

Office of the Long Term Care Ombudsman

Fred Steele, MPH, JD, State Long Term Care Ombudsman & Agency Director
Leslie Sutton, Residential Facilities Ombudsman

Senate Human Services, January 21, 2025

Office of the Long Term Care Ombudsman

Separate, independent state agency

Uses person-centered and systems advocacy to:

- To protect individual rights,
- promote independence, and
- ensure quality of life

Office of the Long Term Care Ombudsman Supports Oregonians who:



Live in long-term care facilities



Live in Developmental Disability or Mental Health Residential Facilities or Foster Homes



Need Significant Help making Decisions (Oregon Public Guardian)



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LONG-TERM CARE
OMBUDSMAN

LTCO Program Overview

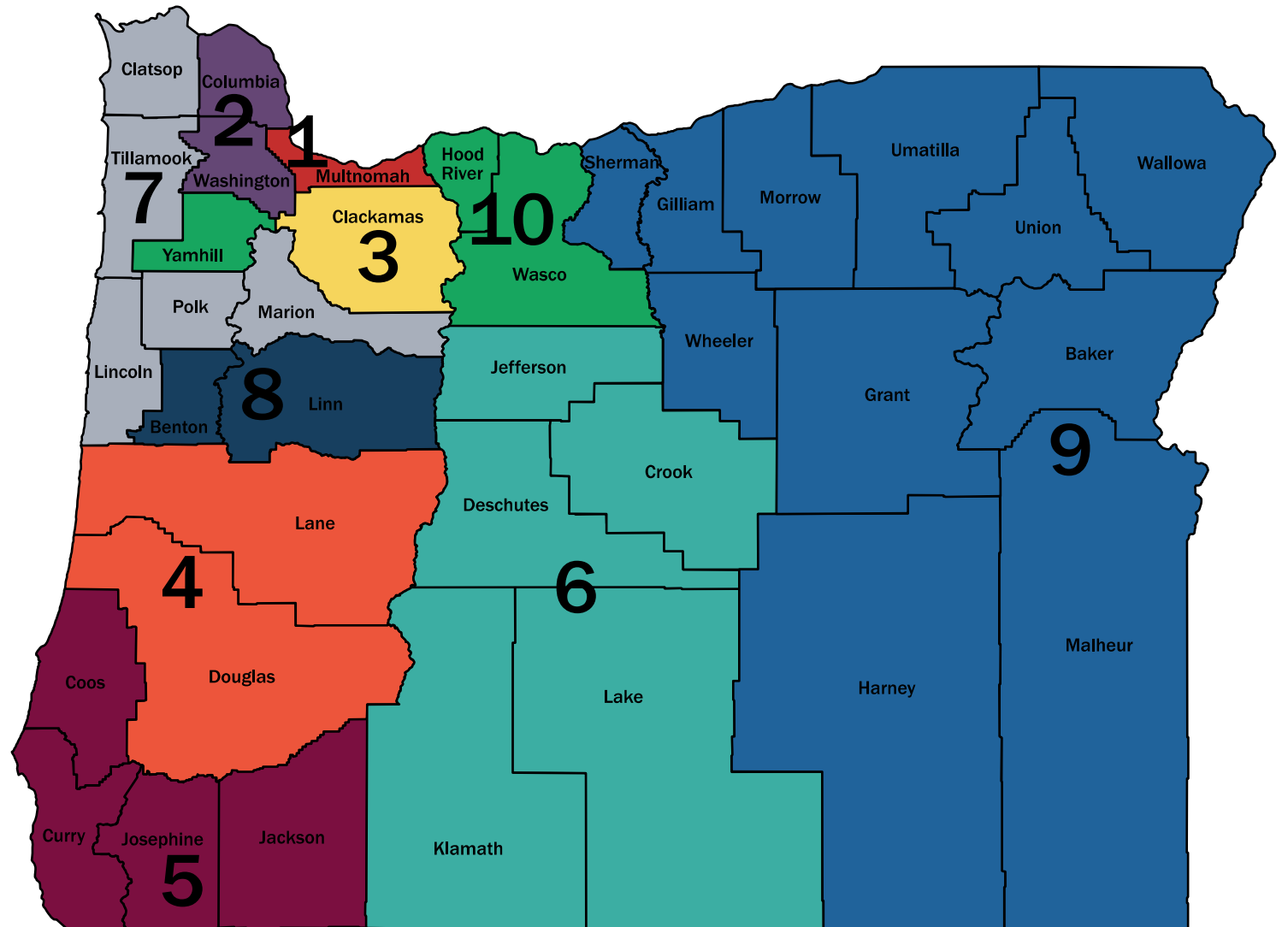
- Established: Older Americans Act in 1977
- Established as individual state agency in 1985
- Statutory authority: ORS 441.402 – 441.419
- 10 Deputy Ombudsman staff; ~120 volunteer Ombudsmen



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LTCO Program Overview

Deputy Ombudsman District Map





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Advocacy Role

Advocate for residents of:

- nursing homes,
- assisted living,
- residential care facilities,
- memory care communities,
- adult foster care homes, and
- Continuing Care Retirement Communities



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Advocacy and Policy Work

Utilize federal and state statutory authorities to:

- Visit facilities/residents without interference
- Investigate complaints
- Obtain records (from facility or other governmental agencies)
 - Subpoena authority
- Work with facility and regulatory agency to correct problems

Compel systems change to improve life and care for residents



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Advocacy and Policy Work

We can compel systems change to improve life and care for residents

To create systems change, LTCO protected by law to work with:

- Media
- Legislature
- System partners

We also investigate public agencies' "administrative actions" that impact residents



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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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Investigatory Authority & Mandate

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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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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Systems
Advocacy

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;”



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LTCO
Investigation
Report Re:
Mt. Hood
Senior Living

December 24, 2023 – resident Ki Soon Hyun walked out an open door of an ODHS-endorsed, “locked” memory care

- December 25 – resident found approximately ½ mile from facility; cause of death: hypothermia

December 26: Adult Protective Services (APS) entered

December 27: ODHS staff began communicating with the facility’s owner for a “safety plan”

January 22: ODHS licensing enters to inspect the facility

January 25: ODHS issues condition for “immediate jeopardy”

January 26, 2024: ODHS conducts emergency closure of Mt Hood Senior Living



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LTCO Investigation Report Re: Mt. Hood Senior Living

Recommendations:

Processes must be developed to identify and more urgently respond to red flags at a state-licensed long-term care facility

An audit to review:

- ODHS compliance with letter and intent of consumer protection laws;
- Internal conflict of consumer protection and provider support within the regulatory unit;
- ODHS staffing levels to ensure timeliness of regulatory response.

Address recognized gaps in law to:

- Compel additional action by ODHS when immediate jeopardy exists.
- Address resident safety if inexperienced owners allowed.



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LTCO Investigation Report Re: Mt. Hood Senior Living

Additional Recommendations:

The long-term care regulatory functions must separate out:

- Consumer Protection role
 - Current approach blurs consumer protection and provider support functions
- Provider support – education / training / technical assistance
 - Important for providers to be assured they can receive TA w/o investigation
- Caregiver support
 - Build on SB 1556 (2022)
 - Develop robust training, education supports
 - State investment in career ladder for caregivers
 - Develop certification program opportunities



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Questions?



Live Life



Residential
Facilities
Ombudsman
Program

Residential Facilities Ombudsman



Uses advocacy to create change in people's lives and systems policy

so that people with disabilities can live full lives in Oregon's communities

RFO Supports Oregonians who live in:

- **Adult Mental Health Residential and Foster Homes**
- **Adult Developmental Disabilities Foster or 24-hour group homes (residential facilities)**
- **Child Foster Homes, Host Homes, and 24-hour group homes**



RFO Core Work:

- **Conduct unannounced home visits**
- **Investigate complaints**
- **Obtain records for investigations (includes subpoena powers)**
- **Work with facilities and system partners to resolve complaints**
- **Recommend and advocate for policy system changes**



RFO Oversight of Regulatory Agencies: Modeled after LTCO authorities

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.



Other RFO Duties in ORS 443.382:



Protect Rights: Provide services to residents to assist them in protecting their health, safety, welfare and rights.

Access: Ensure residents have regular, timely, unimpeded, private access to RFO services

System change: Participate in conferences, inquiries and meetings or studies that may lead to system improvements. Recommend changes to laws to improve health, safety, welfare and rights of residents

Representation: represent interests of residents before government agencies and seek administrative, legal or other remedies to protect the health, safety welfare and rights of residents

Who RFO Serves:

11,268 Oregonians with Mental Health or Developmental Disabilities

13% live in Mental Health Facilities

87% live in Developmental Disability Facilities

Number of Facilities in RFO Purview



3,219 facilities and foster homes across Oregon



7% are are licensed or certified by Oregon Health Authority for people with mental health support needs



93% are licensed or certified by ODHS Office of Developmental Disability Services for people with developmental disabilities



1 in 10 homes in the Developmental Disability system are for children

Increases in RFO Population Served 2013-2025

Oregon Legislature created RFO in 2013 (ORS ORS 443.380-443.394)

Since 2013:

- 48% increase in people living in RFO covered facilities
- 77% increase in number of facilities

Since 2016:

- 829% increase in case volume

Program Structure



The Residential Facilities Ombudsman

5 Deputy Ombudsmen

2 Deputies on temporary job rotation

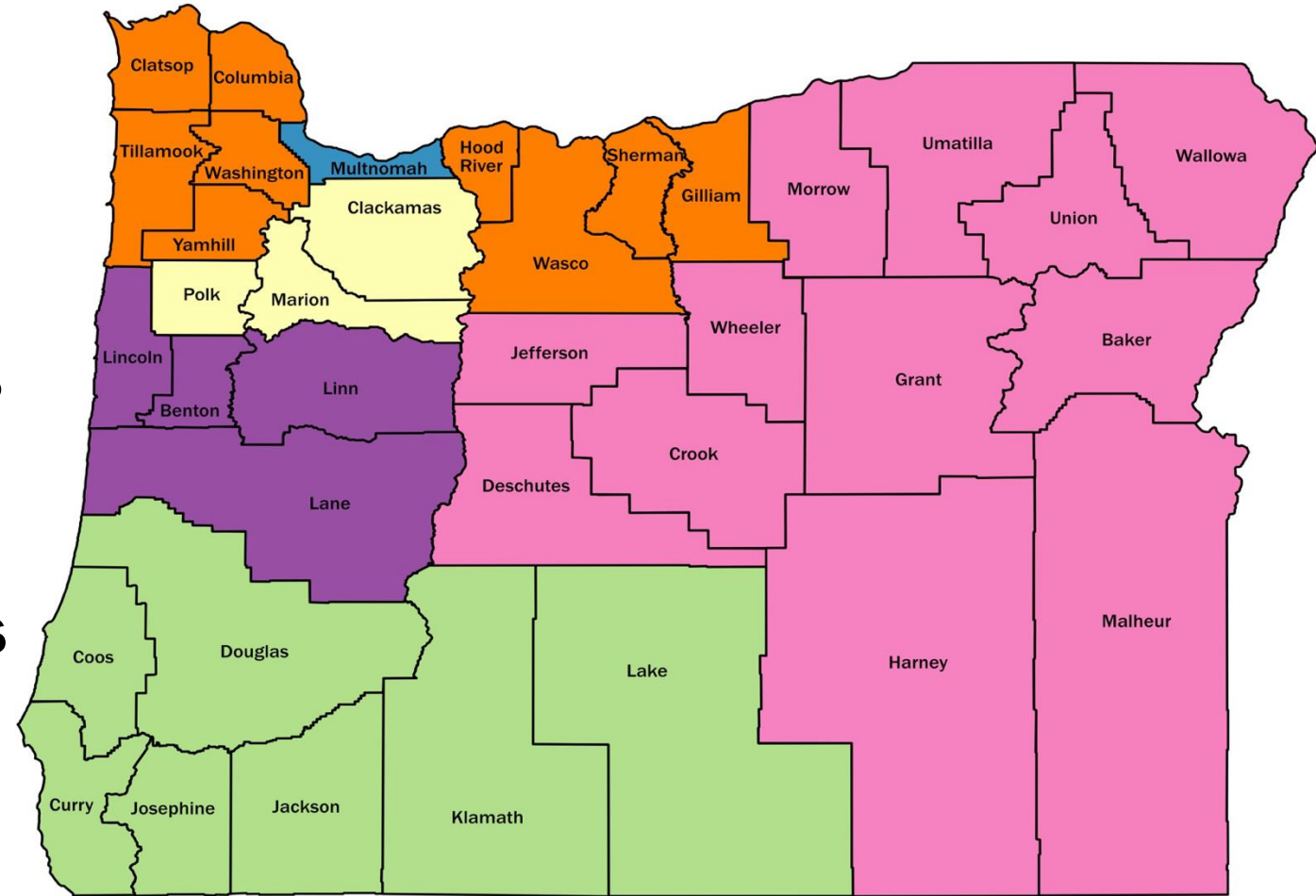
1 Program Coordinator

5 volunteers

RFO has not had a staff increase despite a 75% increase in homes and a 56% increase in individuals since 2013

Statewide Coverage

- Deputy Ombudsmen are assigned to a region with between 175 and 895 homes (depending on geography)
- Program Coordinator receives complaints from all over the state



Residential
Facilities
Ombudsman
Program

Visits and Connections

Between July 2023 and December 2024, RFO:

- Visited 2,848 individuals in their homes
- Visited 1,013 homes or facilities
- Visited 31% of homes and 25% of people in our purview.

Lack of capacity prevented us from reaching more



Who contacts RFO?

Between July 2023 and December 2024:

- 26% of cases came from people who have worked with RFO previously
- 22% of cases came from Deputies and Volunteers conducting unannounced visits
- 27% of cases were referred by case managers
- 25% of cases came from:
 - Adult Protective Services
 - Hospitals
 - Guardians
 - Providers
 - Family, friends, and community members
 - Other professionals such as Disability Rights Oregon, OHA Ombudsman, DD Services, SEIU, legislators

Case Trends Top 5 Issues

Choice of residence

Control of schedule and activities

30 Day/Immediate Move Out Notices/ Evictions

Availability, quality, quantity of food

Treated as an adult with respect and dignity

- Since 2016, these issue make up 22% of all issues

Residents in Mental Health facilities represent 20% of cases despite representing 7% of homes covered by RFO

**MY
RIGHTS**

- INFORMED
- MAKE
- PRIVACY
- DIGNITY
- VOTE
- CONFIDENTIALITY
- RESPECT
- CONSENT
- SAFE & SECURE
- CHOICE
- FREE FROM ABUSE
- ACCESS TO ACTIVITIES



Questions?

Leslie Sutton



Residential Facilities Ombudsman



Leslie.Sutton@rights.oregon.gov

971-304-4183