



Patricia Hunter MSW

State LTC Ombuds

September 8, 2023

Long-Term Care Ombuds Role

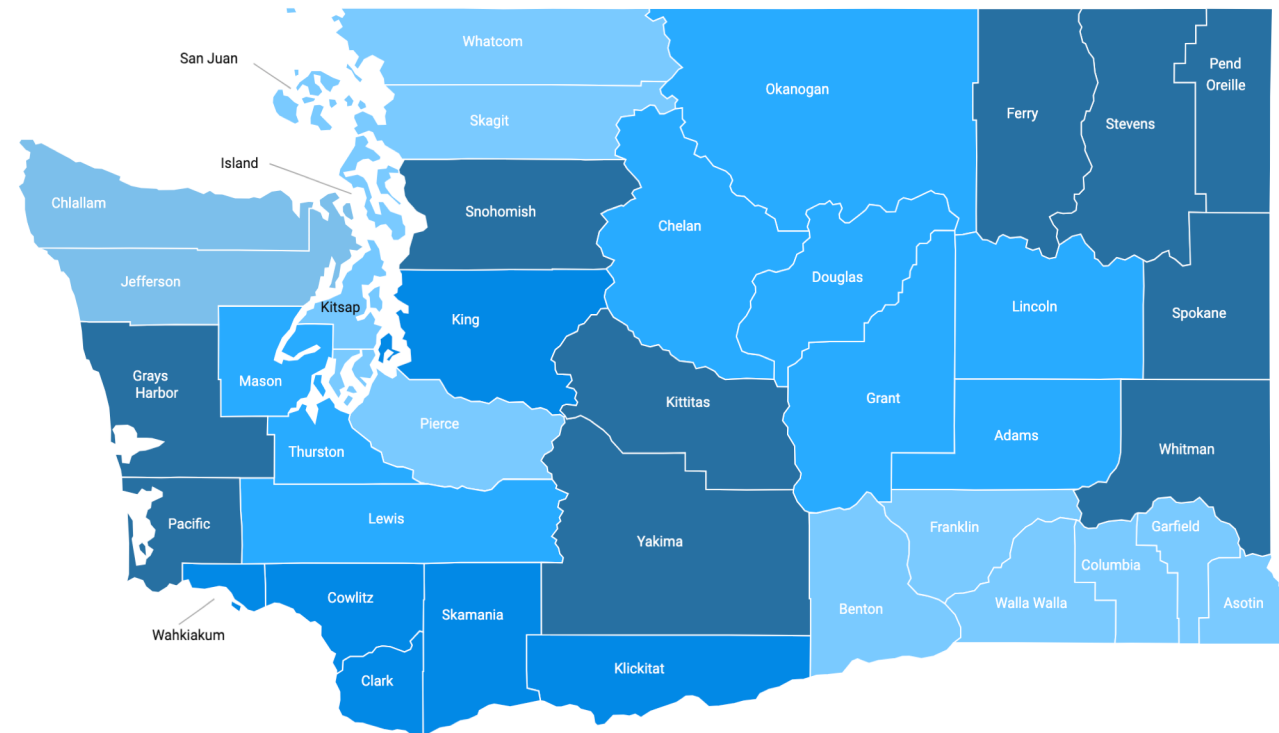
- Protect and Promote the Rights (state and federal) of all long-term care Residents
- Complaint finding and resolution
- Advocating on behalf of long-term care residents
- Educating others: residents, families, providers, elected officials policymakers, media and public
- Systems change advocate- working to improve the overall system of long-term care (legislative, rules, policies)

➤ Long-Term Care Ombudsman Program

- Nursing homes
- Assisted living Facilities
- Adult family homes
- Enhanced Care Facilities (Assisted living like, special settings for post State mental health hospitals)
- State Veterans Homes
- Residential Habilitative Centers (RHCs)

****We can advocate for individuals wanting to move into or return to a licensed care facility (Medicaid discrimination) ****

Click your region to view more information about your ombuds.



Unique Attributes:

- Governed by federal and state laws
- But not part of government (Independent)
- Not neutral – always on resident's side
- Not mandated Reporters

- Broad Mandates
- To protect:
 - Health
 - Safety
 - Welfare
 - Rights



RCW 70.129 RESIDENTS RIGHTS

The legislature finds that the public interest would be best served by providing the same basic resident rights in all long-term care settings. Residents in nursing facilities are guaranteed certain rights by federal law and regulation, 42 U.S.C. 1396r and 42 C.F.R. part 483. It is the intent of the legislature to extend those basic rights to residents in veterans' homes, assisted living facilities, enhanced services facilities, and adult family homes.

➤ Authority

- Authority and mandates are under state (RCW 43.190, WAC 365.18.060) and federal laws (Older American's Act, 45 CFR Part 1324 Subpart A)
- Access to facilities
- Private access to residents
- Access to records
- “Unusually strict” disclosure laws



TYPES OF COMPLAINTS

RESIDENTS RIGHTS AND CIVIL RIGHTS

Food and Snacks Respect/Dignity Choice Information/Education
Bullying Family conflict Care Issues Neglect Quality of Life Abuse Sexuality
Discharge Rights Privacy Exploitation Autonomy Confidentiality
Culture Freedom Homelike Environment Treatments Poor Administration
Resident to Resident Violence Medicaid Discrimination Medicare/Insurance Issues
Financial/Charges Lost/Stolen Items Access to Community Cleanliness
Visitations/Access/Communication



King County LTCOP

- 800 complaints
 - 81% partially or fully satisfied
 - 4% Not satisfied
 - 15% Withdrawn or canceled
- 7 Full-time staff
- 23 Volunteers donated 1675 hours





Centers for Medicare & Medicaid Services proposes rule to set a federal floor for staffing levels:

- Registered Nurse on site 24/7
- Have a certain minimum number of registered nurses and nurse aides to help provide routine care, and to staff according to resident needs based on a robust assessment of the facility's residents. Goes into effect in phases.

► Continued

- To improve nursing home safety in the short-term, CMS announces new efforts to improve enforcement of existing staffing standards, which currently require nursing homes to provide “sufficient” staffing and eight hours per day of Registered Nurse care.
- The HHS Office of the Inspector General (HHS-OIG) is undertaking important oversight of nursing home performance, examining nursing home spending of taxpayer funds, inappropriate prescribing of antipsychotic medications, and emergency preparedness planning by facilities

HB 1859 Protecting Residents Rights



Bill proposes to:

- Fulfill the intent of the legislature while addressing inequities that have developed within the LTC system
- Make consistent the different “rights” across Washington’s variety of licensed LTC settings
- Reduce confusion and trauma (Example: Discharge appeal rights)

HB 1859 directs the Department to write Rules implementing RCW 70.129 including discharge appeal rights.

Resources and Contacts

Administration for Community Living- program history, description, federal laws, reports

<https://acl.gov/programs/Protecting-Rights-and-Preventing-Abuse/Long-term-Care-Ombudsman-Program>

The National Consumer Voice for Quality Long-Term Care

www.theconsumervoice.org provides advocacy and systems change on national level. Find Resident Rights in multiple languages and Braille. Great resources for advocates, consumers and public.

Washington State Long-Term Care Ombudsman Program:

1-800-562-6028

Email: Ltcop@mschelps.org web: www.waombudsman.org
(Grievance policy online)



Thank you!

Patricia Hunter, WA State LTC Ombuds
Office of the State LTC Ombudsman Program
Office Phone: 253-838-6810
Email: stateombuds@mschelps.org

Pamela Williams, Regional LTC Ombuds
King County LTC Ombudsman Program
Office Phone: 253-838-6610, ext. 197
Email: Pamela.Williams@mschelps.org

Host Agency for the State LTC Ombudsman Program
Multi-Service Center
www.mschelps.org