

# **Nebraska State Long-Term Care Ombudsman Program**

*Federal Fiscal Year 2022 Annual Report*

*October 2021 – September 2022*



Office of the Long-Term Care Ombudsman  
(800) 942-7830

## **Message from the State Long-Term Care Ombudsman**

I am pleased to present the annual report from the Office of the State Long-Term Care Ombudsman for federal fiscal year 2022.

The mission of the Office of the State Long-Term Care Ombudsman is to empower and enhance the lives of residents in long-term care facilities by seeking resolution of issues and advocating for residents' rights.

Nebraska's Long-Term Care Ombudsman program is responsible, through federal and state law, to advocate for residents of long-term care facilities, including nursing facilities, boarding homes, adult day homes, assisted living facilities and centers for the developmentally disabled. The Office strives to fulfill this responsibility every day by working to resolve complaints that impact the health, safety, and welfare of residents, and by informing residents of their rights.

The Office of the State Long-Term Care Ombudsman consists of the State Long-Term Care Ombudsman; two Regional Long-Term Care Ombudsman, Local Long-Term Care Ombudsman, and volunteers. To assist in fulfilling the duties outlined by law, the State Long-Term Care Ombudsman has designated four Local Long-Term Care Ombudsmen to serve residents in specific areas of the state. These Local Long-Term Care Ombudsmen recruit, train and monitor certified volunteer Long-Term Care Ombudsmen.

The Biden Administration announced it would be implementing a variety of nursing home reforms, including the creation of a minimum staffing standard in nursing homes, accountability for poor performing nursing homes, increased transparency around ownership and finances, and support for direct care staff. These critical reforms will address many of the long-standing problems that have plagued nursing homes for decades and that the Long-Term Care Ombudsman program have worked to resolve on behalf of residents.

In 2022, closures of facilities have continued in the most rural areas of the state and that has had a negative impact on residents and their families with most residents having to move far from friends and family. Facilities suggest that low Medicaid reimbursement and lack of staffing accounts for the closures.

We are sharing the following information on the efforts made by the program in the past year.

Thank you,



Penny Clark  
State Long-Term Care Ombudsman

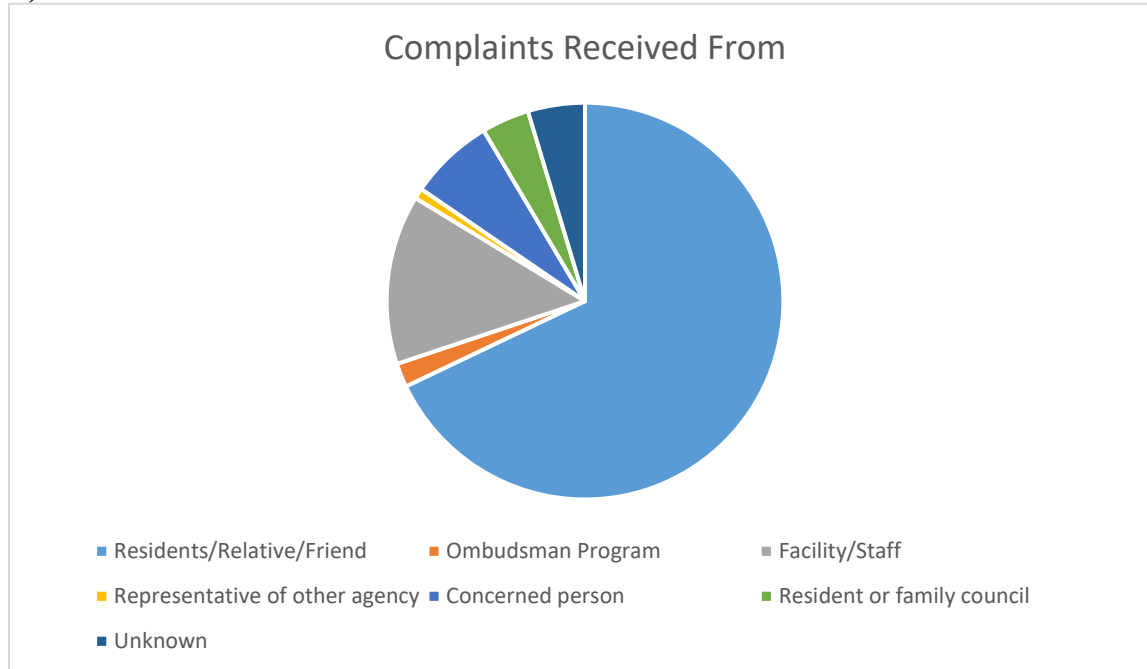
*The Office of the State Long-Term Care Ombudsman is independent in its representation of the interests of long-term care facility residents, and acts without interference from the Nebraska Department of Health & Human Services, or any other government entity to carry out the Ombudsman duties listed in the Older Americans Act.*

## **Federal Fiscal Year 2022 Facts**

The Long-Term Care Ombudsman Program serves 15,538+ people in Nursing Homes and 13,290+ in Assisted Living Facilities through:

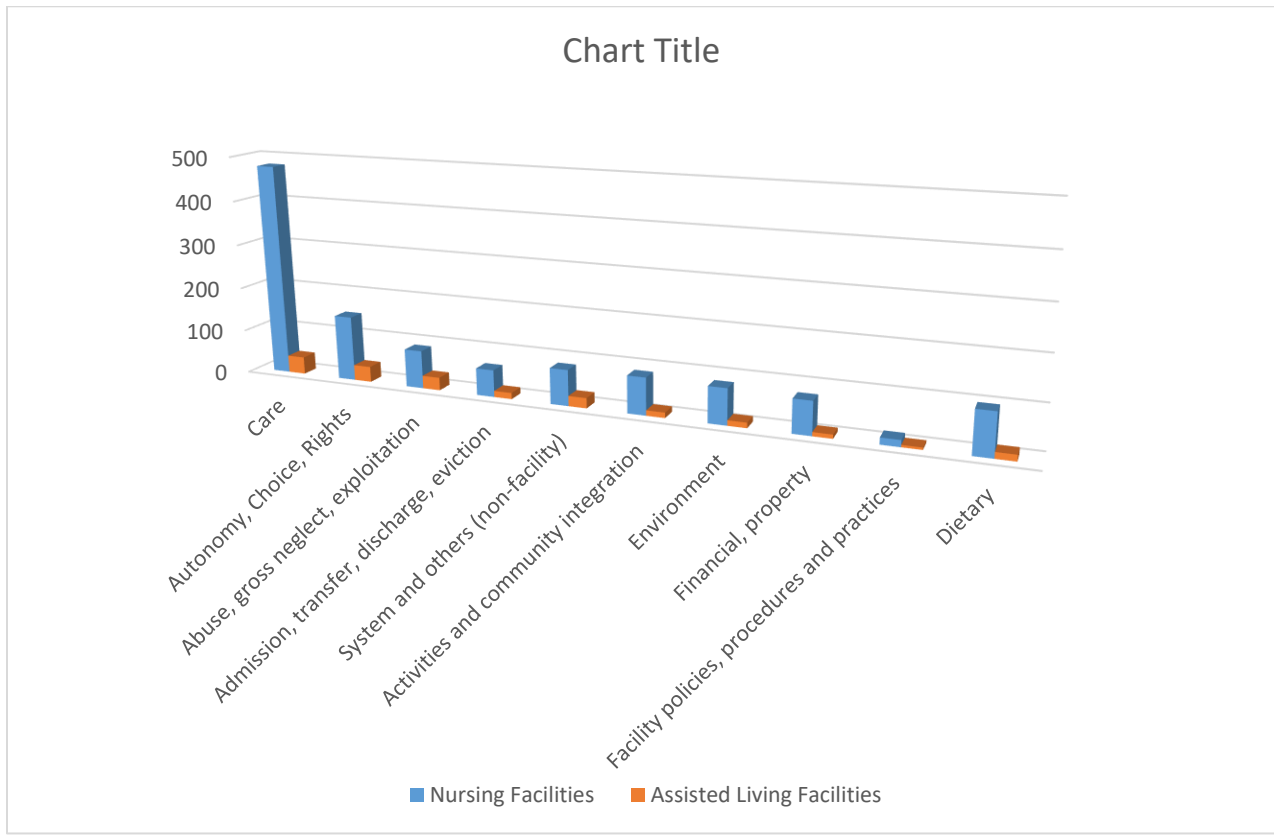
- 3,136+ Facility Visits
- 1,445 Complaints addressed
- 2,902 Information & Assistance to individuals
- 1,738 Information & Assistance to facilities
- 23 Community education sessions
- 26 Trainings for facility staff
- 123 Meetings with resident councils
- 26 Participation in long-term care facility surveys

### **1,095 cases received from:**



- Residents/Relative/Friend – 894
- Ombudsman Program - 12
- Facility/Staff – 144
- Representative of other agency – 9
- Concerned person – 5
- Resident or Family council – 27
- Unknown - 4

## Most frequent complaints in Nursing Homes and Assisted Living Facilities:



1. Care
2. Autonomy, Choice, Rights
3. Abuse, gross neglect, exploitation
4. System and others (non-facility)
5. Dietary
6. Admission, transfer, discharge, eviction
7. Activities and community integration and social services
8. Financial, property
9. Environment
10. Facility policies, procedures and practices

## Office of the State Long-Term Care Ombudsman

**Penny Clark**

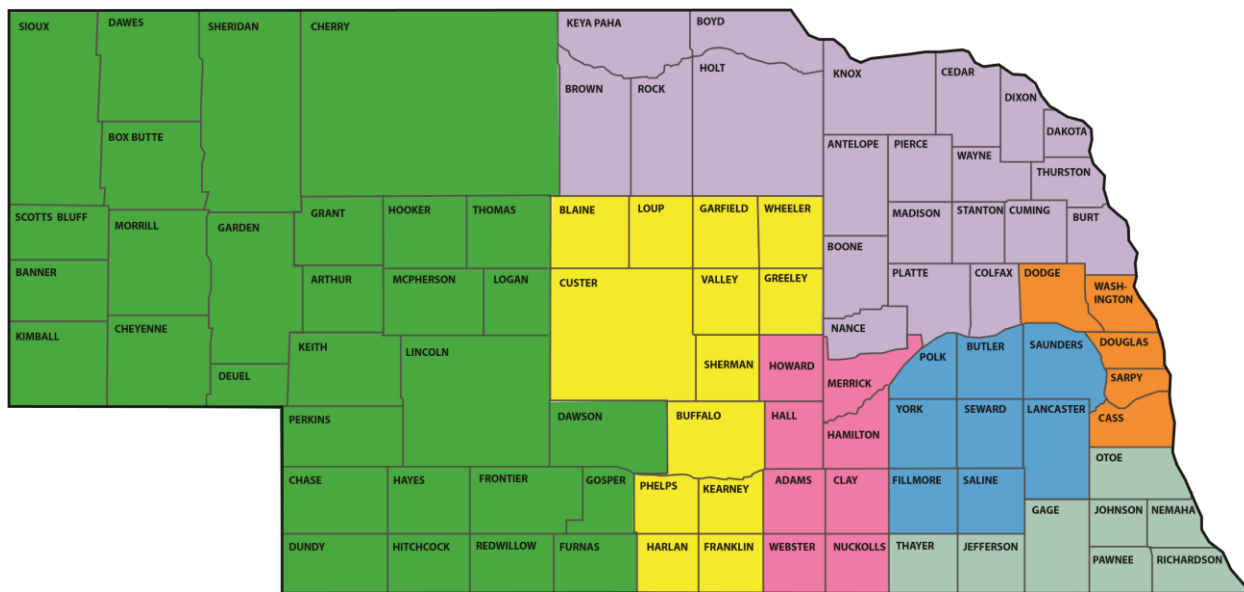
State Long-Term Care Ombudsman

**C.J. Roberts**

Regional Long-Term Care Ombudsman

**Karen Miller**

Regional Long-Term Care Ombudsman



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**Karen Miller**  
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State Unit on Aging Lincoln, NE 68509-5026

## **Activities of the Office**

The program activities of the Office of the State Long-Term Care Ombudsman are divided into the following categories: Advocacy; Cases and Complaints; Community Education; Information and Assistance; Other; Resident and Family Councils; Resident Visitation; Survey Participation; and Training and Technical Assistance. The efforts within each activity are discussed in more detail below.

### **Advocacy**

The primary role of the Long-Term Care Ombudsman program is advocacy – or serving as the voice for residents residing in long-term care settings.

Advocacy can include anything from speaking up for a single individual who is adversely impacted to working for systemic change to ensure that all individuals are treated with dignity and respect. Advocacy also can encompass reviewing and commenting on rules, regulations and laws; recommending policy changes when the health, safety, welfare or rights of residents are impacted; or educating residents, family, providers, policymakers and the general public on issues of concern to individuals residing in long-term care facilities.

### **Cases and Complaints**

The Long-Term Care Ombudsman's Office is mandated to identify, investigate and resolve complaints made by or on behalf of residents of long-term care facilities that adversely affect their health, safety, welfare or rights.

A complaint is a concern brought to, or initiated by, the Long-Term Care Ombudsman for investigation and action on behalf of one or more residents.

Each inquiry brought to, or initiated by, the Long-Term Care Ombudsman on behalf of a resident or group of residents that involves one or more complaints and requires investigation, strategy to resolve and follow-up is considered a case.

### **Community Education**

The Long-Term Care Ombudsman Program presents relevant and timely information to the community on such topics as the role of the long-term care ombudsman; the rights of residents; how to advocate on behalf of or empower residents; and various subject matter topics, including powers of attorney, guardianship, conservatorship, visitation, admissions, discharges and evictions from long-term care facilities.

### **Information and Assistance**

The Long-Term Care Ombudsman's Office provides information and assistance to individuals, facilities and providers. A number of consultations conducted by the Office concerned residents' rights; the abuse, neglect or financial exploitation of a resident; the role of the long-term care ombudsmen and ability to intervene; nursing facility and assisted living services and care issues; and involvement of family and friends. Information and assistance does not involve investigating or working to resolve a complaint.

## **Other**

The Long-Term Care Ombudsman's Office participates in federal, state and local efforts to ensure the rights of and issues impacting residents in long-term care facilities are communicated. Through these efforts, long-term care ombudsmen share systemic issues and day-to-day concerns that adversely impact the health, safety, welfare or rights of residents, as well as work toward resolution of these very issues.

## **Resident and Family Councils**

The Long-Term Care Ombudsman's Office assists residents and family councils by attending meetings, upon request, and by providing technical assistance in the development and continuation of these councils. Resident and family councils are separate meetings that give residents and their families' opportunities to reach out to similarly situated individuals to discuss issues, care needs, frustrations and personal experiences, as well as to receive support and encouragement.

## **Resident Visitation**

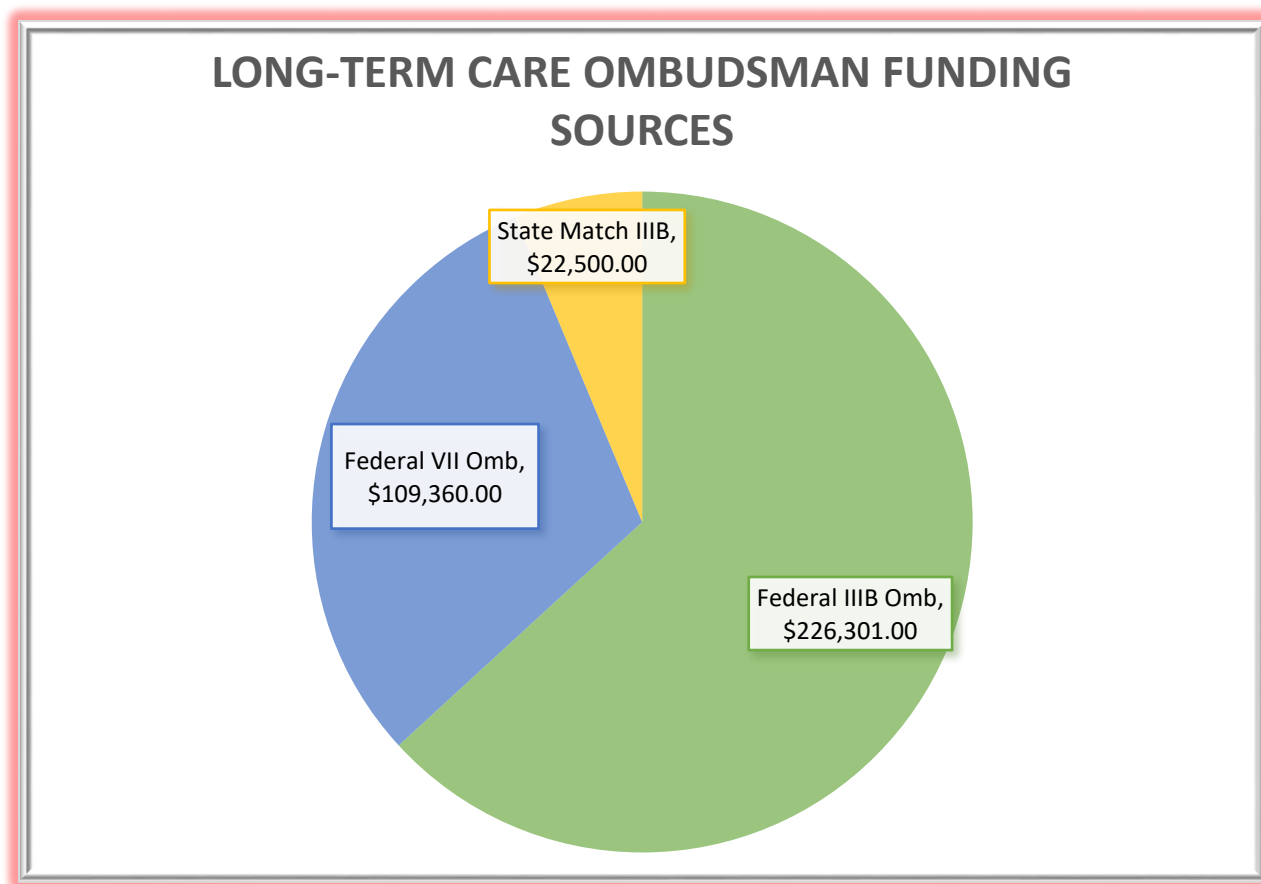
The Long-Term Care Ombudsman's Office responds to inquiries, calls, e-mails and reported concerns by visiting with residents. These visits allow the local and volunteer long-term care ombudsmen to assess a situation, provide education and information and empower residents to take actions, as well as to obtain additional information to pursue the concern as a complaint or case, if needed.

## **Training and Technical Assistance**

The Long-Term Care Ombudsman's Office provides education, training and technical assistance to ombudsmen, volunteers and facility staff. Training and education is needed to ensure staff and volunteers are eligible to maintain certifications and stay abreast of issues surrounding long-term care.

Technical assistance is provided to local long-term care ombudsmen, and volunteer ombudsmen to ensure the consistent and uniform interpretation and implementation of laws, rules and regulations statewide.

## **Funding the Long-Term Care Ombudsman Program**



The chart above shows the funding that is used for the Nebraska Long-Term Care Ombudsman Program. This funding is what is used to advocate for the rights of the more than 29,000 residents in long-term care facilities across the state, as well as providing education to staff at these facilities and to support the volunteer ombudsmen that provide such a valuable service to these residents. As the population continues to age, and the federal funding continues to decrease, more state funds will be needed to help the aging population in Nebraska.

The program also received during fiscal year 20 and 21, \$111,009.00 in CARES funding to assist in supporting residents and families during the COVID 19 pandemic.