



OREGON
LONG-TERM CARE
OMBUDSMAN



Residential
Facilities
Ombudsman
Program

Office of the Long-Term Care Ombudsman (OLTCO) – Reference Materials

Executive Summary

The Office of the Long-Term Care Ombudsman (OLTCO) is an independent state agency dedicated to protecting individual rights, promoting independence, and ensuring quality of life for Oregonians living in long-term care and residential facilities, as well as those with decisional limitations.

OLTCO operates through three distinct programs, each focused on advocating for and empowering vulnerable Oregonians. The agency's impact is driven by a small but dedicated staff, alongside a network of highly dedicated, trained volunteers who serve their fellow community members through advocacy and support.

Key Highlights

- Increasing demand for services due to Oregon's aging population.
- Volunteer shortages affecting program reach and efficiency.
- Budget request focuses on maintaining critical services, volunteer engagement, and case resolution support.
- Legislative priorities include improving guardianship programs, facility oversight, and expanding outreach initiatives.

[The agency's Governor's Budget can be accessed online.](#)

Mission, Vision, and Statutory Authority

Mission Statement

The mission of the Office of the Long-Term Care Ombudsman is to protect individual rights, promote independence, and ensure quality of life for Oregonians living in long-term care and residential facilities and for Oregonians with decisional limitations.

North Star and Vision Statement

Oregon's older adults, individuals with physical, intellectual and developmental disabilities, as well as people with mental illness and those that lack capacity to make decisions yet have no formal decision-maker available, always have their rights upheld, their choices honored, are

served with respect and dignity, and that their most basic care needs met. Oregonians are free from abuse, neglect and exploitation and always have access to high-quality services and supports to ensure they are living their best life.

Statutory Authority

The Office of the Long-Term Care Ombudsman reports to the Governor's Office. It derives its statutory authority from ORS 441.402 – 441.419. The statute states in part "The Office of the Long-Term Care Ombudsman is established. The Long-Term Care Ombudsman shall function separately and independently from any other state agency...". The Agency is monitored and supported by the Residential Ombudsman and Public Guardian Advisory Board, per ORS 441.416, as amended.

Overview of Programs

The Oregon Office of the Long-Term Care Ombudsman is comprised of three distinct, but interrelated, programs: 1) Long-Term Care Ombudsman; 2) Residential Facilities Ombudsman; and 3) Oregon Public Guardian and Conservator. An Agency Director, who also serves as the State Long-Term Care Ombudsman, oversees the agency. The agency has a Deputy Director who oversees operations for the agency as a whole. All remaining staff are divided into the three key program areas.

The three agency programs provide the following services to the following individuals:

1. LTCO Program: Older adults and people with physical disabilities in licensed long-term care.

The LTCO program serves residents of licensed long-term care facilities through complaint investigation, resolution and advocacy for improvements in resident care. The role of the Long-Term Care Ombudsman, established under Title VII of the Older Americans Act (OAA), is to investigate and resolve complaints made by, or on behalf of, persons who are residents of licensed long-term care and to advocate for their interests. Oregon's citizens living in licensed nursing facilities, assisted living facilities, memory care communities and adult foster and group homes deserve high quality care. They have the right to make choices about their care and be free from abuse or neglect.

The program is led by the State Long-Term Care Ombudsman, who also serves as the Agency Director. The State LTCO is appointed by the Governor and confirmed by the Senate. An Annual Report is sent by the program to the Administration for Community Living (ACL) at the federal level, detailing the specific resident complaints and emerging issues arising from its advocacy for residents of licensed long-term care facilities in Oregon.

2. RFO Program: Mental Health and Intellectual and/or Developmental Disabilities

The RFO program provides children and adults living in licensed or certified homes for Mental Health or Intellectual and/or Developmental Disabilities with complaint investigation, resolution, rights education and advocacy for improvements in resident care and quality of life. RFO also works with system partners and state agencies to make recommendations and advocate for policy and system changes to improve the lives of Oregonians who live in residential or foster homes and ensure they receive quality care, free from abuse.

The program is led by the Residential Facilities Ombudsman (Statutory authority ORS 443.382 - 443.396).

3. OPG Program: Oregonians who lack decision-making capacity

The program serves adults in need of guardian and conservator services who have no resources to obtain these services in the private sector, nor any other individuals in their lives who are able to serve in this capacity. As ordered by a Court, the Public Guardian is responsible for developing individual care plans for the state's most difficult-to-serve incapacitated clients when their circumstances are not conducive to any less costly or invasive interventions. The program is limited to serving individuals who lack cognitive capacity and would be at high risk of harm or death without public guardianship services.

The program is led by the Oregon Public Guardian (Statutory authority ORS 125.675 – 125.691).

History, Current State and The Case for Change

Oregon has long-been a leader in the delivery of Long-Term Services and Supports – creating new models of care and by making individual rights, freedom of choice and independence front and center in the development of these models.

State Long-Term Care Ombudsman (LTCO) programs, created in the 1970s as part of a demonstration program through the Older Americans Act, now serve as independent advocacy entities for residents of long-term care in all states. The term Ombudsman is a Swedish word that means someone who investigates, reports on, and helps to settle complaints.

Title VII of the Older Americans Act includes the LTCO program, but also includes the programs for the prevention of elder abuse, neglect, and exploitation and the legal assistance development program. The goal for all three of these programs in Title VII are to have multi-disciplinary and collaborative approaches to promote safety, health, welfare and the rights of residents as well as coordination with the larger state agency (in Oregon this is ODHS Aging and People with Disabilities).

Since the LTCO program was created, the role has been to build coalitions and work between and among stakeholders and state agencies to improve the quality of care for residents. They have also worked to create an elder rights agenda more broadly – in addition to representing individual residents’ interests.

As of 2015, the Federal Administration for Community Living (ACL) promulgated rules for the first time related to the Ombudsman program. This new regulation was designed to provide alignment across the states as well as clarify the functions and the responsibility of the Ombudsman program. Also, during 2015, the Federal Government through the Centers for Medicare and Medicaid Services enacted the Home and Community Based Settings regulations which provides residents in care settings other than nursing homes with even more rights.

In the 1980s, the Oregon legislature recognized the critical need to have the LTCO program operate independently from any other State agency. The legislature has also recognized a growing need for advocacy services for various groups of vulnerable people beyond those originally envisioned in the Older Americans Act of the 1970s. While the 2016 reauthorization of the federal law did specifically clarify that the role should apply to those of all ages in long-term care, Oregon has gone beyond that to authorize the Residential Facilities Ombudsman program to serve individuals with intellectual and developmental disabilities and mental illness residing in Residential Care Facilities.

Overall, the Agency has grown in the past decade to include three distinct programs, the Long-Term Care Ombudsman (LTCO) Program, the Residential Facilities Ombudsman (RFO) Program and the Oregon Public Guardian and Conservator (OPG).

Current State

1) Long-Term Care Ombudsman

The LTCO program is mandated by the Federal Older Americans Act and also by Oregon law. The LTCO program relies heavily on volunteerism to fulfill its statutory duty and mission. Ten paid Deputy Ombudsman train and supervise Certified Ombudsman volunteers statewide. We have over 120 Certified Ombudsman volunteers, dedicating approximately 16 hours per month each, to ensure that the 45,000+ Oregonians living in licensed long-term care facilities have an advocate. There is no official minimum staffing standard established in the older Americans Act but a past national study has recommended one paid full-time equivalent (FTE) employee per 2,000 beds. The national average in 2022 was approximately 1 FTE per 2,193 beds. Oregon has 1 FTE for every 4,500 beds, wholly inadequate to meet the needs of residents in licensed long-term care. Both staff and volunteers identify, address, and resolve complaints and concerns made by or on behalf of long-term care facility residents, protecting their rights and dignity.

Volunteer Coverage Across Oregon

Volunteer Coverage Across Oregon				
<u>DISTRICT</u>	<u>COUNTIES</u>	<u>Number of Beds (No AFH)</u>	<u># of Beds Covered by a CO</u>	<u>% of Beds Covered</u>
101	Multnomah*	6835	2762	40.41%
102	Washington & Columbia	5612	2343	41.75%
103	Clackamas	5259	1080	20.54%
104	Lane, Douglas	5075	2256	44.45%
105	Coos, Curry, Jackson, Josephine	4970	1658	33.36%
106	Jefferson, Crook, Deschutes, Klamath, Lake	2675	687	25.68%
107	Clatsop, Tillamook, Marion, Polk & Lincoln	4974	1692	34.02%
108	Linn & Benton	2473	274	11.08%
109	Sherman, Gilliam, Wheeler, Morrow, Umatilla, Union, Baker, Malheur, Grant & Harney	1837	266	14.48%
110	Yamhill, Hood River & Wasco**	4285	1118	26.09%
State		43995	14136	32.13%
*w/o Gresham, Troutdale, Fairview and Wood Village				
** including Gresham, Troutdale, Fairview and Wood Village				

2) Residential Facilities Ombudsman

Senate Bill 626 (2013) established the Residential Facilities Ombudsman (RFO) program within the agency on July 1, 2014. In 2017, the Oregon Legislature codified RFO authority and program directives in statute. The program serves both adults and children and provides advocacy services with and on behalf of 11,000+ individuals living in more than 3,200 licensed or certified homes for people with Intellectual or Developmental Disabilities as well as homes for people with mental Health Conditions statewide. The RFO program is currently growing their volunteer

ombudsman program and has several volunteers meeting with residents routinely. The RFO program manager position was hired in 2015 to design and develop a program for these three unique populations and residential types:

- Mental Health – Adults residing in Residential Treatment homes, Residential Treatment Facilities and Adult Foster Homes
- Intellectual and/or Developmental Disabilities – Adults residing in Adult Foster homes and 24-hour group homes
- Intellectual and/or Developmental Disabilities – Children residing in Child Foster Homes, Child Host homes and Child 24-hour group homes

3) Oregon Public Guardian

Senate Bill 1553 (2014) established the Oregon Public Guardian (OPG) program and housed it within the agency. The appointed public guardian serves as the statewide court-appointed guardian and/or conservator, incapacitated Oregonians. These individuals have no resources to pay someone to serve in such a capacity, nor any interested parties able or willing to serve in this capacity. Additionally, there is no less restrictive alternative that meets the health and safety needs of the individual. The individuals served by the OPG are the state's most difficult-to-serve incapacitated clients, who are at significant risk of harm without a fiduciary appointed to serve on their behalf. Once appointed, the Public Guardian program serves as a fiduciary in a variety of areas, including estate issues, making all health, placement and fiscal decisions for clients, and taking legal action if necessary.

The Public Guardian employs 13 Deputy Guardians, with the capacity to serve approximately 20 protected persons each. In the 2024 short legislative session the program received 4 additional limited duration Deputy Guardians. The OPG endeavors to meet the need for services by contracting with other private and public guardianship agencies or individuals to increase their capacity for service. Currently, a contract is in place with Asante Health System in Southern Oregon to fund one Deputy Guardian position. This has helped to increase capacity related to individuals waiting to discharge from the hospital and others in Southern Oregon. Lastly, the OPG has steadily grown their volunteer guardian program – with nine trained volunteers who provide guardianship support for OPG clients with stable placements. Nine volunteers take on approximately what .5 of a Full-Time Equivalent employee could handle, saving the state money and providing a highly critical service to Oregonians.

A Time for Change

In all three parts of the agency, we are seeing a growing demand for our services. COVID-19 added additional and changed responsibilities to our agency. Approximately half of the people who tragically died from the virus in Oregon were living in licensed care settings. Since 2020, we

have had to continuously evolve as an agency to be able to better-serve Oregonians. Many people stopped volunteering during the pandemic and the fear of in-person visits has resulted in decreased face-to-face time with residents. While volunteerism is slowly building back and the agency is getting out to see more residents in person, it's not fast enough to meet the demand.

There are large numbers of Oregonians living in licensed care settings with a variety of needs related to their rights and dignity, as well as an ever-increasing number of vulnerable individuals in need of a formal decision-maker and nowhere else to turn.

The demographics of the state are rapidly changing, there are more older adults and also a growing number of people with disabilities and mental illnesses. For example, the number of memory care facilities in the state has grown by 75% since 2006. By the year 2030, it is estimated that close to 1 million Oregonians will be in need of some type of long-term care service or support. Oregon has continued to rank extremely low in our performance around supporting those with mental illness and has had a dramatic increase in the size of the homeless population, both of which place pressure on all parts of the agency.

OPG: Oregon has a very high need for, but lack of, public guardian services. In 2012, the Public Guardian and Conservator Task Force estimated that between 1,575 and 3,175 adult Oregonians are incapacitated and need, but lack services, and that this population is growing. With current resources, Oregon Public Guardian only has caseload capacity for approximately 280 clients, due to the four additional Deputy Public Guardian Positions that were added in the short legislative session. Volunteer guardians will provide some additional caseload capacity for the program; however, due to the extreme complexity of most clients served by OPG, as well as the complex nature of guardianship generally, only a fraction of total OPG clients will be appropriate to be served by volunteers.

The individuals served by the OPG are the state's most difficult-to-serve clients, who are at significant risk of harm without a fiduciary appointed to serve on their behalf. Current estimates are that at any given time, even when utilizing less restrictive alternatives whenever possible, there are no less than 500-1000 persons in need of, but lacking public guardianship, statewide. Without available public guardianship resources, those in need of services instead wind up inappropriately and significantly utilizing law enforcement, local hospital and state hospital resources and also experience significant and avoidable suffering, exploitation and abuse for the individuals. Once appointed, the Public Guardian program serves as a fiduciary in a variety of areas, including estate issues, health care decisions, placement and financial decisions and involvement with the legal system if necessary. The program relies on infrastructure development that includes high-risk teams established in counties throughout the state to screen referrals, seek less intrusive alternatives or resources and only forward those cases truly

requiring the services of the program. The program has had huge success in serving people who previously spent years homeless, in jail, in the Oregon State Hospital and in emergency departments of hospitals. The program is one of the key elements in addressing our homelessness crisis in the state and with minor investment could expand to serve many more in need as well as save millions of dollars in other parts of the system.

RFO:

There are an estimated 11,268 individuals with intellectual and/or developmental disabilities and/or mental illnesses living in approximately 3,200 adult and child foster homes, group homes, residential treatment homes and facilities throughout Oregon. These residential types include those represented by the Department of Human Services, Office of Developmental Disability Services (ODDS), Stabilization and Crisis Unit (SACU), Oregon Health Authority, Health Systems Division as well as the Psychiatric Security Review Board (PSRB). Communication styles, abilities and lack of ready access to forms of external communication without assistance are consistently encountered in providing services to individuals. Accordingly, the RFO program seeks to visit each home in order to introduce the program services directly to individuals to identify, respond and help resolve issues from the perspective of the individual. Due to the large number of people in need of assistance and the small size of the RFO team, the challenge is to continuously grow the volunteer network as well as the paid state staff to be able to help every Oregonian that wants or requires support.

LTCO:

There are approximately 45,000 Oregonians living in licensed long-term care settings consisting of nursing facilities, residential care facilities, assisted living, memory care communities and adult foster homes statewide. Residents continue to fear retaliation by raising issues of concern with their care and are evicted from their facility with little reason beyond the facility's inability to staff appropriately for basic care needs. There are simply not enough caregivers to meet the needs of Oregon's residents of long-term care. As the growth of memory care endorsed settings continues, there is still no strict staffing ratio in place that mandates a clear, measurable and consistent baseline for care needs to be met. Facilities are required by law and administrative rule to staff in order to meet the anticipated and unanticipated needs of residents – but far too often our agency staff and volunteers witness, firsthand, unmet needs.

In 2021 Senate Bill 266 strengthened and clarified provisions of the law related to investigation of all complaints in licensed long-term care and the clear requirement to place conditions on the license when residents are in immediate risk of harm.

However, vulnerable older adults and people with disabilities continue to be harmed and neglected in long-term care settings and their rights continue to be violated. In April of 2024, LTCO released an investigatory report related to the tragic fatality of a resident who eloped

from memory care one day after moving into the facility. The report makes detailed recommendations to better- protect residents in Oregon’s long-term care and residential care facilities.

Strategic Goals

- **Advocacy** – work to the best of our ability for the individual rights of those served by the Agency as their dedicated and independent representative according to their direction and wishes.
- **Access** – ensure that residents have timely access to the Agency’s services and the support of the Long-Term Care Ombudsman, Residential Facilities Ombudsman and Oregon Public Guardian programs staff and volunteers.
- **Education** – improve understanding of the Agency, resident rights, and the benefits of resident and family councils, for both residents, protected persons and the public.
- **Protection** – engage in activities related to changes in rule, law and other policies to ensure the health, welfare, safety and rights of residents and protected persons.
- **Accountability** – provide top-notch, equity-focused supports across all programs as well as work to ensure partner agencies are fulfilling their statutory obligations as they relate to the work of our Agency.

Two-Year Actions related to Strategic Goals

Advocacy

1. LTCO and RFO: Increase the number of trained and fully qualified LTCO and RFO Certified Ombudsman volunteers
2. LTCO and RFO: Increase the numbers of in-person visits through the additions of temp positions funded through vacancy savings, federal grant and quality care fund (RFO).
3. OPG: Increase the number of OPG deputy public guardians and trained and certified volunteer public guardians to be able to increase overall program caseload capacity in order to advocate for the needs of more highly vulnerable adults. Also, expand the authority of the OPG program to provide additional decision-making support that are less restrictive than guardianship.

Access

1. LTCO and RFO: Increase number of online and in-person resident rights related ads, mailings, social media posts, and presentations.
2. LTCO and RFO: Increase direct mailing and no-touch door hangers and post-card drops to facilities and the community.
3. LTCO, RFO and OPG: ’25-’27 legislative policy option package requests to expand capacity to serve Oregonians.

4. OPG: Create an Intake Guardianship Unit to more efficiently assess newly referred individuals for public guardianship in order to decrease the ongoing waitlist. Also, expand the authority of the OPG program to provide additional decision-making support that are less restrictive than guardianship.
5. LTCO, RFO and OPG: Redesign and upgrade of the agency website.

Education

1. LTCO and RFO: Increase the number of outreach presentations made to a diverse number of community members, groups, and organizations.
2. OPG: Increase the number of outreach presentations made to a diverse number of community members, groups, and organizations.

Protection

1. LTCO: Promote legislative concepts for the '25-'27 legislative session related to resident rights and regulatory improvements.
2. RFO: Advocate for improvements in policy and administrative rule related to behavioral health and intellectual/developmental disability service delivery and individual rights.
3. OPG: Increase in caseload capacity through more deputies and volunteers in order to help protect more highly vulnerable adults.

Accountability

1. LTCO, RFO and OPG: Complete first-ever Diversity, Equity, Inclusion and Belonging (DEIB) plan with goals and achievable outcomes.
2. LTCO and RFO: Implement improvements related to the findings of the internal performance audit: Key Performance Indicators, IT/Data improvements, volunteer program, staff training and quality assurance
3. OPG: New KPMs that will better assess the results for individuals that public guardianship has been able to assist.

Baseline Data

- Current number of yearly volunteer recruitment/engagement/outreach events 2022- present
 - LTCO/RFO/OPG: 44 in-person and ~250 mailings to libraries and community centers
 - LTCO: 636 resident council meetings attended by staff and volunteers
 - LTCO: 4,703 instances of providing information and assistance
- Current number of volunteers by program
 - LTCO: 118 RFO: 5 OPG: 9

- Current number of yearly in-person visits to facilities by Deputy RFO and LTOCO Ombudsman staff
 - LTOCO: 6,140 (FFY 2023) RFO: ~700 (last 12 months)
- Improvement in the initial response time, measured in business days, to LTOCO non-referred cases. (KPM #2)
 - LTOCO: 1 business day
- Improvement in the percent of facilities to which an Ombudsman volunteer is assigned. (KPM #4)
 - LTOCO: 35%
- Increase in number of hours Certified Ombudsman volunteers give over a calendar year. (KPM #5)
 - LTOCO: 14,490 hours
- 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. (KPM #8)

LTOCO: 69% rate satisfaction across 6 components as “good” or “excellent”

Monitoring Progress

The Agency will conduct 6-month reviews with all programs to review progress on the two-year actions related to the strategic goals. The review process will include looking at data, talking about progress, identifying barriers and challenges, and brainstorming about how to collectively move forward.

Staff, Board and Community Engagement

The agency routinely works with staff, legislators, legislative work groups and a variety of key community stakeholders such as the Alzheimer’s Association, SEIU 503, AARP, The ARC, Disability Rights Oregon, Legal Aid, and other state agencies. We also routinely engage our Residential Ombudsman and Public Guardianship Advisory Board to discuss goals, priorities and ongoing work related to what our staff and volunteers see daily. That said, for our next strategic plan, we would like to do more deliberate and specific interviews, events, listening sessions and more to ensure we are fully aligned with all of our partners on the mission, vision and strategic goals of the agency.

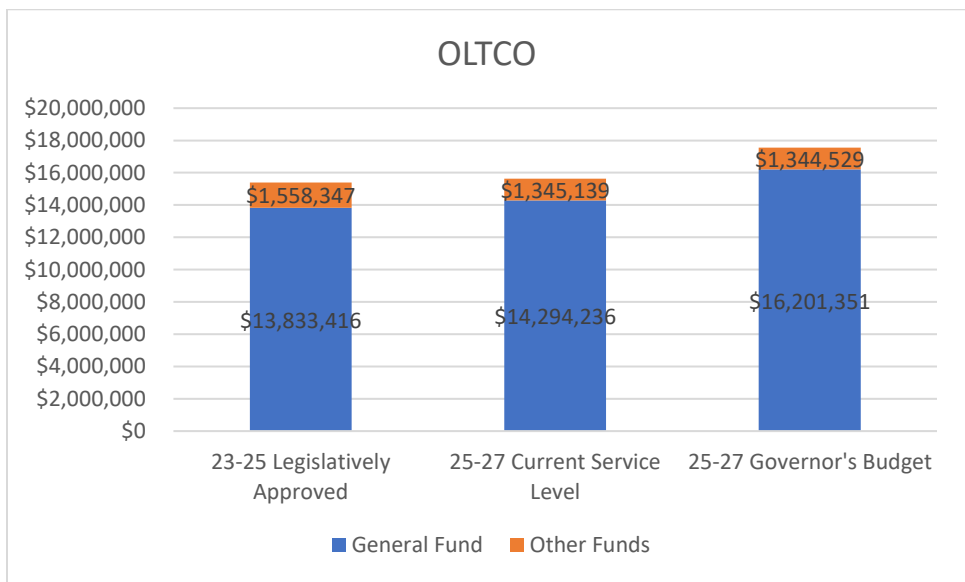
Budget Overview & Funding Breakdown

Budget Item	2023-25 LAB	2025-27 CSL	2025-27 Governor’s Budget
Total Budget	\$15,391,763M	\$15,639,375M	\$17,545,880M
General Fund	\$13,833,416 (90%)	\$14,294,236 (92%)	\$16,201,351 (92%)

Budget Item	2023-25 LAB	2025-27 CSL	2025-27 Governor's Budget
Other Funds	\$1,558,347 (10%)	\$1,345,139 (8%)	\$1,344,529 (8%)
Positions	41	36	41
FTE	38	35.5	40.5
Key Increases	Inflationary adjustments	Restoring staff positions	Expanding OPG services

Key Funding Priorities:

- Maintaining critical LTCO & RFO operations.
- Restoring 5 Deputy Public Guardian positions (OPG).
- Investing in volunteer recruitment and training.



Criteria for 2025 – 2027 Budget Development

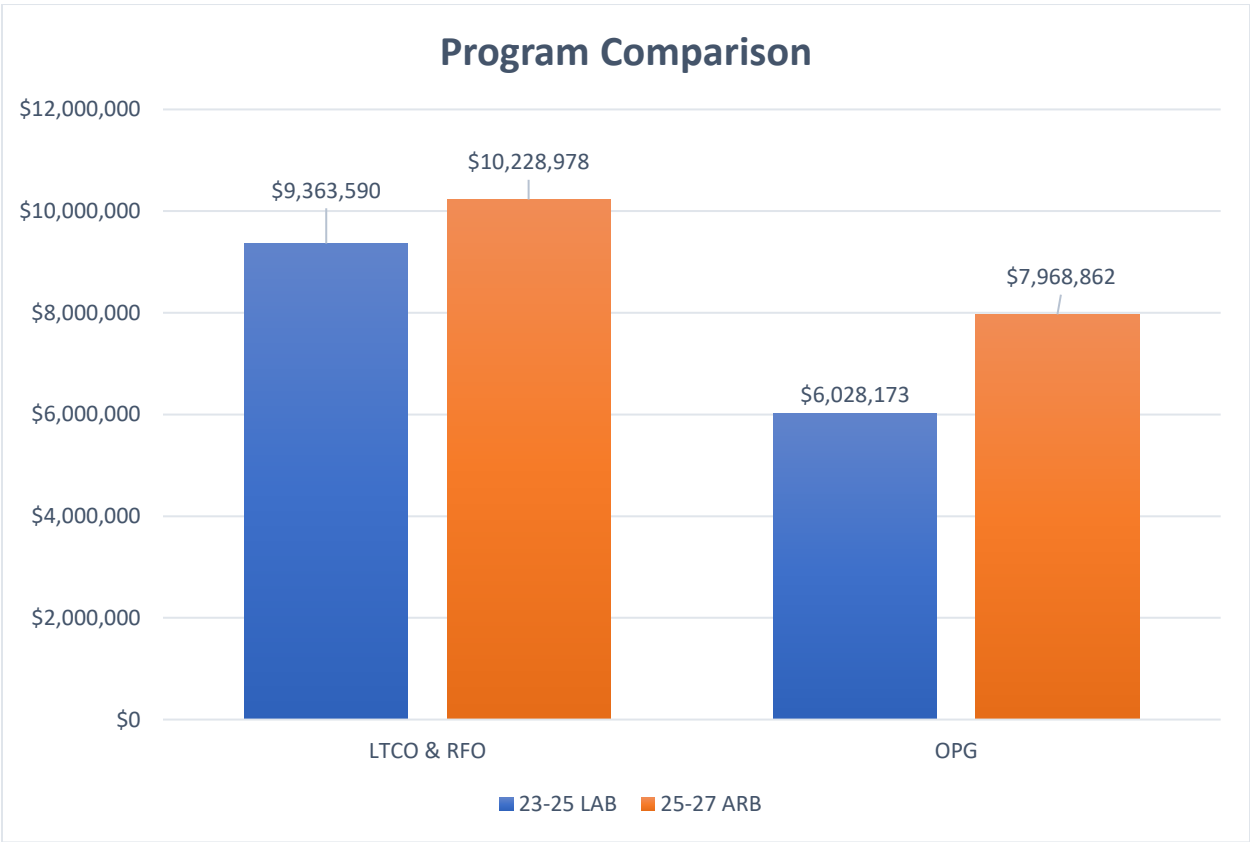
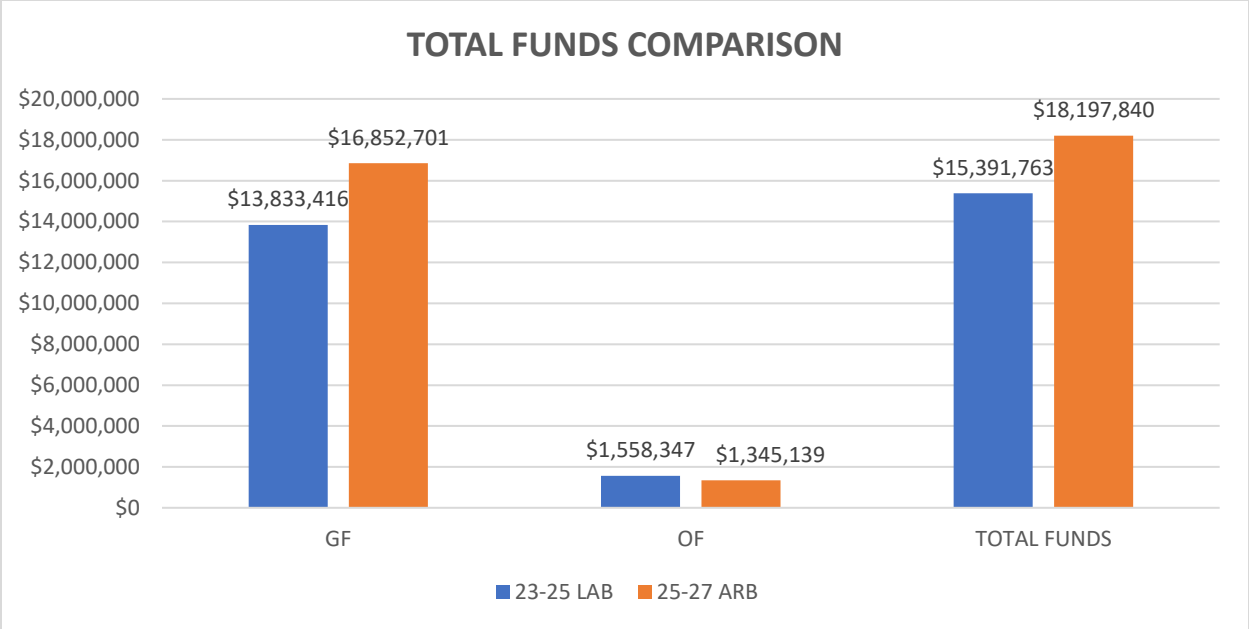
The Agency Requested Budget will:

1. Increase the capacity of the LTCO program to better-serve vulnerable Oregonians in long-term care by:
 - a) Creating a stand-alone LTCO for the state – separate from the Agency Director role – meeting the long-asked for separation of duties requested by the Federal Administration for Community Living.
 - b) Continued emphasis on growth in the number of Certified Ombudsman volunteers sufficient to provide coverage to 75% of all long-term care settings,
 - c) Increased retention of volunteers through more available virtual staff support and engagement, ongoing online training, and other general supports critical to a positive volunteer experience.

- d) Initial and ongoing training and support of all volunteers in a manner that allows them to fulfill their volunteer duties, including reporting, with confidence and competency and improve retention rates.
 - e) Coverage of the statewide toll-free complaint line sufficient to assure a response to all callers within 24 hours.
 - f) The stationing of staff in such a way as to minimize travel, maximize time spent with facility residents, maximize local knowledge and presence, increase complaint response and resolution times, and support volunteer recruitment and retention efforts.
 - g) A higher level of community outreach and education regarding the LTCO program, resident rights, consumer rights as a resident, and volunteer experience.
2. Increase capacity of the RFO program to allow for:
- a) Expand volunteer recruitment and supervision through the addition of .5 FTE of a volunteer recruitment position.
 - b) Better-serve the estimated increase in the total number of homes/facilities and individuals served by the RFO program since the inception of the program:
 - i) Increase the number of children served who are experiencing Intellectual and/or Developmental Disability.
 - ii) Increase the number of adults served who are experiencing serious mental health condition.
 - iii) Increase the number of adults served who are experiencing an Intellectual and/or Developmental Disability.
 - c) A higher level of community outreach and education regarding the RFO program, resident rights, individual rights as a resident, and volunteer experience.
3. Increase the current OPG staffing and funding to allow for:
- a) Make permanent the five limited duration positions from the 2024 legislative session, which will also make the corresponding increase in caseload capacity permanent, as well make permanent the new intake team:
 - i) Capacity to support a total of 260-280 protected people through guardianship.
 - ii) Expanded assistance for medical hospitals with discharging complex patients that become stuck in those facilities lacking capacity and therefore no ability to create a safe discharge plan.
 - iii) Continued development and support of a volunteer program.

Budget Summary Graphics

Here is a comparison of the 2023-2025 LAB and the 2025-2027 ARB:



Funding over the past four biennia:

Program	AY25	AY25 FTE	AY23	AY23 FTE	AY21	AY21 FTE	AY19	AY19 FTE
LTCO GF	5,367,468	16.00	4,621,803	16.00	3,632,378	15.64	2,966,762	13.00
LTCO OF	1,031,529		1,191,341		906,418		710,650	
RFO GF	2,744,404	7.50	2,418,974	7.50	2,000,718	7.50	1,741,752	7.50
RFO OF	220,189		209,650		205,046		197,407	
OPG GF	5,721,544	14.50	4,123,501	12.00	1,925,298	6.00	1,693,038	5.00
OPG OF	306,629		6,000		6,000		-	
Total	15,391,763	38.00	12,571,269	35.50	8,675,858	29.14	7,309,609	25.50

Performance Measures

The most recently submitted Annual Performance Progress Report is located under the Special Reports tab.

Major Information Technology Projects or Initiatives

The Agency has no technology projects but is still interested in a more complete evaluation of systems with an eye toward modernization.

Detailed Program Descriptions

The Office of the Long-Term Care Ombudsman (OLTCO) is comprised of three program areas described below. An Agency Director, who also serves as the State Long-Term Care Ombudsman, oversees the agency. The agency has a Deputy Director who oversees operations for the agency as a whole. There is also 1.5 FTE that comprises a volunteer recruitment team that oversees volunteer recruitment efforts agency wide. All remaining staff are divided into the three following program areas:

1. Long-Term Care Ombudsman

The Long-Term Care Ombudsman (LTCO) program is mandated by the Federal Older Americans Act and by Oregon statute. The office functions separately and independently from any other State agency. The LTCO program relies heavily on Certified Ombudsman volunteers to fulfill its statutory duty and mission. Nine paid Deputy Ombudsmen supervise these volunteers throughout the state, numbering 110-190 in recent years. Both staff and volunteers identify,

address, and resolve complaints and concerns made by or on behalf of long-term care facility residents, protecting both their rights and dignity. There are over 45,000 Oregonians served by LTCO who live in 711 nursing homes, residential care, memory care and assisted living facilities and approximately 1332 adult foster homes throughout the state at this time. It is the goal of the program to have a Certified Ombudsman volunteer assigned to every licensed facility. Fortunately, dedicated volunteer and paid staff routinely make visits to adult foster homes and facilities without an assigned Certified Ombudsman to meet with residents and to address specific complaints that have been called into the LTCO program.

Deputy Ombudsmen also coordinate all training efforts for paid staff and volunteers, address the concerns of individuals calling the statewide toll-free number, and provide technical assistance to fellow Deputies and volunteers. The LTCO program is further supported by two administrative staff and a data analyst. Complaint data is utilized to make recommendations to the Oregon Legislature and Governor regarding existing and emerging long-term care issues. The program strives to maintain productive relationships in the highly political environment of senior and disability organizations, advocacy groups, professional associations and other state agencies that impact the lives and care of facility residents.

2. Residential Facilities Ombudsman

Established in 2013, the Residential Facilities Ombudsman (RFO) program sits within the OLTCO. RFO uses advocacy to create systemic and individual change for Oregonians with developmental disabilities or mental health conditions so they can live full lives in Oregon's communities. In 2017, the Oregon Legislature codified the RFO authority and program directives for developmental disabilities and mental health in ORS 443.382 - 443.396. The program serves both adults and children experiencing Intellectual and/or Developmental Disabilities as well as adults experiencing chronic Mental Health conditions residing in licensed or certified homes (herein "Residential Facilities"). The Residential Facilities Ombudsman program serves these three unique populations and residential setting types:

- Adults with mental health conditions living in residential and foster homes licensed or certified under the **Oregon Health Authority, Behavioral Health system**
- Adults with Intellectual and/or Developmental Disabilities living in residential homes, Stabilization and Crisis Unit (SACU) homes, and foster homes licensed or certified under the **Oregon Department of Human Services, Office of Developmental Disabilities Services**
- Children with Intellectual and/or Developmental Disabilities living in residential homes, host homes and foster homes licensed or certified by the **Oregon Department of Human Services, Office of Developmental Disabilities Services**

- A small number of people are living in these settings because of directives from the Psychiatric Security Review Board (PSRB).

RFO serves 11,268 residents with mental health conditions or developmental disabilities. This is a 48% increase in population since RFO was established in 2013. Approximately 13% of the residents live in Mental Health Facilities, and 87% live in developmental disability facilities. There are 3,219 facilities within RFO's purview. This is a 75% increase from the approximately 1,800 facilities that existed when RFO was established in 2013. Since 2016, RFO has had a 829% increase in case volume.

RFO does this work with one Residential Facilities Ombudsman, five Deputy Ombudsman and a Program Coordinator. The program is statewide. Despite the 48% increase in residents and 75% increase in the number of homes and facilities under RFO purview, RFO has not had an increase in staffing capacity. In 2024, RFO Deputies reached only about 23% of the homes and 18% of the residents in the RFO purview.

To do this work, RFO conducts announced home and facility visits to talk with residents about their rights and work to resolve issues. RFO also investigates and resolves complaints made by residents, their families or guardians, providers, case managers, doctors or other system partners. RFO uses information gleaned from visits and complaints to recommend policy system changes.

The top five case trends include residents not having choice in where they live, control of their schedule and activities, 30 day and immediate move out notices, residents not having choices in what they eat or drink and being treated with respect and dignity.

RFO supports the 25-27 Governor's priorities by preventing eviction, building economic opportunities, and ensuring access to health care services. RFO prevents eviction by supporting residents to appeal eviction notices, finding alternative supports to stabilize the living situation without eviction, and finding new places for people to live if they need to move. RFO builds economic opportunity by supporting residents to connect with employment services from developmental disabilities or vocational rehabilitation programs and resolving issues with those programs where needed. RFO supports residents to access to health care services by connecting them with needed healthcare, durable medical equipment, mental health and dental services.

3. Oregon Public Guardian

The 2014 Legislative Assembly established the Oregon Public Guardian and Conservator (OPG) program unit within the OLTCO. The OPG program's mandates and authorities are codified in ORS 125.675 – 125.694. The Public Guardian serves as a statewide court-appointed guardian for incapacitated Oregonians. These individuals have no resources to pay someone to serve in such

a capacity, nor any interested parties able or willing to serve in the capacity, and there is no less restrictive alternative that meets their health and safety needs. The individuals served by the OPG are the state's most difficult-to-serve incapacitated clients, who are at significant risk of harm or death without a fiduciary appointed to serve on their behalf. Once appointed, the Public Guardian program serves as a fiduciary in a variety of areas, including estate issues, making all health, placement and fiscal decisions for clients, and taking legal action if necessary.

The Public Guardian employs 13 Deputy Guardians, with the capacity to serve approximately 20 protected persons each. Eight of the Deputy Guardian positions are permanently funded. Four of the Deputy Guardian positions are funded through a temporary funding package approved during the 2024 short legislative session. One Deputy Guardian is funded through a four-year grant provided by Asante Health Systems in 2023. The 2024 expansion and the 2023 Asante grant were both focused on the work that OPG does helping complex patients discharge safely from a medical hospital when they would otherwise be stuck.

The OPG has also developed a volunteer program to allow for 1 to 3 more protected persons to be served by each trained volunteer. There are currently nine active volunteer public guardians.

When the OPG program was started in 2015 the program was only funded for two deputy public guardians. The legislature approved two additional deputies in 2018 and four additional in 2021. The legislature also approved the four additional temporarily funded deputy positions in 2024.

With the addition of the temporarily funded expansion in 2024, the program now has capacity to serve 260-280 individuals and is currently serving 176 as of January 1st, 2025. The 2024 expansion also allowed the program to create a designated intake team, which allows for a more efficient process for onboarding new cases. With the addition of the intake team it is expected that OPG will be onboarding approximately 80 -100 new case per year. However, as the program approaches full capacity new case growth will begin to slow considerably. The program is expected to approach full caseload capacity within the next 18-24 months, which will be approximately midway through the 25-27 biennium. Without further expansion, the program will be unable to serve additional highly vulnerable adults after that time.

Key program infrastructure development includes local high-risk teams established in a number of counties throughout the state to screen referrals, seek less intrusive alternatives or resources, and only forward those cases truly requiring the services of the OPG.

The program is authorized to utilize trained volunteers and was able to start a small volunteer program with resources from the 2021 legislative expansion. OPG currently has nine active certified volunteer guardians.

Residential Ombudsman and Public Guardianship Advisory Board

The agency and its three program areas are monitored by the Residential Ombudsman and Public Guardianship Advisory Board (ROPGAB), per ORS 441.416, which meets monthly and is comprised of 11 citizen volunteers. 7 ROPGAB members are appointed by the Governor, with the other 4 members being appointed by legislative leadership.

Agency Efforts, Improvements and Initiatives

In order to implement and achieve the strategic business plans of the agency, the following efforts and initiatives have taken place in the 21-23 biennium and will be carried forward into the next biennium:

1. Fiscal efficiencies: The OLTCO is always looking for ways in which it can conserve resources and has implemented the following strategies within the current biennium.
 - a. Assessment of true office space needs, resulting in a significant downsizing of our central office.
 - b. Ongoing utilization of online technology platforms for training, meetings and gatherings. This included holding our Statewide Training Event both in person but also online.
 - c. Increased use of the SPOTS card for appropriate expenditures to achieve time efficiency and fiscal rebates.
 - d. Elimination of all but six land-line phones
 - e. Transmittal of documents electronically and in person to reduce postage costs.
 - f. Continual reassessment of the use of motor pool vehicles vs. private and rental vehicles as well as other alternative transportation options to maintain presence in outer reaches of state in a cost efficient and time efficient manner.
 - g. Re-evaluation of purchasing practices related to training supplies, business cards, e-mail services, security alarm services and other operations to assure the lowest cost options are being utilized.
 - h. Examination and reduction of staff time in meetings in which their attendance is non-essential or is duplicative of other staff presence.

2. Operational efficiencies:
 - a. Increased use of metrics and measurables to assess workload distribution, monitor staff performance, target volunteer recruitment efforts, and target volunteer training and support needs.
 - b. Reassignment of Deputy Director to assess, streamline, and manage technology needs, Agency fiscal status, HR issues, Agency policies and procedures, administrative support functions, and overall workflow.

Impact of Recent Budget and Management Flexibility Changes on Agency Operations

General Fund Increases (2023-25 vs. 2025-27)

General Fund allocations are proposed to increase from \$13.83M in 2023-25 to \$16.2M in 2025-27, providing additional resources for restoring staffing positions and expanding services. The additional \$2.37M in General Fund primarily supports the retention of new, but limited duration, positions provided by the 2024 legislature, addressing caseload growth and funding operational costs. Inflationary adjustments were included to maintain salary levels, contractual obligations, and facility costs.

Impact on Staffing Levels

The 2023-25 Legislatively Approved Budget (LAB) funded 41 positions, but staffing levels will be reduced to 36 positions at the start of 2025-27 Current Service Level (CSL) due to the limited duration funding of 5 positions. The Governor's Budget restores staffing to 41 positions, allowing the agency to increase services to highly vulnerable individuals facing hospital discharge challenges. FTE increased from 35.5 (2023-25) to 40.5 (2025-27 Governor's Budget), reflecting an increase in available working hours and program capacity.

Funding Allocation Changes

Reduced Other Funds revenue (from \$1.56M in 2023-25 to \$1.34M in 2025-27) limits flexibility for program enhancements. The 92% reliance on the General Fund poses a potential budget risk, as funding reductions could significantly impact services. Limited federal funding prevents further program expansion, especially for Ombudsman advocacy.

Effects on Program Operations

Each major program within the agency has been impacted differently by budgetary changes:

Long-Term Care Ombudsman (LTCO)

Caseloads continue to increase. And though efforts continue to recruit and train more volunteers, volunteerism has decreased for many sectors including for LTCO. With program staffing at 50% of national recommendations, and volunteer numbers significantly down from pre-pandemic levels, service delivery is limited. The Governor's Budget maintains current funding levels allowing for the continuation of current service levels.

Residential Facilities Ombudsman (RFO)

RFO is currently meeting only 21% of the need with existing resources. Significant growth in the number of care homes covered by RFO while program resources have only maintained current service level for over 10 years has limited advocacy and oversight capabilities for residents with

intellectual, developmental, and mental health disabilities. The Governor's Budget aims to maintain current RFO services.

Oregon Public Guardian (OPG)

OPG is only able to meet an estimated 25-50% of the need statewide with current funding, leaving many vulnerable individuals without guardianship services. The restoration of limited duration positions under the Governor's Budget allows for the ongoing delivery of services, particularly to individuals facing challenges in discharging from hospitals.

Challenges Due to Budget Constraints

Despite budgetary increases in recent years, several challenges remain:

- Increasing Caseloads – The number of facilities, cases, and clients continues to grow, putting pressure on existing resources.
- Staffing Shortages – Although the Governor's Budget restores limited duration positions, the agency still lacks adequate staffing to fully meet demand.
- General Fund Dependency – 92% of the agency's budget is reliant on General Fund appropriations, making it vulnerable to state budget cuts.
- Delayed Complaint Resolution – Limited staff capacity has resulted in longer response times for complaints and investigations.
- Facility Oversight Limitations – RFO and LTCO lack resources to conduct all necessary visits, leaving gaps in resident protections.

Management Flexibility & Operational Adjustments

To mitigate budget constraints, the agency has implemented several management strategies:

- Prioritization of high-risk cases in both LTCO and RFO programs.
- Optimized volunteer utilization to maximize service coverage.
- Process improvements in complaint resolution to increase efficiency.
- Strategic use of limited federal funds and grants to offset operational costs.

Despite these adjustments, the agency would need additional long-term funding solutions to fully meet the needs of Oregon's vulnerable residents.

Workforce Challenges and Impact on Agency Operations and Services

The Office of the Long-Term Care Ombudsman (OLTCO) faces workforce challenges that impact its ability to provide advocacy, guardianship, and oversight services to vulnerable Oregonians. These challenges include staffing shortages, volunteer recruitment difficulties, high caseloads,

and budget constraints, all of which have led to increased costs in overtime and temporary staffing positions.

Staffing Shortages and Caseload Growth

The current service level (CSL) budget for 2025-27 supports 36 positions (35.50 FTE), a reduction from 41 positions in the 2023-25 Legislatively Approved Budget (LAB). The Governor's Budget restores five Deputy Public Guardian positions (5.00 FTE) that were originally limited duration in 2023-25. Despite this restoration, caseload growth continues to outpace staffing capacity, particularly in the Residential Facilities Ombudsman (RFO) and Oregon Public Guardian (OPG) programs:

- LTCO: High complaint volumes require more certified volunteers and staff ombudsmen.
- RFO: Currently meets only 21% of the need due to staffing constraints.
- OPG: Serves only an estimated 25-50% of eligible clients, leaving hundreds of individuals without necessary guardianship services.

Volunteer Recruitment Challenges

The LTCO, RFO, and OPG programs all rely on volunteers to extend their capacity to provide oversight and advocacy. A shortage of trained volunteers has limited the number of residents and facilities that can be served.

High Turnover and Burnout

Limited staffing and increasing caseloads have resulted in high workload pressure for existing staff. Public Guardians and Ombudsmen staff are often managing complex cases with limited systems support.

Impact on Agency Operations and Services

Delayed Complaint Resolution: Reduced staff availability has led to delays in responding to resident complaints and facility investigations. Rising complaint volumes is impacting the quality of advocacy and oversight.

Reduced Facility Oversight and Guardian Services: RFO and LTCO are unable to conduct regular facility visits, leaving gaps in monitoring conditions for vulnerable residents. OPG lacks the staffing to provide its services to the full level of clients in need, leaving some individuals at serious risk of harm due to lack of a guardian.

Limited Expansion of Services: While the Governor’s Budget adds \$1.9 million to restore Deputy Public Guardian positions, additional investments are needed to increase program capacity to meet statewide needs. Without further staffing increases, LTCO, RFO, and OPG programs will continue to operate at levels far below demand.

Reduction Options – Up to 10% of total budget

The reductions put forth would all significantly impact an agency of OLTCO’s size. The agency is simply not able to easily absorb reductions. To achieve a 10% reduction target, it would be necessary to eliminate FTE employees who are doing critical and life-saving work for some of Oregon’s most vulnerable populations. Other reductions are around the reduction of travel, reduction of supports to volunteers, elimination of volunteer training meetings and other support that helps us to maintain the integrity of our programs.

2025 – 2027 Governor’s Budget

The Governor’s Budget:

- 1) Continues funding for core services and personnel for LTCO, RFO and OPG at current service level.