

Testimony Submitted by:

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Older Americans Act Reauthorization Listening Forum

**Administration on Aging
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Good afternoon. My name is Suzanna Swanson, and I am the Managing Local Ombudsman for Dallas County. My program is responsible for serving the residents of 64 nursing homes and 173 assisted living facilities.

Issue related to the Older Americans Act

I'm here today to speak about the need for dedicated funding for Assisted Living Ombudsmen. As you are aware, the 1981 Reauthorization of the Older Americans Act expanded ombudsman duties into assisted living facilities (i.e. board and care homes). Although our responsibilities increased, funding to provide these services did not. In fact, in the almost 30 years since ombudsman duties expanded into assisted living, there has not been any designated funding for assisted living ombudsmen. Consequently, individuals residing in assisted living facilities (ALFs) are not receiving the level of advocacy that is required and that they deserve.

Description of Assisted Living

Traditionally, people have thought of assisted living as a fancy hotel or apartment-like setting, with plenty of staff ready to assist whenever needed, a myriad of activities, and residents who need only a little help. In reality, though, there is a wide spectrum of assisted living facilities. In Dallas County, approximately half of our ALFs are small personal care homes. Many are in low-income, disadvantaged neighborhoods and can barely meet even the most basic needs of the residents. Many of our assisted living residents have heavier care needs than what one might expect. There is a stigma attached to living in a nursing home, and individuals will do anything they can to stay out of them. Consequently, we see assisted living residents who are incontinent, have serious mental health issues, and who are dependent on the staff for multiple activities of daily living. We also see a large number of residents with dementia, who are especially vulnerable because they are unable to speak up for their own needs.

Examples of Complaints in Assisted Living Facilities

Some of the types of complaints we see in ALFs include shortage of food, no heat or air conditioning, filthy buildings, pests (mice, ants), and staff leaving residents unattended. Residents in assisted living have a desperate need for an ombudsman to regularly visit these homes and advocate for them, so that they aren't forced to live in deplorable conditions, such as those listed below:

- The Dallas County Ombudsman Program received a complaint from a resident in a local assisted living. This resident was concerned because another resident, who has mental illness, was lighting fires in the closet in his bedroom to cook meals for himself. The ombudsman voiced the concern to the owner of the small personal care home, who refused to

stop the resident from lighting the fires because she did not want to lose her tenant. The ombudsman notified Regulatory Services and the resident who was lighting fires was relocated to a more appropriate setting.

- In another small ALF, the ombudsman received a complaint that the facility was having financial problems and that the home had no food or electricity. Residents were forced to sit in the dark at night for several days before the ombudsman was notified of the concern and able to contact Regulatory Services.
- During a visit to an ALF, the ombudsman observed a family member trying to force feed his mother, who has dementia. The son was pulling his mother's head back and forcing food down her throat. The ombudsman immediately stepped in and met with the son and facility staff to address the concern.
- Several residents at a small ALF reported to the ombudsman that the manager of the facility had stolen funds from them and threatened them if they complained. The manager was also verbally abusive towards the residents, yelling and cursing at them. The ombudsman intervened and met with the owner and manager. A complaint was ultimately filed with Regulatory Services and the manager was terminated.
- The ombudsman received a complaint from a woman whose mother is a resident in a dementia unit of a large ALF. The resident had hundreds of ants in her bed, and the daughter reported that there were ants in other residents' rooms, as well. The daughter tried to address the concern directly with the ALF staff, but they ignored her. The ombudsman stepped in and was successful in getting the facility staff to attend to the issue.

These cases illustrate the importance of regular, frequent visits by the ombudsman to ALFs. In all of these cases, it is likely that these conditions would have continued if the ombudsman had not intervened. The State Regulatory agency only visits ALFs once a year, or if they receive complaints, and they are not set up to address concerns until they reach a serious level. Instead, the ombudsman is often the only person monitoring the care in these facilities. With a regular presence in ALFs, the ombudsman can address concerns before they become life-threatening situations. In Dallas County, we are fortunate to have an assisted living ombudsman, but she is responsible for serving the residents at 135 facilities by herself and is only able to visit those facilities twice a year. You can imagine the complaints that we are unable to address, simply because funding is lacking to provide sufficient coverage.

Need for Dedicated Funding for Assisted Living Ombudsmen

The need for assisted living ombudsmen is only going to grow. In Dallas County, we've seen a sharp increase in the number of ALFs in just the past five years. In 2005, we had 114 ALFs. Today, that number has grown to 173, which equals a 52% increase.

Number of Facilities in Dallas County						
	1/05	1/06	1/07	1/08	1/09	1/10
Assisted Living	114	128	140	150	156	173
Nursing Facility	57	57	60	61	63	64

We fully expect that this trend will continue as Baby Boomers reach retirement age and begin to need long-term care. They are going to expect options, and aren't going to settle for a nursing home. We are fortunate that our agency receives a small amount of funding that allows us to have one assisted living ombudsman. Again, this person is responsible for 135 homes by herself. Even with this position, we are still only able to visit each assisted living twice a year, which is not enough to adequately monitor residents' care. Most ombudsman programs don't even have that luxury. Without additional dedicated funding, we won't be able to keep up with the expected growth, and our assisted living residents won't have the voice that they so desperately need.