

North Carolina State Long-Term Care

Ombudsman Program

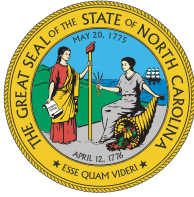
2022 ANNUAL REPORT



Promoting quality of life and quality of care for long-term care residents.



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Aging and Adult Services



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

JOYCE MASSEY-SMITH, MPA • Director, Division of Aging and Adult Services

I am pleased to submit the 2022 Annual Report of the Office of the State Long-Term Care Ombudsman Program reflecting our activities during federal fiscal year October 1, 2021 - September 30, 2022.

Pursuant to North Carolina General Statute 143B-181.18 (8), this annual report provides an updated review of the accomplishments in advocacy and direct services provided by representatives of the long-term care ombudsman program at both the state and regional levels. Also, included in the report are overviews of the statewide community advisory committees. The data within the report demonstrates our achievements toward protecting residents' rights, empowering families, educating consumers, and our commitment to quality, person-centered care for residents in long-term care facilities across North Carolina.

I welcome any questions or comments you may have about our annual report.

Sincerely,

Victor Orija, MPA
State Long-Term Care Ombudsman

DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF AGING AND ADULT SERVICES

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Disclaimer: The information provided by the Office of State Long-Term Care Ombudsman Program in this report is for general information purposes only. It does not represent the positions of the state agency or other agencies in which the office or representatives of the office are organizationally located. Data and findings represent the types of problems experienced and complaints reported by residents and representatives to the Office.

Program Purpose

The North Carolina Long-Term Care Ombudsman Program exists to protect resident's rights and improve the quality of care and life for residents in long-term care facilities. To accomplish this mission, the Program:

- Receives and attempts to resolve complaints made by or on behalf of residents in long-term care facilities
- Provides information to the public about issues facing long-term care residents
- Works with long-term care providers to resolve issues of common concern
- Conducts in-service trainings for facilities and long-term care providers and staff on topics relevant to resident rights and quality of life
- Trains and provides technical assistance to Community Advisory Committee volunteers
- Collects and reports data regarding the number of complaints handled and other program activities
- Facilitates community education sessions on elder abuse, neglect, and exploitation
- Provides information to public agencies, legislators and others on problems impacting the rights of residents, and makes recommendations for the resolution of issues identified

History and Legal Basis

The federal Older American's Act provided the authorization for the establishment of a national Long-Term Care Ombudsman Program beginning in 1978. In following years, amendments to the Older American's Act expanded the jurisdiction and scope in each state to include both nursing homes and adult care homes. It also called

for the formation of a network of volunteers to assist with complaint response and systems advocacy for long-term care residents.

In 1989, the North Carolina State Long-Term Care Ombudsman Program was codified into state law through General Statute 143B-181.15-25, which mirrored the federal mandates provided in the Older American's Act. The legislation established guidelines for both state and regional programs. The Office of State Long-Term Care Ombudsman is housed within the North Carolina Department of Health and Human Services, Division of Aging and Adult Services. The 16 Regional Ombudsman Programs are housed within the Area Agencies on Aging across the state.

Since the Long-Term Care Ombudsman Program was established, it has undergone many changes including Final Rule (2016), the revision of Federal Nursing Home Regulations (2016), new software development & revision of data reporting (2019) and COVID-19 restrictions (2019-20). More recently, the Program has continued to undergo major transitions including the establishment of new training standards for both current and new Ombudsman representatives.

While each state was required to establish new training standards for all Ombudsman representatives, the goal set forth by the Administration for Community Living is for states to achieve the minimum training requirements no later than September 30, 2021. This new requirement is intended to ensure that all Ombudsman representatives have subject matter knowledge of resident rights, facility regulatory standards, the resident experience, complaint investigation and the Ombudsman program's policies and procedures, as well as how to operationalize such knowledge. More information about these standards can be found at: https://ltcombudsman.org/uploads/files/support/2019_LTCOP_Training_Standards.pdf



Program Structure

The Office of the State Long-Term Care Ombudsman Program is housed within the Elder Rights and Special Initiatives Section of the Division of Aging and Adult Services. The Office is comprised of the State Long-Term Care Ombudsman, an Ombudsman Program Specialist, and an Ombudsman Elder Rights Specialist. These staff manage the day-to-day program administration that includes assuring all newly hired Regional Ombudsmen complete the required certification and designation requirements mandated in federal and state law. The Office of the State Long-Term Care Ombudsman also provides quarterly training sessions to Regional Ombudsmen on a variety of aging and long-term care issues.

The Regional Ombudsman Program operates out of the 16 Area Agencies on Aging. Regional Ombudsmen provide advocacy and direct services to long-term care residents for the counties they serve.

The Community Advisory Committees are designated and certified by the State Ombudsman. These volunteers provide additional support to the long-term care residents within their specified counties. They are appointed by their local board of county commissioners and are trained by regional ombudsmen. For Federal Fiscal Year 2022, there were 716 trained community advisory committee members serving on adult care home, nursing home, or joint community advisory committees across all 100 counties in North Carolina. Over the past five years the Long-Term Care Ombudsman Program has seen a fluctuation in the number of volunteers which seems to align with some of the major changes we have encountered including Final Rule, and the change in the way in which representatives of the Ombudsman Program are designated, de-designated and suspended. The restrictions that COVID-19 imposed on the ability of volunteers to conduct in-person visits and attend training opportunities to enhance their skills also had a dramatic impact on the Program.



AREA AGENCY ON AGING

- A – Southwestern Commission
- B – Land of Sky Regional Council
- C – Isothermal Planning & Development Commission
- D – High Country Council of Governments
- E – Western Piedmont Council of Governments
- F – Centralina Council of Governments
- G – Piedmont Triad Regional Council
- J – Triangle J Council of Governments
- K – Kerr-Tar Regional Council of Governments
- L – Upper Coastal Plains Council of Governments
- M – Mid-Carolina Council of Governments
- N – Lumber River Council of Governments
- O – Cape Fear Council of Governments
- P – Eastern Carolina Council of Governments
- Q – Mid-East Commission
- R – Albemarle Commission



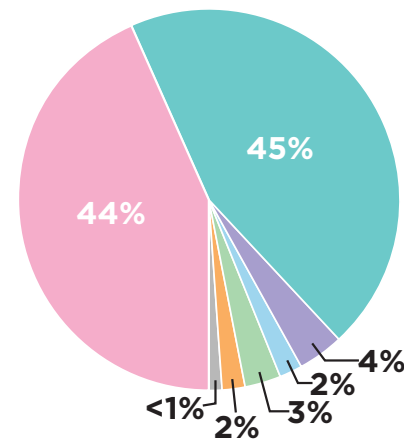
Federal Fiscal Year 2022: Overview

In Federal Fiscal Year 2022, the North Carolina Long-Term Care Ombudsman Program completed investigations of **1,886 cases containing 3,240 complaints**. The most frequently addressed complaints were related to **discharge/eviction, personal property**, and **response to requests for assistance**.

Ombudsmen receive complaints from residents and a variety of individuals that initiate concerns on behalf of residents. The ombudsmen received complaints from **1,887 complainants** in Federal Fiscal Year 2022. The breakdown of complainants is as follows.

Complainant Sources FFY 2022

COMPLAINANT SOURCE	COUNT	PERCENT OF TOTAL
Resident	828	44%
Resident Rep., Friend/Relative	845	45%
Ombudsman Program	79	4%
Facility Staff	42	2%
Rep. of Other Agency	59	3%
Concerned Person	31	2%
Resident/Family Council	3	<1%



Total Number of Cases

1,886

Total Number of Complaints

3,240

Total Number of Visits Made to Residents

3,133

Over the last two years during the COVID-19 pandemic, we saw our leading source of complaints change from residents to the resident representatives, family and friends.

However, that gap has now started to close as residents were just 1% from returning as the number one source of complaints.

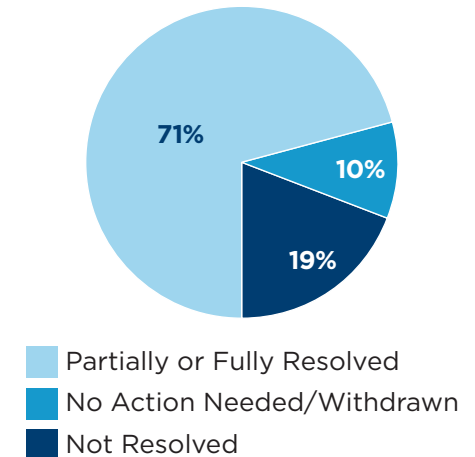
Yearly Comparison by Percent

	2022	2021	2020	2019	2018
Resident	44%	39%	43%	50%	51%
Resident Rep., Friend/Relative	45%	51%	44%	37%	37%
Ombudsman Program	4%	3%	6%	6%	5%
Facility Staff	2%	2%	3%	3%	3%
Rep. of Other Agency	3%	3%	3%	2%	3%
Concerned Person	2%	2%	1%	2%	1%
Resident/Family Council	<1%	<1%	<1%	<1%	0%

Of the 3,240 complaints that were closed in 2022, ombudsmen resolved, or at least partially resolved, **71% of complaints to the satisfaction of the resident or their representative.**

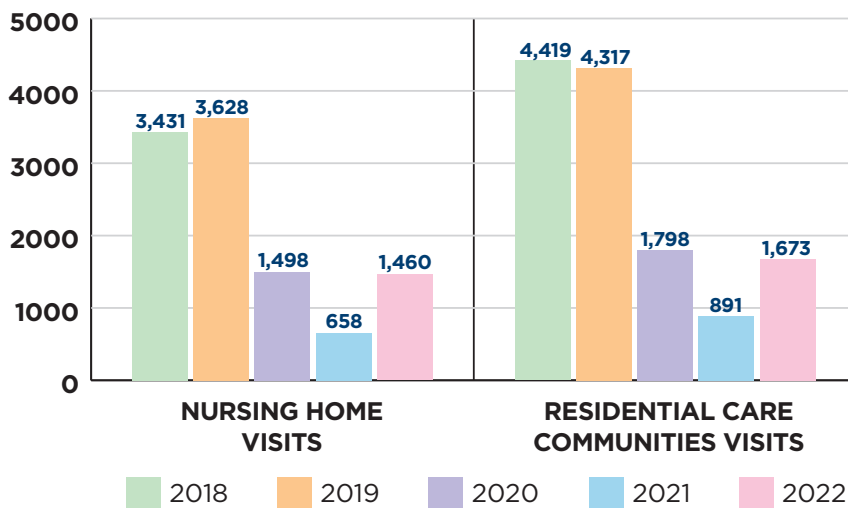
Ombudsmen verify complaints through a variety of investigative techniques including interviews, record reviews, observations, and other fact-finding methods. When a complaint is verified by an ombudsman, it has been determined through investigative work that the conditions and circumstances described in the complaint are generally accurate. In 2022, **78% of the complaints received by the program were verified.** For complaints that are not able to be verified or resolved to the satisfaction of the resident and/or the complainant, ombudsmen continue to exhaust all possible advocacy strategies. This may include further educating consumers on the matter in question and/or providing the contact information for other appropriate entities such as licensing and regulatory agencies for continued investigation or follow-up. Additionally, Ombudsmen are responsible for making regular visits to facilities to establish rapport with residents and observe the general conditions of the facility. Below is a summary of the **3,133 visits made to residents in FFY 2022.**

Disposition of Complaints

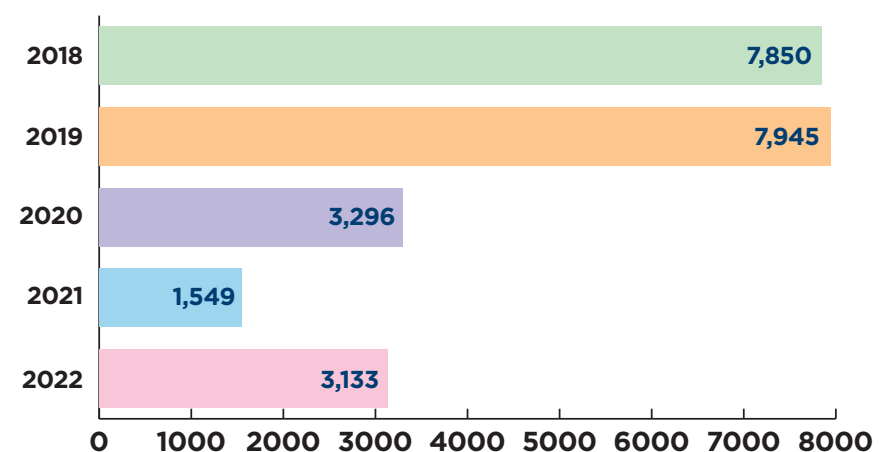


In North Carolina, the Ombudsman Program advocates for residents of nursing homes, adult care homes and other settings. Although North Carolina still recognizes Adult Care Home settings as Assisted Living Facilities and Family Care Homes, the Administration for Community Living defines Residential Care Communities (RCC) as facility types that include, but are not limited to, assisted living facilities and family care homes. These communities provide at minimum, room, and board, around the clock on-site supervision, and help with personal care such as bathing and dressing or health-related services including medication management.

Number of Visits to Facilities, 5-Year Comparison



Total Visits Across All Provider Types, 5-Year Comparison



The *first increase* seen since the COVID-19 pandemic.

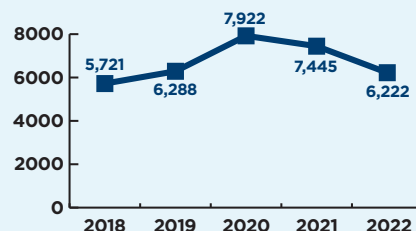
2022 Program Overview

North Carolina State & Regional Long-Term Care (LTC)
Ombudsman Program | October 1, 2021 – September 30, 2022

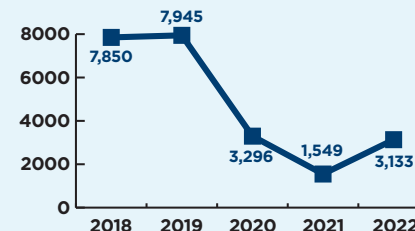
- 3,240** Complaints closed by the LTC Ombudsman Program
- 1,887** Complainants assisted by State & Regional LTC Ombudsmen
- 6,222** Instances of technical assistance provided to individuals regarding long-term care issues
- 3,133** Resident visits made in adult care homes and nursing homes
- 512** Facility licensure survey participation
- 105** Resident Council meetings attended
- 413** Community education workshops conducted
- 2,215** Consultations with LTC providers
- 159** Training sessions provided for staff in LTC facilities
- 922** Hours spent training community advisory committee members and new ombudsmen

Fluctuations, 5-Year Comparison

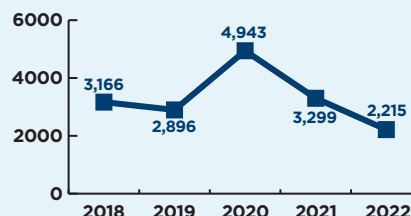
Instances of Technical Assistance Provided to Individuals Regarding Long-Term Care Issues



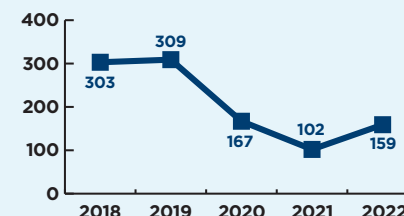
Resident Visits Made in Adult Care Homes and Nursing Homes



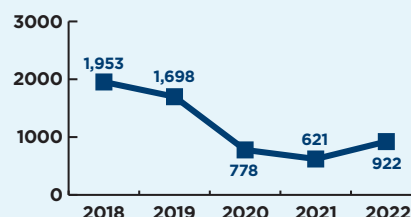
Consultations With LTC Providers



Training Sessions Provided for Staff in LTC Facilities



Hours Spent Training Community Advisory Committee Members and New Ombudsmen



For most activities,
we've either seen an increase for the first time following the impact of the COVID-19 pandemic, or have seen numbers return to its' normal range.

Ombudsman in Residential Care Communities (Adult Care Homes)

In North Carolina, assisted living facilities and family care homes are classified as “adult care homes.” As required by General Statute, adult care homes with seven or more residents are expected to be visited at least quarterly while family care homes, which have two to six residents, are to be visited at least annually. **In FFY 2022, the ombudsman program made 1,673 visits to adult care homes, approximately 88% more than the number of visits made to adult care homes in FFY 2021.**

During the same period, there were **1,118 complaints handled in adult care homes by ombudsmen resulting in a 10% increase when compared to the number of adult care home complaints handled in FFY 2021.** The most frequent complaints investigated by ombudsmen on behalf of residents in adult care homes were related to **care, autonomy/choice/rights, and financial/property.** The following graphs further illustrate the categories and types of complaints received by ombudsmen.

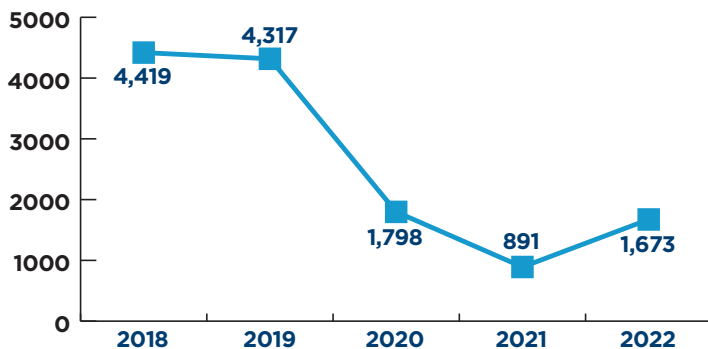
Number of
Licensed Facilities

1,142

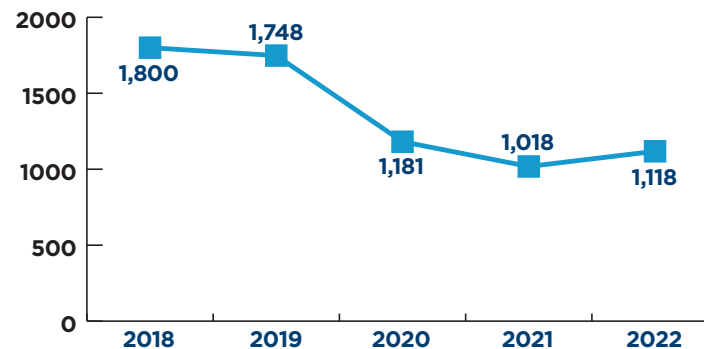
Number of
Licensed Beds

40,571

**Number of Visits to Adult Care Homes,
5-Year Comparison**



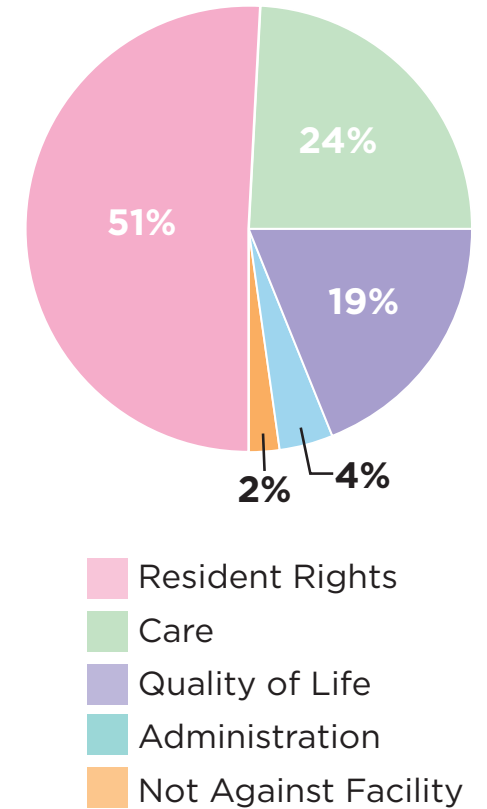
**Number of Complaints Handled in Adult Care
Homes, 5-Year Comparison**



In addition to the *increase in the number of visits* being made, the Ombudsman Program also started to see the number of complaints handled in adult care homes *trend upward*, the first following the COVID-19 pandemic.

Categorical Breakdown of Residential Care Community Complaints Received by Ombudsman Program in FFY 2022

CATEGORY	TYPE OF COMPLAINT	# OF COMPLAINTS	TOTAL # BY CATEGORY
RESIDENTS RIGHTS	Abuse, Neglect, Exploitation	30	566
	Access to Information	45	
	Admission, Transfer, Discharge	126	
	Autonomy, Choice, Preference, Privacy	230	
	Financial, Property	135	
RESIDENT CARE	Care	257	265
	Rehabilitation	4	
	Restraints	4	
QUALITY OF LIFE	Activities and Social Services	32	215
	Dietary	67	
	Environment	116	
ADMINISTRATION	Oversight, Management	29	45
	Staffing	16	
NOT AGAINST FACILITY	Regulatory System	0	27
	Medicaid	12	
	Systems/Others	15	
TOTAL ADULT CARE HOME COMPLAINTS			1,118



Ombudsmen in Nursing Homes

Ombudsmen are expected to visit nursing homes at least quarterly. **In FFY 2022, the ombudsmen made 1,460 visits to nursing homes, more than double the number of visits made to nursing homes in FFY 2021.**

During the same period there were **2,118 complaints handled in nursing homes** by ombudsmen, **about 9% more than the number of nursing home complaints handled in FFY 2021.** The most frequent complaints investigated by ombudsmen on behalf of residents in nursing homes were related to **care, autonomy/choice/rights, and transfer/discharge.** The following graphs further demonstrate the categories and types of complaints received by ombudsmen.

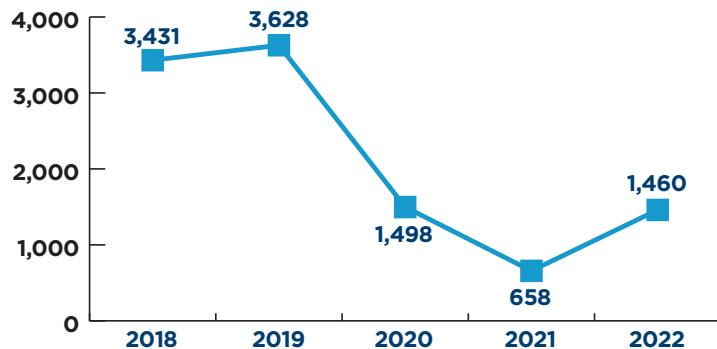
Number of
Licensed Facilities

434

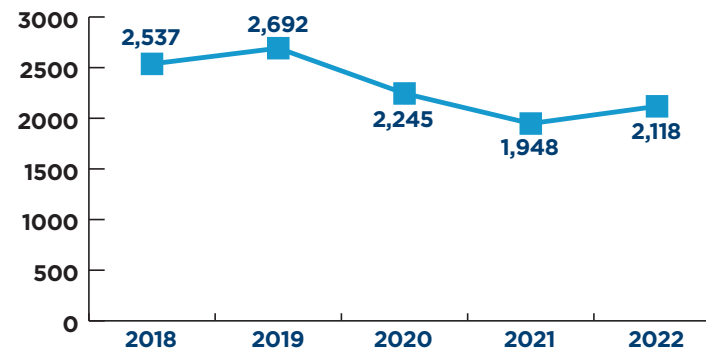
Number of
Licensed Beds

49,139

Number of Visits to Nursing Homes,
5-Year Comparison



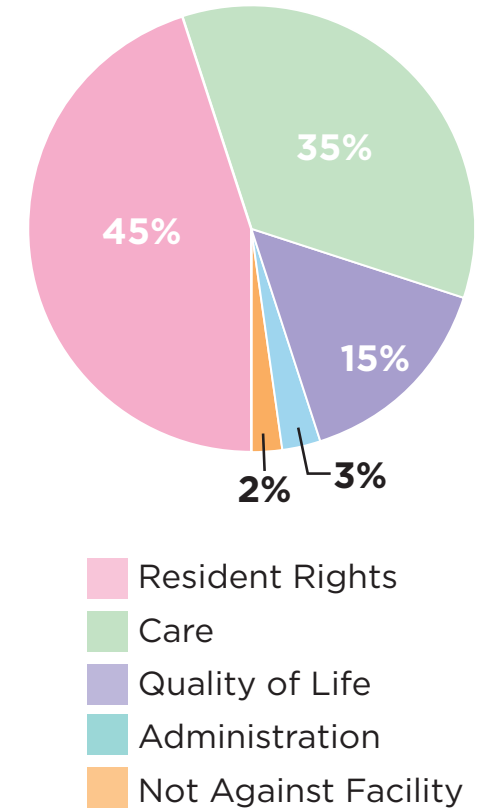
Number of Complaints Handled in
Nursing Homes, 5-Year Comparison



In addition to the *increase in the number of visits* that were made, the Ombudsman Program also started to see the number of complaints handled in nursing homes *trend upward*, the first following the COVID-19 pandemic.

Categorical Breakdown of Nursing Home Complaints Received by Ombudsman Program in FFY 2022

CATEGORY	TYPE OF COMPLAINT	# OF COMPLAINTS	TOTAL # BY CATEGORY
RESIDENTS RIGHTS	Abuse, Neglect, Exploitation	57	946
	Access to Information	68	
	Admission, Transfer, Discharge	293	
	Autonomy, Choice, Preference, Privacy	354	
	Financial, Property	174	
RESIDENT CARE	Care	689	742
	Rehabilitation	47	
	Restraints	6	
QUALITY OF LIFE	Activities and Social Services	62	318
	Dietary	118	
	Environment	138	
ADMINISTRATION	Oversight, Management	25	66
	Staffing	41	
NOT AGAINST FACILITY	Regulatory System	0	46
	Medicaid	17	
	Systems/Others	29	
TOTAL NURSING HOME COMPLAINTS			2,118

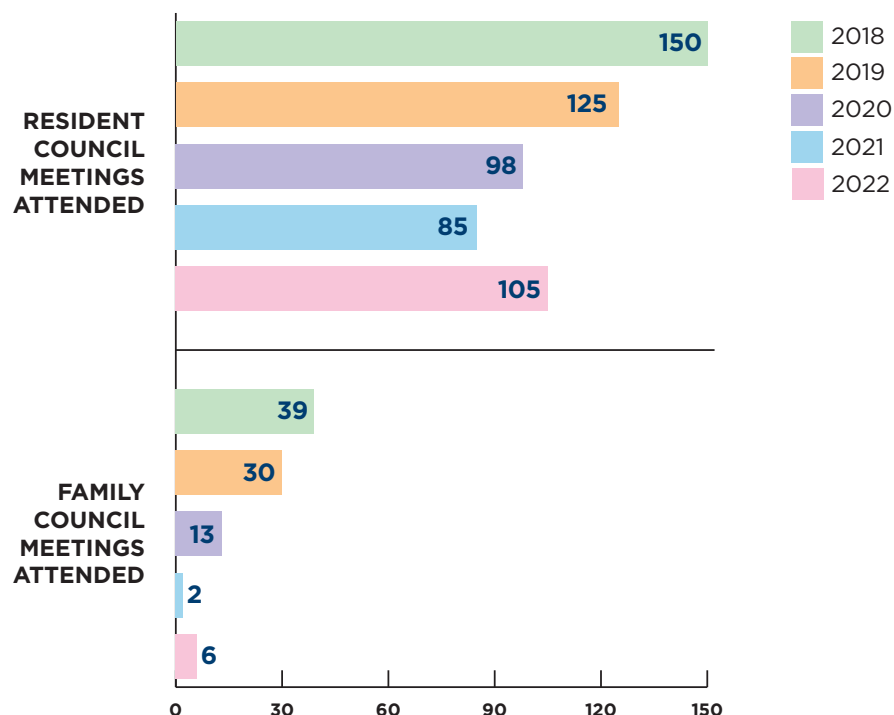


Other General Information, Technical Assistance and Training

The ombudsman program provides consultation and training to residents, families, citizens, and facility providers. Ombudsmen have in-depth knowledge of how to navigate the long-term care system which includes interactions with facilities, upholding resident rights and advocating for person-centered strategies in problem solving.

Resident and Family Councils

In FFY 2022, ombudsmen attended **105 resident council meetings** and **6 family council meetings**. Ombudsmen attend these meetings solely at the invitation of the groups and are typically asked to share information about the ombudsman program and resident rights when they attend.



Consultation to Residents and Families

At both the state and local levels, during FFY 2022, the ombudsman program provided **6,222 consultations to individuals about long-term care**. The most frequently requested topics included consumer requests for **residents' rights**, **transfer/discharge**, and **information about the ombudsman program**.

Provider In-Service Training and Consultations

Ombudsmen are often called on to provide technical assistance and training to facilities about matters of resident rights, quality of life, and other aging issues. In FFY 2022, ombudsmen provided **2,215 consultations to providers** about a variety of issues. The three most common areas were related to **transfer/discharge**, **residents' rights**, and **the long-term care ombudsman program**. Additionally, ombudsmen provided **159 provider in-service trainings**. The most requested topics included **residents' rights and aging sensitivity**.

Community Education

Ombudsmen are also called on by various civic organizations, faith groups and other community organizations to educate citizens about issues facing older adults in long-term care settings. Ombudsmen spent **1,046 hours conducting 413 sessions of community education**.



Elder Abuse Awareness and Prevention Activities

Number of Community Education Sessions

84

National and International research shows that abuse, neglect, and exploitation of vulnerable and older adults are grossly underreported. The well-being of North Carolina's vulnerable and older adults is a shared responsibility of the community. All North Carolinians are charged under state law to report suspected abuse, neglect, or exploitation to their local County Department of Social Services. Additionally, the Long-Term Care Ombudsman Program is responsible for initiating special projects and/or events to increase public awareness of current long-term care issues and elder abuse prevention.

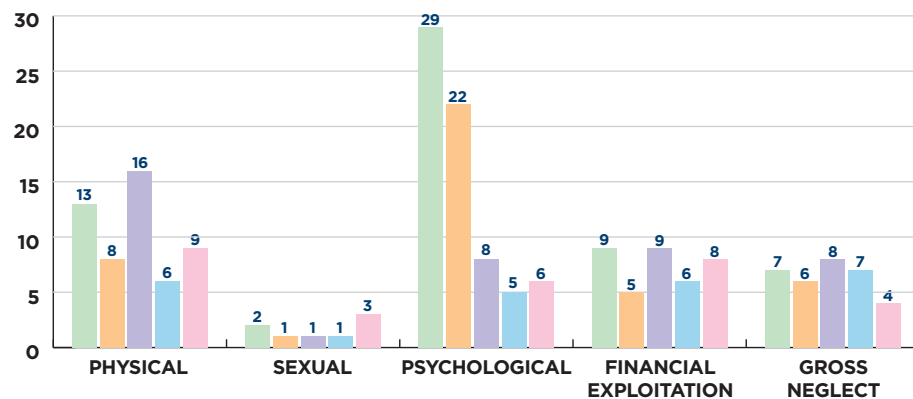
The Long-Term Care Ombudsman Program hosts a variety of community education and outreach sessions across the state specifically designed to educate people about elder abuse. In 2022, ombudsmen conducted **84 sessions of community education** on elder abuse awareness, identification, and prevention. Additionally, the North Carolina Division of Aging and Adult Services collaborated with Triangle J Area Agency on Aging to host a virtual workshop with guest speakers that discussed the impact of elder abuse in North Carolina,

awareness, and prevention resources, along with success stories from North Carolina and how to get involved.

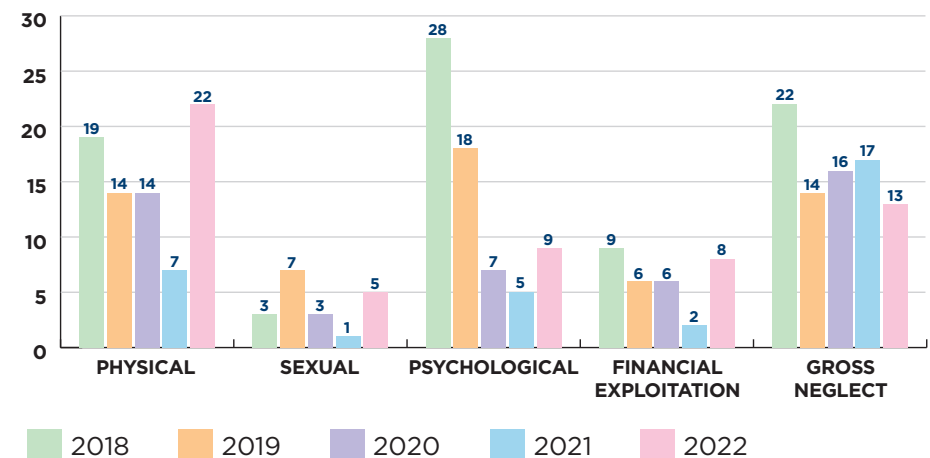
Ombudsmen continue to seek community collaboration among agencies like long-term care providers, senior centers, faith groups and other community entities to assist with outreach efforts. Often, the ombudsmen participate in multi-disciplinary teams that emphasize elder abuse awareness. The Office of the State Long-Term Care Ombudsman continues to oversee the SAFE in LTC Taskforce dedicated to the awareness of crimes committed in long-term care facilities.

Ombudsmen in North Carolina do not investigate allegations of abuse, neglect, or exploitation. However, they can empower and support victims of abuse by encouraging them to self-report and by connecting them with agencies such as local departments of social services, law enforcement and regulatory agencies to have their concerns appropriately addressed.

Adult Care Home Abuse Complaints, 5-Year Comparison



Nursing Home Abuse Complaints, 5-Year Comparison



Community Advisory Committees (CAC)

A total of **716 Community Advisory Committee members** served the Ombudsman Program in FFY 2022. Committee members must be trained prior to being appointed by county commissioners to the committee. In accordance with Session Law 2017-103 (House Bill 248), the State Ombudsman must certify and designate committee members upon completion of training by the Regional Ombudsmen.

For Federal Fiscal Year 2022, **922 hours** were spent on **528 training sessions** to community advisory committees. These sessions included education for new appointees as well as required ongoing annual training for experienced members.

The committees spent **5,132 hours** and drove **9,447 miles** conducting resident visits and performing other mandated duties.

Total Number of
CAC Volunteers

716

Number of Hours
Donated by CAC

5,132

Number of Miles
Driven by CAC

9,447

*Want to become
a volunteer?*

Apply now at
your County
Commissioner's
Office.





Roy Cooper, Governor, State of North Carolina
Kody H. Kinsley, Secretary, Department of Health and Human Services
Joyce Massey-Smith, MPA, Director, Division of Aging and Adult Services
Victor Orija, State Long-Term Care Ombudsman



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