

ANALYSIS

Item 29: Oregon Department of Human Services/Long-Term Care Ombudsman Ombudsman Services

Analyst: Gregory Jolivette

Request: Approve, retroactively, the submission of a federal grant application to the U.S. Department of Health and Human Services, Administration for Community Living in the amount of \$240,523; increase Federal Funds expenditure limitation for the Oregon Department of Human Services by \$240,523; and increase Other Funds expenditure limitation for the Long-Term Care Ombudsman by \$240,523 to strengthen the capacity of the Ombudsman program.

Analysis: The Oregon Department of Human Services (ODHS) is the federally designated State Unit on Aging, which means all Older Americans Act funds awarded to Oregon flow through ODHS, including funds used to support the Office of the Long-Term Care Ombudsman (LTCO). ODHS and LTCO jointly request retroactive approval to apply to the U.S. Department of Health and Human Services' Administration for Community Living for a grant in the amount \$240,523 to increase LTCO outreach and training. There is no state match requirement for this grant. The agencies provided timely notice to the Legislature on June 13, 2022 and submitted the application on June 24, 2022.

Since the grant application was successful, the agencies are requesting expenditure limitation. ODHS is requesting Federal Funds expenditure limitation of \$240,523 to allow the funds to be transferred to LTCO, and LTCO is requesting Other Funds expenditure limitation of \$240,523 to allow the funds to be used to improve ombudsman services. Specifically, LTCO intends to use the funds to hire three temps to increase in-person outreach to residents of long-term care settings and to host a statewide training event for its volunteers in 2023.

The Legislative Fiscal Office recommends approval. Historically, LTCO has not had the resources to have a physical presence in all facilities statewide on an annual or even biennial basis. With these funds, the agency will increase its presence and potentially resolve more resident issues and complaints.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board approve, retroactively, the submission of a federal grant application to the U.S. Department of Health and Human Services, Administration for Community Living in the amount of \$240,523; increase Federal Funds expenditure limitation for the Oregon Department of Human Services by \$240,523; and increase Other Funds expenditure limitation for the Long-Term Care Ombudsman by \$240,523, to strengthen the capacity of the Ombudsman program.

Office of the Long Term Care Ombudsman
Oregon Department of Human Services
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Request: Retroactive authorization to apply for a grant from the Administration for Community Living in the amount of \$240,523 to strengthen the capacity of the State's Long Term Care Ombudsman program. Increase Oregon Department of Human Services Federal Funds expenditure limitation by \$240,523 and increase Office of the Long Term Care Ombudsman Other Funds expenditure limitation by \$240,523.

Recommendation: Approve the request.

Discussion: The American Rescue Plan Act of 2021 (ARPA) authorized additional grant funding for states for activities authorized under Title VII of the Older Americans Act. To be eligible to receive this grant, each state Long-Term Care Ombudsman and state Agency on Aging was required to submit a co-signed plan for the use of funds. The deadline to submit the request to the Administration for Community Living (ACL) for the ARPA funds was June 24, 2022. The Oregon Department of Human Services (ODHS) and the Office of the Long Term Care Ombudsman (OLTCO) submitted a plan to the ACL and the funds have been awarded in the amount of \$240,523. There is no state matching requirement. Older American Act funds are received as Federal Funds by ODHS and are passed through as Other Funds to OLTCO, which is why expenditure limitation is being requested by both agencies at this time.

The purpose of the grant is to enhance state ombudsman program capacity to respond to and resolve complaints about abuse and neglect, especially in care facilities, adult care homes and assisted living facilities. These funds are intended to support ombudsman programs by expanding capacity through activities such as hiring staff and recruiting and training volunteers to conduct visits and investigate complaints, develop resident and family councils, and provide information and assistance and education on resident rights and prevention of abuse and neglect.

OLTCO intends to utilize these resources to continue volunteer recruitment and training efforts (\$50,000) and hiring temporary staff to conduct as many in-person visits to residential care facilities and adult foster homes as possible (\$190,523). OLTCO is currently in the process of hiring two temporary staff at the Policy Analyst 2 level, with these and other remaining federal COVID-stimulus funds made available to the agency. These additional dollars will ensure the agency can continue to visit more residents across Oregon, with the emphasis on facilities where an Ombudsman is not assigned.

Legal Reference: Increase Federal Funds expenditure limitation established by chapter 606, section 3 (6), Oregon Laws 2021, for the Oregon Department of Human Services Aging and people with disabilities programs by \$240,523 for the 2021-23 biennium.

Increase Other Funds expenditure limitation established by chapter 469, section 2, Oregon Laws 2021, for the Long Term Care Ombudsman by \$240,523 for the 2021-23 biennium.



Oregon

Kate Brown, Governor

Department of Human Services

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August 17, 2022

Senator Peter Courtney, Co-Chair
Representative Dan Rayfield, Co-Chair
Joint Emergency Board
900 Court St. NE
H-178 State Capitol
Salem OR 97301

RE: Retroactive application approval for ACL ARP Funding for Office of the Long-Term Care Ombudsman

Dear Co-Chairs:

Nature of the Request

The Oregon Department of Human Services (ODHS) and Oregon Office of the Long-Term Care Ombudsman (OLTCO) request retroactive permission to apply for additional federal funding for the OLTCO. OLTCO has been allocated \$240,523 from the Federal Administration for Community Living (ACL) to strengthen the capacity of State Long-Term Care Ombudsman programs to recover from the ongoing COVID-19 public health emergency and assist with resolution of resident complaints across the state, through the American Rescue Plan. ODHS submitted a 10-day notice to DAS and LFO on June 13, 2022. The application was submitted to ACL on June 24, 2022. There is no state matching requirement for this grant.

Background

In 2020, OLTCO was awarded an additional \$267,041.00 via the CARES Act. The Agency has been diligently utilizing the funding in accordance with the terms laid out in the award letters and the subsequent guidance from the Administration for Community Living. OLTCO purchased PPE, dramatically increased the ability to conduct virtual outreach to residents of long-term care, increased in-person outreach efforts, completed direct mailings to residents as well as released TV public service announcements in English and Spanish.

OLTCO continues to look for opportunities to increase volunteers' capacity to serve residents in a new way due to the pandemic.

There are 130 nursing facilities and over 1900 community-based care facilities with a total of 46,000 beds across the state. With 10 FTE deputy ombudsman staff and 130 volunteers the Agency is still not able to have a physical presence in all facilities statewide on an annual, or even biennial basis.

With these supplemental funds to hire temps, the Agency will be able to assist many more Oregonians over the course of the next couple of years as everyone continues to recover from the pandemic. The emphasis will be to visit as many residents across licensed long-term care settings as possible to help address issues and resolve complaints.

Additionally, throughout the pandemic it has been increasingly hard to recruit and retain volunteers. The stress of not being able to go in-person to visit residents for so long, the state of facilities once they were able to return, and the continued lack of accountability by providers and the licensing agency has taken a toll. Despite this, 142 volunteers provided 8,737 hours to Oregonians during FFY 2021. OLTCO recently held their first Statewide Training Event in over three years. Volunteers were very excited to have two full days of training with national and local experts to assist them with new perspectives, tools and further their continuing education. Several requests were made to have this be an annual event, but the funding doesn't exist in the OLTCO legislatively adopted budget. This additional ARP money will allow the Agency to host another Statewide Training Event in 2023 to further support volunteers with the skills needed to get out to more nursing homes, assisted living facilities, residential care facilities, continuing care retirement communities, memory care endorsed settings and adult foster homes. The event will be held during the 2023 longer legislative session in Salem, so that there are opportunities for advocacy around the state budget process and various policy issues impacting residents of all of Oregon's long-term care settings.

The Administration for Community Living has approved the proposal.

Agency Request

The Oregon Department of Human Services and The Office of the Long-Term Care Ombudsman is requesting a retroactive permission to submit a request to ACL for the full \$240,523 from the Federal Administration for Community Living (ACL).

Increased Limitation Request

The OLTCO officially requests a \$240,523 in increased limitation for The Long-Term Care Ombudsman in the current, 2021-2023 biennium. This month, the OLTCO received an award letter from the Administration for Community Living (75-X-0142), via the American Rescue Plan Act of 2021 for activities authorized under the Elder Justice Act. If approved,

the OLTCO will receive the funding as Other Funds (OF) through The Oregon Department of Human Services.

Legislation Affected:

Oregon Laws 2021, Chapter 606, section 3, subsection 6, increase federal funds by \$240,523.

Oregon Laws 2021, Chapter 469, section 2, increase other funds by \$240,523.

If you have questions, please contact Rob Kodiriy at 503-689-7554.

Sincerely,



Fariborz Pakseresht, ODHS Director



Fred Steele, Jr, Agency Director and State Long Term Care Ombudsman

cc: Amanda Bietel, Legislative Fiscal Office
Gregory Jolivette, Legislative Fiscal Office
George Naughton, Department of Administrative Services
Ali Webb, Department of Administrative Services
Mike Streepey, Department of Administrative Services
Eric L. Moore, ODHS CFO