Ensuring the rights, dignity and well-being of individuals living in long-term care today and tomorrow.
350 Volunteer Certified Ombudsmen

19 Full-time Equivalent Staff

13 Regions- Subcontracted Local Offices

1 State Office Technical Assistance & Legal Svs.

$1.3 Million Budget

Outside of State Unit on Aging, based in Private Not-for-Profit
We receive and resolve complaints

- Approx. 68,000 beds
- 2,900 AFHs/17,000 residents
- 4,450 complaints
- 53,343 volunteer service hours
- 2,281 LTC facilities visited
- 20,500 visits were made to LTC facilities.

Data from the calendar year 2012
The Role of the Ombudsman

Facilitator of informal conflict resolution
- providing advice, suasion, mediation, follow-up with actions, referral, etc.

Agent for change (systemic issues)
- making recommendations for change on policies and procedures
Adult Family Homes Service Overview

Service Summary

- A residential home where no more than six adults receive personal care, special care, room, and board. Service providers may not be related by blood or marriage to any clients in the home.
- 2013-15 Budget: about $280 million total ($140 Near GF-S) to serve about 5,900 clients.
- About 2,900 licensed facilities in FY13.
- About 17,000 beds in FY13 – about 40% Medicaid.

Service Overview

- Rate methodology established in contract and in WAC.
- Rates are client specific.
- Rates are dependent on location (King, MSA, non-MSA).
- Rates are dependent on client acuity (17 levels of care).
- Client acuity is determined by a CARE assessment.
- Daily payment rate; range from about $50/day to about $165/day.
- Wages and benefits for AFH are collectively bargained.
- Licensure and oversight provided by Residential Care Services (RCS) within DSHS.
- AFH serves both LTC & DD clients...about 80% LTC and 20% DD.

*presentation 9/25/13 at Joint Legislative Executive Committee on Planning for Aging & Disability Issues
Residents Rights Laws and Regulations in Washington State

- RCW 70.129 (AFHS, BHs and ALs)
- WAC 388-97 (Nursing Homes)
- http://www.leg.wa.gov/wac/ (title 388)
Stating the Case for Funding 2006

- Not a large number of complaints were seen by Ombudsman Program, but we were seeing an increase in problems.
- Examples of egregious problems in AFHS were shared.
- Utilized state enforcements records to make the case of “lots of complaint activity”
- Funding request received support from our contracting state agency
- 8.5 FTEs, training, travel
The AFH Proviso 2007

- Paid ombudsmen, better trained on AFH settings & regulations.
- AFH specialists provided AFH focused technical assistance
- AFH Training Manual developed
- Collection of ombuds complaint data and related activities for AFH work
- Tracking of cost data by account coding
- Special outreach conducted to AFHs (King County outreach days)
Response

- Governor establishes vulnerable adult taskforce
- Facilitated by DSHS Secretary
- Mandated Reporter System and Response System
- DSHS responds with list of QA activities in place
- List of improvements and recommendations for State and Stakeholders

- Victims Rights Legislation
- New tracking system, data management (rolled out in phases) across APS, CPS, RCS
- Purple Book developed 2012 (AFH Mandated Abuse Report training)
- 2013 Subcommittee created to review Abuse Response System in all settings including Supported Living
<table>
<thead>
<tr>
<th>Issue</th>
<th>Who</th>
<th>Status</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>48 hour training – change oversight from HCS to RCS</td>
<td>N/A</td>
<td></td>
<td>LTCOP partnership with Highline CC and ADSA created successful outcome to training problem</td>
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<td>Limit number of residents in specific AFH based on acuity</td>
<td></td>
<td></td>
<td>Completed 2012</td>
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<td>Increase provider self-reporting and develop AFH “Purple Book”</td>
<td>RCS – LTCOP support</td>
<td>RCS staff beginning initial work and invites LTCOP participation</td>
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<td>Cite to law 74.34 rather than regulation when Abuse/Neglect/Exploitation occurs</td>
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<tr>
<td>Increase use of enforcement tools (especially daily fines) &amp; referrals to law enforcement</td>
<td>RCS</td>
<td>VA workgroup recommendations support; DSHS is increasing referrals to law enforcement; proposed legislation to increase fines</td>
<td>HB 1277 and VA workgroup can continue discussion of coordination with law enforcement</td>
</tr>
<tr>
<td>Operating and AFH without a license is a misdemeanor-refer to law enforcement/prosecutor/MFCU</td>
<td>RCS</td>
<td></td>
<td>HB 1277</td>
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<th>Regulatory</th>
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<td>Require that application for change of ownership be posted at AFH</td>
<td>RCS</td>
<td></td>
<td>Done in regulation</td>
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<tr>
<td>Increase admission agreement disclosure with regards to who the resident can contact re: care or treatment</td>
<td>LTCOP</td>
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• Annual license fee; progressive increase to $1600/annually per home.
• Providers are reimbursed for annual license fees paid on Medicaid beds.
• Processing fee for new applicants of $2,750 in FY13; non-refundable and non-reimbursed.
• Require More experience as direct caregiver required; 800 hours
• More rigorous business training class (48 hour classes)
• Stiffer penalties
• Fees collected used to support the licensing and enforcement of AFH system.
• State convene a quality assurance panel, chaired by the State LTCO
Post HB 1277

- Quality Assurance Panel Meet
- 150 case investigation files reviewed by Ombuds
- 13 Recommendations to improve quality in AFHs
- Report to Governor, delivered by 12/1/12
- Doesn’t make it into any decision packages
- January 2013 SLTCOP w/AARP, ElderCare Alliance, Washington State Senior Lobby, and WSRCC join forces to create policy based upon the recommendations
2013 AFH Consumer Legislation passes:

- Disclosure Form required (scope, notice, charges)
- Require that when conditions on license, prescribe a remedy to speed up corrections
- Consumer oriented/user-friendly website
- Enforcement letters come down off web after three cycles
- DSHS review current specialty license designation trainings and requirements
SB 5630 continued

- New AFH Specialty License designations and Requirements (TBI, Bariatric)
- Website may have vacancies posted
- Di minimus violations that are not a repeat and no harm done, give “warning” ticket.
By Patricia Hunter, MSW
State Long-Term Care Ombudsman
www.waombudsman.org
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