

RHODE ISLAND LONG TERM CARE OMBUDSMAN PROGRAM



ANNUAL REPORT FFY 2023

OCTOBER 1, 2022 — SEPTEMBER 30, 2023



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RISLTCOP.ORG

Mission Statement

The Office of the State Long Term Care Ombudsman believes that all older persons and people with disabilities who receive long term care services should be provided with the highest level of care, have autonomy to direct their care and services, live in an environment of respect, be free from abuse, neglect and mistreatment and enjoy a quality of life which meets their special individual needs and preferences.



Kathleen Heren
Rhode Island State Ombudsman



Office of the Rhode Island State Long Term Care Ombudsman

The Rhode Island State Long Term Care Ombudsman Program is supported by federal funding and state grants through the Rhode Island Office of Healthy Aging, philanthropic giving and private donations under the umbrella of the Alliance for Better Long Term Care Inc.

Dear Residents, Families, Colleagues, and Providers,

Another year has passed. I am happy to say the worst part of the Pandemic is over. That is not to say we can completely relax. Immunizations for the residents are still critical in safeguarding their fragile immune systems. Unfortunately, one cannot force a resident to be vaccinated. Families should never give up on impressing upon the importance to their loved ones of being vaccinated and how it will prevent them from becoming ill, resulting in possible hospitalization.

As you review this report you will learn about the accomplishments in advocacy and direct services provided by the representatives of The Long Term Care Ombudsman Program. The staff of the Ombudsman Program work tirelessly to assist residents with issues that are interfering with their quality of life. Each day a new call comes in that presents its own unique challenge. The Ombudsman Office works very closely with the Rhode Island Department of Health, The Rhode Island Office of the Attorney General, The Office of Healthy Aging (OHA), and The Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH). No agency can succeed in helping a resident without the assistance of other agencies. Silos no longer exist between agencies as they did years ago.

In closing, I would be remiss in not praising my staff, they are the best of the best.

Sincerely,

Kathleen Heren

Rhode Island State Long Term Care Ombudsman

Disclaimer

The information within this Annual Report for FFY 2023 provides an overview of the workings of the RI State Long Term Ombudsman Program. All data presented has been drawn from the National Ombudsman Reporting System (NORS) and are yet to be verified by the federal authority for this program.

Code of Ethics for Long Term Care Ombudsmen from The National Association of State Long Term Care Ombudsman Programs

1. The ombudsman provides services with respect for human dignity and the individuality of the client, unrestricted by considerations of age, social or economic status, personal characteristics, or lifestyle choices.
2. The ombudsman respects and promotes the client's right to self-determination.
3. The ombudsman makes every reasonable effort to ascertain and act in accordance with the client's wishes.
4. The ombudsman acts to protect vulnerable individuals from abuse and neglect.
5. The ombudsman safeguards the client's right to privacy by protecting confidential information.
6. The ombudsman remains knowledgeable in areas relevant to the long term care system, especially regulatory and legislative information, and long term care service options.
7. The ombudsman acts in accordance with the standards and practices of the Long Term Care Ombudsman Program, and with respect for the policies of the sponsoring organization.
8. The ombudsman will provide professional advocacy services unrestricted by his/her personal belief or opinion.
9. The ombudsman participates in efforts to promote a quality, long term care system.
10. The ombudsman participates in efforts to maintain and promote the integrity of the Long Term Care Ombudsman Program.
11. The ombudsman supports a strict conflict of interest standard that prohibits any financial interest in the delivery or provision of nursing home, board, and care services, or other long term care services that are within their scope of involvement.
12. The ombudsman shall conduct himself/herself in a manner that will strengthen the statewide and national ombudsman network.

National Ombudsman Reporting System (NORS)

National Ombudsman Reporting System (NORS) Ombudsman programs report their activities such as facility visits, complaints received and investigated, information and assistance provided, and community education to the Administration for Community Living (ACL) to be summarized in the National Ombudsman Reporting System (NORS). NORS data for all states is available on the Administration for Community Living website at ACL.gov

The Long Term Care Ombudsman Program is responsible for the receipt, investigation and resolution of complaints filed by residents, or persons acting on their behalf, of long term care facilities and persons receiving home or hospice care. Uniform data on activities of the Long Term Care Ombudsman Program is provided to the federal Administration for Community Living (ACL) which tracks and verifies the work of the Long Term Care Ombudsman Program annually at the close of the Federal Fiscal year.

National Ombudsman Reporting System (NORS)

Federal Reporting, Complaints and Dispositions

Quick Facts for FFY 2023

In compliance with federal reporting requirements, all State Long Term Care Ombudsman Programs must report data in accordance with the National Ombudsman Reporting Standards (NORS).

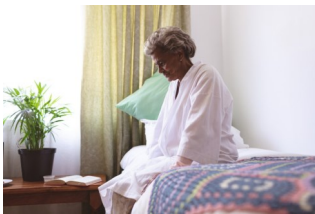
Opposite: RI LTCOP Quick Facts FFY 2023 highlight where the majority of the Long Term Care Ombudsman's work occurs as it provides advocacy services for residents living in RI skilled nursing homes and assisted living facilities.



Rhode Island State Quick Facts

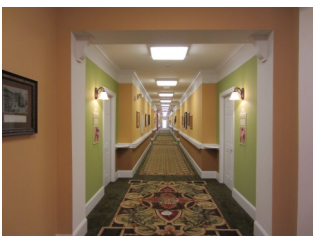
Skilled Nursing Facilities in RI: 78

Number of Beds: 8,531



Assisted Living Facilities in RI: 64

Number of Beds: 4,762



- ◆ Rhode Island is home to 1,093,734 people
- ◆ 18.9% (206,715) of these people are aged 65 or older
- ◆ 13% (142,185) of the population are vulnerable persons
- ◆ By 2030, it is estimated 25% of the RI population will be aged 65 or older
- ◆ The RI State Long Term Care Ombudsman Program is housed under the Alliance for Better Long Term Care, and it employs eight Certified Long Term Care Ombudsman, who work directly under Kathleen Heren
- ◆ Nine Long Term Care Ombudsman serve more than 13,000 Skilled Nursing Home and Assisted Living residents throughout the State



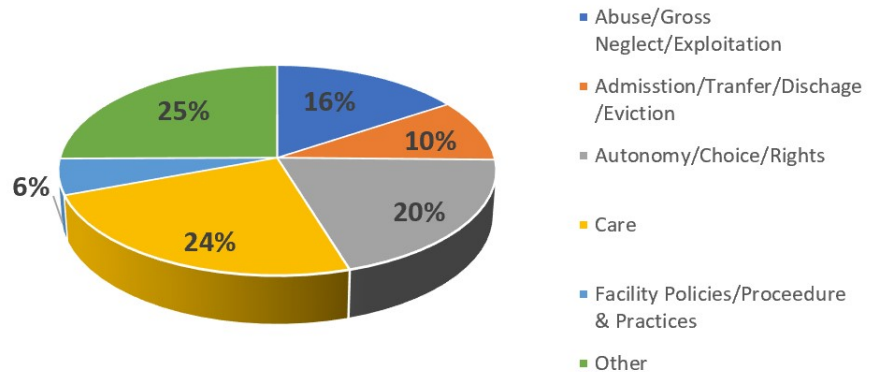
Source: U.S. Census Bureau QuickFacts: Rhode Island
Key Facts | Office of Healthy Aging (ri.gov)

Long Term Care Ombudsman Data Reports

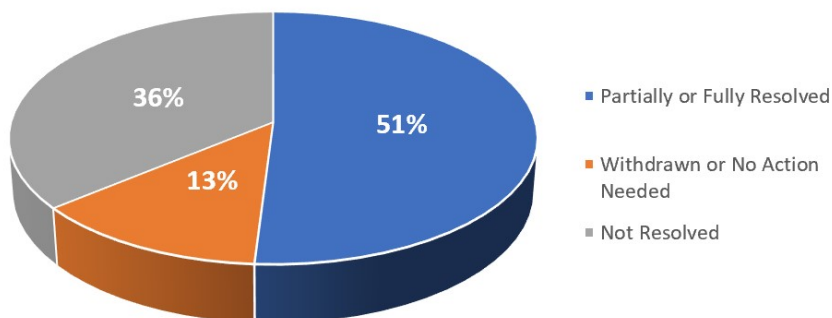
Complaints and Dispositions

Complaints responded to by Long Term Care Ombudsman fall into twelve categories. Here, we focus on five of these. During FFY 2023, resident care concerns (24%) were primary e.g., medications, care planning, infection control. Resident Autonomy (20%); includes resident rights to self-determination through autonomy, e.g., privacy, dignity, respect. The third major complaints of abuse (16%) followed e.g., gross neglect, physical, sexual, psychological, or financial abuse either by family or facility staff. Admission issues rank fourth (10%), including facility procedural issues. The remaining 25% of complaints comprise of issues concerning access to information, financial concerns, activities, dietary, environment, and complaints about outside agencies and system issues.

Complaints by Type



Disposition Status



Disposition Status indicates whether a complaint has been fully or partially resolved to the satisfaction of the resident, if it has been withdrawn, or remains unresolved.

51% of all complaints were partially or fully resolved to the satisfaction of the resident, resident representative, or complainant. 13% of all cases were withdrawn, or there was no action needed by the resident, resident representative, or complainant.

The remaining 36% of complaints were not resolved to the satisfaction of the resident, resident representative, or complainant. Examples of non-resolution include issues that are often beyond the control of the resident, Ombudsman or investigator and may result in identification of a gap in policy or a system issue that requires advocacy at political level.

The Office of the State Long Term Care Ombudsman does not discriminate on the basis of race, color, religion (creed), gender, sexual orientation, gender expression, age, disability, military status, or income in any of its activities or operations. These activities include provision of services to residents or the public, the hiring or termination of staff and selection of volunteers.

Long Term Care Ombudsman Advisory Boards and Affiliations

- Office of Healthy Aging Home and Community Care Services to the Elderly Advisory Committee
 - Emergency Preparedness (DOH/FEMA) ● Governor's Disability Commission
 - Legislative Committee
 - Healthcare Coalition of Rhode Island
- Special Task Force to Study Elder Abuse & Financial Exploitation ● Mental Health Coalition
- Rhode Island Coalition for Elder Justice - St. Elizabeth Community ● LGBT Advisory Study
 - State Crime Victim Project (VOCCA) ● Independent Provider Program (OHHS)
 - Brown University Diamond Project
 - Attorney General Elder Abuse MDT Task Force
 - Disability Law Association
 - Long Term Care Coordinating Council
 - Ombudsman Advisory Committee

Ombudsman Advisory Committee FFY 2023

Brenda Pacheco, Corrine Russo, Jane Hayward, Kathleen Heren

- National Association of State Long Term Care Ombudsman Programs
 - National Citizens' Coalition for Nursing Home Reform
 - National Elder Justice Coalition
 - The National Consumer Voice for Quality Long Term Care
 - Rhode Island Office of Healthy Aging (OHA)
 - Rhode Island Department of Human Services (DHS)
- Dept of Behavioral Healthcare Developmental Disabilities and Hospital (BHDDH)
 - Rhode Island Department of Health, Division of Facilities Regulation (DOH)
 - Office of the Rhode Island Attorney General
 - Administration for Community Living (ACL)
 - Rhode Island Veterans Home Family and Resident Councils
 - Rhode Island Long Term Care Coordinating Council
 - Independent Provider Program (OHHS)
- Rhode Island Attorney General's Task Force on the Prevention of Abuse

Long Term Care Ombudsman System Issues and Resolutions

Promoting positive policy takes an army of voices, one of which in the State of Rhode Island is that of Long Term Care Ombudsman Kathleen Heren. Positive policy can be brought about in one of two ways; to voice opposition or support policy at local, state and federal level. Below are examples of how the RI Office of the Long Term Care Ombudsman has worked to identify and act on system issues and resolutions.

System Issue Opposition

The RI State Long Term Care Ombudsman Office is mandated by federal and state law to advocate for seniors and individuals with disabilities who receive long term care services. An assisted living facility is classified as housing and licensed by the RI Department of Health.

The RI State Long Term Care Ombudsman Kathleen Heren sent a letter in opposition to the House and Services Committee for House Bill H-5173, The Assisted Living Residence Licensing Act. In this letter, Kathleen explained why she felt that if this Bill should pass, it could have negative consequences on residents of assisted living facilities throughout Rhode Island.

“In May of 2015, assisted living facilities were given the option of applying for a waiver that would allow certain limited health care services. An example may be to allow a resident to remain in an assisted living facility that may have developed a skilled need like an indwelling urinary catheter. There were not many facilities that applied for this waiver. The ones that did eventually gave up the waiver as the reality of caring for a complicated resident was more than the facility realized.”

“This new purposed regulation entails extensive services which could meet the criteria of a full-time skilled nursing admission. My recommendation would be to continue to allow the assisted living facilities to apply for the current waiver but not take on skilled services they are not competent to perform.”

As of March 15, 2023, the Bill was recommended by the House of Health and Human Services Committee to be held for further study (rilegislature.gov).

System Issue Resolution

Positive Advocacy Results in Increase in

Personal Needs Allowances for Residents in Skilled Nursing Facilities

During March 2023, RI State Long Term Care Ombudsman Kathleen Heren wrote a letter of support for Senate Bill 571 - Increasing the personal needs allowances of nursing facility residents from \$50 to \$100. Kathleen gave examples of how this Bill, should it pass, could positively affect residents' quality of life. In part, the letter stated:

“For the fortunate ones who have families that help them supplement the \$50 monthly, that is great. Many of the residents are not that fortunate to have families. Because of this they must eliminate certain things from their monthly income. Residents are responsible for their cable bills, hairdresser and barber bills which help them to preserve their dignity.”

On July 28, 2023, Senate Bill 571 was passed, and the Personal Needs Allowance for residents in Skilled Nursing Facilities was increased from \$50 to \$75 per month.

Rhode Island State Long Term Care Ombudsman Program

Advocate, Educate & Empower!

New Grant Funded Program

During FFY 2023, the RI State Long Term Care Ombudsman Program received funding, appropriated through the Elder Justice Act as amended by the American Rescue Plan Act of 2021. The State Ombudsman was authorized to determine the use of the funds in accordance with the federal Ombudsman rule at 45 DFR 1324.13(f) as an amendment to the State Plan on Aging. As a result of this, the Advocate, Educate & Empower program was developed. The new program started on August 1, 2023, and will run for three years until June 30, 2025.

The purpose of the grant is for State Long Term Care Ombudsman Programs to enhance capacity to respond to and resolve complaints about abuse and neglect, especially in assisted living facilities and similar adult care homes.

Residents living in these types of homes are less likely to have the benefit of federal oversight or regulation or clear requirements for preserving and respecting resident rights thus making the Ombudsman program presence essential.

This grant will allow Ombudsman programs to develop capacity through activities such as recruiting and training volunteers to conduct visits and investigate complaints, develop resident and family councils, and provide information, assistance and education on resident rights and prevention of abuse and neglect.

... About Advocate, Educate, & Empower!

Meetings are not open to employees, administrators, and owners of facilities

All Advocate, Educate and Empower! Program meetings are FREE, confidential and provide:

- ◆ A chance for families and care partners to meet Long Term Care Ombudsman Program advocates and to learn about available resources
- ◆ Opportunities to connect with other care partners of long-term care residents across the state, and
- ◆ Provide a safe place to share challenges, get support, learn effective advocacy strategies and work together to achieve the best possible quality of life for loved ones in long-term care facilities.

Virtual meetings will be held every second Tuesday of every month, 7-8pm and will be open to anyone who has a family member or friend in a Rhode Island long-term care facility.

All meetings will be conducted via Zoom. Registration will be required for all attendees and a Zoom link will be sent. Advocate, Educate and Empower! meetings are promoted within the Skilled Nursing and Assisted Living community, information is also available on the ABLTC website. Distinctive yellow and blue flyers will also be posted within the community.

For information on Advocate, Educate, & Empower! contact: Lori Light, Volunteer Ombudsman

Coordinator T: 401 785 3340 or to register, go to: bit.ly/riltcopzoomreg

Questions?

Alliance for Better Long Term Care, Inc

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Warwick, RI 02888

401-785-3340 • 888-351-0808

Rhode Island Office of Healthy Aging

25 Howard Ave, Building 57

Cranston, RI 02920

401-462-3000 • TTY: 401-462-0740

oha.ri.gov

Become a Certified Volunteer Ombudsman . . .

Becoming a Certified Long Term Care Volunteer Ombudsman (LTCO) requires 36 hours of training and a background criminal investigation (BCI). The Training includes class work, self-study, and shadowing of an experienced Ombudsman in a facility. On completion of training, the Certified Volunteer LTCO are assigned to one or more facilities which they will visit regularly. Ombudsman staff are always available to assist volunteers with any issues they may encounter.

Ensuring the rights, dignity and well-being of individuals living in long term care today and tomorrow

For information on volunteering contact: Lori Light, Volunteer Ombudsman Coordinator

T: 401 785 3340 or Email: Lori@Alliancebltc.org

. . . Stay Informed!

Our newly designed website was launched to expand awareness of long-term care Ombudsman services and long-term resources. Check out RISLTCOP.org where you can sign up for our monthly newsletter, browse resources, read our blog, and more!

Follow RI Long Term Care Ombudsman Program on Instagram on Facebook, Instagram, and LinkedIn to stay informed or scan the QR Code for direct access to the website for the Alliance for Better Long Term Care.

