

Long Term Care Ombudsman

	2017-19 Actual	2019-21 Legislatively Adopted	2019-21 Legislatively Approved *	2021-23 Current Service Level	2021-23 Governor's Budget
General Fund	6,169,136	7,728,112	7,558,394	9,114,584	10,091,058
Other Funds	673,947	845,016	1,111,464	919,514	854,216
Total Funds	6,843,083	8,573,128	8,669,858	10,034,098	10,945,274
Positions	27	30	30	30	36
FTE	25.50	29.14	29.50	29.50	35.50

* Includes Emergency Board and administrative actions through January 2021.

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 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.

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 91%, the budget is almost entirely General Fund; this level of dependency is anticipated to continue, and may increase, as growth in other revenue sources is unlikely to keep pace with inflation and other cost drivers. These Other Funds revenues 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.

CSL Summary and Issues

- The agency's CSL budget includes standard inflationary adjustments. Revenue associated with the federal Older Americans Act (OAA) is not expected to cover projected CSL expenditures.

Policy Issues

- As noted above, since OAA revenues are inadequate, Pkg. 070 Revenue Shortfall reduces Other Funds expenditure limitation by \$74,641 (0.31 FTE) to reflect elimination of unsupportable costs.
- The Governor's Budget includes \$74,641 General Fund to restore the 0.31 FTE and proposes \$1.7 million General Fund for six new positions (6.00 FTE) -- including five Deputy Public Guardian positions and one Program Analyst 1 position -- to expand guardianship services for Oregon's most vulnerable adults.
- As for reductions, the Governor's Budget contains statewide adjustments eliminating inflation on services and supplies (\$50,587 GF) and requiring higher vacancy savings (\$217,270 GF). It also extends into 2021-23 some budget reductions taken in the 2020 2nd Special Session (\$376,423); these include reducing base services and supplies, attorney general expenditures, and guardianship contracts.
- Demand for ombudsman services is directly related to the number of care facilities and clients falling under the agency's umbrella of services; in 2021-23, 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.
- The ability to provide public guardian services is constrained by the budget; at current service level the program is funded to serve approximately 85 protected persons. This capacity is estimated to meet only about 5% of the statewide need for public guardian and conservator services.

Other Significant Issues and Background

- COVID-19. Ordinarily, LTCO volunteers visit their assigned facilities on a weekly basis; however, due to COVID-19, site visits or face to face interactions have been limited. Instead, volunteers have been calling residents, setting up video conferences, and sending postcards. With some changes in federal policy intended to protect older adults in residential facilities, there is a concern about increased isolation for seniors living in facilities. In 2019-21, the agency received \$267,041 in CARES Act funds. The 2021-23 budget provides Other Funds expenditure limitation of \$46,041 for the agency to spend the balance of those funds by December 31, 2021.

Key Performance Measures

A copy of the DAS Annual Performance Progress Report can be found on the LFO website

https://www.oregonlegislature.gov/lfo/APPR/APPR_LTCO_2020.pdf