

The Office of the Long Term Care Ombudsman

Residential
Facilities
(RFO)

Long Term
Care
Facilities
(LTCO)

Oregon
Public
Guardian
(OPG)

Residential
Ombudsman
& Public
Guardian
Board

Fred Steele, State Long Term Care Ombudsman & Agency Director
May 29, 2024



OLTCO: Our Mission

To protect the individual rights, promote independence, and ensure quality of life through informed advocacy and education for Oregonians living in long-term care and residential facilities and Oregonians with decisional limitations.



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LONG-TERM CARE
OMBUDSMAN



Residential
Facilities
Ombudsman
Program



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LONG-TERM CARE
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LTCO Program Overview

- Established: Older Americans Act in 1977
- Established as individual state agency in 1985
- Statutory authority: ORS 441.402 – 441.419
- 10 Deputy Ombudsman staff; ~120 volunteer Ombudsmen



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LTCO Role

- Advocate for residents of nursing homes, assisted living, residential care facilities, adult foster care homes, and Continuing Care Retirement Communities
- Utilize federal and state statutory authorities to:
 - Visit facilities/residents without interference
 - Investigate complaints
 - Obtain records (from facility or other governmental agencies)
 - Work with facility and regulatory agency to correct problems
- Compel systems change to improve life and care for residents

Top Resident Issues

- Evictions / Discharges
- Care Planning
- Billing and Charges
- Medications
- Food / Dietary Needs
- Loss of Personal Property
- Responses to Requests for Assistance
- Housekeeping, Laundry
- Staffing Issues
- Other Rights and Preferences



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LTCO Oversight of Regulatory Agency

Relevant State Laws

- ORS 441.406: LTCO shall “Investigate and resolve complaints made by or for residents of long term care facilities about administrative actions that may adversely affect their health, safety, welfare or rights....”
- ORS 441.402 defines “administrative actions” as: “any action, inaction or decision made by an owner, employee or agent of a long term care facility or by a public agency that affects the services to residents of long term care facilities.”



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LTCO Oversight of Regulatory Agency

Relevant Federal Laws

- 45 CFR 1324.13(a)(1): “The Ombudsman shall ... Identify, investigate, and resolve complaints that: (i) Are made by, or on behalf of, residents; and (ii) Relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of residents ... of: (B) Public agencies; or (C) Health and social service agencies.”



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LTCO Oversight of Regulatory Agency

Relevant Federal Laws cont'd:

- 45 CFR 1324.13(7):
 - “Analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents...”
 - “Recommend any changes in such laws, regulations, policies, and actions as the Office [of the Long Term Care Ombudsman] determines to be appropriate;”
 - “Provide leadership to statewide systems advocacy efforts of the Office on behalf of long-term care facility residents...”
 - “Provide information to public and private agencies, legislators, the media, and other persons, regarding the problems and concerns of residents and recommendations related to the problems and concerns;”



Residential
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RFO Overview

- ❖ Established by 2013 legislature
- ❖ Statutory authority: ORS 443.380 – 443.394
- ❖ 5 Deputy Ombudsman staff; foundational volunteer program developed



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RFO Role

- ❖ Advocate for individuals living in ODDS licensed care settings and select OHA licensed mental health settings
- ❖ Only state statute, but authorities include:
 - Visit residents without interference
 - Investigate complaints
 - Obtain records
 - Work with facility and system entities to resolve complaints
- ❖ Also systems change authorities



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RFO:

Resident Complaints

Top 5 Categories of Individual Complaints

- ❖ Right to participate and direct one's own care
- ❖ Right to make day-to-day life choices related to clothing, diet, schedule, work and leisure
- ❖ Right to participate in the community at large and activities of one's own choosing
- ❖ Right to develop and maintain relationships, visit, date, marry, and live together
- ❖ Right to know, understand, and receive supports in pursuing remedies for grievances



RFO Oversight of Regulatory Agency

- ❖ ORS 443.382(3): “The Residential Facilities Ombudsman shall: (a) Identify, investigate and resolve complaints made by or on behalf of residents about administrative actions.”
- ❖ ORS 443.380: “Administrative action” means an action, inaction or decision by an owner, employee or agent of a residential facility or by a state, local, social service or health agency that could affect the health, safety, welfare or rights of residents of the facility.



RFO Oversight of Regulatory Agency

- ❖ ORS 443.382(3): The Residential Facilities Ombudsman shall:
 - (i): Analyze, comment on and monitor the development and implementation of federal, state and local laws and other governmental policies pertaining to the health, safety, welfare and rights of residents.
 - (j): Recommend any changes to state or local laws to improve the health, safety, welfare and rights of residents.
 - (q): Make recommendations for improvements in the functioning of the residential facility system in this state.

Residential Ombudsman & Public Guardianship Advisory Board

ORS 441.417 duties include:

- Monitor the Long-Term Care Ombudsman Program.
- Nominate, after interviews and according to prescribed criteria, three persons to fill the Long-Term Care Ombudsman position or to fill a vacancy in the position.

AND

ORS 441.403(2): The Long Term Care Ombudsman may be removed for just cause, upon recommendation to the Governor by the Residential Ombudsman and Public Guardianship Advisory Board.

Questions?



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