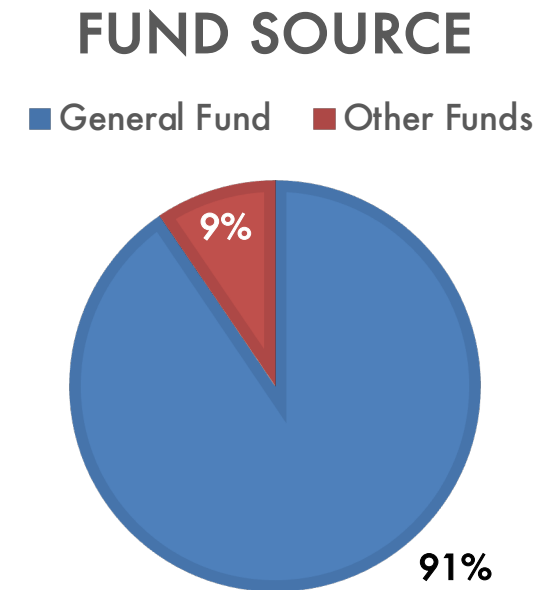
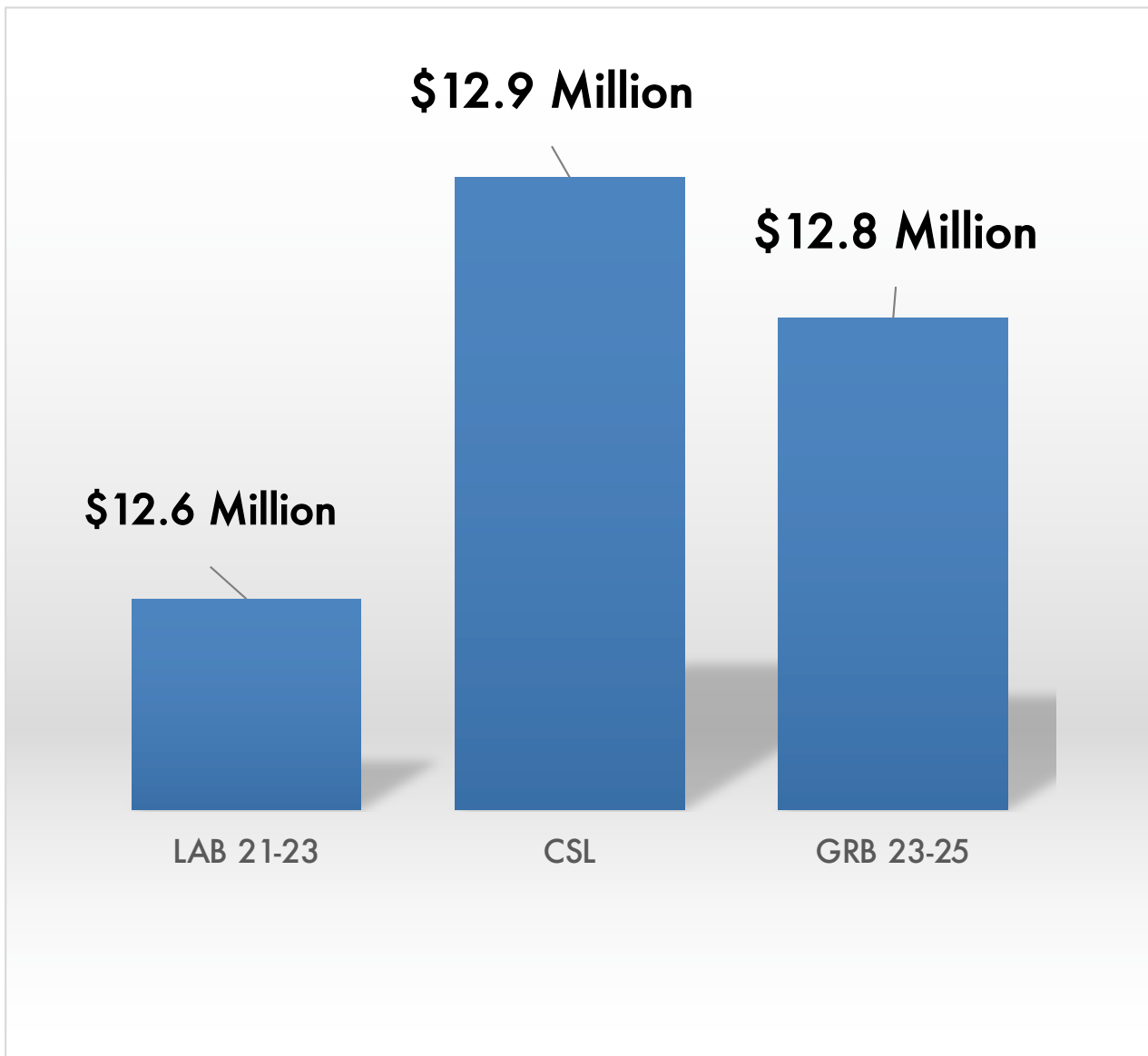
# KEY PERFORMANCE MEASURES

- KPM #1 – LTCO – percentage of complaints where action is needed that are partially or fully resolved.
  - Target of 98% - in 2021 was 89% and in 2022 was 89%
- KPM #2 – LTCO – average initial response time, measured in business days
  - Target of 1.5 days – in 2021 was 1 and in 2022 was 1
- KPM #3 – LTCO – length of time to close cases
  - Target of 17 days – in 2021 was 24 days and in 2022 was 22 days
- KPM #4 – LTCO - % of Nursing Facilities, Residential Care and Assisted Living Facilities with an assigned Ombudsman.
  - Target of 70% - in 2021 we had 44% and in 2022 dropped to 37%
- KPM #5 - LTCO – number of hours spent in LTC facilities, recruiting new volunteers, and serving on advisory committee.
  - Target in 2021 was 29,000 and we had 7,816
  - Target in 2022 was 29,000 and we had 12,183
- KPM #6 of hospitalizations, ER visits, arrests or psych holds of clients
  - Target of 1 – in 2021 was 1.14 and in 2022 is 1.38
- KPM #7 of referrals diverted away from OPG by finding less restrictive alternatives
  - Target is 65% - in 2021 was 66.7% and in 2022 was 44%

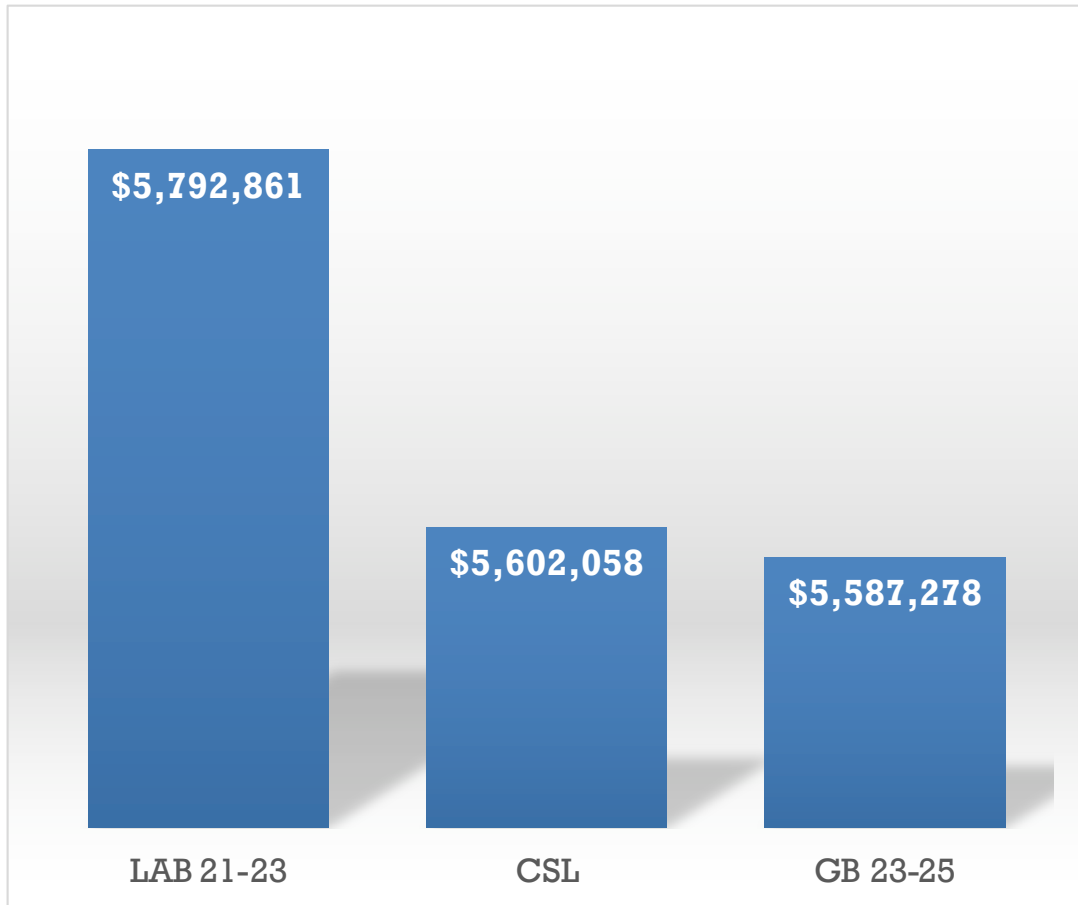
# KEY PERFORMANCE MEASURES

- KPM #8 – Customer Service – Percent of customers rating their satisfaction with the agency’s customer service as “good” or “excellent: overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
  - Accuracy - Target of 90% - In 2021 - 78% and in 2022 - 75%
  - Helpfulness - Target of 90% - In 2021 - 89% and in 2022 - 84%
  - Expertise - Target of 90% - In 2021 - 89% and in 2022 - 83%
  - Overall - Target of 90% - In 2021 - 85% and in 2022 - 83%
  - Timeliness - Target of 90% - In 2021 - 87% and in 2022 - 82%
  - Availability of Information - Target of 90% - In 2021- 76% and in 2022 - 77%
- No established KPMs for RFO

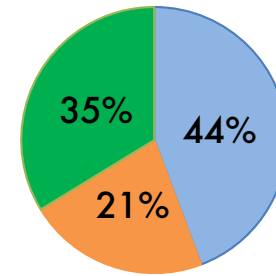
# OLTCO: Agency Budget



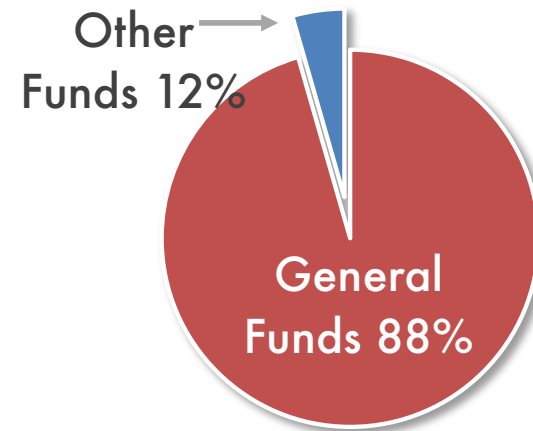
# Long-Term Care Ombudsman - LTCO



## GRB

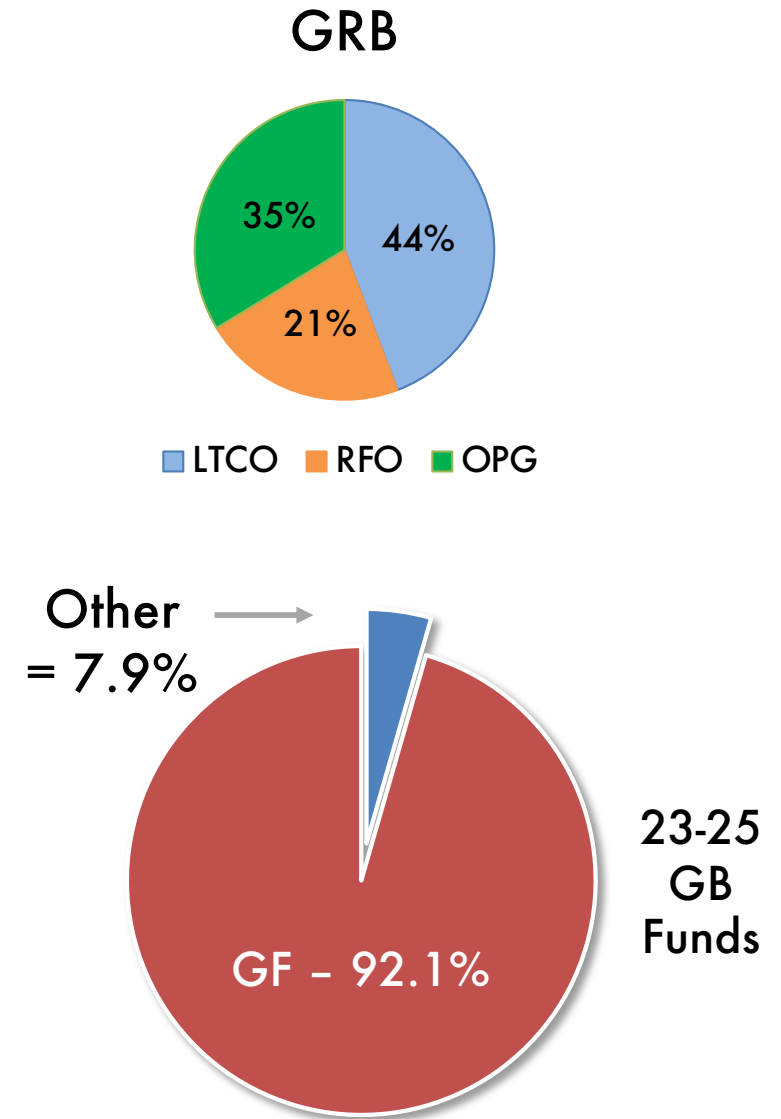
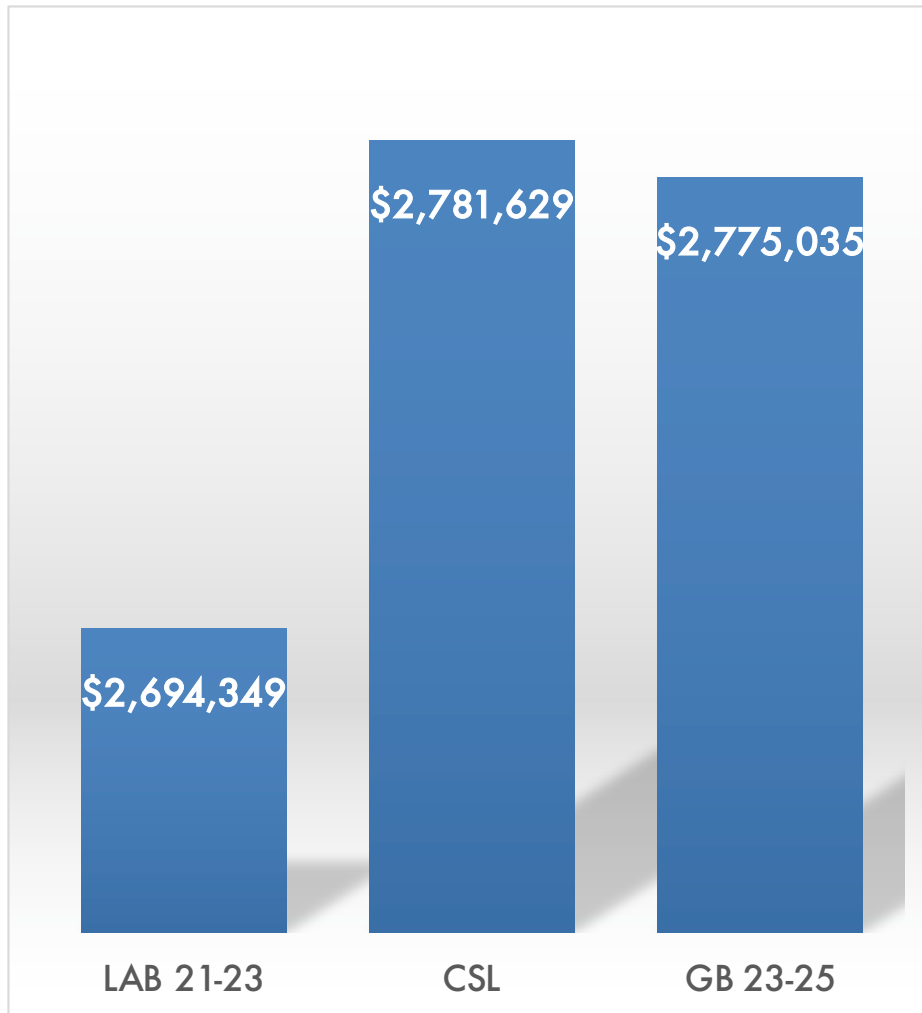


■ LTCO ■ RFO ■ OPG

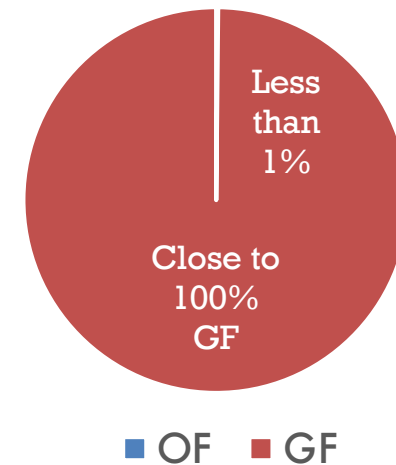
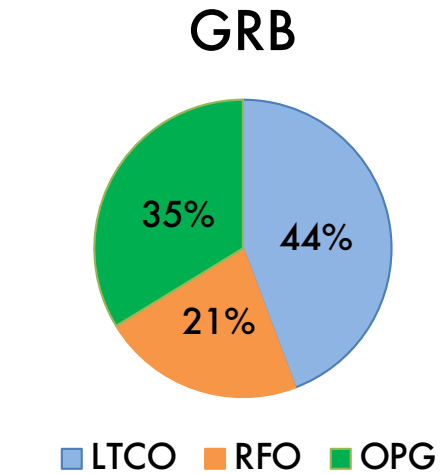
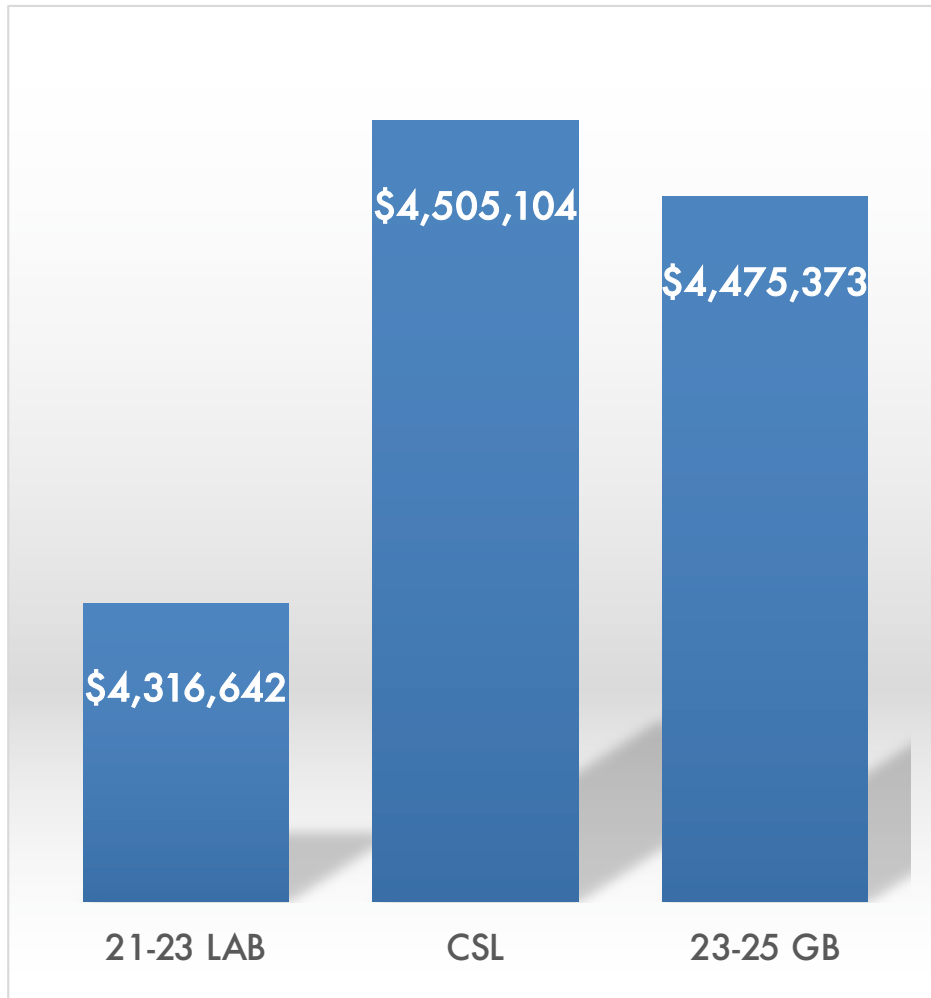


23-25  
LTCO  
GB  
Funds

# Residential Facilities Ombudsman - RFO



# Oregon Public Guardian/Conservator OPG



23-25  
OPG  
GB  
Funds

# Governor's Budget

Continues funding for core services and personnel for LTCO, RFO and OPG which is critical in this time of intensive needs:

- Evictions from facilities
- Mental health and addictions crises
- COVID-19 still within our licensed care settings
- Unmet needs for vulnerable Oregonians





# 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

- ❖ Promote recruitment and ongoing volunteer supports to optimize volunteer retention
- ❖ Advocate for caregiver workforce development
- ❖ Support increased staffing across all 3 programs



# Questions?

[www.oltco.org](http://www.oltco.org)



**OREGON**  
**LONG-TERM CARE**  
**OMBUDSMAN**



Oregon Public Guardian Program



Residential  
Facilities  
Ombudsman  
Program