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Office of the Long-Term Care Ombudsman:
Program Overview and Systems Advocacy


PA Office of the LTC Ombudsman
August 24, 2017

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**Systems Advocacy Presentation to the
PA Long-Term Care Council**

**Margaret Barajas,
State LTC Ombudsman**


Harrisburg, PA
August 24, 2017

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Mission:

Advocate** for those who can't, **support** those who can, and **ensure** all long-term care consumers live with **dignity and respect



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The term
Ombudsman
is a Swedish term meaning
Citizen Representative



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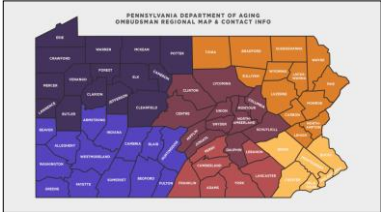
The **Ombudsman Program** was established within the Older Americans Act in **1972**, to protect the **rights of residents** in long-term care facilities

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45 CFR 1324.11

Regulations for the establishment of the Office of the State Long-Term Care Ombudsman (*Effective July 1, 2016*)

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OMBUDSMAN REGIONAL MAP & CONTACT INFO

6 Regional Ombudsman Specialists

41 FTE Paid Local Ombudsmen


536 Volunteer Local Ombudsmen



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Individuals so designated as representatives of the Office shall, in accordance with the policies and procedures established, have authority to carry out the duties of the Office

Whether staff or volunteer



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Ombudsmen help to protect the **health, safety, welfare** and **rights** of residents and work to improve their **quality** of care and **quality** of life

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Through **advocacy** efforts at both the **individual resident** and the **system levels**, paid and volunteer **ombudsmen** uniquely contribute to the well-being of LTC residents **complementing**, but **not duplicating**, the contributions of regulatory agencies, families, community-based organizations, and providers

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In **addition** to the federally mandated LTC Ombudsman services, the **Department of Aging** established the PEER Program in 2002

A PEER is a **Pennsylvania Empowered Expert Resident**

A long-term care **consumer** who has completed a training program in advocacy and **leads** resident rights activities within his/her care community


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1:1 Advocacy— A Consumer Directed Approach

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Identify, investigate, and resolve complaints made by or on behalf of residents that would otherwise **adversely** affect their health, safety, welfare, or **rights**


Provide **information** to residents about all aspects of **long term care** services



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Ombudsmen **must obtain consent** from the consumer before opening a case, although issues often are brought to our attention through other sources

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Ombudsmen are required to initiate case investigation within five (5) days of receipt

Case **resolution** is one of the most important aspects of ombudsman work



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Systems **Advocacy**



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Represent the interests of residents before governmental agencies

Seek administrative, legal, and other remedies to help **protect** residents

Analyze, comment on, and **recommend** changes in **laws** and **regulations** pertaining to the health, safety, welfare, and rights of **residents**

Provide technical support for the development of **resident and family councils** to protect the well-being and rights of residents



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One **example** of this is the **PEER program** and our technical support provided to its newly formed **PEER Advisory Council**



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Concern:

Shrinking number of SSI beds available within PA Personal Care Homes



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Bed count – a downward trend

Options for SSI residents are becoming **fewer** and fewer

Overall, we **lost** 299 homes that accept SSI, while the PCHs that do not accept SSI experienced growth, for a **gain** of 44 homes since 2008

Of the 4,300 **reduction** in people served; the number of SSI residents impacted was significantly **disproportionate** – **67%** of all beds lost were SSI beds

The percentage of **SSI** consumers versus **total** number for consumers served has **declined** 7.1% to an all-time low of 12.9%




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Cost of care

The average **cost** of care in a PCH in PA is **\$3,555.00** per person per month

Currently, the **SSI** reimbursement rate to providers is **\$1,172.30** per person per month *less* the resident's **\$85.00 PNA** each month for a total payment of **\$1,087.30** per SSI resident per month

A provider that accepts SSI is experiencing a **loss** of \$2,467.70 per person per month



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Compliance

The SSI homes are held to the same **licensing and compliance standards** as all other PCHs in PA

However, it can be **challenging** for them to remain in compliance with the **lower** revenue generated from accepting SSI

This is why many SSI homes are **disproportionately** experiencing licensing difficulties – issuance of **provisional** licenses, licensing alerts, **closures**.



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Discharge

The **rights** of PCH residents regarding involuntary discharge are **minimal**

There is **no requirement** in PA for PCHs to notify the Ombudsman of involuntary PCH discharges, as is required with SNF involuntary discharges

Providers can issue notice of discharge with 30 days written notice for a variety of reasons— There is **no option of appeal**


In some of our more urban counties – Philadelphia, Allegheny, Chester – residents have been “discharged” to **homeless shelters** without it coming to the attention of the ombudsman



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Initiative:

Increase in the Personal Needs Allowance (PNA)



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Residents of personal care homes and nursing homes— receiving Medical Assistance (MA) or SSI are permitted to retain a **small** amount of their monthly **income**

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Nursing home residents = \$45 per month
Personal care home residents = \$85 per month


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The newly-formed PEER **Advisory Council** is advocating for an increase in the monthly Personal Needs Allowance (**PNA**)




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Please tell us what your monthly expenses are. In other words, over and above room & board/care costs, what else must you pay for?




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What are some of the things you can no longer afford – that you miss?

The logo for the Pennsylvania Department of Aging (PDA) is located in the bottom right corner of the slide. It consists of the letters "PDA" in a stylized font, followed by the word "pennsylvania" in a lowercase sans-serif font, and "DEPARTMENT OF AGING" in a smaller, uppercase sans-serif font below it.

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How much more money do you think you would need to be able to enjoy some of the basic activities and/or purchases that would enhance the quality of your life?

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These are two **complex** issues, requiring **support** from multiple stakeholders, but which, collectively, could, can, and should be **addressed**

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SSI Beds/Personal Care Home Snapshot

YEAR	# of Personal Care Homes in PA	# of PCHs accepting some SSI in PA	# of PCHs NOT accepting SSI	Total # of PCH residents in PA	Total # of SSI residents in PA Personal Care Homes	Percentage of Total PCH consumers using SSI
2007	1780	No Data	No Data	No Data	No Data	20%
2008	1446	894	552	49,553	8,776	18%
2010	1362	815	547	48,295	8,101	17%
2011	1326	765	561	47,198	7,569	15.9%
2013	1234	686	548	45,653	7,231	15.8%
2014	1221	665	556	46,487	6,881	14.8%
2016	1191	595	596	45,253	5,879	12.9%
Variations since 2007	Loss of 589 homes	Loss of 299 homes (50% of all homes lost were SSI homes)	Net GAIN of 44	Loss of 4,300	Loss of 2,897 (67% of all residents lost since 2007)	Loss of 7.1%

From DHS Annual/Monthly ARL Reporting

Comparison by Ombudsman Region:

Ombudsman Region	SSI homes in 2008	SSI homes in 2016	Variation
NE	98	66	Loss of 32 SSI homes
SE	158	117	Loss of 41 SSI homes
NC	70	53	Loss of 17 SSI homes
SC	103	80	Loss of 23 SSI homes
NW	126	81	Loss of 45 SSI homes
SW	326	200	Loss of 126 SSI Homes

Comparison by County/Service Area:

County/Service Area	SSI Homes in 2008	SSI Homes in 2016
Adams	5	6
Allegheny	92	58
Armstrong	22	16
Beaver	19	10
Berks	14	13
Blair	20	7
BSST (Bradford, Sullivan, Susquehanna, Tioga)	18	10
Bucks	15	13
Butler	28	13
Cambria	21	18
Cameron/Elk/McKean	8	5
Carbon	9	2
Centre	10	6
Chester	14	12
Clarion	5	4
Clearfield	9	2
Columbia/Montour	8	4
Crawford	9	2
Cumberland	17	13
Dauphin	10	11
Delaware	18	12
Erie	14	15
Fayette/Greene/Washington	67	37
Franklin	10	9
Huntingdon/Bedford/Fulton	8	4
Indiana	26	18
Jefferson	15	9
Lackawanna	11	10
Lancaster	38	33
Lawrence	11	8
Lebanon	9	6
Lehigh	13	7
Luzerne/Wyoming	31	20
Lycoming/Clinton	8	9
Mercer	14	11
Mifflin/Juniata	9	4
Monroe	6	6
Montgomery	14	11

County/Service Area	SSI Homes in 2008	SSI Homes in 2016
Northampton	13	8
Northumberland	13	13
Perry	3	2
Philadelphia	83	56
Pike	1	0
Potter	2	1
Schuylkill	6	3
Somerset	15	10
Union/Snyder	6	3
Venango	4	2
Warren/Forest	8	5
Wayne	9	3
Westmoreland	36	22
York	21	11

Meaningful LTC Resident Comments received via PNA Survey

I miss my grandkids and I wish I had money for a bus ticket. (PCH resident)

It would be nice to decorate my room, go on a shopping trip, buy real perfume, maybe snacks, good shampoo. I have no family, so I have no one to help me with things I can't afford.

It would be great to go shopping, buy snacks, decorations for my room, nice body wash or powder. I am 90; I worked hard through my life. I saved and now I can't even buy a candy bar when I want one.

I turn down outings -- I have no money.

We can't shop around for better prices/discount -- there are very limited opportunities in regards to purchases.

I am relying on family to cover costs of things I can't afford -- cable, phone, newspaper.

I wish I could afford to go see my grandson play ball.

... an additional \$75 would help me live a 'normal' life.

A raise of only \$20 would save me the embarrassment of begging my sister for money.

I cannot read regular magazines and newspaper -- I need large print -- I can no longer afford subscriptions.

I wish I could buy Chinese take-out and real pajamas and slippers.

... I can't afford to buy a piece of fresh fruit.

I can't even order a pizza.

I can't afford to buy new underwear, socks, stockings -- those things wear out.

I would like cell phone to talk to my wife daily, transportation for going out for a meal with my wife ...

I have not had a new piece of clothing in 3 years.

I cannot afford to get my hair done every week as I am used to.

The only way I can get food on the 'outside' is if someone else pays.

I have to borrow a newspaper -- I can't afford my own.

I can't afford to replace my broken TV; I would like to be able to afford warmer clothes.

I'd like to go to a Bingo where you win more than a quarter.

I can't afford new clothes -- I get 'hand-me-downs' from deceased residents.

I have to ask my children for money - I shouldn't have to do that.