



ALASKA LONG TERM CARE OMBUDSMAN



ANNUAL REPORT

JULY 1, 2012—JUNE 30, 2013

Friends of Older Alaskans,

I am pleased to present the 2013 Annual Report for the Alaska Long Term Care Ombudsman program, summarizing the program's activities, outcomes, barriers and recommendations, as required by the federal Older Americans Act. This report also gives the public a snapshot of the kinds of problems that our seniors face and that ombudsmen work to resolve.

Ombudsmen are mandated by state and federal law to advocate for the rights of seniors in Alaska's nursing and assisted living homes. Alaska law also authorizes the Ombudsman to investigate complaints from seniors living independently, if the complaints relate to problems with service providers, public programs and landlords. Dedicated staff ombudsmen and volunteers investigate complaints and work for resolutions that preserve the dignity and safety of our most vulnerable older Alaskans.

Alaska has the fastest growing senior population in the nation. You and I will be challenged to protect older Alaskans' safety and dignity as their numbers and needs increase in the next decade. I hope this report will be useful to you as we strive together to care for the pioneers who built Alaska.

Diana Weber

State Long Term Care Ombudsman

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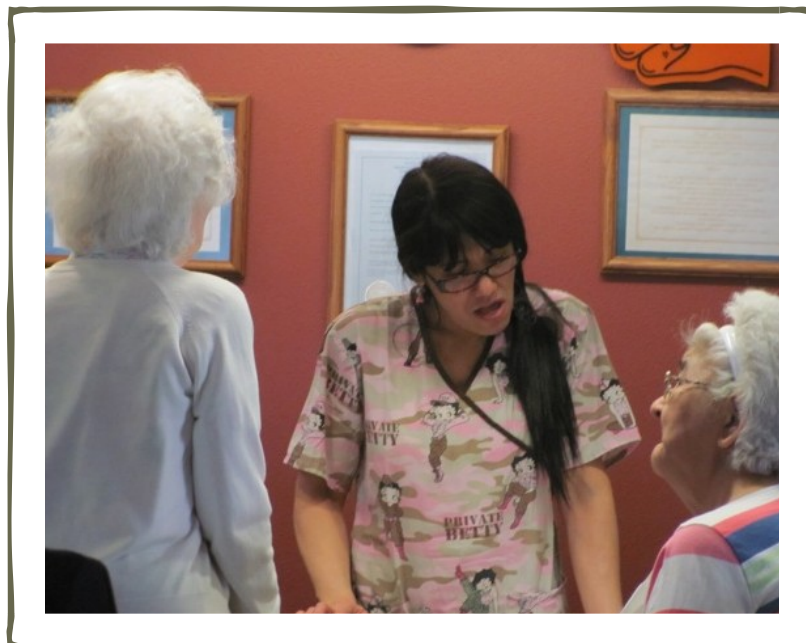
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Ombudsman Investigations in Long Term Care Facilities

- As of June 2013, Alaska had 17 skilled nursing facilities and 636 licensed assisted living homes.
- The Ombudsman opened 619 cases related to complaints against long term care facilities.
- 92% of cases related to assisted living homes.
- 4 staff ombudsmen investigated facilities in Anchorage, Chugiak, Dillingham, Fairbanks, Galena, Haines, Homer, Juneau, Kasilof, Kenai, Ketchikan, Kodiak, Nome, North Pole, Palmer, Petersburg, Seward, Sitka, Soldotna, Sterling, Valdez and Wasilla.
- **The top five complaints against facilities were**

Accidents/injuries/falls/improper handling	121
Failure to secure medical services for residents	104
Failure to supervise residents or staff adequately	99
Medication errors (management/administration)	80
Improper/illegal eviction	44
- **In closed cases for FY 13**

85% were resolved to the satisfaction of the resident or complainant
9% were partially resolved
4% were referred to another agency, withdrawn or required no action
2% were not resolved.



Ombudsman Investigations in Other Settings

Under AS 47.62.015(b), the Long Term Care Ombudsman is authorized to investigate and resolve complaints made by, or on behalf of, older Alaskans who do not live in facilities but do have problems with service providers, public agencies, and landlords.

- The Ombudsman opened 52 cases for investigation in Anchorage, Bethel, Fairbanks, Homer, Kenai, Ketchikan, Kodiak, Nenana, Palmer, Sutton, and Valdez.
- The most common complaints related to problems with senior housing property managers, unfair utility billing practices, guardianship, exploitation/fraud by family members, and failure of private agencies to provide appropriate care.
- In closed cases for FY 13:

60% were resolved to the satisfaction of the older Alaskan or complainant

15% were partially resolved

11% were not resolved

14% were referred to another agency, withdrawn or required no action.



Unannounced Home Visits

AS 47.62.025 gives the Ombudsman access to all long term care facilities and residents. The purpose of ombudsman unannounced visits to facilities is twofold. One, the visits give older Alaskans “regular and timely access” to ombudsmen as required by the Older Americans Act. Two, they allow ombudsmen to monitor the conditions of the residents and the homes.

We consider these visits vitally important, especially because many residents are either too disabled to make a complaint or too afraid of retaliation by caregivers to call us. Until an ombudsman visits a home, seniors often do not recognize they have an advocate who will speak for them.

We recruit and train volunteer ombudsmen to make many of the home visits. These dedicated Alaskans are the “eyes and ears” of the Ombudsman.

During FY 13 ombudsmen made 287 unannounced home visits.

- 4 staff and 12 volunteer ombudsmen visited assisted living and nursing homes in Anchorage, Barrow, Chugiak, Cordova, Fairbanks, Haines, Homer, Juneau, Kenai, Ketchikan, Kodiak, Kotzebue, Nome, North Pole, Palmer, Petersburg, Seward, Sitka, Soldotna, Valdez and Wasilla.
- When ombudsmen encountered problems in the home, they either resolved the problems on the spot or opened cases for investigation. The types of problems they identified and investigated during home visits included

Home in poor repair, dirty, not enough food, improper diet.

Resident neglected and in need of medical attention.

Resident not changed, poor hygiene.

Resident not receiving services on Plan of Care.

Medication errors.

Administrator or staff unresponsive to resident’s request for assistance.

The Ombudsman collaborated with many state and federal agencies to protect vulnerable seniors. These agencies included DHSS Health Care Services, DHSS Senior and Disabilities Services, DHSS Behavioral Health, the Office of Elder Fraud and Assistance, the Medicaid Fraud Control Unit and federal Homeland Security.



Program Accomplishments

- Provided information and consultation to 172 members of the public and 115 care providers.
- Published monthly columns in the statewide Senior Voice newspaper with information on retaliation by caregivers, undue influence and financial exploitation, tenant protections in the Landlord Tenant Act, Veterans' benefits in assisted living, and other topics relating to protecting the rights and safety of vulnerable seniors.
- Trained over 100 new assisted living home administrators and care coordinators on residents' rights and the role of the Ombudsman in protecting seniors.
- Participated on the DHSS Mortality Review Team to identify and investigate suspicious deaths of seniors.
- Collaborated with the Alaska Psychiatric Institute on a research project to identify the reasons for increased admissions of patients with dementia.
- Re-designed the program website to allow online submission of complaints.

Why do seniors need an Ombudsman?

The stories below demonstrate why vulnerable older Alaskans need advocates. Ombudsmen never know what they will find when they visit a home or investigate a complaint, but their focus is always on resolving problems and keeping seniors safe.

A volunteer ombudsman noticed that a formerly functional resident suddenly was sitting dazed in his chair, unable to talk or to stand without falling. The home had not called the resident's doctor. The volunteer alerted the Ombudsman who made sure the resident got an appointment. After the doctor adjusted his medication, the resident was restored to normal functioning.



The home's administrator refused to allow a wheelchair-bound resident to bring his wheelchair inside because she didn't want her floors to get dirty. As a result, the resident had to crawl to get to the bathroom. The ombudsman insisted that the administrator put a plastic runner on the rug and allow the wheelchair in the home.

An ombudsman discovered that a very ill, non-English speaking resident was being exploited by members of his church. She alerted APS who filed for an emergency guardianship. She then worked with his assisted living home to find him a translator, give him a bell so he could ring for assistance and provide him with ethnic foods that he could eat.

A resident asked the ombudsman to help him regain his legal rights. The court had appointed a guardian two years' prior when he was ill, but the resident was better now and could take care of himself. The ombudsman filed for a review of guardianship and helped the resident and his family find a new apartment so he could leave the assisted living facility.

Requirements of the Older Americans Act

Federal law requires the Ombudsman to submit an annual report to the Governor, the State Unit on Aging (DHSS) and other policymakers to provide

- Program activity data and analysis, including barriers that prevent optimal performance by the long term care ombudsmen, and
- Policy, regulatory, and legislative recommendations to improve the quality of care for residents, to protect their health, safety, welfare and rights; and to remove barriers to optimal performance of the Ombudsman program.

Analysis of Program Activities and Barriers

Complaints to the Long Term Care Ombudsman have risen steadily, even dramatically, in the last five years: the program opened an average of 56 cases per month in FY 13, compared to 14 per month in FY 09. Staff were able to conduct almost as many unannounced visits to facilities as in FY12, but they did not have sufficient time to recruit and train enough volunteer ombudsmen to visit all Alaska long term care facilities. A new assistant ombudsman position was funded by the Legislature for FY 2014 to meet the increased demand for investigations and to increase unannounced home visits and volunteer recruitment. In FY 14, for the first time, the program is sufficiently staffed to meet its mandate.

However, the program is partially funded by the federal Older Americans Act grant and cuts to that grant in FY 15, added to rising administrative costs from the state, will result in a significant reduction in program travel funds, which may curtail investigations outside of Southcentral Alaska. In FY 16, the program will lose .5 FTE because of further cuts to the federal grant. With the fastest growing senior population in the nation, Alaska's demand for Ombudsman services will increase, but the program will be challenged to meet the need unless the funding shortfall is addressed. Vulnerable seniors may be at risk.

Recommendation

- **Reform Alaska Power of Attorney law to include provisions from the model 2006 Uniform Power of Attorney Act.** The most frequent type of exploitation reported to the state Elder Fraud and Assistance program involves a family member abusing a power of attorney. Examples of UPOAA provisions that protect seniors include a clear statement of the agent's duty to act in the best interest of the principal and protections for a third party who refuses to honor a POA when there is suspicion of elder abuse.