

North Carolina

State Long-Term Care Ombudsman Program

2018 Annual Report



*Promoting quality of life and quality of
care for long-term care residents.*



Disclaimer: The information provided by the Office of State Long-Term Care Ombudsman Program in this report is for general information purposes only. It does not represent the positions of the state agency or other agencies in which the office or representatives of the office are organizationally located. Data and findings represent the types of problems experienced and complaints reported by residents and representatives to the Office.



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

JOYCE MASSEY-SMITH, MPA •
Director, Division of Aging and Adult Services

I am pleased to submit the 2018 Annual Report of the Office of the State Long Term Care Ombudsman Program reflecting federal fiscal year October 1, 2017 - September 30, 2018.

Pursuant to North Carolina General Statute 143B-181.18 (8), this annual report provides an updated review of the accomplishments in advocacy and direct services provided by representatives of the long-term care ombudsman program at both the state and regional levels. Also, included in the report are overviews of the statewide community advisory committees. The data within the report demonstrates our achievements toward protecting residents' rights, empowering families, educating consumers, and our commitment to quality, person-centered care for residents in long-term care facilities across North Carolina.

I welcome any questions or comments you may have about our annual report.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Orija".

Victor Orija, MPA
State Long-Term Care Ombudsman

DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF AGING AND ADULT SERVICES

LOCATION: 693 Palmer Drive, Taylor Hall, Raleigh, NC 27603
MAILING ADDRESS: 2101 Mail Service Center, Raleigh, NC 27699-2101
www.ncdhhs.gov • TEL: 919-855-3400 • FAX: 919-733-0443

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Program Purpose

The North Carolina Long-Term Care Ombudsman Program exists to protect resident's rights and improve the quality of care and life for residents in long-term care facilities. To accomplish this mission, the Program:

- ◆ Receives and attempts to resolve complaints made by or on behalf of residents in long-term care facilities
- ◆ Provides information to the public about issues facing long-term care residents
- ◆ Works with long-term care providers to resolve issues of common concern
- ◆ Conducts in-service trainings on topics relevant to resident rights and quality of life for facilities and long-term care providers and staff
- ◆ Trains and provides technical assistance to Community Advisory Committee volunteers
- ◆ Collects and reports data regarding the number of complaints handled and other program activities
- ◆ Facilitates community education sessions on elder abuse, neglect, and exploitation
- ◆ Provides information to public agencies, legislators and others on problems impacting the rights of residents, and makes recommendations for the resolution of issues identified



History and Legal Basis

The federal Older American's Act provided the authorization for the establishment of a national Long-Term Care Ombudsman Program beginning in 1978. In following years, amendments to the Older American's Act expanded the jurisdiction and scope in each state to include both nursing homes and adult care homes. It also called for the formation of a network of volunteers to assist with complaint response and systems advocacy for long-term care residents.

In 1989, the North Carolina State Long-Term Care Ombudsman Program was codified into state law through General Statute 143B-181.15-25, which mirrored the federal mandates provided in the Older American's Act. The legislation established guidelines for both state and regional programs. The Office of State Long-Term Care Ombudsman is housed within the North Carolina Department of Health and Human Services, Division of Aging and Adult Services. The 16 Regional Ombudsman Programs are housed within the Area Agencies on Aging across the state.

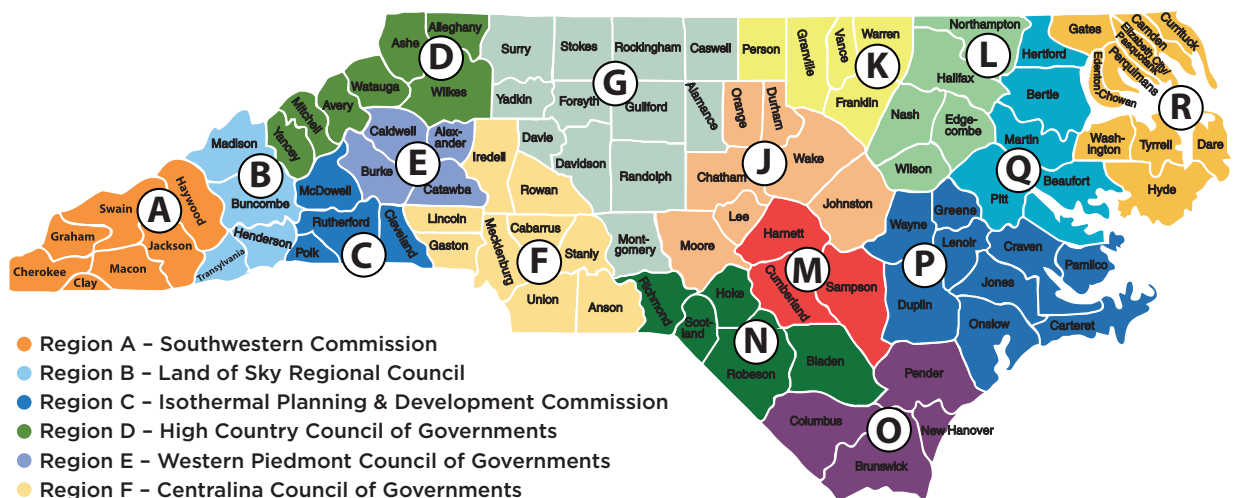
Program Structure

The Office of the State Long-Term Care Ombudsman Program is housed within the Elder Rights and Special Initiatives Section of the Division of Aging and Adult Services. The Office is comprised of the State Long-Term Care Ombudsman, an Ombudsman Program Specialist and an Ombudsman Elder Rights Specialist. These staff manage the day-to-day program administration that includes assuring

all newly hired Regional Ombudsmen complete the required certification and designation requirements mandated in federal and state law. The Office of the State Long-Term Care Ombudsman also provides quarterly training sessions to Regional Ombudsmen on a variety of aging and long-term care issues.

The Regional Ombudsman Program operates out of the 16 Area Agencies on Aging. Regional Ombudsmen provide advocacy and direct services to long-term care residents for the counties they serve.

AREA AGENCY ON AGING



- Region A - Southwestern Commission
- Region B - Land of Sky Regional Council
- Region C - Isothermal Planning & Development Commission
- Region D - High Country Council of Governments
- Region E - Western Piedmont Council of Governments
- Region F - Centralina Council of Governments
- Region G - Piedmont Triad Regional Council
- Region J - Triangle J Council of Governments
- Region K - Kerr-Tar Regional Council of Governments
- Region L - Upper Coastal Plains Council of Governments
- Region M - Mid-Carolina Council of Governments
- Region N - Lumber River Council of Governments
- Region O - Care Fear Council of Governments
- Region P - Eastern Carolina Council of Governments
- Region Q - Mid-East Commission
- Region R - Albemarle Commission

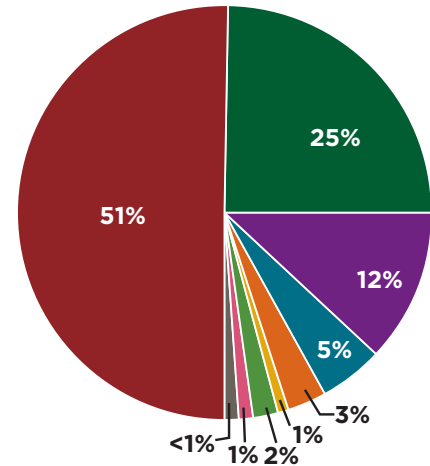
The Community Advisory Committees are designated and certified by the State Ombudsman. These volunteers provide additional support to the long-term care residents within their specified counties. They are appointed by their local board of county commissioners and are trained by Regional Ombudsmen. For Federal Fiscal Year 2018, there were 818 trained community advisory committee members serving on adult care home, nursing home, or joint community advisory committees across all 100 counties in North Carolina.

Federal Fiscal Year 2018: Overview

In Federal Fiscal Year 2018, the North Carolina Long-Term Care Ombudsman Program completed investigations of 2,142 cases containing 4,337 complaints. The most frequently addressed complaints were related to **transfer/discharge, dignity/respect, and medication administration.**

Ombudsmen receive complaints from residents and a variety of individuals that initiate concerns on behalf of residents. The ombudsmen received complaints from 2,142 complainants in Federal Fiscal Year 2018. The breakdown of complainants is as follows:

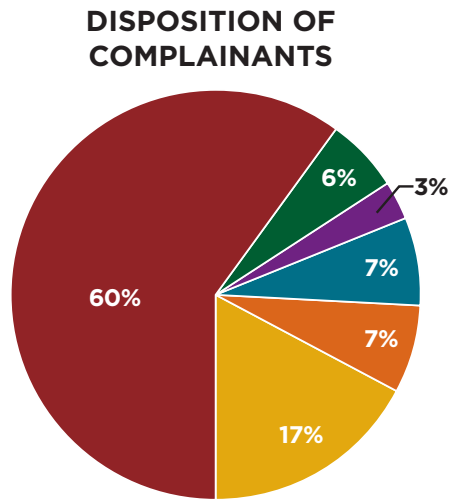
**COMPLAINANT SOURCES
FFY 2018**



COMPLAINANT TYPE	FFY 2018 COUNT	PERCENT OF TOTAL
Resident	1082	51%
Relative/friend of resident	538	25%
Guardian/legal representative	247	12%
Ombudsman/CAC Member	111	5%
Facility staff	72	3%
Other medical: physician/staff	21	1%
Other health/social programs	37	2%
Unknown/anonymous	31	1%
Other-bankers, clergy, elected officials	3	Less than 1%

Of all 4,337 complaints that were received in 2018, ombudsmen were able to resolve, or at least partially resolve, 66% of complaints to the satisfaction of the resident or their representative.

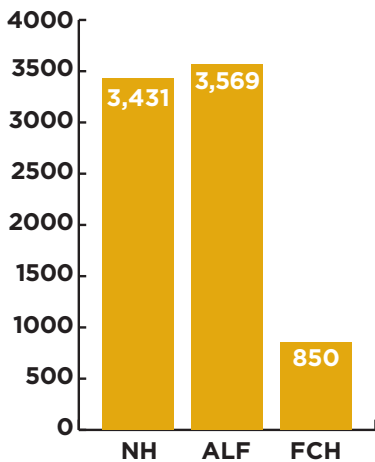
DISPOSITION OF COMPLAINANTS	PERCENT
Resolved	60%
Partially Resolved	6%
Not Resolved	3%
Withdrawn	7%
Referred to Another Agency	7%
No Action Needed/Appropriate	17%



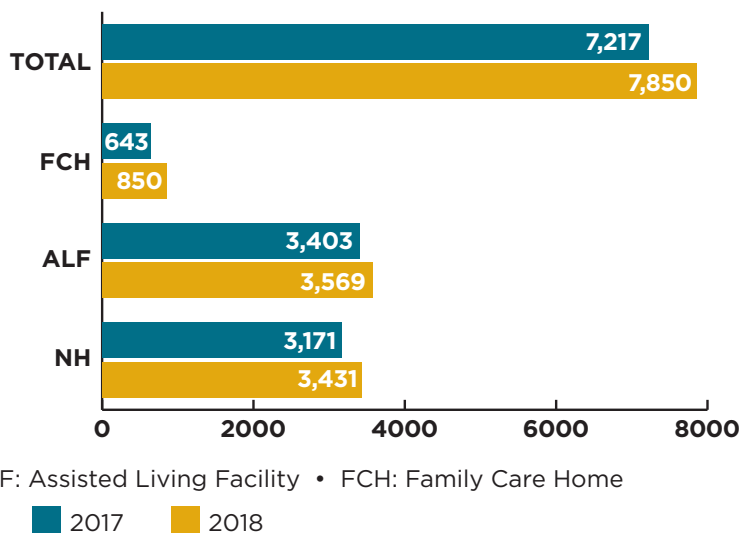
Ombudsmen verify complaints through a variety of investigative techniques including interviews, record reviews, observations, and other fact-finding methods. When a complaint is verified by an ombudsman, it has been determined through investigative work that the conditions and circumstances described in the complaint are generally accurate. **In 2018, 77% of the complaints received by the program were verified.**

In addition to addressing complaints, ombudsmen make regular visits to facilities to establish rapport with residents and observe the general conditions of the facility. Below is a summary of the **7,850** visits made to residents in FFY 2018.

NUMBER OF VISITS TO FACILITIES FFY 2018



TWO YEAR COMPARISON NUMBER OF VISITS TO FACILITIES FFY 2017-FFY 2018



NH: Nursing Home • ALF: Assisted Living Facility • FCH: Family Care Home

■ 2017 ■ 2018



2018 Program Overview

North Carolina State & Regional Long-Term Care (LTC) Ombudsman Program • Oct. 1, 2017 – Sept. 30, 2018

- 4,337** Complaints received by the LTC Ombudsman Program
- 2,142** Complainants assisted by State and Regional LTC Ombudsmen
- 5,721** Instances of technical assistance provided to individuals regarding long-term care issues
- 7,850** Resident visits made in adult care homes and nursing homes
- 627** Facility licensure surveys observed
- 150** Resident Council meetings attended
- 624** Community education workshops conducted
- 3,166** Consultations to LTC providers
- 303** Training sessions provided for staff in LTC facilities
- 1,953** Hours spent training community advisory committee members and new ombudsmen

Ombudsmen in Adult Care Homes

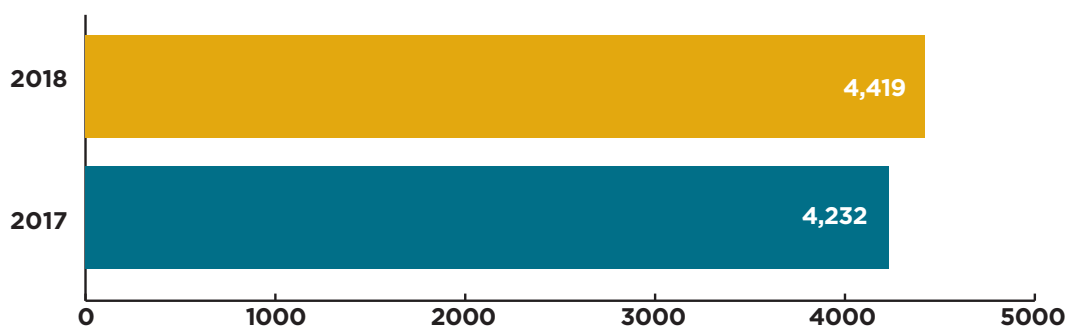
Adult Care Homes

Number of Licensed Facilities	Number of Licensed Beds
1,227	41,132

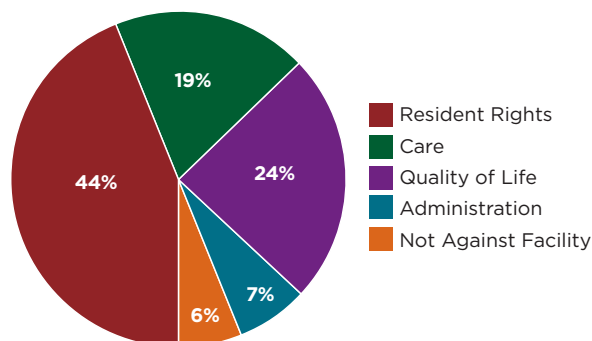
In North Carolina, assisted living facilities and family care homes are classified generally as “adult care homes.” As required by General Statute, ombudsmen are expected to visit adult care homes with seven or more residents at least quarterly and family care homes, which have two to six residents, at least annually. **In FFY 2018, the ombudsman program made 4,419 visits to adult care homes.**

During the same period, there were **1,800 complaints handled in adult care homes by ombudsmen.** The most frequent complaints investigated by ombudsmen on behalf of residents in adult care homes were related to **transfer/discharge, dignity/respect/staff attitudes, and medication administration.** The following graphs further illustrate the categories and types of complaints received by ombudsmen.

NUMBER OF VISITS TO ADULT CARE HOMES TWO YEAR COMPARISON



Categorical Breakdown of Adult Care Home Complaints Received by Ombudsman Program in 2018



CATEGORY	TYPE OF COMPLAINT	NUMBER OF COMPLAINTS	TOTAL NUMBER BY CATEGORY
Resident Rights	Abuse, neglect, exploitation	58	801
	Access to information	49	
	Admission, transfer, discharge	183	
	Autonomy, choice, preference, privacy	341	
	Financial, property	170	
Resident Care	Care	274	346
	Rehabilitation, Maintenance of Function	66	
	Restraints	6	
Quality of Life	Activities and Social Services	95	424
	Dietary	123	
	Environment	206	
Administration	Policies, Procedures, Attitudes, Resources	37	118
	Staffing	81	
Not Against Facility	Certification/Licensure Agency	9	111
	State Medicaid Agency	16	
	Systems/Others	86	
Total Adult Care Home Complaints			1,800

Ombudsmen in Nursing Homes

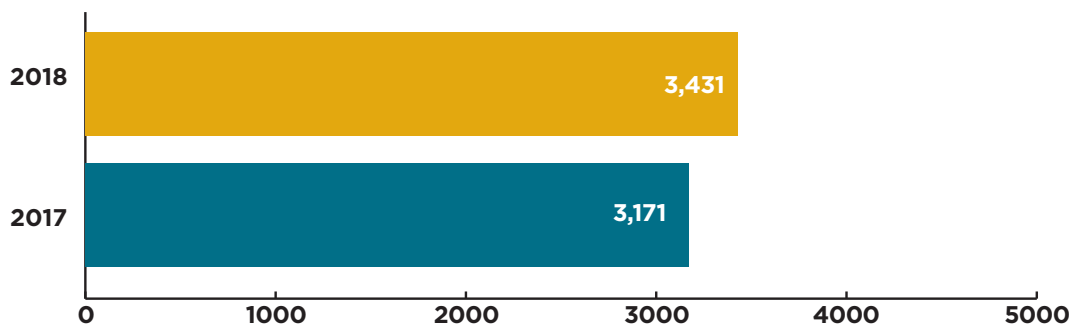
Nursing Homes

Number of Licensed Facilities	Number of Licensed Beds
421	45,432

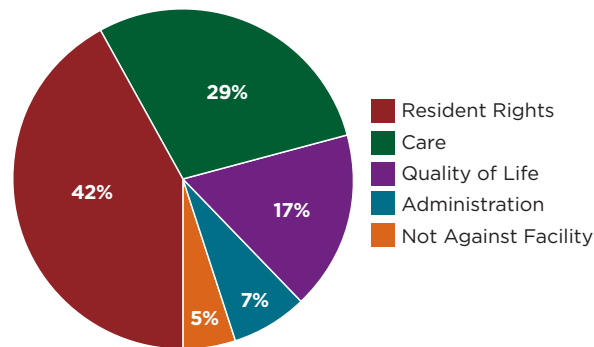
Ombudsmen are expected to visit nursing homes at least quarterly. In FFY 2018, the ombudsmen made **3,431** visits to nursing homes.

During the same period there were **2,537** complaints handled in nursing homes by ombudsmen. The most frequent complaints investigated by ombudsmen on behalf of residents in nursing homes were related to **transfer/discharge, dignity/respect/staff attitudes, and personal hygiene (includes nail care and oral hygiene) and adequacy of dressing and grooming**. The graphs shown further demonstrate the categories and types of complaints received by ombudsmen.

NUMBER OF VISITS TO NURSING HOMES TWO YEAR COMPARISON



Categorical Breakdown of Nursing Home Complaints Received by Ombudsman Program in 2018



CATEGORY	TYPE OF COMPLAINT	NUMBER OF COMPLAINTS	TOTAL NUMBER BY CATEGORY
Resident Rights	Abuse, neglect, exploitation	77	1,070
	Access to information	78	
	Admission, transfer, discharge	378	
	Autonomy, choice, preference, privacy	405	
	Financial, property	132	
Resident Care	Care	592	745
	Rehabilitation, Maintenance of Function	134	
	Restraints	19	
Quality of Life	Activities and Social Services	83	420
	Dietary	165	
	Environment	172	
Administration	Policies, Procedures, Attitudes, Resources	44	178
	Staffing	134	
Not Against Facility	Certification/Licensure Agency	20	124
	State Medicaid Agency	8	
	Systems/Others	96	
Total Adult Care Home Complaints			2,537

Trending Grievance: Transfer/Discharge

The transfer and discharge of residents remains an issue for long-term care in North Carolina within nursing homes and adult care homes. Some discharges result from resident behaviors, non-payment or facilities that are unwilling to re-admit residents. Residents have rights during the transfer/discharge process and facilities must follow rules and regulations when transferring or discharging a resident. For example, a facility can only transfer or discharge a resident for the following reasons:

- i. When necessary for the resident's welfare and the residents' needs cannot be met in the facility
- ii. When appropriate because the residents' health has improved sufficiently so the resident no longer needs the services provided by the facility
- iii. The safety of individuals in the facility is endangered due to the clinical or behavioral status of the resident
- iv. The health of individuals in the facility would otherwise be endangered
- v. The resident has failed, after reasonable and appropriate notice, to pay for (or to have paid under Medicare or Medicaid) a stay at the facility or
- vi. The facility ceases to operate

Before a facility transfers or discharges a resident, the facility must notify the resident and the resident's representative(s) of the transfer or discharge and the reasons for the move in writing at least 30 days before the resident is transferred or discharged. Notice must be made as soon as practicable before transfer or discharge when:

- i. The safety of individuals in the facility would be endangered
- ii. The health of individuals in the facility would be endangered

- iii. The residents' health improves sufficiently to allow a more immediate transfer or discharge
- iv. An immediate transfer or discharge is required by the resident's urgent medical needs
- v. A resident has not resided in the facility for 30 days

In all cases and upon the residents' request, regional ombudsmen are available to advocate for residents to ensure the protection of their rights and may assist with the discharge hearing process.

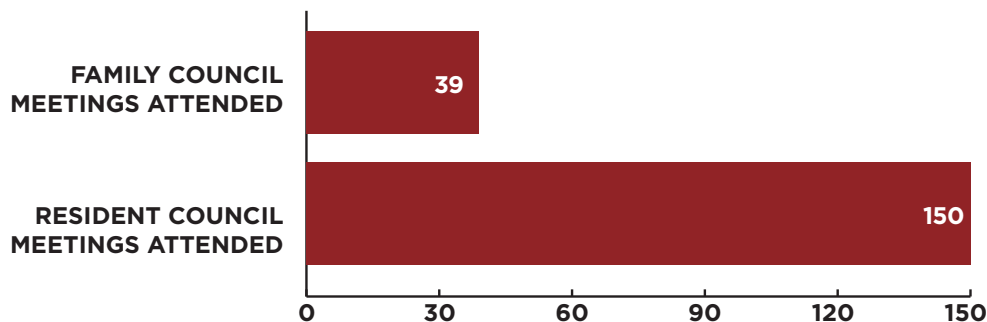


Other General Information, Technical Assistance and Training

The ombudsman program provides residents, families, citizens and facility providers consultation and training. Ombudsmen have in-depth knowledge of how to navigate the system which includes long-term care, resident rights and advocating for person-centered strategies in problem solving.

Resident and Family Councils

In FFY 2018, ombudsmen attended **150 resident council meetings and 39 family council meetings**. Ombudsmen attend these meetings solely at the invitation of the groups and are typically asked to share information about the ombudsman program and resident rights when they attend.



Consultation to Residents and Families

At both the state and local levels, during FFY 2018, the ombudsman program provided **5,721 consultations to individuals about long-term care**. The most frequently requested topics included consumer requests for **lists of facilities, residents' rights, and transfer/discharge**.

Provider In-Service Training and Consultations

Ombudsmen are often called on to provide technical assistance and training to facilities about matters of resident rights, quality of life, and other aging issues. In FFY 2018, ombudsmen provided **3,166 consultations to providers** about a variety of issues. The three most common areas were related to **resident rights, transfer/discharge and dealing with difficult resident behaviors**. Additionally, ombudsmen provided **303 provider in-service trainings**. The most commonly requested topics included **overview of the new nursing home regulations, transfer/discharge** and **aging sensitivity**. These trainings reached **6,185 facility staff members**.

Community Education

Ombudsmen are also called on by various civic organizations, faith groups, and other community organizations to educate citizens about issues facing older adults in long-term care settings. The most frequently requested topics of community education in FFY 2018 were **elder abuse awareness prevention activities, aging sensitivity training**, and **the Ombudsman Program**. Regional Ombudsmen spent **2,662 hours** conducting **624 sessions** of community education.

Elder Abuse Awareness and Prevention Activities

The Long-Term Care Ombudsman Program hosts a variety of community education and outreach sessions across the state specifically designed to educate people about elder abuse. In 2018, ombudsmen conducted **111 sessions of community education** on elder abuse awareness, identification, and prevention. These sessions reached **6,343 community members**.

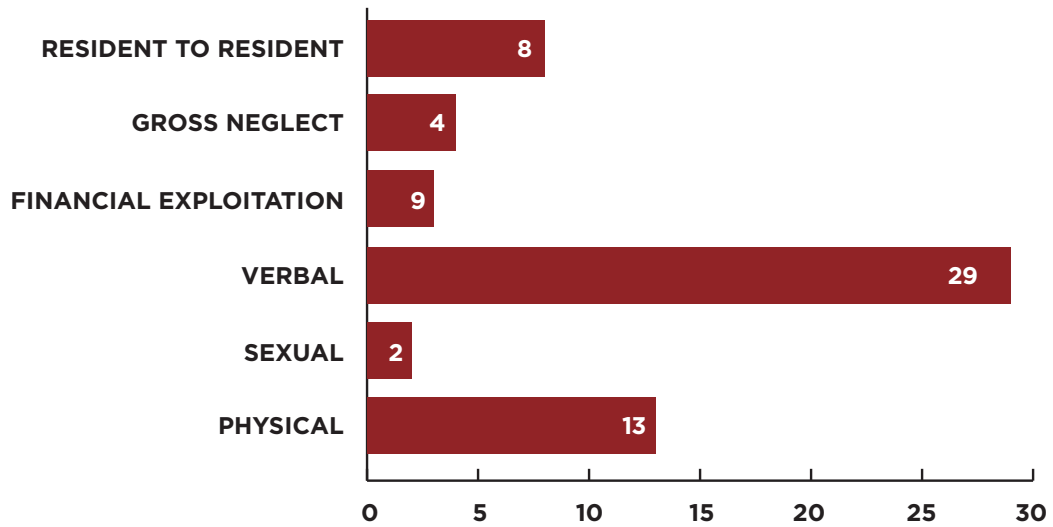
In addition to these education sessions, ombudsmen seek community collaboration among agencies like long-term care providers, senior centers, faith groups and other community entities to assist with outreach efforts. Often, the ombudsmen participate in multi-disciplinary teams that emphasize elder abuse awareness. The Office of the State Long-Term Care Ombudsman continues to oversee the SAFE in LTC Taskforce dedicated to the awareness of crimes committed in long-term care facilities.

Ombudsmen conducted **23 sessions of provider in-service training** on elder abuse awareness, reaching **605 facility staff members**.

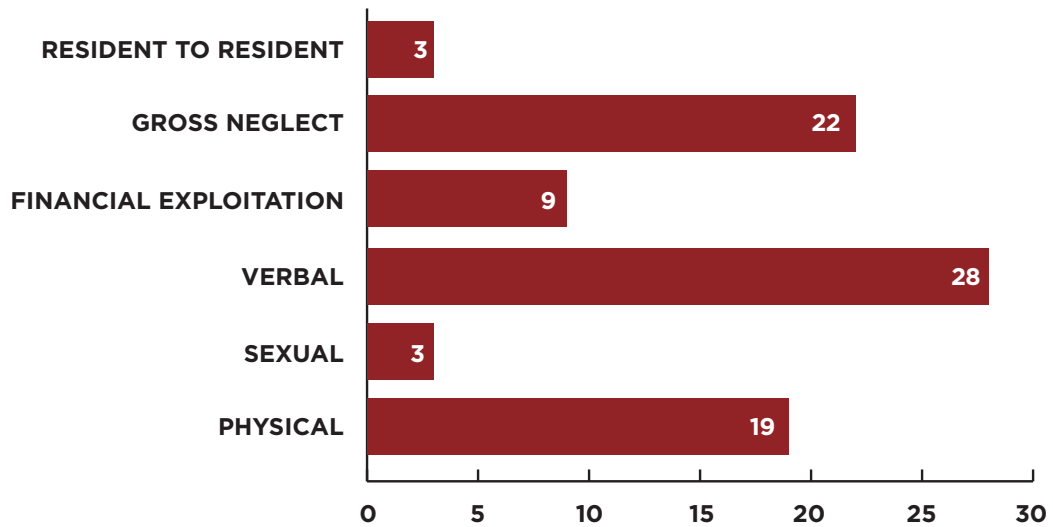
An additional **14 training sessions** were provided to community advisory committees on elder abuse awareness. These sessions reached **142 volunteers**.

Ombudsmen in North Carolina do not investigate allegations of abuse, neglect or exploitation. However, they can empower and support victims of abuse by encouraging them to self-report and by connecting them with agencies such as local departments of social services, law enforcement and regulatory agencies to have their concerns appropriately addressed.

FFY 2018 NURSING HOME ABUSE COMPLAINTS



FFY 2018 ADULT CARE HOME ABUSE COMPLAINTS





Ombudsmen in Action: Elder Abuse Awareness

National and International research shows that abuse, neglect, and exploitation of vulnerable and older adults is grossly underreported. The well-being of North Carolina's vulnerable and older adults is a shared responsibility of the community. All North Carolinians are charged under state law to report suspected abuse, neglect, or exploitation to their local County Department of Social Services. Additionally, the Long-Term Care Ombudsman Program is responsible for initiating special projects and/or events to increase public awareness of current long-term care issues and elder abuse prevention. In FFY 2018, Ombudsmen throughout the state collaborated with other agencies that provide services to the aging and adult services population to plan and conduct community forums on long-term care issues and elder abuse prevention. The State of North Carolina joins the world in recognizing World Elder Abuse Awareness Day every June 15th and Governor Roy Cooper proclaimed Mother's Day through Father's Day, May 13 - June 17, 2018, as "*Vulnerable Adult and Elder Abuse Awareness Month.*"

At the state level, several divisions within the Department of Health and Human Services united to plan an elder abuse awareness event in Raleigh. We were joined by DHHS Senior Director Tara Myers in reading the Vulnerable Adult and Elder Abuse Awareness Month proclamation signed by Governor Cooper. In

addition, regions across the state held elder abuse awareness and prevention events throughout this month which included walks, intergenerational events, and workshops. On June 17, 2018, the Piedmont Triad Regional Council Area Agency on Aging hosted its 7th Annual Elder Abuse Awareness Walk at Triad Park in Kernersville. The event was a tremendous success attended by more than 650 people from across the region. Everyone had a wonderful time walking, learning about elder abuse, available services for older adults, listening to music, getting chair massages, having their pictures taken in photo booths and making elder abuse awareness fans at the Creative Aging NC art station. To promote the Walk and to raise awareness about elder abuse, regional ombudsmen reached out to the local media to report on various events. As a result of their efforts articles and information about elder abuse and the Walk appeared in the *Greensboro News and Record*, *Senior Living Guide*, the *Kernersville News* and the *Triad Retirement Living Magazine*.

Community Advisory Committees (CAC)

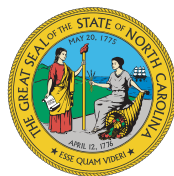
Total Number of CAC Volunteers	Number of Hours Donated by CAC	Number of Miles Driven by CAC
818	26,147	116,682

Close to 1,000 Community Advisory Committee members served the Ombudsman Program in FFY 2018. Regional ombudsmen are mandated to train committee members before they are appointed by county commissioners to the committee. In accordance with Session Law 2017-103 (House Bill 248), the State Ombudsman must certify and designate committee members upon completion of training by the Regional Ombudsmen.

For FFY 2018, **1,953 hours** were spent on **612 training sessions** to community advisory committees. A total of **3,461 individuals** attended these sessions, which included education for new appointees, as well as required ongoing annual training.

The committees spent **26,147 hours** and drove **116,682 miles** conducting resident visits and performing other mandated duties.





NC DEPARTMENT OF
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HUMAN SERVICES**
Division of Aging and Adult Services

Roy Cooper, Governor, State of North Carolina
Dr. Mandy K. Cohen, Secretary, Department of Health and Human Services
Joyce Massey-Smith, MPA, Director, Division of Aging and Adult Services
Victor Orija, State Long-Term Care Ombudsman
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