

## Long Term Care Ombudsman

	2015-17 Actual	2017-19 Legislatively Adopted	2017-19 Legislatively Approved *	2019-21 Current Service Level	2019-21 Governor's Budget
General Fund	4,929,019	6,087,623	6,401,552	7,212,903	7,553,107
Other Funds	679,823	894,242	908,057	954,159	853,177
<b>Total Funds</b>	<b>5,608,842</b>	<b>6,981,865</b>	<b>7,309,609</b>	<b>8,167,062</b>	<b>8,406,284</b>
Positions	25	25	27	27	28
FTE	24.50	24.50	25.50	26.50	28.00

\* Includes Emergency Board and administrative actions through December 2018.

### Program Description

The Long Term Care Ombudsman (LTCO) program is a federally-mandated consumer protection program supporting a network of certified volunteers to investigate and resolve complaints for people who live in Oregon’s nursing facilities, residential care facilities, assisted living facilities, and adult foster homes.

In 2013, the agency was expanded to include the Residential Facilities Ombudsman (RFO) program which addresses the needs of care facility residents who have a mental illness or developmental or intellectual disability. Most recently, SB 307 (2015) requires the LTCO to also advocate for residents of the independent living section of a Continuing Care Retirement Community (CCRC).

The agency continues to address challenges in ramping up new work approved during the 2014 legislative session, when the Oregon Public Guardian (OPG) program was established. The program helps people who do not have a relative or friend able to serve in a fiduciary capacity, lack the financial ability to pay someone to serve as a fiduciary, and are at serious and imminent risk of harm or death without a fiduciary. OPG activities range from making residential and medical decisions to handling financial issues.

An eleven-member Residential Ombudsman and Public Guardian Advisory Board is responsible for monitoring the agency, advising state leadership on programs, and nominating people for “the” LTCO position as it comes open; this position also functions as the agency head.

At close to 90%, the budget is almost entirely General Fund; this level of dependency is anticipated to continue, and may increase, as growth in other revenue sources will unlikely be able to keep pace with inflation and other cost drivers. These revenues, budgeted as Other Funds, consist primarily of federal Older Americans Act funding passed-through the Department of Human Services and civil penalties assessed on residential facilities and adult foster homes that serve persons with mental illness or intellectual/developmental disabilities. A portion of the pass-through funding is specifically for the Senior Medicare Patrol (SMP) program, which educates seniors, their families, and caregivers on health care fraud, error, and abuse.

### CSL Summary and Issues

The agency's Current Service Level (CSL) budget includes standard inflationary adjustments, along with a net zero technical adjustment to move expenditures between services and supplies line items. Revenue associated with the federal SMP program is not expected to cover projected CSL expenditures, so program activities will need to be curtailed. The total 2019-21 CSL of \$8,167,062 is an increase of 12.7% from the 2017-19 legislatively approved budget.

### Policy Issues

As noted above, since SMP revenues are inadequate, Pkg. 070 Revenue Shortfall reduces Other Funds expenditure limitation by \$100,982 to reflect limited program efforts.

Demand for ombudsman services is directly related to the number of care facilities and clients falling under the agency's umbrella of services; in 2019-21, those potential clients are expected to exceed 52,000 people living in almost 4,500 licensed facilities. The system has grown and is expected to continue increasing in size as the population ages; however, the complement of beds by facility type may shift or fluctuate.

Requests for services, visits to facilities, consultations with residents, facility administration and family members continue to increase. Phone calls received by the LTCO program have increased 13% between 2016 and 2017. The ability to provide public guardian services is constrained by the budget; the program is currently funded to serve 80 protected persons directly and assisting another 10-14 individuals through contracts. This capacity is estimated meet only about 5% of the statewide need for public guardian and conservator services.

### Other Significant Issues and Background

During the 2017 legislative session, the agency was directed via budget note to assess the Oregon Public Guardian Program (OPG) and report on that work prior to the 2018 legislative session. The report was made in January 2018 and included updates on efforts to minimize legal costs, streamline banking processes, maximize caseload capacity, tap local partners, and leverage pro bono services. In response to this work, the Legislature restored \$200,000 General Fund to the program for two permanent, full-time Deputy Guardian positions (Program Analyst 2 classification) effective July 1, 2018 (1.00 FTE). The positions are out-stationed in rural areas of the state, which will overcome barriers to contracting in certain areas, provide maximum support for volunteers, and expand program access.

The agency request budget included 12 policy packages totaling \$1,613,337 General Fund, which supports a total of 7 new positions (7.00 FTE) and associated program expenditures. These new resources would help the agency cover more facilities, support additional volunteers, expand training offerings, serve more protected persons, and develop an OPG volunteer component.

The Governor's budget adds a total of 352,907 General Fund and 1 position (1.50 FTE) to fund three policy packages supporting volunteer program efforts. These include restoring program dollars that were needed to cover information technology costs, adding one Deputy LTCO

position to increase volunteer capacity, and increasing the RFO program's part-time volunteer recruiter positions to full-time. The budget also includes a policy package for the Public Guardian program, which adds \$111,855 General Fund to true up projected personal services costs for the two new, permanent full-time Deputy Public Guardian positions that were approved during the 2018 legislative session. After actions reducing expenditures (taking higher vacancy savings, adjusting certain statewide charges, and accounting for lower federal funding), the total funds Governor's budget is a 15% increase over the 2017-21 legislatively approved budget and is a 2.9% increase over the current service level.