

## **Presentation to Joint Committee on Ways & Means Subcommittees, Spring 2015**

Mary Jaeger, Long-Term Care Ombudsman & Agency Director, Emeritus;  
Dan Dunham, Chairman, Residential Facilities Advisory Committee;  
David Berger, Interim Long-Term Care Ombudsman & Agency Director;  
Jerry Walker, LTCO Volunteer.

**The attached issue of “Outcomes”, our newsletter, summarizes the activities of LTCO for the last year. We encourage you to start on pg. 8.**

### **What We Do**

The Office of the Long-Term Care Ombudsman (“LTCO”) serves aged and vulnerable Oregonians with three complementary missions. We serve:

- 1. Seniors and others living in licensed long-term care facilities.** We investigate and resolve face-to-face and telephone complaints made by and on behalf of the 43,000 residents of licensed nursing homes, assisted living and residential care facilities, and adult foster homes across Oregon. The fieldwork is done by about 200 trained volunteers who made more than 240 visits per week to these facilities in 2014.
- 2. Adults and children living in licensed foster and small group homes for persons with mental illnesses and developmental disabilities.** We are implementing the newly authorized program to investigate and resolve face-to-face and telephone complaints made by and on behalf of the estimated 7,800 adults and children living in about 1,800 licensed foster and small group homes for Oregonians with mental illnesses and developmental disabilities. When this residential facility ombudsman program is fully implemented in this biennium, we expect that it will have about 150 trained volunteers making regular visits to each of these facilities. *(SB 626, 2013.)*
- 3. Vulnerable persons who need guardians or conservators but have no family or friends to help them.** We are implementing the newly authorized Oregon Public Guardian and Conservator to provide public guardian and conservator services for vulnerable persons without relatives or friends willing or able to serve as guardians or conservators. The guardian and conservator services are to be provided by the Public Guardian and deputy guardians and conservators in the Agency and by

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local agencies and qualified individuals under contract to LTCO. (*SB 1553, 2014.*)

LTCO’s mission is to enhance the quality of life, improve the level of care, protect the individual rights, and promote the dignity of each Oregonian within its scope of service.

### **Statutory Authorization**

The US Older Americans Act of 1965 (PL 89-73), as amended, requires that every state have a Long-Term Care Ombudsman program. Oregon SB 626 (2013) authorizes new residential ombudsman services for “vulnerable adults living in residential care” - adults and children with mental illnesses and development disabilities living in licensed foster and small group homes. Oregon SB 1553 (2014) authorized the establishment of the Public Guardian and Conservator in the Office of the Long-Term Care Ombudsman.

### **Agency Description**

The Agency is small and depends on volunteers. When fully staffed in 2015-2017, the Agency will employ the Long-Term Care Ombudsman and 23.5 FTEs, which is 25 persons in all. They will include the Long-Care Ombudsman (the Agency Director), the Deputy Director, 11 FTEs in the Long-Term Care Ombudsman unit, 7.5 FTEs in the Residential Facility Ombudsman unit, and 4 FTEs in the Public Guardian unit. The organization chart is on page 9.

Certified Ombudsman volunteers do most of the Agency’s work. About 200 volunteers assist about 43,000 long-term care facility residents through complaint investigation, resolution, and advocacy for improvements in resident care. Another 125–150 volunteers are expected to be recruited and trained to assist the approximately 7,800 residents of mental illness and developmental disability foster and group homes when this new program is fully implemented.

In the Federal Fiscal Year 2014 (October 1, 2013 – September 30, 2014), our volunteers made 12,624 visits to the residents of licensed long-term care facilities - more than 240 visits per week. In addition, we have a toll-free

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number that is displayed on posters in every licensed long-term care facility in the State. We receive many inquiries and complaints by telephone. These visits and calls produced about 5,906 inquiries about concerns ranging from billing errors and improper eviction notice procedures to allegations of abuse. A similar poster will be displayed in each of the approximately 1,800 licensed adult foster homes and small group homes for persons with mental illnesses and developmental disabilities. We expect this poster to produce many new inquiries and complaints.

### **LTCO Funding History**

Here is the funding history of the Agency from 2001 forward.

<b>LTCO Funding History, 2001-2017</b>					
Biennium		GF	OF	Total	% Δ
01-03	LAB	\$ 593,600	\$1,126,298	\$1,719,898	
03-05	LAB	580,293	1,430,912	2,011,205	16.9%
05-07	LAB	581,337	1,487,945	2,069,282	2.9%
07-09	LAB	947,535	1,769,012	2,716,547	31.3%
09-11	LAB	1,084,316	1,708,288	2,792,604	2.8%
11-13	LAB	1,583,563	644,092	2,227,655	-20.2%
13-15	LAB	3,784,880	703,321	4,488,201	101.5%
15-17	GRB	6,128,415	536,299	6,664,714	48.5%

### **Long Term Goals**

Our major goal is to have a certified Ombudsman volunteer assigned to and regularly visiting the residents who live in every licensed long-term care facility and residential foster and group home in the State. The typical volunteer is assigned to 4 – 5 facilities, and some have as many as 20 facilities.

In Oregon, there are currently about:

- 137 nursing homes. In the 2014 Federal year, there were 139. Most have a volunteer assigned;

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- 474 assisted living and residential care facilities. About 2/3 have volunteers assigned;
- 1,900+ long-term care adult foster homes, each with a maximum of 5 residents. To increase the number of adult foster homes visited, we have taken a regional approach to visits rather than assigning individual volunteers to specific homes. This approach has allowed us to greatly increase the number of adult foster homes visited in 2014 to 80% statewide.
- About 1,800 licensed foster and group homes for persons with mental illness and developmental disabilities. By the end of the 2015-2017 biennium, we expect that about half will have volunteers assigned.

Facilities that do not have an assigned volunteer are or will be visited by other certified Ombudsman or by one of the LTCO or Residential Deputies.

**Agency Performance** In FFY 2014, this combination of assigned certified Ombudsman volunteers, unassigned volunteers making occasional visits, and deputies **substantially exceeded our operating targets**. Here is a summary of our performance:

- Exceeded visitation targets. We visited the residents of 100% of the (139) nursing homes, 96% of the assisted living and residential care facilities, and 80% of the adult foster homes. The targets were 100% of the nursing homes, 80% of the assisted living and residential care facilities, and 40% of the adult foster homes. A special focus on visiting adult foster homes allowed us to achieve the 80% result!
- Exceeded volunteer workload goals. Our volunteers reported 27,984 hours worked and 12,624 facility visits, which is 242 per week! The targets were 25,000 hours and 9,980 visits. Our “average” volunteer documented working about 150 hours in the year, although we estimate that the actual number is significantly higher.
- Addressed and resolved complaints fast. Our facility visits and toll-free call-in line yielded 5,906 requests for assistance (target 5,000) from residents, families, and others. We responded to these requests in 1.7 days (target 2 days). About 10% of the inquiries were referred to other

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agencies (APS, DHS Licensing, Legal Aid, and others). Of the 90% that our volunteers and deputies handled, we resolved 97% of them (target 97%) in an average of 29.6 days (target 30 days).

- Advocate for seniors. The authorizing statutes require that the Long-Term Care Ombudsman engage in “system advocacy” activities to expand the Agency’s involvement in and contribution to statewide systemic long-term care issues in order to spread the word about LTCO and advocate for seniors in the policy discussions in the State. In 2011, we recorded participation in 362 advocacy events (the target was 375). In 2014, we recorded participation in 848 system advocacy events against a target of 500. The State Ombudsman attended most of these events. The Agency continues to place a very high priority on engagement in system advocacy events.

We have a ways to go. The Agency has made significant progress, but there is much to be done to staff, organize and integrate the two new missions.

After two failed searches, we hired a Public Guardian and Conservator in late 2014 and he has begun organizing and staffing the Office. The search for the Residential Care chief deputy has just begun and no other staff members have been employed for the Residential Facility program. The authorized Deputy Director position will remain vacant until a new Long-Term Care Ombudsman and Agency Director is employed to fill the current vacancy. A search for the new State Ombudsman is just beginning in February 2015. In coordination with the Residential Care Advisory Committee, the Governor’s Office appointed an Interim Long-Term Care Ombudsman. We are expecting an orderly transition in leadership with no interruption in the services provided by the Agency.

More volunteers are needed to cover the residents of all of the licensed long-term care facilities in the State. With the changes we have implemented to increase our coverage of the State’s adult foster homes, we now estimate that the Agency needs about 50 – 75 more certified Ombudsman volunteers to advocate for the residents living in all of the licensed long-term care facilities.

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Two more deputies would be required to supervise the activities of these volunteers.

The Governor’s budget contains sufficient funding for five deputies in the Residential Facility program – including the chief and four deputies. This team of deputies is projected to be sufficient to recruit, train, and supervise the activities of up to 150 new certified Ombudsman volunteers. As the program develops, we will learn about the needs of this resident community and whether the initial staffing and volunteer projections are sufficient to advocate for all of these vulnerable Oregonians.

### **Budget Drivers and Financial Constraints**

In 2013-2015, the Agency received about 16% of its funding through the provisions of Title VII of the Older Americans Act. These funds are part of the Medicaid matching funds received by the Department of Human Services and passed through, with a 5% match, to LTCO as Other Funds. Other Funds also include \$66,000 in Fines and Forfeitures from penalties assessed on licensed long-term care facilities by DHS. The balance of the funding is provided from General Funds. LTCO has no other funding streams.

*(Note about funding: Prior to the 2011–2013 biennium, LTCO received Medicaid funding. These funds were sufficient to provide about 75% of the total expenditures of the Agency. On July 1, 2011, most of the Medicaid funding was discontinued; requiring a significant increase in the amount of General Funds needed to continue the program.)*

In February 2014, the Agency has about 200 volunteers, including about 175 Certified Ombudsmen. The remainder are administrative volunteers providing IT, finance, marketing, and advocacy support; Recruiting & Screening Committee members; and the members of the LTC Advisory Committee - - newly renamed the Residential Facility Advisory Committee.

Two more deputies would be required to supervise the 50-75 more certified Ombudsman we estimate are needed to advocate for all of the long-term care residents in the State. In 2015 dollars, each deputy position would require additional General Funds of about \$115,000 per year in the coming biennium.

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Without the deputies to provide supervision, the Agency cannot significantly increase the number of certified Ombudsman volunteers.

### **Governor’s Budget Investments**

The Governor’s budget includes:

1. General fund “backfill” of Other Funds lost to Federal sequestration. Other Funds are Federal Medicaid monies authorized by the Older Americans Act paid to DHS and distributed through to LTCO. The proposed General Fund amount necessary to restore the amounts lost to sequestration is \$59,325 in the 2015-17 biennium.
2. New General Funds to increase the current  $\frac{3}{4}$  fte data analyst position (#1140009) to full-time beginning on July 1, 2015. The additional activities in the LTCO program are expected to considerably increase the workload of our single analyst. The amount necessary to is \$24,914 in General Funds and \$8,306 in Other Funds in the 2015-2017 biennium.

### **Cost Containment Initiatives – Opportunities for Consolidation**

The Older Americans Act establishes and ORS 441 requires that the Long Term Care Ombudsman be independent of other State agencies: “. . . the Long Term Care Ombudsman shall function separately and independently from any other state agency . . .” (ORS 441.103).

The Agency has been cautious in spending, has limited travel and related expenses where possible, and has achieved considerable success in controlling expenses. The Legislature authorized the addition of one LTCO deputy in 2013-2015. We have placed this new full-time LTCO deputy in Central Oregon to serve the residents and supervise the volunteers in Central and Eastern Oregon. This has greatly increased the coverage and reduced the costs of serving the Oregonians in this large geographic region. As additional deputies are added to the Agency, we anticipate placing them in regional offices (out of Salem) in SW Oregon, NW and coastal Oregon, and the Portland metro area.

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We are moving forward aggressively to complete staffing the two new programs that have been authorized for LTCO. We hope to have all of the positions filled by the end of calendar year 2015. The Agency has not proposed any legislation.

### **Other Matters**

1. HB 4131 compliance: No actions have been necessary to comply with requirements of this legislation.
2. Secretary of State audits: None.
3. Effect of recent changes on Agency operations: The recent changes to add the Residential Ombudsman program and the Public Guardian and Conservator to Agency operations have not disrupted the long-term care ombudsman operations because most of the activity occurs in licensed facilities across the State.
4. Summary of proposed IT and capital construction projects: None.
5. Position reclassifications: None. A review of the classification and salary of the Long-Term Care Ombudsman and Agency Head position may be currently underway in DAS in connection with and coincident with (i) posting the vacant position and (ii) the increase in responsibilities and span of control due to the enactment of SB 626 (2013) and SB 1553 (2014). If the position is reclassified, it is likely that it will occur in the '15-17 biennium.
6. New hires: As of February 1, 2015, the Agency has employed the new Public Guardian and Conservator at salary step 4 as authorized. It is quite likely that there will be additional new hires before the end of the 2013-2015 biennium as the Agency continues to fill the new positions created by the enactment of SB 626 and 1553. There are two new positions that are scheduled to be above salary step 2.

### **Attachments:**

1. “Outcomes”, Volume 5, Number 1, February 2015. Page 9.
2. LTCO Organization Chart. Page 10.
3. LTCO Other Funds Ending Balance Report. Page 11.
4. LTCO Reductions Report. Page 12.



# Long-Term Care Ombudsman *Outcomes*

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Web: [www.oregon.gov/LTCO](http://www.oregon.gov/LTCO)

Here are the highlights of the great results our volunteers and staff accomplished in 2014!

Volume 5, Number 1 January, 2015



## By the Numbers: Highlights of Federal Fiscal Year 2013/2014

**\$1.5 million** = our total program budget for the fiscal year ending 9/30/2014

**70%** = the percentage of our budget coming from the State of Oregon General Fund

**30%** = the percentage of our budget coming from the Federal Government

**43,000** = the number of licensed beds we serve across Oregon

**100%** of 139 Skilled Nursing Facilities visited

**96%** of 474 Residential Care / Assisted Living Facilities visited

**80%** of 1800+ Adult Foster Homes visited

**200+** = the total number of volunteers across the state

**13,000** = the visits to Oregon's licensed long-term care facilities (**97%** by volunteers)

**80%** = the percentage of issues handled by volunteers

**97%** = the percentage of issues resolved, or mostly resolved (not referred)

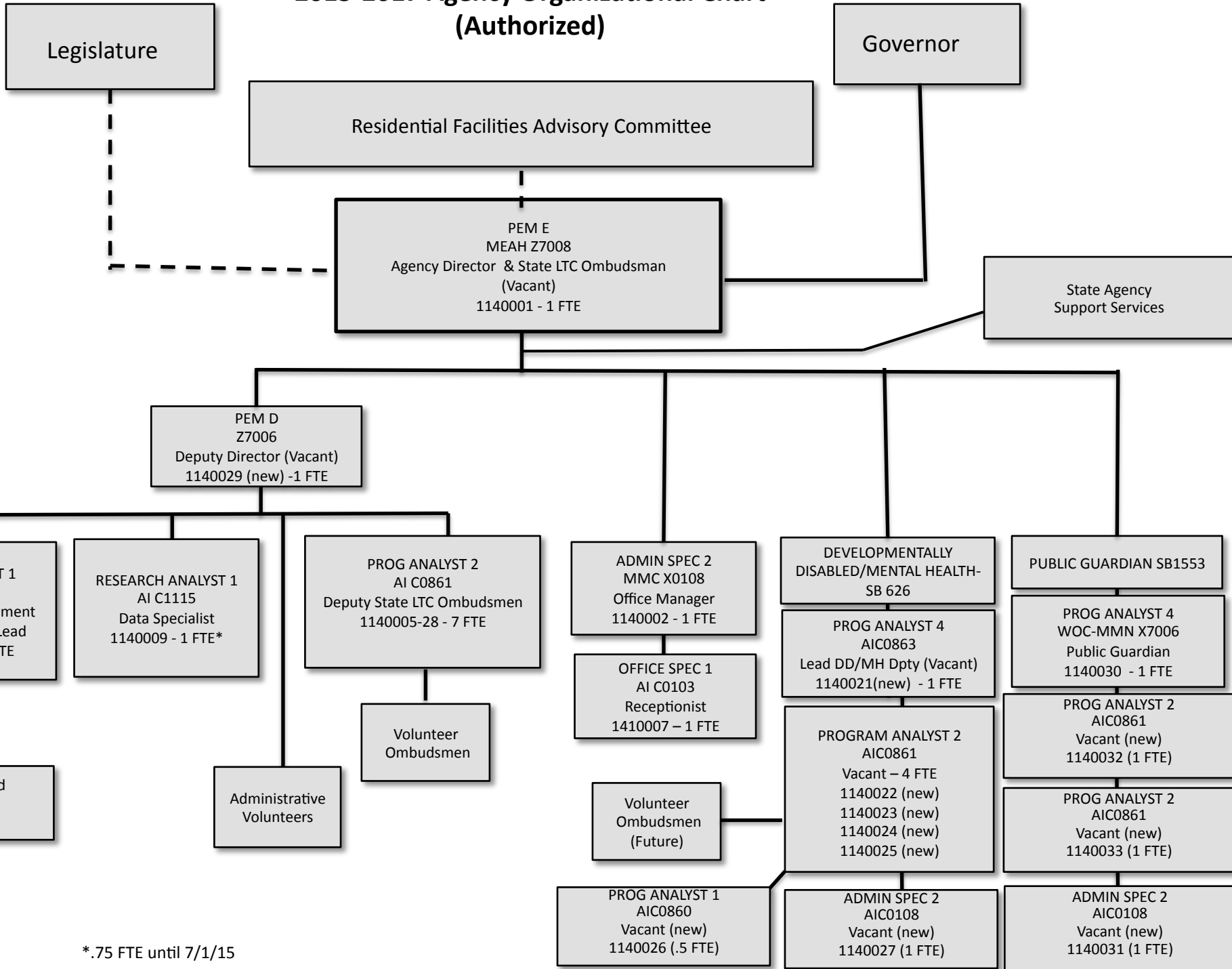
**28,000+** = the hours of documented volunteer service

**\$619,000+** = the value of volunteer services contributed to the State of Oregon

For more "LTCO by the Numbers" metrics, please check out our website at <http://www.oregon.gov/LTCO>

*Outcomes* is a publication of the Office of the Long-Term Care Ombudsman, an independent Agency of the State of Oregon per ORS 441.100, as mandated by the Federal Older Americans Act.

# Office of the Long-Term Care (LTC) Ombudsman 2015-2017 Agency Organizational Chart (Authorized)



**UPDATED OTHER FUNDS ENDING BALANCES FOR THE 2013-15 & 2015-17 BIENNIA**

Agency: 114 Long Term Care Ombudsman  
 Contact Person : Mary Jaeger 503-378-6533

(a) Other Fund Type	(b) Program Area (SCR)	(c) Treasury Fund #/Name	(d) Category/Description	(e) Constitutional and/or Statutory reference	(f) 2013-15 Ending Balance		(h) 2015-17 Ending Balance		(i) 2015-17 Ending Balance	(j) Comments
					In LAB	Revised	In CSL	Revised		
Limited	11400-010-00-00	Other Funds Cash Account Long Term Care Ombudsman #1140001000	Other - DHS Title III, VII & SMP Funds, DHS Quality Care Funds	1985, ORS 441.153, S14, SS(3)	12,047	94,162	66,000	114,086	13-15 received additional DHS SMP funds. New Quality Care Fund revenue - building cash balance	

**Objective:** Provide updated Other Funds ending balance information for potential use in the development of the 2015-17 legislatively adopted budget.

**Instructions:**

- Column (a): Select one of the following: Limited, Nonlimited, Capital Improvement, Capital Construction, Debt Service, or Debt Service Nonlimited.
- Column (b): Select the appropriate Summary Cross Reference number and name from those included in the 2013-15 Legislatively Approved Budget. If this changed from previous structures, please note the change in Comments (Column (j)).
- Column (c): Select the appropriate, statutorily established Treasury Fund name and account number where fund balance resides. If the official fund or account name is different than the commonly used reference, please include the working title of the fund or account in Column (j).
- Column (d): Select one of the following: Operations, Trust Fund, Grant Fund, Investment Pool, Loan Program, or Other. If "Other", please specify. If "Operations", in Comments (Column (j)), specify the number of months the reserve covers, the methodology used to determine the reserve amount, and the minimum need for cash flow purposes.
- Column (e): List the Constitutional, Federal, or Statutory references that establishes or limits the use of the funds.
- Columns (f) and (h): Use the appropriate, audited amount from the 2013-15 Legislatively Approved Budget and the 2015-17 Current Service Level as of the Agency Request Budget.
- Columns (g) and (i): Provide updated ending balances based on revised expenditure patterns or revenue trends. Do not include adjustments for reduction options that have been submitted unless the options have already been implemented as part of the 2013-15 General Fund approved budget or otherwise incorporated in the 2013-15 LAB. The revised column (i) can be used for the balances included in the Governor's budget if available at the time of submittal. Provide a description of revisions in Comments (Column (j)).
- Column (j): **Please note any reasons for significant changes in balances previously reported during the 2013 session.**

Additional Materials: If the revised ending balances (Columns (g) or (i)) reflect a variance greater than 5% or \$50,000 from the amounts included in the LAB (Columns (f) or (h)), attach supporting memo or spreadsheet to detail the revised forecast.

# 10% REDUCTION OPTIONS (ORS 291.216)

ACTIVITY OR PROGRAM (WHICH PROGRAM OR ACTIVITY WILL NOT BE UNDERTAKEN)	DESCRIBE REDUCTION (DESCRIBE THE EFFECTS OF THIS REDUCTION. INCLUDE POSITIONS AND FTE IN 2015-17 AND 2017-19)	AMOUNT AND FUND TYPE (GF, LF, OF, FF. IDENTIFY REVENUE SOURCE FOR OF, FF)	RANK AND JUSTIFICATION (RANK THE ACTIVITIES OR PROGRAMS NOT UNDERTAKEN IN ORDER OF LOWEST COST FOR BENEFIT OBTAINED)
5% Reductions are:		GF: \$307,542 OF: 27,010 (Medicaid pass-thru from DHS) Total: 334,552	
1. Eliminate annual LTCO training conferences.	Reduces organizational cohesiveness and volunteer training. Negative impact on training, motivation, advocacy skills, and volunteer retention.	GF: \$158,450 OF: 21,550 Total: \$180,000	#1 – greatest cost saving for least negative impact on operations.
2. Eliminate one fte deputy from the new Residential Facilities program.	Cuts corps of deputies to three, slowing the implementation of the new MH & DD advocacy program but allowing it to continue.	GF: \$155,000 Total: \$155,000	#2 – modest negative impact on the new program authorized by SB 626 in 2013 with significant cost savings if necessary.
Next 5% Reductions are:		GF: \$307,542 OF: 5,460 Total: 313,002.	
3. Eliminate one fte deputy from the new Residential Facilities program.	Cuts corps of deputies to two, slowing the implementation of the new MH & DD advocacy program but allowing it to continue.	GF: \$155,000 Total: \$155,000	#3 - more significant negative impact while still allowing the new program to develop.
4. Reduce Supplies & Services expenses by 5%.	Modest reduction in deputy travel activities to visit facilities and support volunteers.	GF: \$114,100 TOTAL: \$114,100	#4 – reducing deputy travel allowances has a significant impact on their ability to visit facilities and support volunteers.
5. Eliminate one-quarter fte recruiter from the LTCO program.	Reduces volunteer recruiting staff to 1.75 ftes, slows new and replacement recruiting.	GF: \$38,442 OF: 5,460 Total: \$43,902	#5 – significant impact on volunteer recruiting and program integrity.