ANNUAL REPORT

Federal Fiscal Year 2018
October 1 - September 30

Office of the State Long-Term Care
OMBUDSMAN
Established within the Iowa Department on Aging

LETTER OF SUBMISSION

June 26, 2019

The Honorable Kim Reynolds
Members of the General Assembly

Dear Governor Reynolds and Members of the General Assembly:

Pursuant to Iowa Code 231.42, please accept this annual report of the Office of the State Long-Term Care Ombudsman for Federal Fiscal year 2018. As required by State and Federal Regulations, this report contains information on the activities of this Office. In addition this report contains recommendations for improving the health, safety, welfare and rights of residents and tenants living in Iowa's nursing facilities, residential care facilities, assisted living programs and elder group homes.

Respectfully submitted,

Cynthia Pederson, J.D.
State Long-Term Care Ombudsman

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EXECUTIVE SUMMARY

The Office of the State Long-Term Care Ombudsman (OSLTCO) is an autonomous entity as required by the federal Older Americans Act and the state Older Iowans Act that is established within the Iowa Department on Aging. The Office of the State Long-Term Care Ombudsman works to advocate for the rights and wishes of residents and tenants in long-term care, and Medicaid managed care members in long-term care facilities or covered by one of the home and community based services (HCBS) waivers.

During Federal Fiscal Year 2018 (October 1, 2017 to September 30, 2018), the OSLTCO had jurisdiction to advocate for the rights of the more than 55,000 Iowans residing in long-term care settings in Iowa, including those living in nursing facilities, residential care facilities, assisted living programs and elder group homes. In addition the OSLTCO had jurisdiction to advocate for the rights of the approximately 40,000 Medicaid managed care members who are residents in a long-term care setting or are covered by one of the HBCS waivers. There may be some overlap in Iowans who are counted in the number of residents and tenants of long-term care facilities and the Iowans who are Medicaid Managed Care members receiving the HCBS waiver.

The OSLTCO is composed of three components: the Local Long-Term Care Ombudsman Program (LLTCOP), the Volunteer Ombudsman Program (VOP) and the Managed Care Ombudsman Program (MCOP).

Local Long-Term Care Ombudsman (LLTCO) provide direct advocacy services to residents and tenants of long-term care facilities, with resident or tenant permission. LLTCO work to protect the health, welfare and rights of individuals residing in long-term care by investigating complaints, seeking resolutions to problems and providing advocacy, with the goal of enhancing quality of life.

The OSLTCO utilizes Volunteer Ombudsman through our VOP to serve as an essential extension of the LLTCO working with residents, families and staff by serving assigned facilities at least three hours per month.

In addition to the VOP, office volunteers also assisted the OSLTCO by performing office duties in the Des Moines office. The OSLTCO would like to extend a special thank you to Ms. Brittany Hocke for her initial design work on this annual report.

The OSLTCO MCOP advocates for the rights of nearly 40,000 Medicaid Managed Care members who are residents in long-term care facilities and/or are enrolled in one of Medicaid's HCBS waivers.

During FFY 18 the OSLTCO also participated in the Senior Community Service Employment Program (SCSEP), employing two SCSEP participants and providing them work experience and skills building allowing them to move on to other full time positions.

"The LLTCO worked with the nursing facility and hospital case manager in resolving involuntary discharge. Nursing facility was refusing to take resident back, LLTCO and hospital case manager assisted resident in making appeal and securing legal counsel. The resident won the appeal and was able to return to the facility, her home. During the time she was at the hospital, the resident stated she felt confused, sad, and depressed, and when she was able to go back to the facility, she stated she was happy to be back home."

Relative of Nursing Facility Resident

"Thank you for your time, effort and your caring attitude in helping my mother and me navigate through this very difficult situation. If there is anything I can do to help promote your department or assist in educating the general public about your capabilities of your organization please let me know. Once again thank you so much."

Relative of Nursing Facility Resident

LOCAL LONG-TERM CARE OMBUDSMAN

Long-Term Care Facility Type	Number of Facilities in Iowa	Number of Bed/Units in Iowa
Nursing Facilities	440	30,710
Residential Care Facilities	60	2,026
Assisted Living Programs	362	22,932
Elder Group Homes	1	5
TOTAL	**863**	**55,673**

All Iowans residing in long-term care facilities have equal access to the LLTCOP. LLTCO are advocates for residents and tenants living in long-term care settings.

During FFY 2018, the LLTCOP was staffed by eight certified LLTCO. Each LLTCO served an assigned region of the state as depicted on the map on page 4.

In FFY 2018, LLTCO responded to 1,018 complaints on behalf of long-term care residents/tenants.

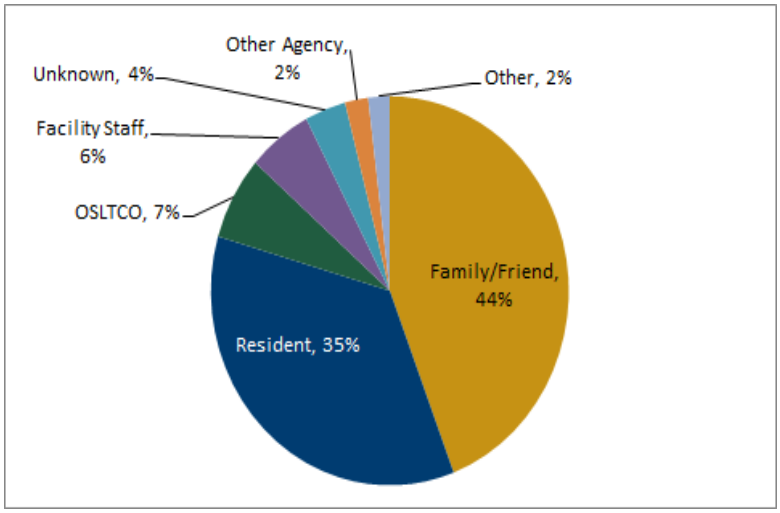
The most frequent functions performed by the LLTCO during FFY 2018 included:

- Advocating for residents'/tenants' rights
- Resolving complaints made by or on behalf of residents/tenants of long-term care facilities
- Educating residents/tenants and long-term care providers about residents'/tenants' rights

COMPLAINTS RECEIVED BY FACILITY TYPE

Long-Term Care Facility Type	Number of Complaints Received	Percentage of Total Complaints Received
Nursing Facilities	800	78.59
Residential Care Facilities	70	14.54
Assisted Living Programs	148	6.87
Elder Group Homes	0	0
TOTAL	**1,018**	**100%**

SOURCE OF COMPLAINTS RECEIVED



LOCAL LONG-TERM CARE OMBUDSMAN

LLTCO opened 599 cases and closed 620 cases.

Resolution of those cases is reflected in the table below.

RESOLUTION OF COMPLAINTS

Complaint Outcome	Number of Complaints	Percent of Total Complaints
Resolved to satisfaction of complaint	467	46%
Partially resolved, but some problem remained	270	27%
No action needed	102	10%
Not resolved to satisfaction of complaint	96	9%
Withdrawn before final outcome of investigation	48	5%
Referred to another agency	35	3%

LLTCO also provided program activities as reflected in the table at right. Program activities are tasks performed by LLTCO and/or Volunteer Ombudsman that are related to improving the quality of life for individuals residing in long-term care by do not rise to the level of cases.

INSTANCES OF PROGRAM ACTIVITES IN FFY 2018:

Providing technical assistance ... **2,779**

Visiting residents/tenants (non-complaints related) **2,177**

Providing information to individuals **1,350**

Consulting with facilities/providers **1,109**

Visiting residents/tenants (complaint-related) **470**

Monitoring legislation and regulations **201**

Working with resident councils **150**

Participating in facility surveys **94**

Training Ombudsmen/Volunteers .. **51**

Providing community education **44**

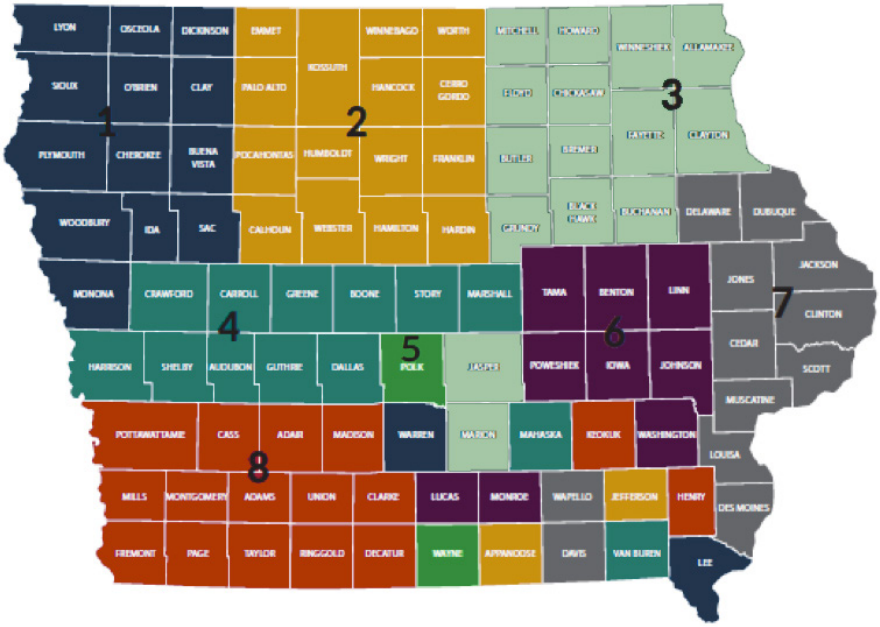
Working with the media **7**

Training facility staff **7**

OSLTCO ORGANIZATIONAL STRUCTURE

(FFY 2018)

Cynthia Pederson, State Long-Term Care Ombudsman



1	Kim Weaver (712) 541-2641	5	Tonya Amos (515) 250-7596
2	Stacia Timmer (712) 363-2845	6	Pam Railsback (319) 541-0318
3	Jennifer Golle (641) 420-9850	7	Kim Cooper (563) 210-7439
4	Melanie Kempf (515) 657-1912	8	Julie Pollock (712) 249-7424

Managed Care Ombudsman Program:
Pamela Heagle, Managed Care Ombudsman
Kelsey Zantingh, Managed Care Ombudsman

Administrative Support:
Katie Mulford, Administrative Assistant

Correction to previously reported data

In the FFY 2017 Annual Report there was an error in the information provided for the number of involuntary discharges for that FY. FFY 2017 Annual Report reported there were 227 involuntary discharges. The actual number of involuntary discharges reported should have been 277.

VOLUNTEER OMBUDSMAN PROGRAM

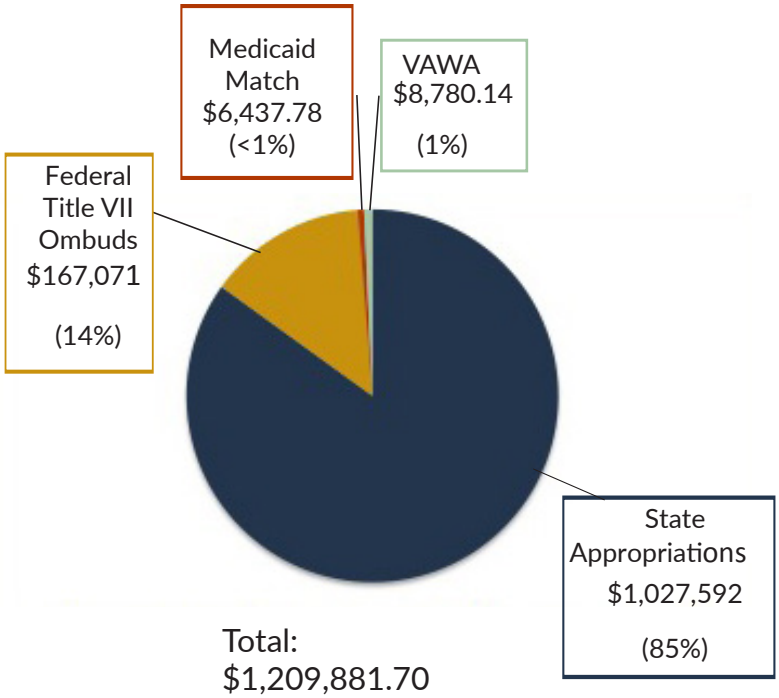
The VOP is an essential component of the advocacy provided to residents of nursing facilities by the OSLTCO. It is not possible for each nursing facility to be staffed by a paid LLTCO. Volunteer Ombudsman fill this gap by volunteering at least three hours of their time every month to provide advocacy for residents of Iowa's nursing facilities.

This past federal fiscal year, the OSLTCO began again recruiting and training Volunteer Ombudsman.

For FFY 2018, the most frequent complaints brought to the attention of the Volunteer Ombudsman included:

- Call light requests for assistance not being answered and responded to in a timely manner
- Facility activity offerings not posted or legibly written
- Current meal menu not being posted

OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN FUNDING SOURCES (FFY 2018)



A resident wanted to have her keurig machine in her room, but was told that the facility policy did not allow for this. Upon ombudsman intervention, the facility agreed to keep the keurig machine in their kitchen, and the resident could provide her coffee pods. Kitchen staff would prepare the coffee for her each morning upon her request. She loved being able to enjoy her favorite coffee.

Used with Resident's permission

MANAGED CARE OMBUDSMAN PROGRAM

"I can't thank you enough for helping us with DHS concerns as there was a risk of losing group home placement - one that was a perfect fit - until you helped us. Thank you for making sure the appropriate care was received..."

Relative of Member

"To us, you are the good guys that stand up for the rights of those with disabilities and won the battle..."

Relative of Member

The Managed Care Ombudsman program advocates for the rights of Medicaid managed care members who receive care in a health care facility, assisted living program or elder group home, as well as members who are enrolled in one of the HCBS waiver programs. The Managed Care Ombudsman provides managed care members information about options and member rights. In addition the MCOP serves as a resource for answers regarding managed care rules. The MCOP also investigates complaints made by, or on behalf of members living in long-term care facilities or receiving services under an HCBS waiver.

The most frequent reason that managed care members, or someone acting on the managed care member's behalf, contacted the MCOP, or requested assistance from the MCOP involved an issue with services being reduced, denied or terminated. The waiver program that most frequently resulted in a managed care member or someone acting on the managed care member's behalf, contacting the MCOP or requesting assistance from the MCOP was the elderly waiver program.

SCSEP Participation

During FFY 2018 the OSLTCO was fortunate to be able to participate in the Senior Community Service Employment Program (SCSEP). SCSEP is an Older Americans Act program overseen by the Iowa Department on Aging. The purpose is to help foster individual economic self-sufficiency among older Iowans and promote useful opportunities in community service activities. The OSLTCO worked with two SCSEP employees during FFY 2018. Happily, each of the SCSEP employees moved on to full time positions prior to the end of their time with SCSEP.

CONCERNS, TRENDS & RECOMMENDATIONS

Involuntary discharge/transfers from long-term care facilities continue to be a top complaint for residents/ tenants residing in long-term care facilities in Iowa. In FFY2018, 249 involuntary discharge/transfer notices were issued to residents and tenants of long-term care facilities in Iowa.

A subset of the involuntary discharge issue is emergency involuntary discharges from nursing facilities. Emergency involuntary discharges are sometimes are result of facilities being poorly equipped to care for residents that have behavior issues. Training for nursing facility staff members that includes the tools the staff members need to address these resident behaviors has the potential to reduce the number of these type of emergency involuntary discharges.

Another subset of involuntary discharges is "hospital dumping". Hospital dumping occurs when a long-term care facility sends a resident/tenant to the hospital. Then, when the hospital determines it is time for the resident/ tenant to return to the long-term care facility, the facility refuses to allow the resident/tenant to return to their home.

The Office of the State Long-Term Care Ombudsman (OSLTCO) recommends that long-term care staff be better trained on how to address resident behaviors without resorting to an emergency involuntary discharge.

Advocates and stakeholders should provide education on improper discharges and strengthen appeal remedies for involuntary discharges and transfers to allow residents to be able to return to the facility upon a successful appeal determination.

The OSLTCO also numerous received requests from residents and tenants for assistance due to a curtailment of an individual's right to exercise preference or choice. Complaints under this category ranked as the second highest reason outreach was made to the OSLTCO. No resident or tenant of a long-term care facility loses the same rights enjoyed by any other citizen of this state just by virtue of the fact that they are residing in a long-term care facility.

These rights include the right to associate with whom they choose, how they are cared for, and whether or how to vote.

The OSLTCO recommends that long-term care facilities work to involve residents/tenants in participating in their care decisions and engage in self-determination. The OSLTCO recommends education be provided to long-term care facilities for respecting residents' and tenants' personal preferences.

Failure to respond to requests for assistance also continues to be a troubling trend faced by residents and tenants of long-term care in Iowa. This issue most frequently manifests itself in the form of poor call light response times. Poor response time includes situations in which the facility staff members respond to the call light, turn the call light off, and promise to return to address the resident's issue, but do not do so. Residents/ tenants who tire of waiting will sometimes attempt to assist themselves beyond their ability and are injured. The OSLTCO recommends that staffing levels be maintained in long-term care facilities at a staff to resident ratio that allows for every resident/tenant requiring assistance to receive that assistance in a timely manner.

"Thank you for efforts. Resident is now... settled within 40 miles of daughter and pretty well situated with staff as well. Thank you very much for your help."

Power of Attorney for Resident