

## SFY2017 Report (July 1, 2016 – June 30, 2017)



### Long Term Care Ombudsman Program (LTCOP)

The Hawaii LTCOP started in 1975 as a federal demonstration project under the Older Americans Act of 1965 (OAA). Because of its success here and in other states, Congress, in its 1978 re-authorization of the Older Americans Act, mandated that every state have a LTCOP.

The Hawaii Legislature responded by amending HRS Chapter 349 in 1979 authorizing the Executive Office on Aging (EOA) to carry out the duties and responsibilities of this Program, without actually creating an Office.

In 2007, the Legislature corrected this oversight and passed a bill to create the Office of the Long-Term Care Ombudsman within EOA.

Today there are approximately 12,340 long term care residents residing in Hawaii's 1,702 licensed long-term care nursing homes, adult residential care homes (ARCHs), expanded ARCHs, assisted living facilities (AL), and community care foster family homes (CCFFHs) - all of whom fall under the jurisdiction of the LTCOP.

The Administration on Aging/Administration on Community Living strongly recommends that all these residents receive, at a minimum, quarterly visit by the LTCOP. With a current program staff of one, this is very difficult to accomplish, henceforth the need for volunteers. Quarterly visits to 1,702 facilities amounts to 28 a day, spread over 6 islands. Even just an annual visit would require 7 facilities a day.

50 nursing homes (NF) with 4,507 beds

493 adult residential care homes (ARCH) with 2,703 beds

14 assisted living facilities (ALF) with 2,230 beds

1,145 community care foster family homes (CCFFH) with 2,900 beds

The LTCOP consists of the State Long Term Care Ombudsman and a [vacant] Volunteer Coordinator. The LTCOP had a full-time paid Ombudsman Specialist for Oahu but that position was eliminated in the EOA Re-Organization, which went into effect July 2015. In the 2017

Legislature, funding was provided to restore that position and \$75,000 was added to hire 3 part-time ombudsmen for Kauai, Maui and Hawaii counties.

The Long-Term Care Ombudsman Volunteer Representative Program is a component of the LTCOP. The program utilizes trained, certified volunteers under the guidelines of state policy (Chapter 90-2) and the OAA. The volunteers function as “representatives” of the Program by making weekly visits to [mostly] seniors residing in state-wide licensed or certified long-term care settings - to provide advocacy; improve the residents’ quality of care and life; respond to, investigate and resolve their complaints; and provide friendly visits. They also provide education regarding residents’ rights and protection from abuse and neglect.

Volunteers: 10 - visiting 17 facilities

1. Joe Kim - Plaza at Moanalua ALF, Hale Nani NF
2. Shin Yamaguchi – Kuakini NF, Hale Malamalama NF
3. Brent Freemont- Hale Makua Wailuku NF, Hale Makua Kahului NF, Hale Makua Wailuku ARCH
4. Robert Fraser – Liliha NF
5. Ron Ueoka – Life Care Center of Hilo NF
6. Chieko Ramirez – Plaza at Mililani ALF, Maunalani NF
7. Jeff Chung – Manoa Cottage Kaimuki NF
8. Lani Lok – Hale Ho Aloha NF, Plaza at Punchbowl ALF
9. Chelsa-Marie Clarabal – Lanai Community Hospital NF
10. Darlene Higa- Pu’uwai ‘O Makaha NF, Kulana Malama NF

During this reporting period, 71 cases were opened with 215 complaints. Who were the complainants?

Resident 20  
Relative/friend 38  
Ombudsman 5  
Facility staff 3  
Agency rep 3  
Anonymous 1  
Other (Banker, Clergy, Law Enforcement, Public Official) 1

Top Complaint Categories:

Discharge 18  
Confinement against will 11  
Billing 10  
Dignity 8  
Exercise preference/choice 8  
Administrator unresponsive 8  
Retaliation 7

Total nursing home complaints 112

Total other (ALF, ARCH, CCFFH) complaints 103

Complaints verified: NF 70, Other 60

Program Funding:

Federal OAA Title VII, Ch. 2 (Ombudsman) \$79,188  
Federal OAA Title VII, Ch. 3 (Elder Abuse Prevention) \$25,883  
Federal OAA Title III provided at State level \$48,003  
State funds \$23,776  
TOTAL \$176,850

Activities:

Monthly 3 hour meetings for all volunteers  
28 hours training for certification of new Ombudsmen

In-service to facility staff: 6  
Consultations to facilities: 1,501  
Information and consultation to individuals: 1,534  
E-mails sent: 2,156  
Participation in facility surveys: 49  
Resident Councils: 4  
Family Councils: 1

Community Education presentations: 30

(pre-retiree seminars, Consumer Voice Leadership Council, senior fairs, NBC Senior Fair 20,145 attended, SMP Advisory Council, Cross Island Resilience – disaster preparedness, Kokua Mau, CAUTI Task Force, LGBT Training, HARA, PABEA, Kupuna Caucus, Guam Division of Senior Citizens staff, Generations Magazine, Mike Buck radio show, Galiher DeRobertis Waxman staff, UH Manoa, etc.)

Work with media: 20

(Mandatory arbitration contracts, ADRC problems, State Plan for Silver Tsunami, DOH inspections on their website/Kokua Council lawsuit/Kupuna Caucus letter to/from Governor, unannounced inspections SB2384, unlicensed ARCHs, Oceanside ALF, CCOH and Alice Smith case)

Percentage of total staff time monitoring laws, legislation, regulations, etc. 25%

Issues:

Lanai/Molokai lack of LTC resources  
CMS Discharge Notices  
“Unlicensed” ARCHs – who has jurisdiction?  
“Banning” family – Court involvement? HPD “welfare check”  
Role of case manager  
    Charging CCFFH caregiver \$150 transfer fee!  
Where to discharge the homeless?  
NFs claiming only “Rapid Recovery Unit”

Criminal/substance abuse background checks on potential residents?

Granny cams

ALF resident kidnapped! Security.

LTC Insurance denied CCFH claim. Must be “awake” staff?

Major Legislation:

Budget bill (\$157,168) restoring Ombudsman Specialist for Oahu and funding 3 part-time ombudsmen for Kauai, Maui and Hawaii counties for two years.