



Connecticut Long-Term Care Ombudsman Program
2015 Annual Report

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1. History of Connecticut's Long-Term Care Ombudsman Program

Mandated by the Federal Older American's Act and Connecticut General Statute 17b-400, the Connecticut Long Term Care Ombudsman Program (LTCOP) protects and promotes the rights and quality of life for residents of skilled nursing facilities, residential care homes and managed residential care communities, also known as assisted living facilities. The Regional Ombudsman, along with the Volunteer Resident Advocate, provides a voice to residents' concerns and, as importantly, empowers residents to have a voice in ensuring their rights. This is achieved through individual consultation and complaint resolution and also through work with other state agencies and advocacy organizations. The State Ombudsman also works with policy makers, legislators and stakeholders to advance and improve systems and protections at the state level.

In partnership with the residents, their representatives and other long-term services and support stakeholders, the LTCOP celebrates the collaborative achievements of many individuals and partners. For instance, the Ombudsman Program commissioned Dr. Waldo Klein, University of Connecticut, to conduct the 2000 Grant Street Rehabilitation Center Relocation Study. This was a seminal study about the resident experience during a closure and in many ways was the foundation of the Ombudsman Programs' advocacy for residents relocating from a closing nursing home. As a result of the study the Ombudsman Program initiated the "*Grant Street Workgroup*" comprised of the various service organizations that were likely to have major involvement with the residents discharging from the Grant Street Rehabilitation Center. This became the model for future closure interventions in the state. A specific action plan for closures was developed as a result of the Grant Street study and this plan has remained the primary initiative to ensure residents' rights to informed choice during nursing home closures over many years in Connecticut.

In 2005, nursing home residents raised their concerns about fear of retaliation when complaining to staff about their care and services. As a result, the Ombudsman Program openly engaged the topic at the 2006 Annual Voices Forum. This discussion led to the development of work groups to better understand the residents' perspective and learn ways to assist both residents and staff to provide best practices for residents when they have complaints. As a result, the CT Ombudsman Program produced a video, "*Voices Speak out Against Retaliation*" in which residents, talk about

their experiences. A curriculum was developed for staff, enabling them to better understand the residents' perspective about retaliation if they complain. Ultimately, in 2013, the Connecticut General Assembly passed legislation that mandates Connecticut's nursing home staff is provided annual training on Fear of Retaliation. Connecticut is the only state in the country which mandates this type of training as a further protection for its nursing home residents. It has become a model for other states which have adopted the video and curriculum to train their Ombudsman staff and volunteers. Higher education institutions have also used the video and curriculum in their gerontology programs.

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The Connecticut Long-Term Care Ombudsman Program is dedicated to the principle of providing residents the opportunities to give voice to their concerns and issues.

Carol Rosenwald, founder of the Coalition for Presidents of Resident Councils, spoke eloquently about the importance of residents giving voice to their concerns "outside the walls of their nursing homes." In 2015, Brian Capshaw took Carol's legacy to the highest level when he represented all nursing home residents at the White House Conference on Aging.





## **2. Message from Nancy Shaffer, State Ombudsman**

It is truly an honor for all of us at the Connecticut Long-Term Care Ombudsman Program to serve residents who receive long-term care and services in nursing homes, residential care homes and assisted living facilities. At the homes, where it counts most in the day-to-day lives of the residents, the Regional Ombudsmen respond to resident concerns and take action to resolve those concerns based on the resident's direction. They are a highly professional and expert group of advocates and they work tirelessly to assist the resident to achieve a desired outcome for their complaint. The Regional Ombudsmen are always digging a little deeper to understand an issue and exploring all avenues for a satisfactory resolution.

At the state and national levels, the State Ombudsman supports and advocates for quality of care and services and promotes residents' rights from a systemic level with new legislation and policy initiatives. While our corps of Volunteer Resident Advocates is small, they are an enthusiastic and keenly devoted group of individuals who actively advocate for the residents at their assigned nursing homes. On a weekly basis they visit the residents and assist them with a multitude of issues and concerns, everything from meal preferences to getting assistance when care is requested, or questions about payment or discharge. I am so grateful for the dedicated work the Volunteer Resident Advocates provide for the Ombudsman Program. They represent the Office faithfully and with integrity. When the resident requests the Volunteer Resident Advocate's assistance, their advocacy can be key to resolving the concern to the resident's satisfaction.

Most importantly, in all of our Ombudsman work whether it is direct complaint resolution or policy and legislation advocacy, it is the residents that determine and guide our work. The dignity, care and attention that residents so richly deserve are at the very core of what makes Ombudsman work so meaningful and worthwhile. There are opportunities every day to make a difference in the quality of care and life for a resident. And we are grateful to be doing this work.

2015 was an active legislative session for health and long-term care related legislation. Some key proposals the Office of the State Ombudsman supported in 2015 include:

**House Bill No. 5358, Establishment of a Bill of Rights for Continuing Care Retirement Community residents.**

This bill provides new protections for residents in independent living and greater CCRC financial disclosure.

**HB 6894, Safeguard Funds for Residents of Certain Long-Term Care Facilities**

This bill makes a technical correction to ensure that residential care home residents have the same protections regarding personal funds as nursing home residents.

**House Bill 5257, Require Notice of Nursing Home or Residential Care Home Facility Resident Abuse.**

This bill ensures notification of designated family members or legal guardians of residents living in these facilities who may have been the victims of abuse, neglect, exploitation or abandonment.

**Senate Bill No. 5102, An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2017 Concerning General Government, Education and Health and Human Services.**

**Key Section 371 Ombudsman Pilot Program**

Current law requires the State Ombudsman to, personally or through representatives of the Office, to implement and administer a pilot program serving home and community based care recipients in Hartford County. The bill limits the program to within available appropriations.

Select bills that the Ombudsman provided testimony to the General Assembly but which did not become law:

**HB 6690, Nursing Home Facility Minimum Staffing Levels**

**HB 6893, Increase Personal Needs Allowance to \$65 with a Cost of Living Allowance**

**HB 6895, State Ombudsman Investigates Home and Community Based Care Recipient Complaints**



### **3. Mission of the Connecticut Long Term Care Ombudsman Program**

The mission of the Connecticut Long Term Care Ombudsman Program is to protect the health, safety, welfare and rights of long term care residents by:

- Investigating complaints and concerns made by or on behalf of residents, in a timely and prompt manner.
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- Bringing residents to the forefront to voice their concerns directly to public officials on issues affecting their lives.
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- Supporting residents in their quest to shape their own legislative agenda and to represent the residents' interests before governmental agencies.

In Federal Fiscal Year 2015, the staff of the Ombudsman Program fulfilled this mission by:

- **Investigating complaints and concerns made by residents, or on behalf of residents in a timely and prompt manner;**

\*1,635 cases were opened

\*2,694 total complaints were received

\*1,096 consultations were provided to individuals

- **Bringing residents to the forefront to voice their concerns directly to public officials on issues affecting their lives;**

"Action=Change" was the theme of 2015. The Office of the State Ombudsman developed materials for residents that focused on legislative advocacy both at the state level and at the local/nursing home level. The theme of the Annual Voices Forum was "Action=Change" and the residents were given calendars with ideas to promote legislative advocacy, contact lists of their state representatives and senators and month-by-month.

- **Supporting residents in their quest to shape their own legislative agenda and to represent the residents' interests before governmental agencies.**

During their 2015 annual summer retreat, Commissioner Betsy Ritter of the State Department on Aging and Connecticut Lieutenant Governor Nancy Wyman met with the Executive Board to educate them about effective legislative advocacy practices. The Executive Board of Presidents of Resident Councils actively engaged in legislative advocacy at the General Assembly throughout the 2015 legislative session, reaching out to legislators, meeting with them and testifying at many public hearings.







#### **4. 2015 Office of the State Ombudsman Statistics**

In Federal Fiscal Year 2015, the Office of the State Ombudsman served 35,835 Connecticut residents living in long-term care facilities-skilled nursing facilities, residential care homes and assisted living facilities. The staff participated in:

- 201 consultations to facilities
- 25 trainings to facility staff
- 118 training sessions for Ombudsman staff and volunteers
- 290 facilities visits
- 93 licensure and certification surveys
- 116 community education presentations
- 2 nursing home closures

In FFY 2015, the CT Ombudsman Program was managed by the State Ombudsman with 8 Regional Ombudsman, 1 Administrative Assistant and 3 Clerical/Intake Staff providing direct advocacy services. Throughout 2015, the State Ombudsman actively planned for filling the one Regional Ombudsman vacancy.

- Operating budget of \$2,105,861 (\$175,724 Title VII, Chapter 2, Ombudsman federal funds, OAA Title IIIB \$313,821 and State funds \$1,616,316)



## **5. State Advocacy Activities**

The Office of the State Ombudsman is pleased and honored to be a member of and participate in many statewide stakeholder groups relevant to its advocacy work for long-term care residents. These groups include the Long-Term Care Advisory Council, the Long-Term Care Planning Committee, the Nursing Home Financial Advisory Committee, the Connecticut Elder Action Network (also known as CEAN), Besides these standing groups, the State Ombudsman is a member regularly participates in the Long-Term Care Planning Committee and is a member of the Steering Committee of the Money Follows the Person Program. Collaborations include many esteemed long-term services and supports partners such as the Center for Medicare Advocacy, the Statewide Connecticut Legal Services, the Connecticut Partnership to Improve Dementia Care, the Connecticut Culture Change Coalition, the LGBT Aging Advocacy workgroup and the Connecticut End of Life Coalition, along with state agencies including the Connecticut Department of Public Health, the Connecticut Department of Mental Health and Addiction Services and the Office of the Chief State's Attorney.

In 2015, the State Ombudsman accepted appointment as the federal Patient Care Ombudsman in bankruptcy reorganization cases: Johnson Memorial Hospital/Evergreen Health Care Center. 2015 also saw the closure of another nursing home in CT, Marshall Lane Manor in Derby. This home had ninety-six residents when the Department of Social Services granted the business request to close the home. Along with other state agencies, including the Money Follows the Person team, and resident advocates, the Ombudsman Program maintained a presence at the home to ensure that residents had opportunity for informed choice when deciding where they would move.

In August, 2015, Apple Health Care, the owner of The Kent in Kent, Connecticut filed a Letter of Intent to close this nursing home. The Office of the State Ombudsman maintained a presence at this home, but unfortunately the residents were not provided a lot of opportunity and time to make informed decisions. Within a week of receipt of the Letter of Intent

many residents had already begun to move out of the home. Due to concerns about the process of moving residents so quickly, the State Ombudsman filed a complaint with the Department of Public Health. The Department of Public Health investigated and found The Kent deficient in discharge planning services for some of these residents. This experience is to some lesser degree also reflective of other closures when residents are encouraged to relocate quickly rather than allow the Certificate of Need process to take its course. As a result, the Office of the State Ombudsman will propose legislation to ensure that residents receive a notice from the Office about their rights at the same time as they receive the Letter of Intent from the home.

As CT State Ombudsman it was an honor to represent the long-term care residents of Connecticut at the regional White House Conference on Aging in May, 2015, at the Edward M. Kennedy Institute in Boston. Along with other invitees, participants had the opportunity to listen to leaders in the field of aging and to participate in breakout sessions in order to inform the broader national conference on issues related to healthy aging, abuse, neglect and retirement security.

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The new federal regulations for Home and Community Based Services for Residential Care Homes were a focus for the Connecticut Ombudsman Program during FFY 2015. The CT LTCOP partnered with the CT Legal Services to develop resident-focused materials to educate residents about the regulations and their rights related to the new regulations. Companion materials for Residential Care Home providers and for agencies which provide services to RCH waiver residents are in development. Presentations are planned for stakeholders and residents throughout the state. This is an ongoing project that will extend into 2016 with more materials, trainings and issue specific workgroups planned.

As part of the Ombudsman Program's ongoing support and development of Connecticut's Elder Justice initiative, the Program partnered with Dr. Henry Lee and the University of New Haven to sponsor a Markle Symposium, "Crimes Against the Elderly". The State Ombudsman continued to partner with the State Department on Aging, Legal Services Developer and co-chaired the Coalition for Elder Justice in Connecticut. The Connecticut Coalition is modeled after the federal Elder Justice Act. Two Coordinating Council meetings and a full day symposium were conducted during 2015. To

date the Coalition has sixty-five members representing many state agencies, legal organizations, other public as well as private entities and individuals. The Coalition plans to host a website and serve as an ongoing resource for consumers and for its members.

Believing in the great value of music in a person's life at every age, the CT LTCOP awarded grants to three Connecticut skilled nursing facilities which included the JAVA Music Program and training. Reducing antipsychotic drug use in elders has been a focus for long-term care providers both at the federal and state levels. Research indicates there is therapeutic value to music and the JAVA Music Program promotes the music in a group setting which provides the added benefit of peer interaction and support. Request for Proposals asked the nursing home applicants to describe how they anticipated this music program would benefit their residents, impact challenging behaviors in a non-pharmacologic manner and promote residents supporting one another. The Ombudsman Program was pleased to receive a great response to the RFP's and is now receiving promising feedback from each of the recipient homes regarding the positive outcomes for residents as well as staff perceptions of the value of the group music activities.



6. Ombudsman Advocacy Activities

During federal fiscal year 2015, residents and/or their relative or friend continued to be the main source of complaints received by the Ombudsman. Of the 2,694 complaints received in FFY '15, the highest category of complaints fell into the "Resident Care" category. This area of concern received nearly double the number of complaints than any other category documented by Ombudsmen. And the most complaints about Resident Care continue to be about care plans/resident assessments. Ombudsmen participate in Resident Care Plan meetings if invited by the resident or their representative. Often times, the resident or representative initiates the complaint because they believe a need has been discussed and addressed at their care plan meetings, but they do not believe there is consistent follow through to meet the goals set in the care plan. Medication administration is the second most common complaint within the Resident Care category. Residents and representatives have concerns about what, how and when their medications are administered.

The "Admission, Transfer, Discharge, Eviction" category continues to also receive a great number of complaints, second only to "Resident Care". This is a national trend throughout State Ombudsman Programs. Ombudsman assist residents most often when they receive involuntary discharge notices, helping them to understand their rights and refer them to legal assistance organizations if they wish. Often times a major role for the Ombudsman is to understand and attempt to resolve the reasons for the involuntary discharge, consulting with the resident and with the nursing home to clarify all reasons for the notice and to negotiate for a satisfactory resolution for the resident. Sometimes the home reports it is no longer able to meet the needs of the resident due to challenging behaviors, sometimes there are financial or payment issues that may result in the home giving a notice to discharge. Whatever the reason may be, if the resident chooses to ask the Ombudsman for assistance the Ombudsman will do its best to problem-solve to negotiate a remedy for the identified concerns.

Following closely behind the "Admission, Transfer, Discharge, Eviction" category of complaints is "Autonomy, Choice, Preference, Exercise of Rights, Privacy". Nearly a third of the complaints in this category fall into resident concerns about staff attitudes, in particular dignity and respect. And again, Ombudsmen spend a lot of their time consulting with the resident as well as facility staff to ensure that residents feel that they are treated in a dignified and respectful manner.

Complaint resolution is the largest part of the Regional Ombudsman's work, but they also engage in many other advocacy activities. The Regional Ombudsman promotes effective Resident Councils by educating residents about Resident Councils, providing support to them and facilitating the needs of the Resident Councils as they arise. They also support the work of the Executive Board of Presidents of Resident Councils. Regional Ombudsman provides outreach to the public as well. They attend senior fairs throughout the state and provide presentations to various groups and organizations. During nursing home closures Regional Ombudsmen maintain an active role to inform and support resident choice about where they will move. And during facility bankruptcy reorganizations and receiverships, the Regional Ombudsmen also increase their presence in the homes to support residents and ensure their rights are honored in what can be a difficult and anxious time.



7. The Connecticut Coalition of Presidents of Resident Councils

The Executive Board of Presidents of Resident Councils

The Executive Board of Presidents of Resident Councils has an active role advocating for their fellow residents of skilled nursing facilities. The Executive Board members bring issues to the attention of the State Ombudsman and they advocate and offer ideas and solutions about how the Program can affect the quality of life and the well-being of long-term care residents throughout the state. They advise the Office of the State Ombudsman about policy and legislative initiatives that will make theirs and the lives of their peers better. Over the past few years Connecticut has had the incredible representation of these residents contacting media, drafting letters and statements regarding issues of importance. Furthermore, Connecticut has had the gifted advocacy of Brian Capshaw, representing residents throughout the state on the Long Term Care Advisory Council as well as representing their interests at the capitol, meeting with legislators and testifying at public hearings. Brian further represented his peers at the national level through his participation in the Consumer Voice for Quality Long-Term Care. Brian co-chaired the Consumer Voice Leadership Council and participated nationally in a variety of advocacy efforts, most especially issues of appropriate nursing home staffing levels. Brian was honored to be the representative for all nursing home residents at the White House Conference on Aging in Washington, DC in July, 2015. When asked about his experience, Brian said the highlight of the Conference was when he sat in the room and the President of the United States was introduced to the group of attendees.



It has been such a privilege for all of us at the Ombudsman Program to be a part of this unique resident advocacy effort. I am often reminded what a wonderful experience we have in Connecticut to be able to bring residents together at the Annual Voices Forum and to engage the Executive Board members in regular monthly conferences so that they inform the Ombudsman Program and identify legislative and policy initiatives to support residents and Resident Councils throughout the state.





8. Future Recommendations

Challenges	Opportunities
The changing landscape of CT's long-term services and supports (LTSS) presents challenges to consumers rights to informed choice as well as the right to health, safety and well-being no matter the setting in which LTSS are received.	The Office of the State Ombudsman is committed to the State's efforts to rebalance the LTSS systems. And in this fast-changing environment the Ombudsman must be a part of the conversation to ensure best practices for informed choice and continue the conversation to explore advocacy for individuals residing in the community and receiving LTSS.
Ensure that residential care home residents know and are able to fully exercise their rights and access the Ombudsman.	The Office of the State Ombudsman will continue to work with other advocates to provide necessary outreach and educational materials to residential care home residents.
Ombudsman cases are more complex. This is a national trend. There also appears to be a trend toward increased incidences of abuse, neglect and exploitation. Changing technology exacerbates the potential for these types of incidences (for example video monitoring, use of cell phone technology, online banking, etc.)	The Office of the State Ombudsman will continue to explore policy and legislative remedies for abuse, neglect and exploitation of individuals who reside in long-term care facilities. The Ombudsman will continue to actively engage with the partners of the Coalition for Elder Justice in Connecticut.

State Department on Aging

LONG TERM CARE OMBUDSMAN PROGRAM

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Regional Ombudsman:

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