

2023

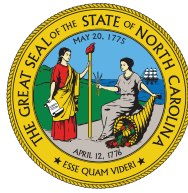
North Carolina State Long-Term Care Ombudsman Program

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



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Aging





NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
JOYCE MASSEY-SMITH, MPA • Director, Division of Aging

I am pleased to submit the 2023 Annual Report of the Office of the State Long-Term Care Ombudsman Program reflecting federal fiscal year October 1, 2022 - September 30, 2023.

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

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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 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.

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 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 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 the State Long-Term Care Ombudsman is housed within the North Carolina Department of Health and Human Services, Division of Aging. The 16 Regional Ombudsman Programs are housed within the Area Agencies on Aging across the state.

Since the Long-Term Care Ombudsman Program was established, it has undergone many changes including Final Rule (2016), the revision of Federal Nursing Home Regulations (2016), new software development & revision of data reporting (2019) and COVID-19 restrictions (2019-20). The Program has continued to undergo major transitions including the establishment of new training standards for both current and new Ombudsman representatives. More information about these standards can be found at: https://ltcombudsman.org/uploads/files/support/2019_LTCOP_Training_Standards.pdf

In FFY 2023, North Carolina launched customized training for new volunteers and provided a wide variety of training options to accommodate and attract members. The Program also had the opportunity to create and fill a new position in the State Office known as the Ombudsman Program Trainer who is responsible for coordinating and conducting training across the state for both new and current community advisory committee members (volunteer ombudsmen). The program trainer also assists the Office of the State Long Term Care Ombudsman staff in the development, planning, and delivery of training materials and conducts an evaluation and makes recommendations for improvement of the training process.

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. 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.

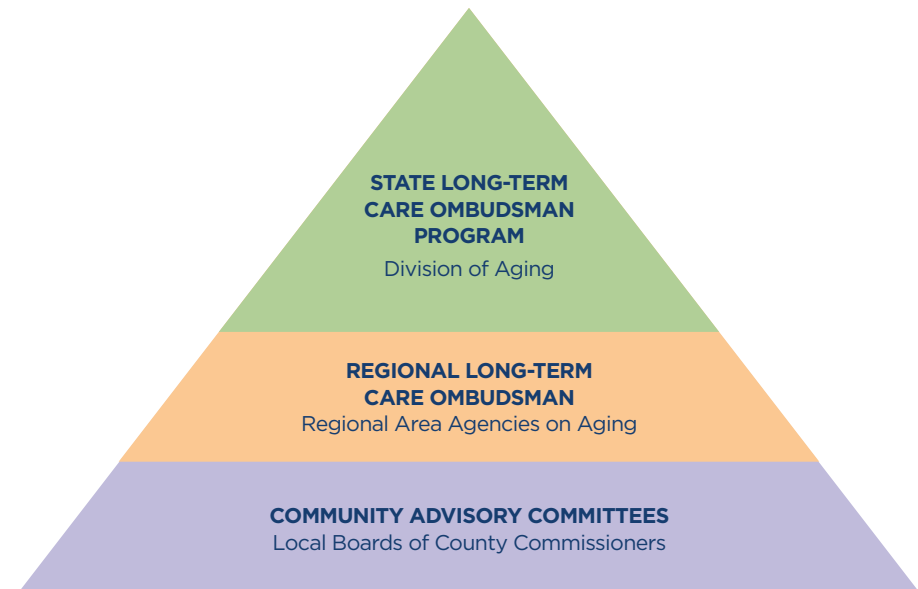
The Regional Ombudsman Program operates out of the 16 Area Agencies on Aging. Regional Ombudsmen provide advocacy and direct services to long-term care residents for the counties they serve.

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 2023, which ended September 30, 2023, there were 392 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 several years the Long-Term Care Ombudsman Program has seen a fluctuation in the number of volunteers for various reasons following changes to Title 45 of the Code of Federal Regulations Part 1324 that changed the way in which representatives of the Ombudsman Program are designated, de-designated and suspended. The restrictions that COVID-19 imposed on the ability of volunteers to conduct in-person visits and attend training opportunities to enhance their skills also had a dramatic impact on the Program.



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 - Central Pines Regional Council
- 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



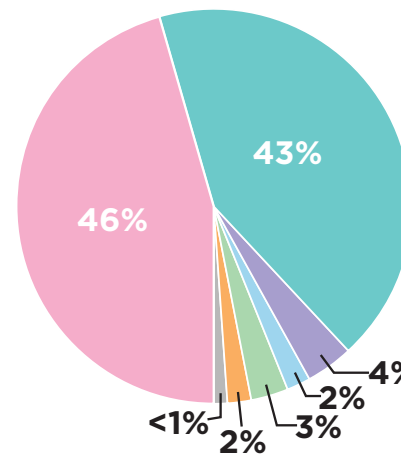
Federal Fiscal Year 2023: Overview

In Federal Fiscal Year 2023, the North Carolina Long-Term Care Ombudsman Program completed investigations of **1,745 cases containing 2,860 complaints**. The most frequently addressed complaints were related to **discharge/eviction, response to requests for assistance, and other rights and preferences**.

Ombudsmen receive complaints from residents and a variety of individuals that initiate concerns on behalf of residents. A complainant is an individual (i.e., resident, resident representative friend/family, facility staff) who requests Ombudsman program complaint investigation services regarding one or more complaints made by, or on behalf of, residents. The breakdown of complainants is as follows.

Complainant Sources FFY 2023

COMPLAINANT SOURCE	COUNT	PERCENT OF TOTAL
Resident	801	46%
Resident Rep., Friend/Relative	747	43%
Ombudsman Program	77	4%
Facility Staff	37	2%
Rep. of Other Agency	56	3%
Concerned Person	27	2%
Resident/Family Council	0	<1%



During the COVID-19 pandemic, we saw our leading source of complaints change from residents to the resident representatives*, family and friends. *However, since visitation restrictions ceased, residents have once again become our number one source of complaints.*

*In relationship to the Ombudsman Program, a resident representative is defined according to 45 CFR 1324.1

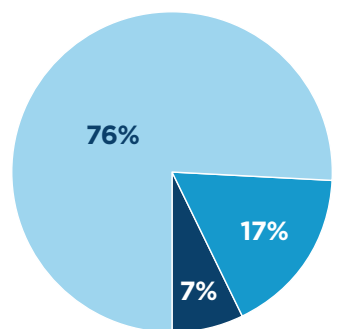
Yearly Comparison by Percent	2023	2022	2021	2020	2019
Resident	46%	44%	39%	43%	50%
Resident Rep., Friend/Relative	43%	45%	51%	44%	37%
Ombudsman Program	4%	4%	3%	6%	6%
Facility Staff	2%	2%	2%	3%	3%
Rep. of Other Agency	3%	3%	3%	3%	2%
Concerned Person	2%	2%	2%	1%	2%
Resident/Family Council	<1%	<1%	<1%	<1%	<1%

Of all 2,860 complaints that were closed in 2023, ombudsmen resolved, or at least partially resolved, **76% of complaints to the satisfaction of the resident or their representative**. Ombudsmen accomplish their work by hearing the residents' concerns and through facilitated discussion, mediation, and community partners, address the residents' needs.

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 2023, **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 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. The presence of

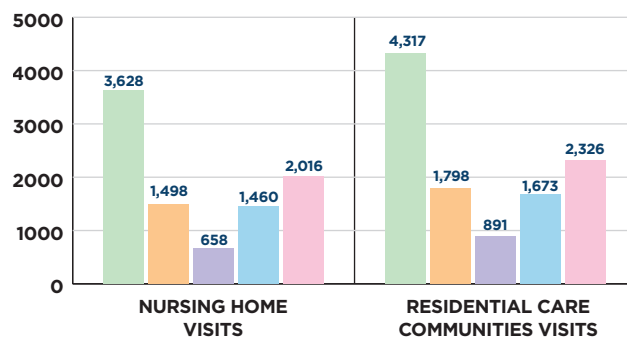
the ombudsman in long-term care facilities helps support facilities in their efforts to protect resident rights. During FFY 2020, Ombudsmen were limited from in-person access due to COVID-19 limitations which caused a significant impact and resulted in a continued decline in the number of visits through 2021. The program's first increase in visitation following the start of the pandemic was seen in 2022. Below is a summary of the **4,342 visits made to residents in FFY 2023**.

The 2019 Revision of National Ombudsman Reporting and Data System included changes in the type of facility setting. In North Carolina, the Ombudsman Program advocates for residents of nursing homes and adult care homes and recognizes Adult Care Home settings as Assisted Living Facilities and Family Care Homes, or communities that 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. However, the Administration for Community Living now identifies these types of settings as Residential Care Communities (RCC) and include, but are not limited to, assisted living facilities and family care homes.

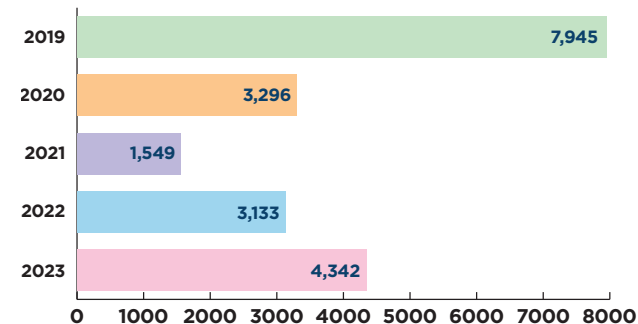


■ Partially or Fully Resolved
■ No Action Needed/Withdrawn
■ Not Resolved

Total Visits Across All Provider Types, 5-Year Comparison



Number of Visits to Facilities, 5-Year Comparison



Our program continues to see an *increase in number of visits* following the pandemic with the hopes of returning to our normal range pre-COVID.

2023 Program Overview

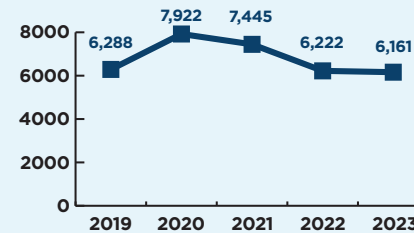
North Carolina State & Regional Long-Term Care (LTC)
Ombudsman Program | October 1, 2022 – September 30, 2023

- 2,860** Complaints closed by the LTC Ombudsman Program*
- 1,745** Complainants assisted by State & Regional LTC Ombudsmen
- 6,161** Instances of technical assistance provided to individuals regarding long-term care issues
- 4,342** Resident visits made in adult care homes and nursing homes
- 587** Facility licensure survey participation
- 85** Resident Council meetings attended
- 455** Community education workshops conducted
- 2,203** Consultations with LTC providers
- 237** Training sessions provided for staff in LTC facilities
- 3,877** Hours spent training community advisory committee members and new ombudsmen

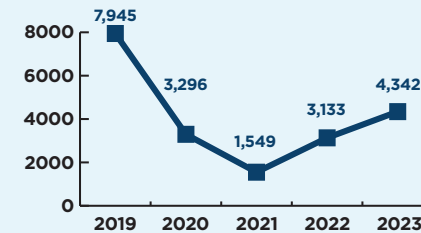
*Complaints are closed when the investigation is complete. Completion includes documentation of verification status, referrals are made as necessary and an outcome has been established for each complaint indicating whether the complaint was withdrawn or no further action was needed by the Ombudsman, the complaint was fully or partially resolved, or not resolved to the satisfaction of the resident and/or complainant.

Fluctuations, 5-Year Comparison

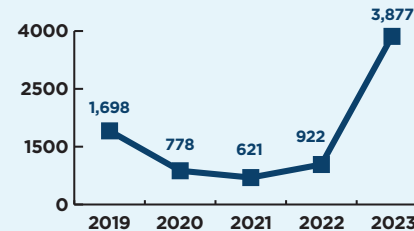
Instances of Technical Assistance Provided to Individuals Regarding Long-Term Care Issues



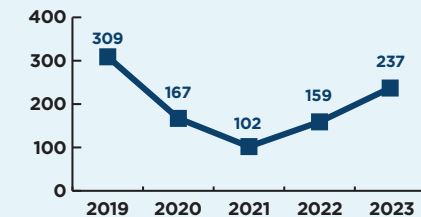
Resident Visits Made in Adult Care Homes and Nursing Homes



Hours Spent Training Community Advisory Committee Members and New Ombudsmen



Training Sessions Provided for Staff in LTC Facilities



For most activities, we've either seen an increase for the first time following the impact of the COVID-19 pandemic, or have seen numbers return to its' normal range.



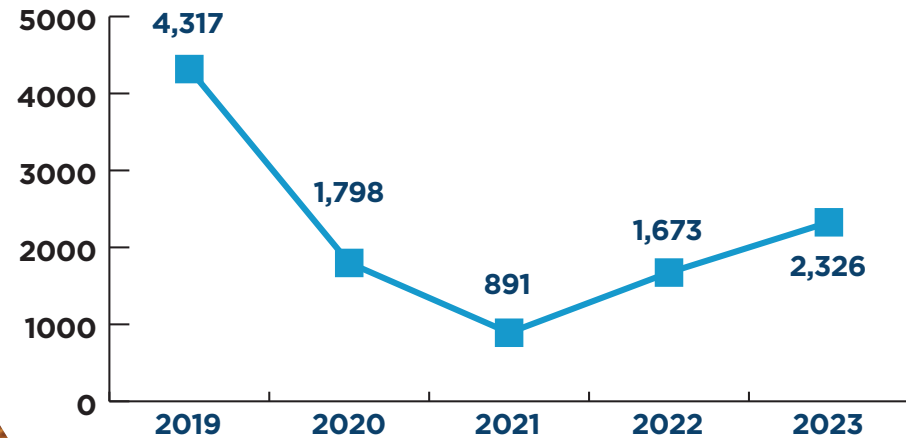
Ombudsman in Residential Care Communities (Adult Care Homes)

In North Carolina, assisted living facilities and family care homes are classified as “adult care homes.” North Carolina General Statutes require the Ombudsman program to visit adult care homes with seven or more residents at least quarterly while family care homes, which have two to six residents, are to be visited at least annually. **In FFY 2023, the ombudsman program made 2,326 visits to adult care homes.**

During the same period, there were **930 complaints handled in adult care homes by ombudsmen in FFY 2023.** The most frequent complaints investigated by ombudsmen on behalf of residents in adult care homes were related to **discharge/eviction, personal property, and medications.** The following illustrations further demonstrate the categories and types of complaints received by ombudsmen.

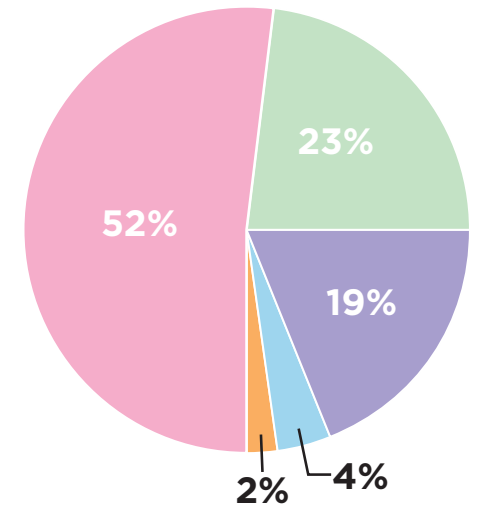


Number of Visits to Adult Care Homes, 5-Year Comparison



Categorical Breakdown of Residential Care Community Complaints Received by Ombudsman Program in FFY 2023

CATEGORY	TYPE OF COMPLAINT	# OF COMPLAINTS	TOTAL # BY CATEGORY
RESIDENTS RIGHTS	Abuse, Neglect, Exploitation	24	484
	Access to Information	37	
	Admission, Transfer, Discharge	122	
	Autonomy, Choice, Preference, Privacy	175	
	Financial, Property	126	
RESIDENT CARE	Care	209	213
	Rehabilitation	2	
	Restraints	2	
QUALITY OF LIFE	Activities and Social Services	31	178
	Dietary	55	
	Environment	92	
ADMINISTRATION	Oversight, Management	16	38
	Staffing	22	
NOT AGAINST FACILITY	Regulatory System	1	17
	Medicaid	4	
	Systems/Others	12	
TOTAL ADULT CARE HOME COMPLAINTS			930



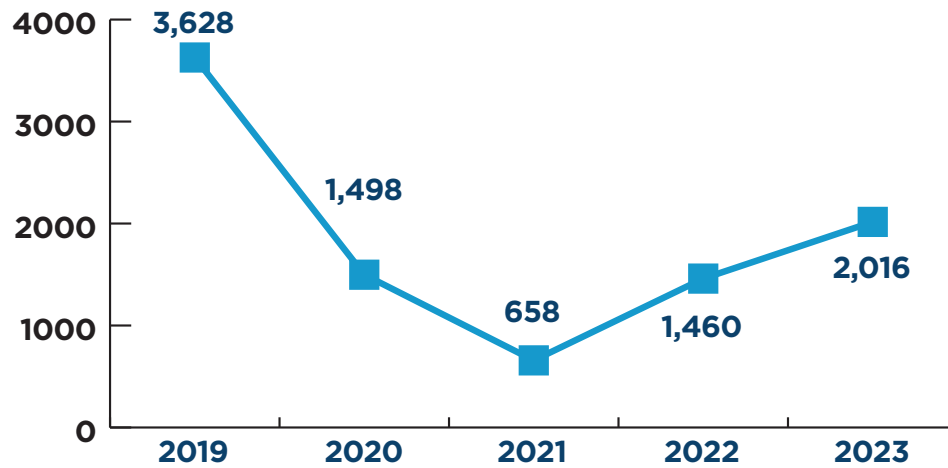
- Resident Rights
- Care
- Quality of Life
- Administration
- Not Against Facility

Ombudsmen in Nursing Homes

Ombudsmen are expected to visit nursing homes at least quarterly. **In FFY 2023, the ombudsmen made 2,016 visits to nursing homes.**

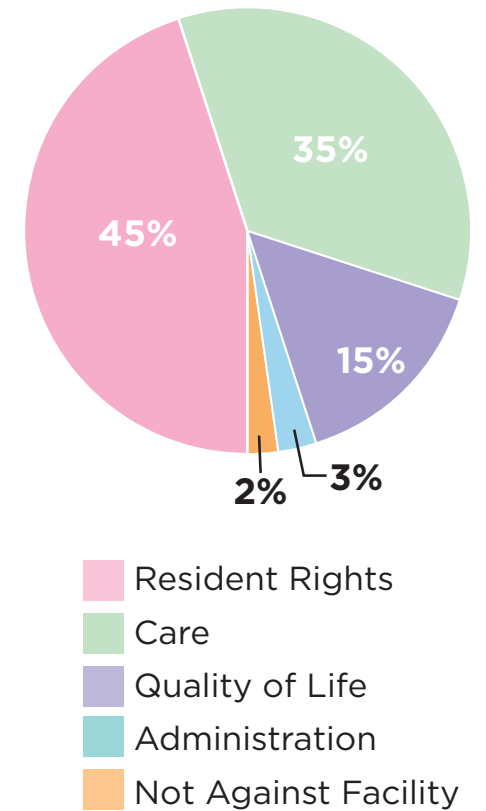
During the same period there were **1,923 complaints handled in nursing homes** by Ombudsmen. The most frequent complaints investigated by ombudsmen on behalf of residents in nursing homes were related to **discharge/eviction, response to requests for assistance, and other rights and preferences.** The following graphs further demonstrate the categories and types of complaints received by ombudsmen.

Number of Visits to Nursing Homes, 5-Year Comparison



Categorical Breakdown of Nursing Home Complaints Received by Ombudsman Program in FFY 2023

CATEGORY	TYPE OF COMPLAINT	# OF COMPLAINTS	TOTAL # BY CATEGORY
RESIDENTS RIGHTS	Abuse, Neglect, Exploitation	39	839
	Access to Information	64	
	Admission, Transfer, Discharge	284	
	Autonomy, Choice, Preference, Privacy	318	
	Financial, Property	134	
RESIDENT CARE	Care	669	716
	Rehabilitation	45	
	Restraints	2	
QUALITY OF LIFE	Activities and Social Services	40	303
	Dietary	145	
	Environment	118	
ADMINISTRATION	Oversight, Management	15	32
	Staffing	17	
NOT AGAINST FACILITY	Regulatory System	0	33
	Medicaid	10	
	Systems/Others	23	
TOTAL NURSING HOME COMPLAINTS			1,923



Other General Information, Technical Assistance and 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

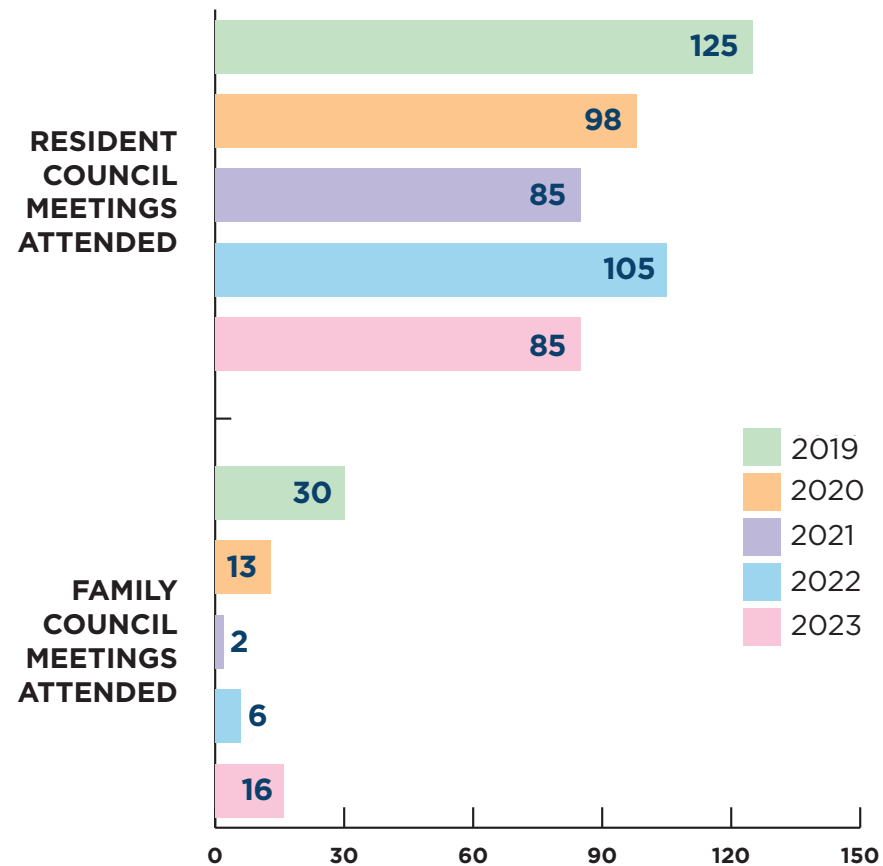
In FFY 2023, ombudsmen attended **85 resident council meetings** and **16 family council meetings**. Ombudsmen attend these meetings solely at the invitation of the groups and are typically asked to share information about the ombudsman program and resident rights when they attend.

Consultation to Residents and Families

At both the state and local levels, during FFY 2023, the ombudsman program provided **6,161 consultations to individuals about long-term care**. The most frequently requested topics included consumer requests for **residents' rights, transfer/discharge, and information about the ombudsman program**.

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 2023, ombudsmen provided **2,215 consultations to providers** about a variety of issues. The three most common areas were related to **transfer/discharge, residents' rights, and the long-term care ombudsman program**. Additionally, ombudsmen provided **237 provider in-service trainings**. The most requested topics included **residents' rights** and **aging sensitivity**.



Community Education

Ombudsmen also advocate through other various means including, developing media campaigns, purchasing, and distributing resident-centered items, networking with stakeholders and community organizations, participating on a variety of committees and task forces, and recruiting, training, and recognizing community advisory committee volunteers. The Ombudsman Program worked to develop and distribute information that informed the public and residents in long-term care on how to protect their Medicare Flex Cards and how to report possible exploitation and abuse.

Furthermore, the Ombudsman Program launched a media campaign to generate awareness of the long-term care ombudsman program and recruit new volunteers for our community advisory committees. 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 and spent **1,186 hours** conducting **455 sessions** of community education.



Elder Abuse Awareness and Prevention Activities

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 and hosts a variety of community education and outreach sessions across the state specifically designed to educate people about elder abuse.

In 2023, ombudsmen conducted **101 sessions of community education** on elder abuse awareness, identification, and prevention. Additionally, North Carolina embarked on an Adult Protective Services (APS) improvement journey led by the Division of Aging, county partners and key stakeholders from across the state to make great strides in bringing about better results for some of our most vulnerable citizens.

During this event, a message was presented from a long-time advocate for older adults, Secretary of State, Elaine F. Marshall, followed by our guest speaker Kathy Greenlee, Senior Director of Elder Justice Initiatives at Advancing States, who led a discussion around innovations and ideas for improving APS, particularly, self-neglect. Kathy served as the Assistant Secretary for Aging under former President Barack Obama from 2009 through 2016. On behalf of the White House, she established the Elder Justice Coordinating Council, established the first federal home for APS, the first national data reporting system, and the first national guidelines used for states.

Number of
Hours Conducting Sessions

1,186

Sessions of
Community Education

455

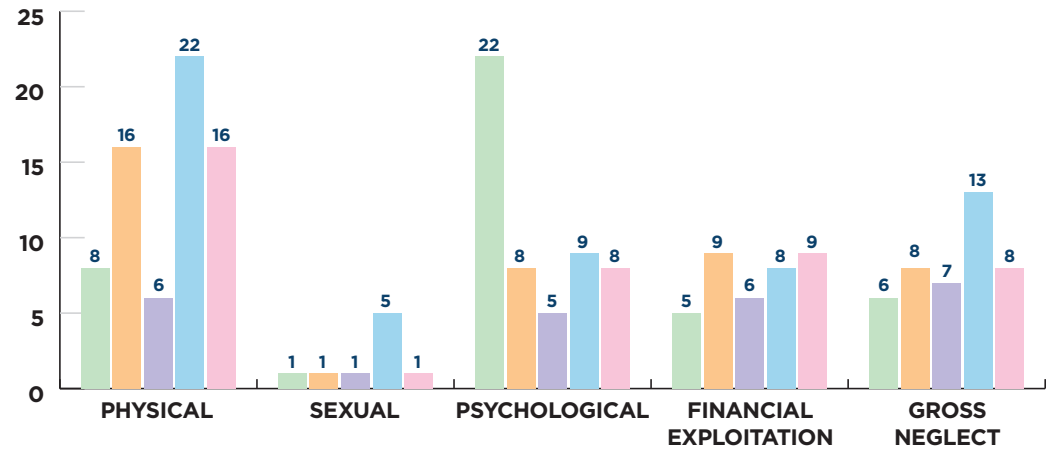
Number of
Community Education Sessions
on Elder Abuse Awareness

101

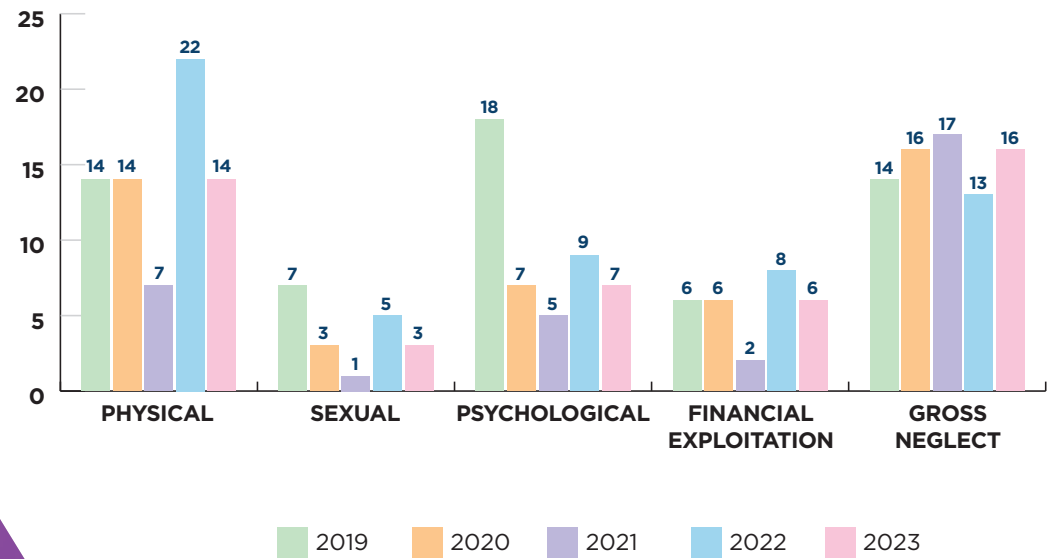
Ombudsmen continue to seek community collaboration among agencies like long-term care providers, senior centers, faith groups and other community entities to assist with outreach efforts. Often, the ombudsmen participate in multi-disciplinary teams that emphasize elder abuse awareness. Furthermore, the 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.

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. 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.

Adult Care Home Abuse Complaints, 5-Year Comparison



Nursing Home Abuse Complaints, 5-Year Comparison



WORLD
ELDER ABUSE
 AWARENESS DAY
 JUNE 15

Community Advisory Committees (CAC)

Three hundred ninety-two Community Advisory Committee members served the Ombudsman Program in FFY 2023. Committee members must be trained prior to being 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 2023, **1,124 hours** were spent on **578 training sessions** for community advisory committees. These sessions included education for new appointees as well as required ongoing annual training.

The committees spent **10,479 hours** and drove **34,678 miles** conducting resident visits and performing other mandated duties.

Want to become a volunteer?

APPLY NOW AT YOUR COUNTY COMMISSIONER'S OFFICE.

Total Number of CAC Volunteers

392

Number of Hours Donated by CAC

10,479

Number of Miles Driven by CAC

34,678



Appendix



Do You Have a Medicare Flex Card?

WHAT'S A MEDICARE FLEX CARD?

The Flex benefit card is only available with Medicare Advantage Plans. The Flex Benefit card is used to cover qualifying medical expenses and some Special Needs Plans may offer the opportunity to purchase specific healthy foods. The Flex benefit card is also used to purchase over-the-counter items like medications and medical supplies and may range from \$50 - \$500. Flex Card money does not roll over from one year to the next. USE IT OR LOSE IT.

PROTECT YOUR MEDICARE FLEX CARD

- DO YOU SUSPECT ABUSE?
- DO YOU SUSPECT THAT YOU ARE BEING EXPLOITED?
- IS SOMEONE ELSE USING YOUR CARD?
- IS A FAMILY MEMBER OR YOUR REPRESENTATIVE, OR YOUR PROVIDER USING YOUR CARD?

Remember — It's Your Money.

WHAT SHOULD I DO IF I SUSPECT ABUSE OR EXPLOITATION?

IMMEDIATELY REPORT ANY FINANCIAL ABUSE OR EXPLOITATION TO:

- Ombudsman: _____
- Complaint Hotline: 1-800-624-3004
- Adult Protective Services at your County Department of Social Services: _____
- NC Division of Health Benefits (MEDICAID): 800-662-7030
- NC Department of Justice: 919-881-2320
- Disability Rights of NC: 919-343-0417

As a long-term care resident, you are entitled to your money. By federal and state laws, it is your right.

OBRA 87, Nursing Home Reform Act /
NC General Statute 131D-21 / NC General Statute 131E-117



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

State Long-Term Care Ombudsman Program • www.ncdhhs.gov/divisions/daas •
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NC DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Division of Aging and Adult Services

Volunteers NEEDED 

The North Carolina Department of Health and Human Services is looking for people age 21 or older to volunteer in long-term care facilities in their home county. Community Advisory Committee volunteers help families advocate for their loved ones living in North Carolina long-term care facilities such as nursing homes, assisted living facilities and family care homes.

Volunteers *must* be 21 or older and complete orientation and training to become designated representatives of the Long-Term Care Ombudsman Program.



Visit ncdhhs.gov/aging for details and to find your regional Ombudsman.



Roy Cooper, Governor, State of North Carolina
Kody H. Kinsley, Secretary, Department of Health and Human Services
Joyce Massey-Smith, MPA, Director, Division of Aging
Victor Orija, State Long-Term Care Ombudsman



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Aging

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