

# **OMBUDSMAN PROGRAM**

## **The National Ombudsman Network**

- 53 state programs
- 16 IL Regional programs
- 1,000 paid staff and 13,000 volunteers- nationally
- States with greatest number of nursing home beds & facilities:
  - 1 - New York
  - 2 - Florida
  - 3 - California
  - 4 - Illinois
- Our region contains the 3 counties of Will, Grundy, & Kankakee
  - Total beds in the 3 counties is 6,169
  - 239 complaints in 08/09 and 1,674 consultations

## **Federal & State Mandates**

- OAA and Illinois Act on Aging govern mandated duties of LTCO, provide protections, hold confidentiality provisions
- OAA, 42 USC Section 3001
- Illinois Act on Aging, 20 ILCS 105/4.04
- Ombudsman services are always confidential.
- Person who requests Ombudsman's services can remain anonymous or not give permission for identity to be disclosed
- Under both federal and state law, LTCO have immediate access to all long term care facilities and access to residents and staff --- 24 hours a day, 7 days a week

## **Complaints/Concerns**

- Violations of resident's rights and/or dignity
- Physical, verbal, mental abuse
- Deprivation of services necessary to maintain physical and mental health
- Unreasonable confinement
- Inappropriate use of chemical or physical restraints
- Poor quality of care, including inadequate personal hygiene and slow response to requests for assistance
- Family conflict and disputes
- Financial exploitation (not by a facility)
- Improper transfer or discharge from facility

## *Complaints/Concerns*

- Staff shortages and poor attitudes
- Care plans, resident assessments
- Accidents, improper handling
- Menus, food preferences, dietary needs
- Smoking provisions
- Incompatible roommates
- Medication administration
- Requests for less restrictive placement or move to a different facility
- Building safety
- Cleanliness or pests
- Power of Attorney and Guardianship issues
- End of life issues

## *Current Legislative Advocacy*

### **SB 3465:**

#### **Synopsis As Introduced**

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides for a minimum monthly personal needs allowance for institutionalized persons who are eligible for Medicaid. Provides that the State shall pay an amount in addition to the minimum monthly personal needs allowance authorized under the Social Security Act, so that the person's total monthly personal needs allowance from both State and federal sources equals \$50. Effective immediately.

### **SB3466:**

#### **Synopsis As Introduced**

Amends the Illinois Act on the Aging. Provides that prior to representing a resident under the Long Term Care Ombudsman Program, an ombudsman must obtain the resident's written or oral consent to act on that resident's behalf. Requires the Office of State Long Term Care Ombudsman to include in the Consumer Choice Information Reports on long term care facilities additional information concerning each facility's compliance with the relevant State and federal statutes, rules, and standards; customer satisfaction surveys; and information generated from quality measures developed by the Centers for Medicare and Medicaid Services. Requires facilities licensed under the Nursing Home Care Act, supportive living facilities, and assisted living or shared housing establishments to pay to the Department on Aging to be deposited into the Long Term Care Ombudsman Fund an annual \$400 fee to cover the costs associated with compiling and publishing the Report. Further provides that these facilities shall pay to the Department on Aging to be deposited into the Fund an annual \$7 fee for each bed maintained by the facility for use by a

resident during any part of the previous fiscal year. Provides that the Department on Aging, in consultation with the Office of State Long Term Care Ombudsman, shall promulgate administrative rules to establish the forms, deadlines, and procedures for the notification of the facilities subject to the bed fee requirement. Establishes a monetary penalty for facilities that fail to pay the required bed fees within a specified timeframe. Effective January 1, 2011.