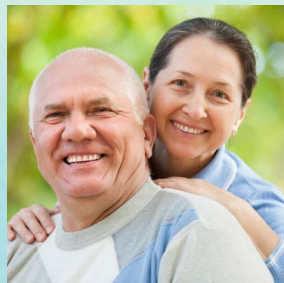
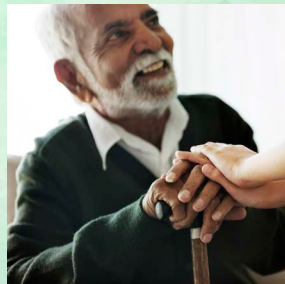
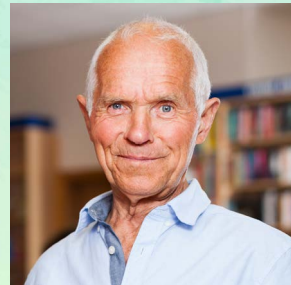
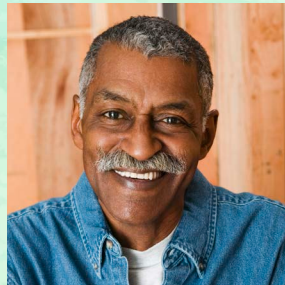
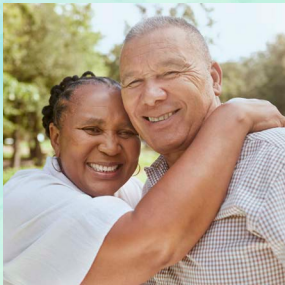


# North Carolina State Long-Term Care *Ombudsman* Program



**2021  
Annual  
Report**



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

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



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 2021 Annual Report of the Office of the State Long-Term Care Ombudsman Program reflecting our activities during federal fiscal year October 1, 2020 - September 30, 2021.

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**

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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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 position 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.

# Program Purpose

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The North Carolina Long-Term Care Ombudsman Program exists to protect residents' rights and improve the quality of care and life for residents in long-term care facilities.

To accomplish this mission, the Program:

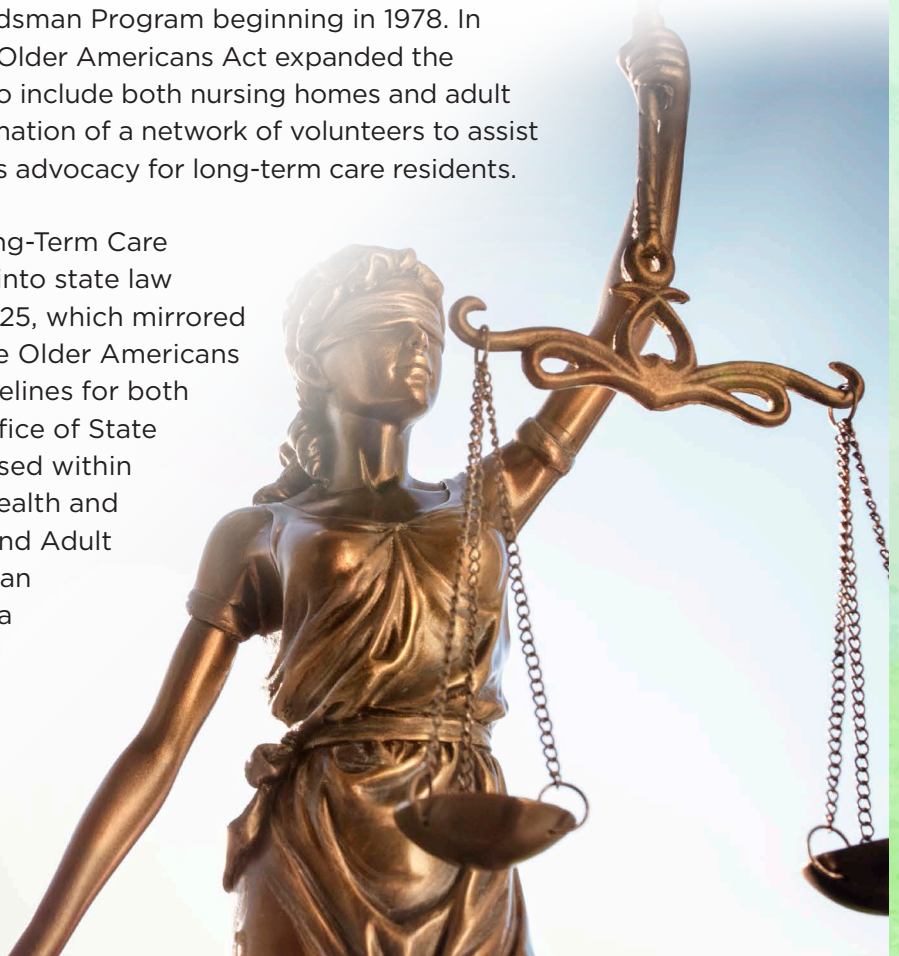
- Receives and attempts to resolve complaints made by or on behalf of residents in long-term care facilities
- Provides information to the public about issues facing long-term care residents
- Works with long-term care providers to resolve issues of common concern
- Conducts in-service training for facilities and long-term care providers and staff on topics relevant to resident rights and quality of life
- 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 identified issues

# History and Legal Basis

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The federal Older Americans 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 Americans 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 Americans 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 individuals manage daily program administration that includes information and referral activities, and 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 in the counties they serve.

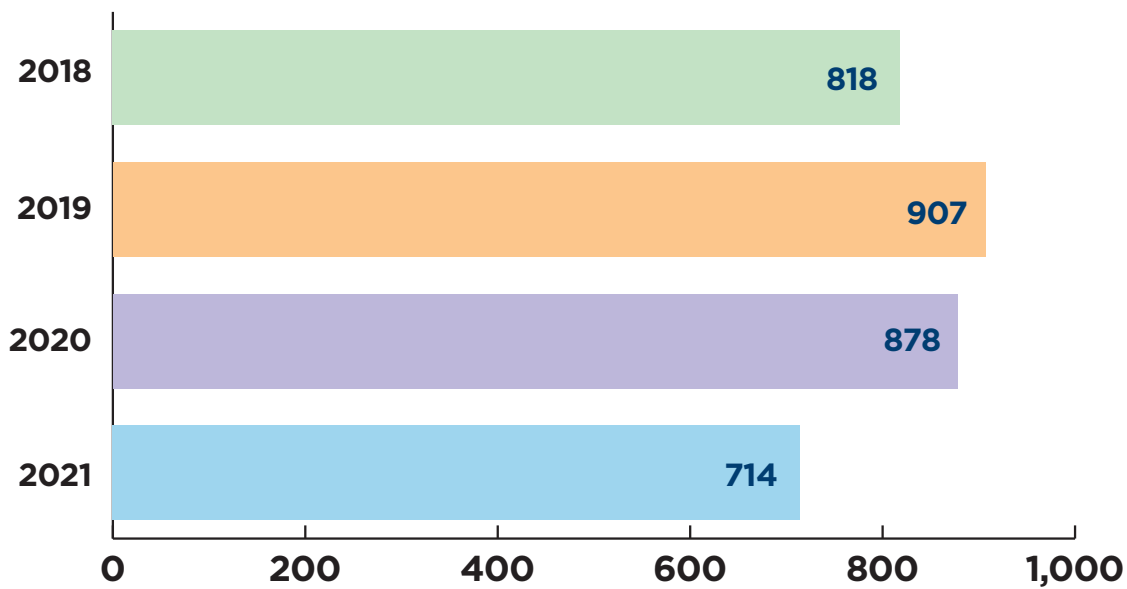


## AREA AGENCY ON AGING

- A - Southwestern Commission
- B - Land of Sky Regional Council
- C - Isothermal Planning & Development Commission
- D - High Country Council of Governments
- E - Western Piedmont Council of Governments
- F - Centralina Council of Governments
- G - Piedmont Triad Regional Council
- J - Triangle J Council of Governments
- K - Kerr-Tar Regional Council of Governments
- L - Upper Coastal Plains Council of Governments
- M - Mid-Carolina Council of Governments
- N - Lumber River Council of Governments
- O - Cape Fear Council of Governments
- P - Eastern Carolina Council of Governments
- Q - Mid-East Commission
- 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 2021, there were 714 trained community advisory committee members serving on adult care home, nursing home, or joint community advisory committees across all 100 counties in North Carolina. Over the past five years, the Long-Term Care Ombudsman Program has seen a fluctuation in the number of volunteers which seems to align with some of the major changes undergone by the Program and include the implementation of Final Rule, and the change in how representatives of the Ombudsman Program are designated, de-designated and suspended. Cautionary measures and guidance implemented in response to COVID-19 that limited in-person visits to long-term care facilities and in-person training opportunities also had a negative impact on the number of volunteers.

## CAC VOLUNTEERS



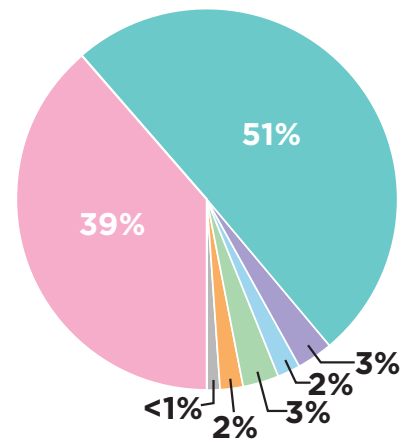
# Federal Fiscal Year 2021: Overview

In Federal Fiscal Year 2021, the North Carolina Long-Term Care Ombudsman Program completed investigations of 1,745 cases containing 2,983 complaints, **the lowest numbers the program has seen over the last five years**. The most frequently addressed complaints were related to discharge/eviction, visitors, and other rights and preferences.

Ombudsmen receive complaints from residents and a variety of individuals that initiate concerns on behalf of residents. The ombudsmen received complaints from 1,769 complainants in Federal Fiscal Year 2021. The breakdown of complainants is shown below.

## COMPLAINANT SOURCES FFY 2021

| COMPLAINANT SOURCE             | COUNT | PERCENT OF TOTAL |
|--------------------------------|-------|------------------|
| Resident                       | 686   | 39%              |
| Resident Rep., Friend/Relative | 910   | 51%              |
| Ombudsman Program              | 58    | 3%               |
| Facility Staff                 | 34    | 2%               |
| Rep. of Other Agency           | 54    | 3%               |
| Concerned Person               | 26    | 2%               |
| Resident/Family Council        | 1     | <1%              |



*Lowest number of complaints the program has seen over the last five years*

## YEARLY COMPARISON BY PERCENT

|                                | 2020 | 2019 | 2018 |
|--------------------------------|------|------|------|
| Resident                       | 43%  | 50%  | 51%  |
| Resident Rep., Friend/Relative | 44%  | 37%  | 37%  |
| Ombudsman Program              | 6%   | 6%   | 5%   |
| Facility Staff                 | 3%   | 3%   | 3%   |
| Rep. of Other Agency           | 3%   | 2%   | 3%   |
| Concerned Person               | 1%   | 2%   | 1%   |
| Resident/Family Council        | <1%  | <1%  | %    |

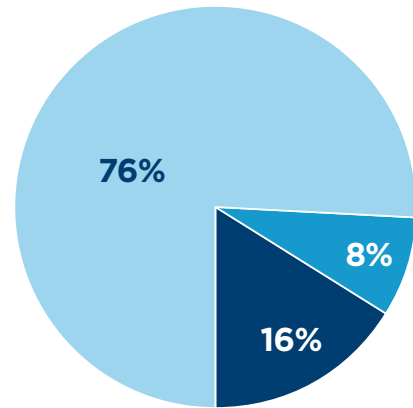
*During this time, we continued to receive the most complaints from family, friends or resident representatives.*

Of all **2,983 complaints that were closed in 2021**, ombudsmen resolved, or at least partially resolved, 76% of complaints to the satisfaction of the resident or their representative.

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 2021, 80% of the complaints received by the program were verified.** For complaints that are not able to be verified or resolved to the satisfaction of the resident and/or the complainant, ombudsmen continue to exhaust all possible advocacy strategies. This may include further educating consumers on the matter in question and/or providing the contact information for other appropriate entities such as licensing and regulatory agencies for continued investigation or follow-up. Additionally, Ombudsmen are responsible for making regular visits to facilities to establish rapport with residents and observe the general conditions of the facility. During FFY 2021, Ombudsmen were hindered from in-person access due to COVID-19 limitations. Below is a summary of the **1,549 visits made to residents in FFY 2021.**

In North Carolina, the Ombudsman Program advocates for residents of nursing homes, adult care homes, and other settings. Although North Carolina still recognizes Adult Care Home settings as Assisted Living Facilities and Family Care Homes, the federal level now defines Residential Care Communities (RCC) as facility types that include, but are not limited to, assisted living facilities and family care homes. These communities provide at minimum, room and board, around-the-clock on-site supervision, and help with personal care such as bathing and dressing or health-related services including medication management.

## DISPOSITION OF COMPLAINTS

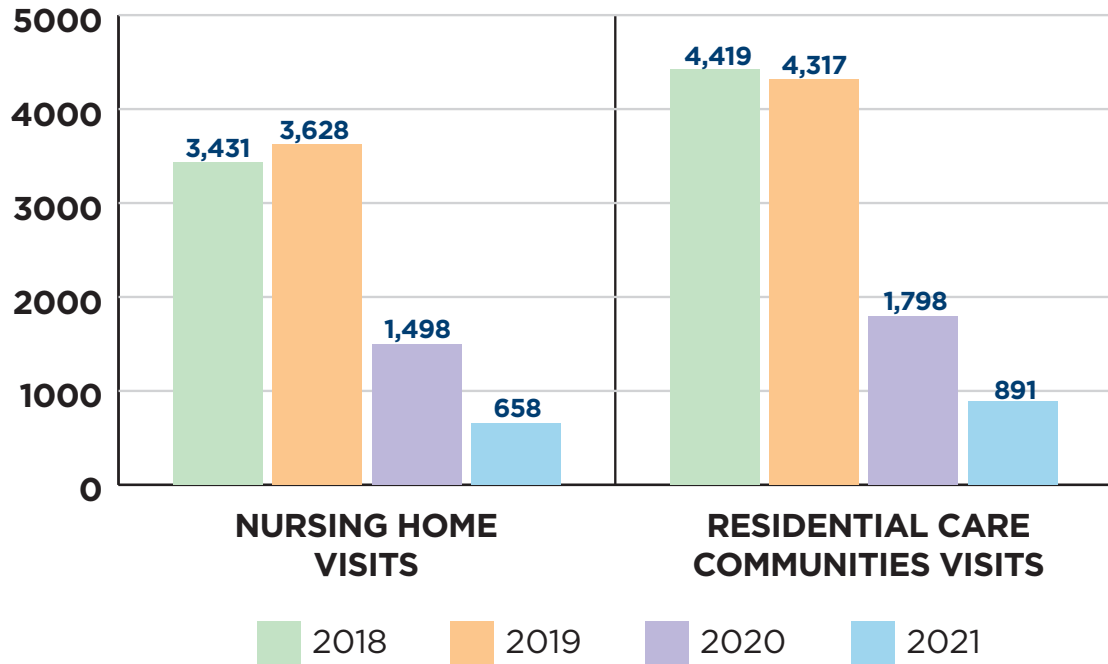


- Partially or Fully Resolved
- No Action Needed/Withdrawn
- Not Resolved

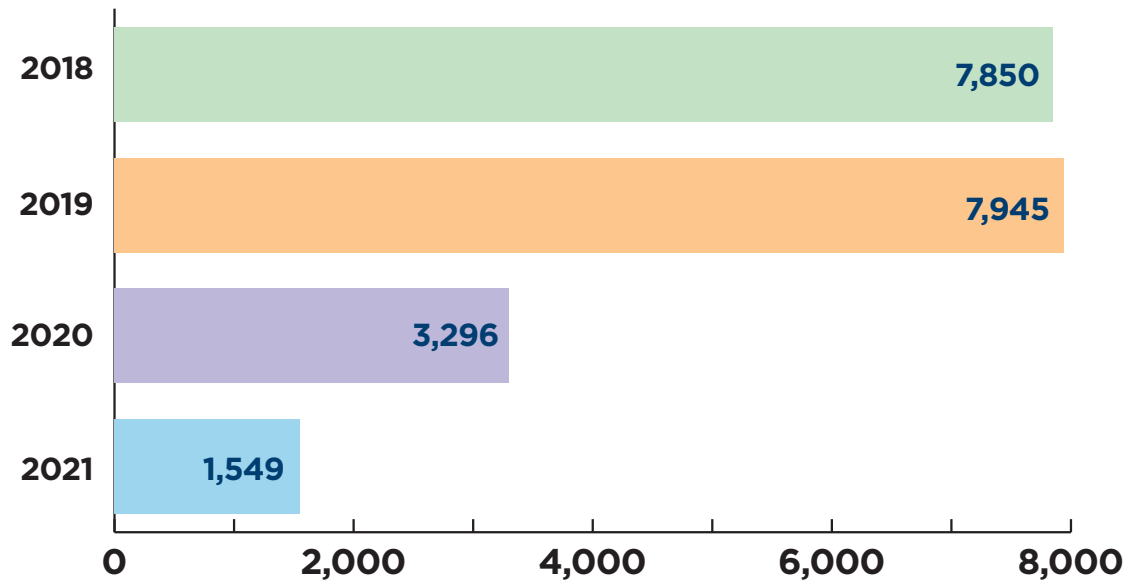
# Complaints



## NUMBER OF VISITS TO FACILITIES, 4-YEAR COMPARISON



## TOTAL VISITS ACROSS ALL PROVIDER TYPES, 4-YEAR COMPARISON



# 2021 Program Overview

## NORTH CAROLINA STATE & REGIONAL LONG-TERM CARE (LTC) OMBUDSMAN PROGRAM

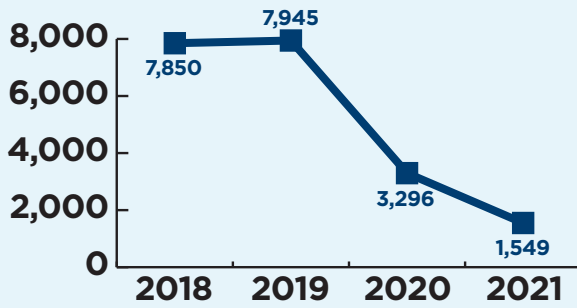
OCTOBER 1, 2020 - SEPTEMBER 30, 2021

- 2,983** Complaints closed by the LTC Ombudsman Program
- 1,769** Complainants assisted by State & Regional LTC Ombudsmen
- 7,445** Instances of technical assistance provided to individuals regarding long-term care issues
- 1,549** Resident visits made in adult care homes and nursing homes
- 614** Facility licensure survey participation
- 85** Resident Council meetings attended
- 318** Community education workshops conducted
- 3,299** Consultations with LTC providers
- 102** Training sessions provided for staff in LTC facilities
- 621** Hours spent training community advisory committee members and new ombudsmen



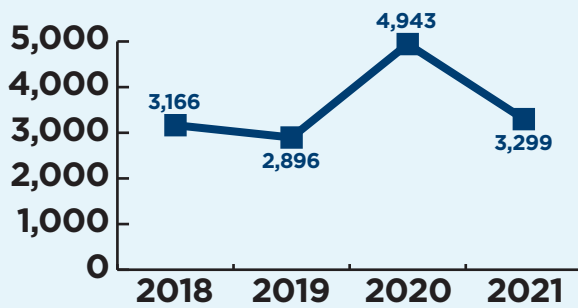
## FLUCTUATIONS, 4-YEAR COMPARISON

### Resident visits made in adult care homes and nursing homes



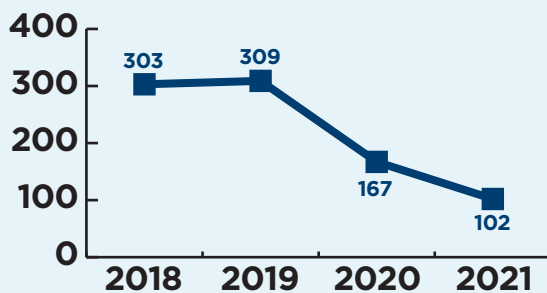
Significant *decline*  
since 2018

### Consultations with LTC providers



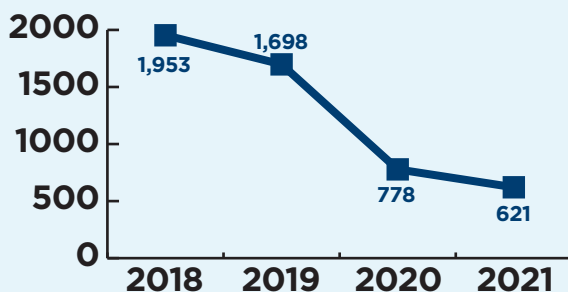
An *increase*  
since 2018

### Training sessions provided for staff in LTC facilities



Significant *decline*  
since 2018

### Hours spent training community advisory committee members and new ombudsmen



Significant *decline*  
since 2018

# Ombudsman in Residential Care Communities

| ADULT CARE HOMES | Number of Licensed Facilities | Number of Licensed Beds |
|------------------|-------------------------------|-------------------------|
|                  | 1,185                         | 41,032                  |

In North Carolina, assisted living facilities and family care homes are classified as “adult care homes.” As required by General Statute, adult care homes with seven or more residents are expected to be visited at least quarterly while family care homes, which have two to six residents, are to be visited at least annually. **In FFY 2021, the ombudsman program made 891 visits to adult care homes, which is approximately 50% less than the number of visits made to adult care homes in FFY 2020, and 79% less than the number of visits made in FFY 2019.**

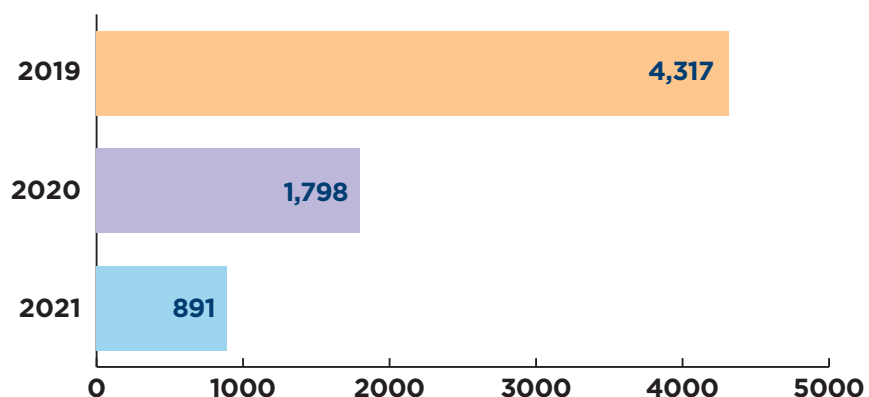
In FFY 2021, the ombudsman program made *approximately 50% less visits* than the number of visits made in FFY 2020, and *79% less than the number of visits* made in FFY 2019.

During the same period, there were **1,018 complaints handled in adult care homes by ombudsmen, only 14% less than the number of adult care home complaints handled in FFY 2020. When comparing FFY 2020 data to that of FFY 2019, there was**

We are *starting to close the gap* of the COVID-19 impact.

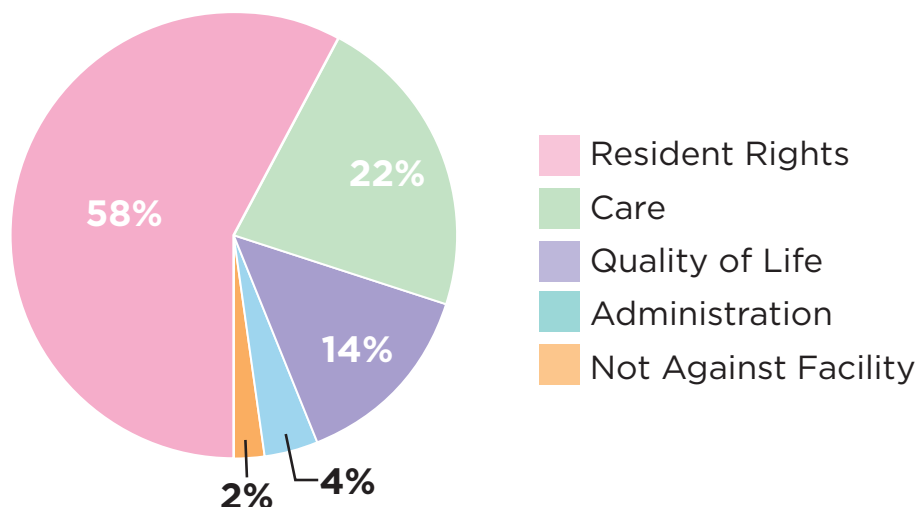
**a 32% decline; this signifies that we are starting to close the gap of the COVID-19 impact.** The most frequent complaints investigated by ombudsmen on behalf of residents in adult care homes were related to **autonomy/choice/rights, care, and financial/property**. The following graphs further illustrate the categories and types of complaints received by ombudsmen.

## NUMBER OF VISITS TO ADULT CARE HOMES, 3-YEAR COMPARISON



## CATEGORICAL BREAKDOWN OF RESIDENTIAL CARE COMMUNITY COMPLAINTS RECEIVED BY OMBUDSMAN PROGRAM IN FFY 2021

| CATEGORY                                | TYPE OF COMPLAINT                       | # OF COMPLAINTS | TOTAL # BY CATEGORY |
|---|---|-----------------|---------------------|
| RESIDENTS RIGHTS                        | Abuse, Neglect, Exploitation            | 25              | 588                 |
|   | Access to Information                   | 50              |                     |
|   | Admission, Transfer, Discharge          | 110             |                     |
|   | Autonomy, Choice, Preference, Privacy   | 286             |                     |
|   | Financial, Property                     | 117             |                     |
| RESIDENT CARE                           | Care                                    | 218             | 222                 |
|   | Rehabilitation, Maintenance of Function | 4               |                     |
|   | Restraints                              | 0               |                     |
| QUALITY OF LIFE                         | Activities and Social Services          | 23              | 142                 |
|   | Dietary                                 | 40              |                     |
|   | Environment                             | 79              |                     |
| ADMINISTRATION                          | Oversight, Management                   | 21              | 40                  |
|   | Staffing                                | 19              |                     |
| NOT AGAINST FACILITY                    | Regulatory System                       | 1               | 26                  |
|   | Medicaid                                | 5               |                     |
|   | Systems/Others                          | 20              |                     |
| <b>TOTAL ADULT CARE HOME COMPLAINTS</b> |   |                 | <b>1,018</b>        |



# Ombudsmen in Nursing Homes

| NURSING HOMES | Number of Licensed Facilities | Number of Licensed Beds |
|---------------|-------------------------------|-------------------------|
|               | 425                           | 49,456                  |

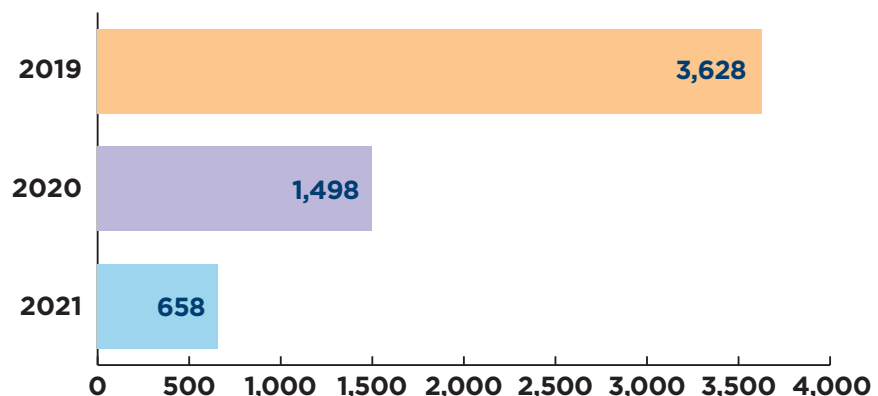
As required by General Statute, nursing homes are expected to be visited at least quarterly. **In FFY 2021, the ombudsmen made 658 visits to nursing homes, which is approximately 56% less than the number of visits made to nursing homes in FFY 2020, and 82% less than the number of visits made in FFY 2019.**

In FFY 2021, the ombudsmen made *approximately 56% less visits* than the number of visits made in FFY 2020, and *82% less than the number of visits* made in FFY 2019.

During the same period, there were **1,948 complaints handled in nursing homes** by ombudsmen, **only 13% less than the number of nursing home complaints handled in FFY 2020.** When comparing FFY 2020 data to that of FFY 2019, there was a 17% decline. **Similar to what we're seeing with adult care homes, these numbers also signify that our nursing home complaints are shifting following the impact of COVID-19.** The most frequent complaints investigated by ombudsmen on behalf of residents in nursing homes were related to **care, autonomy/choice/rights, and transfer/discharge.** The following graphs further demonstrate the categories and types of complaints received by ombudsmen.

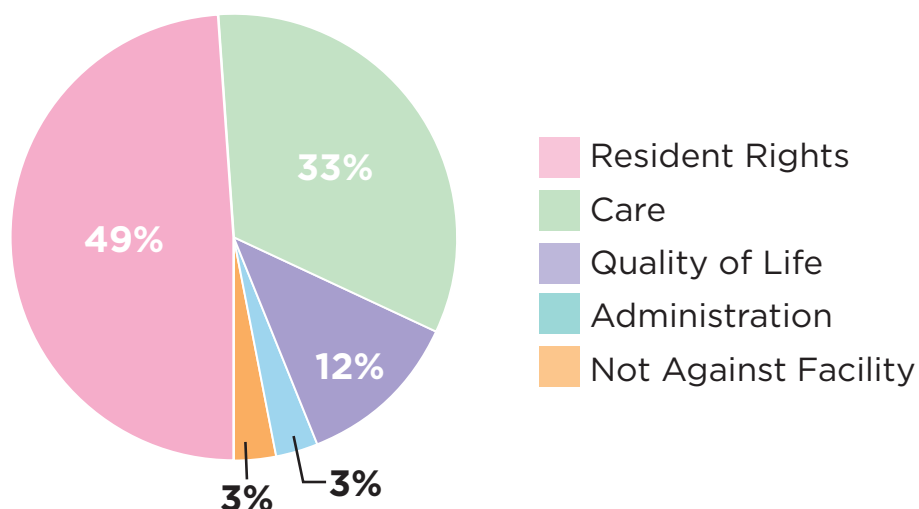
These numbers signify that *complaints are shifting* following the impact of COVID-19.

## NUMBER OF VISITS TO NURSING HOMES, 3-YEAR COMPARISON



## CATEGORICAL BREAKDOWN OF NURSING HOME COMPLAINTS RECEIVED BY OMBUDSMAN PROGRAM IN FFY 2021

| CATEGORY                             | TYPE OF COMPLAINT                       | # OF COMPLAINTS | TOTAL # BY CATEGORY |
|--------------------------------------|---|-----------------|---------------------|
| RESIDENTS RIGHTS                     | Abuse, Neglect, Exploitation            | 32              | 944                 |
|                                      | Access to Information                   | 86              |                     |
|                                      | Admission, Transfer, Discharge          | 256             |                     |
|                                      | Autonomy, Choice, Preference, Privacy   | 425             |                     |
|                                      | Financial, Property                     | 145             |                     |
| RESIDENT CARE                        | Care                                    | 600             | 647                 |
|                                      | Rehabilitation, Maintenance of Function | 46              |                     |
|                                      | Restraints                              | 1               |                     |
| QUALITY OF LIFE                      | Activities and Social Services          | 45              | 235                 |
|                                      | Dietary                                 | 98              |                     |
|                                      | Environment                             | 92              |                     |
| ADMINISTRATION                       | Oversight, Management                   | 29              | 66                  |
|                                      | Staffing                                | 37              |                     |
| NOT AGAINST FACILITY                 | Regulatory System                       | 0               | 56                  |
|                                      | Medicaid                                | 24              |                     |
|                                      | Systems/Others                          | 32              |                     |
| <b>TOTAL NURSING HOME COMPLAINTS</b> |   |                 | <b>1,948</b>        |

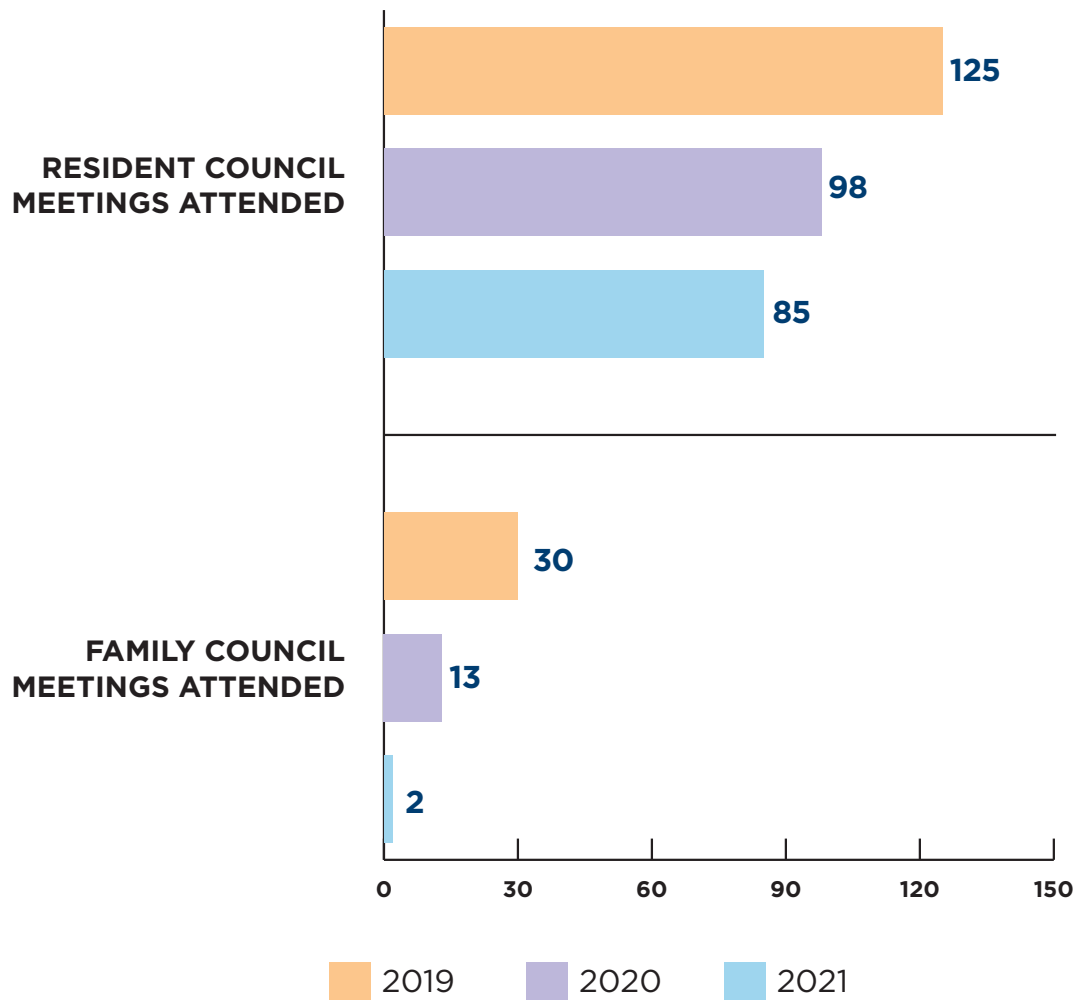


# Other General Information, Technical Assistance, & Training

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

## RESIDENT AND FAMILY COUNCILS

In FFY 2021, we continued to see a decline in participation by ombudsmen who were only able to attend 85 resident council meetings and **2 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.







## CONSULTATION TO RESIDENTS AND FAMILIES

At both the local and state levels, during FFY 2021, the ombudsman program provided **7,445 consultations to individuals about long-term care**. The most frequently requested topics included consumer requests about the **ombudsman program, 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 2021, ombudsmen provided **3,299 consultations to providers** about a variety of issues. The three most common areas were related to **resident rights, LTC disaster procedures, and transfer/discharge**. Additionally, ombudsmen provided **102 providers with in-service training**. The most requested topics included **residents' rights** and **aging sensitivity**.

## 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. Ombudsmen spent **613 hours conducting 318 sessions of community education**.

# Elder Abuse Awareness & Prevention Activities

National and International research shows that abuse, neglect, and exploitation of vulnerable and older adults are 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.

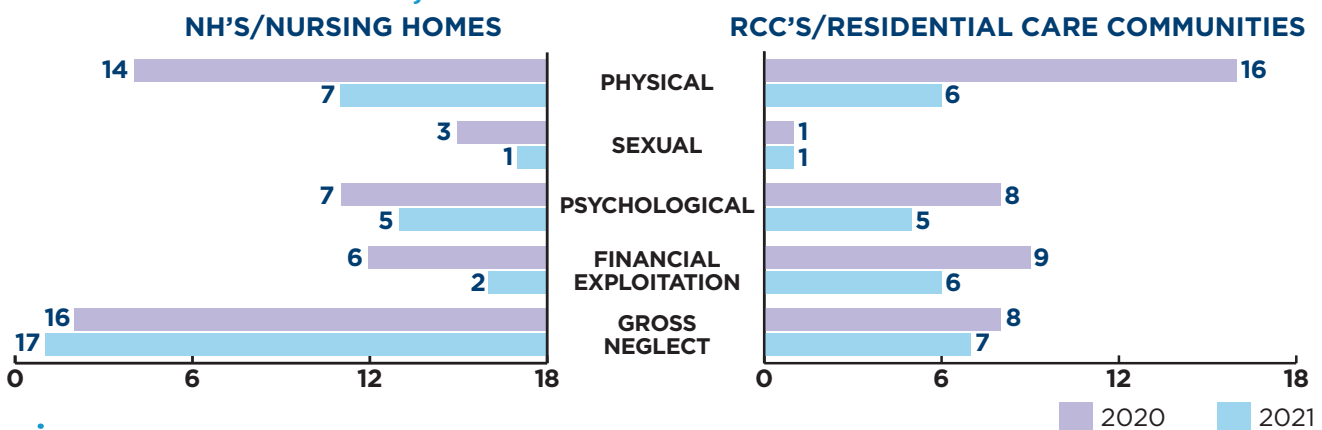


The Long-Term Care Ombudsman Program hosts a variety of community education and outreach sessions across the state specifically designed to educate people about elder abuse. In 2021, ombudsmen conducted **49 sessions of community education on elder abuse awareness, identification, and prevention**. Additionally, the North Carolina Division of Aging and Adult Services (NC-DAAS) raised awareness of elder abuse through various special efforts that included challenging individuals to submit "selfie photos" of themselves wearing purple, sharing short videos telling or displaying their passion in advocating for vulnerable adults, submitting artistic creations to represent elder abuse prevention and awareness, and updating virtual setting backgrounds and email signatures to display the 2021 elder abuse awareness logo: "An Age of Opportunity Awaits." Furthermore, Governor Roy Cooper proclaimed June 15th as World Elder Abuse Awareness Day and lit the grounds of the Executive Mansion in purple. Also, in observance of the day, DAAS hosted a live virtual conference commemorating the **15th year observance of World Elder Abuse Awareness Day** with guest speakers who focused on secondary trauma and the importance of self-care and strategies to combat social isolation.

Ombudsmen continue to 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 raising awareness regarding crimes committed in long-term care facilities.

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.

## ABUSE COMPLAINTS, 2-YEAR COMPARISON



# Community Advisory Committees (CAC)

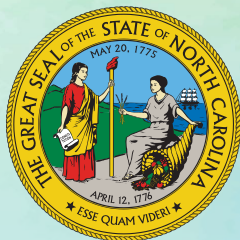
| Total Number of CAC Volunteers | Number of Hours Donated by CAC | Number of Miles Driven by CAC |
|--------------------------------|--------------------------------|-------------------------------|
| 714                            | 4,851                          | 881                           |

A total of **714 Community Advisory Committee members** served the Ombudsman Program in FFY 2021. 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 Federal Fiscal Year 2021, **621 hours** were spent conducting **345 training sessions** for community advisory committees. These sessions included education for new appointees as well as required ongoing annual training for active members.

The committees spent **4,851 hours** and drove **881 miles** conducting resident visits and performing other mandated duties.





NC DEPARTMENT OF  
**HEALTH AND  
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**

[www.ncdhhs.gov/divisions/daas](http://www.ncdhhs.gov/divisions/daas)