



CALIFORNIA LONG-TERM CARE OMBUDSMAN PROGRAM

ANNUAL REPORT FFY 2021

October 1, 2020 - September 30, 2021



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our mission

seek resolution of problems and advocate for the rights of residents of long-term care facilities with the goal of ensuring their dignity, quality of life, and quality of care.



letter from the ombudsman



Ombudsman (om-budz-man) is a Swedish word and, according to the Merriam-Webster dictionary, is a person who investigates, reports on, and helps settle complaints; in short, an advocate. Fifty years ago, the Long-Term Care Ombudsman Program was created and mandated by the Older

Americans Act. The Office of the State Long-Term Care Ombudsman (OSLTCO) is an autonomous entity as required by the federal Older Americans Act and the state Older Californians Act.

COVID-19 resulted in more than 71 percent of all deaths being aged 65 and older. And 65 percent were in communities of color. 2021 saw the COVID-19 pandemic spread quickly through the community, leaving a devastating impact on residents and staff in long-term care settings. It was also the year LTC Ombudsman actively resumed their jobs in-person and began re-entering facilities when many visitors were still hesitant or prevented from visiting loved ones. 2021 also saw many valuable lessons learned.

Communication and collaboration were common themes that carried us through 2021. Consistent communication from all levels of government and improved collaboration between state agencies were integral to the success of the Long-Term Care Ombudsman. Technology also significantly removed barriers to access health care and mental health treatment, reducing isolation and conducting remote meetings—all done in person before the pandemic. Collaboration between departments in the California Health & Human Services Agency was on full display to provide personal protective equipment to local

Ombudsman Programs, deploy vaccines and tests with priority to older adults in Long-Term Care facilities and staff. We participated and continue to join weekly meetings hosted by the California Department of Public Health to discuss the impact of COVID-19 across all health facilities, and come up with solutions in real time. The OSLTCO applauds the state Legislature and the Governor for the package of nursing home reform bills in California that resulted in landmark legislation beginning with SB 650 (Stern) ensuring corporate transparency from nursing home operators; AB 749 (Nazarian) requiring nursing home medical directors to be certified by the American Board of Post-Acute and Long-Term Care Medicine; AB 323 (Kalra) increasing nursing home citations penalties and updated criteria for AA Citations, those that cause the death of a resident;

AB 849 (Reyes) restored facility liability of up to \$500 per violation of a resident's rights undoing the California Supreme Court's holding in Jarman v. HCR ManorCare; and AB 1042 (Jones-Sawyer) the establishment of shared liability for entities that share ownership or control of nursing homes for unpaid monetary penalties for citations.

I want to acknowledge the dedication and extraordinary work that Long-Term Care Ombudsman volunteers provided to thousands of residents and their families during the worst pandemic of our lifetime. To all the staff at OSLTCO; Joe Rodrigues, retired State Long-Term Care Ombudsman, Local Ombudsman Coordinators, and their staff; California Long-Term Care Ombudsman Association; thank you for all you have done and continue to do on behalf of some of California's most vulnerable older adults and older adults with disabilities who reside in long-term care facilities.

With gratitude for your inspiration,

Blanca Castro
State Long-Term Care Ombudsman

“
Communication and collaboration were common themes that carried us through 2021.”

what we accomplished



DELIVERED 425 *community education sessions* at health fairs, and in other public settings.



CONDUCTED 45,684 *visits* to long-term care facilities.



INVESTIGATED 40,178 *complaints* made by or on behalf of residents in long-term care facilities.



RESOLVED or partially resolved 63 *percent of complaints* to the resident's satisfaction.



SUPPORTED resident and family self-advocacy by attending, at the request of council members, 1,128 *resident council meetings* and 186 *family council meetings*.



PARTICIPATED in 216 *facility surveys* conducted by state licensing agencies to provide information to surveyors and advocate for residents.



PROVIDED 92,410 *individual consultations* on topics such as resident care, Advance Health Care Directives, and Long-Term Care Ombudsman services and responsibilities.



COMPLETED 56,998 *consultations to facility staff* on topics including resident rights, resident care issues, and Long-Term Care Ombudsman services and responsibilities.



CONDUCTED 125 *training sessions for facility staff* on topics such as elder abuse prevention, mandated abuse reporting, resident rights, and the role of the Long-Term Care Ombudsman in skilled nursing facilities and residential care facilities for the elderly.



RESPONDED to 29,465 *calls* made to a statewide toll free Long-Term Care Ombudsman CRISISline. Callers reported complaints, obtained assistance with urgent problems, and received information about issues such as resident rights and resident care.

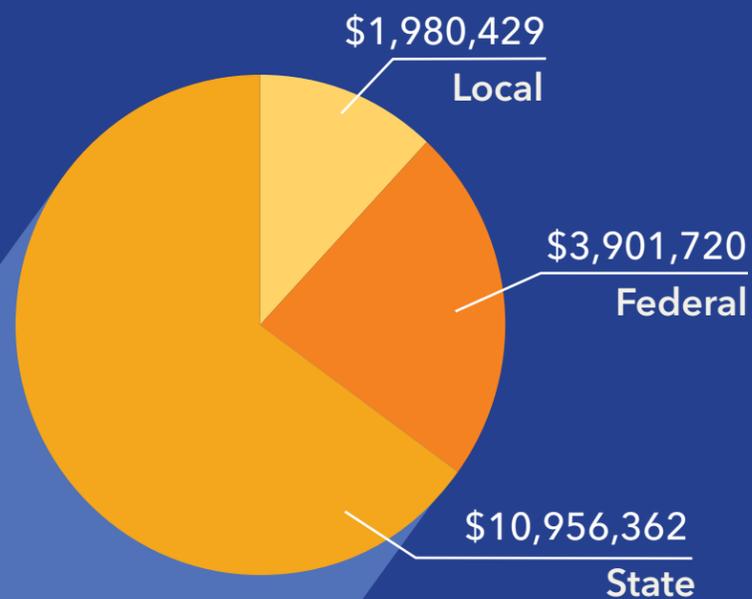
funding & structure



Statewide Totals
315,282 Beds
8,716 Facilities

RCFE
197,754 Beds
7,505 Facilities

Skilled Nursing Facilities
117,528 Beds
1,211 Facilities



TOTAL FUNDS:
\$16,838,511

facilities & beds

Number of Residential Facilities for the Elderly (RCFEs)

2017 **7,406** → 2021 **7,505**

Number of Skilled Nursing Facilities (SNFs)

2017 **1,244** → 2021 **1,211**

SNF Resident Bed Capacity

2017 **119,692** → 2021 **117,528**

Total LTC Resident Bed Capacity (RCFEs and SNFs)

2017 **304,640** → 2021 **315,282**

RCFE Resident Bed Capacity

2017 **184,948** → 2021 **197,754**

As of 2021, there were 7,505 licensed Residential Care Facilities for the Elderly (RCFEs) spread across all 58 counties of California. After experiencing a series of closures in 2018-2019, the total number of RCFEs increased by 99 facilities (+1.3 percent), over the last five years.

There are 1,211 Skilled Nursing Facilities (SNFs) in California. The number of SNFs in the state has decreased by 33 (2.7 percent) over the last five years.

California's total number of skilled nursing beds has decreased by 1,164 over the last five years.

As of 2021, California had 315,282 registered LTC resident beds in private, non-profit and government-operated facilities across the state, including beds in both Residential Care Facilities for the Elderly (RCFEs) and Skilled Nursing Facilities (SNFs).

The number of licensed RCFE beds increased by 112,806 over the last five years, representing a 6.9 percent growth in resident bed capacity over this period.

resident's rights

Certified Long-Term Care Ombudsman representatives help residents, their families, and their friends understand and exercise rights guaranteed by federal and state laws and regulations.

residents have the right to:



Be treated with dignity and respect.



Manage their own finances



Be fully informed of available services and any charges for those services prior to admission.



Have personal and medical records kept confidential.



Associate and communicate privately with any person of their choice.



Be given advance notice of plans to transfer or discharge them.



Be free from chemical and physical restraints.



Send and receive personal mail.



Voice grievances without fear of retaliation.



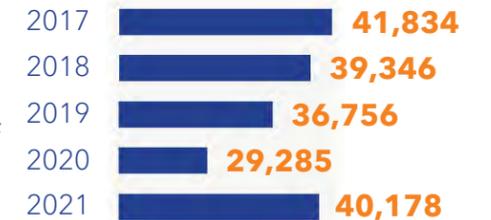
Apply for state and federal assistance without discrimination.

Major Complaint Groups by Type of Facility

Complaint Category	Nursing Facility	Residential Care Community	Other	Total by Complaint Type
Abuse, Gross Neglect, Exploitation	7,056	3,069	432	10,557
Care	7,154	2,911	97	10,162
Autonomy, choice, rights	2,613	1,496	46	4,155
Environment	1,312	1,847	18	3,177
Admission, transfer, discharge, eviction	2,403	508	16	2,927
Facility policies, procedures and practices	1,144	1,074	12	2,230
Financial, property	1,179	728	15	1,922
Activities and community integration and social services	1,297	480	27	1,804
Dietary	1,009	712	13	1,734
Access to Information	665	303	1	969
System and others (non-facility)	252	192	5	449
Complaints about an outside agency (non-facility)	66	24	2	92

Number of Complaints Registered in CA

After decreasing significantly from 2018-2020, the number of LTC resident complaints has reached the highest level since 2017. Number of resident complaints registered decreased during the height of the COVID-19 pandemic. The number of resident complaints registered decreased during the height of the COVID-19 pandemic due to lock-down policies that prevented visitors, LTC Ombudsman and surveyors to report on behalf of residents.

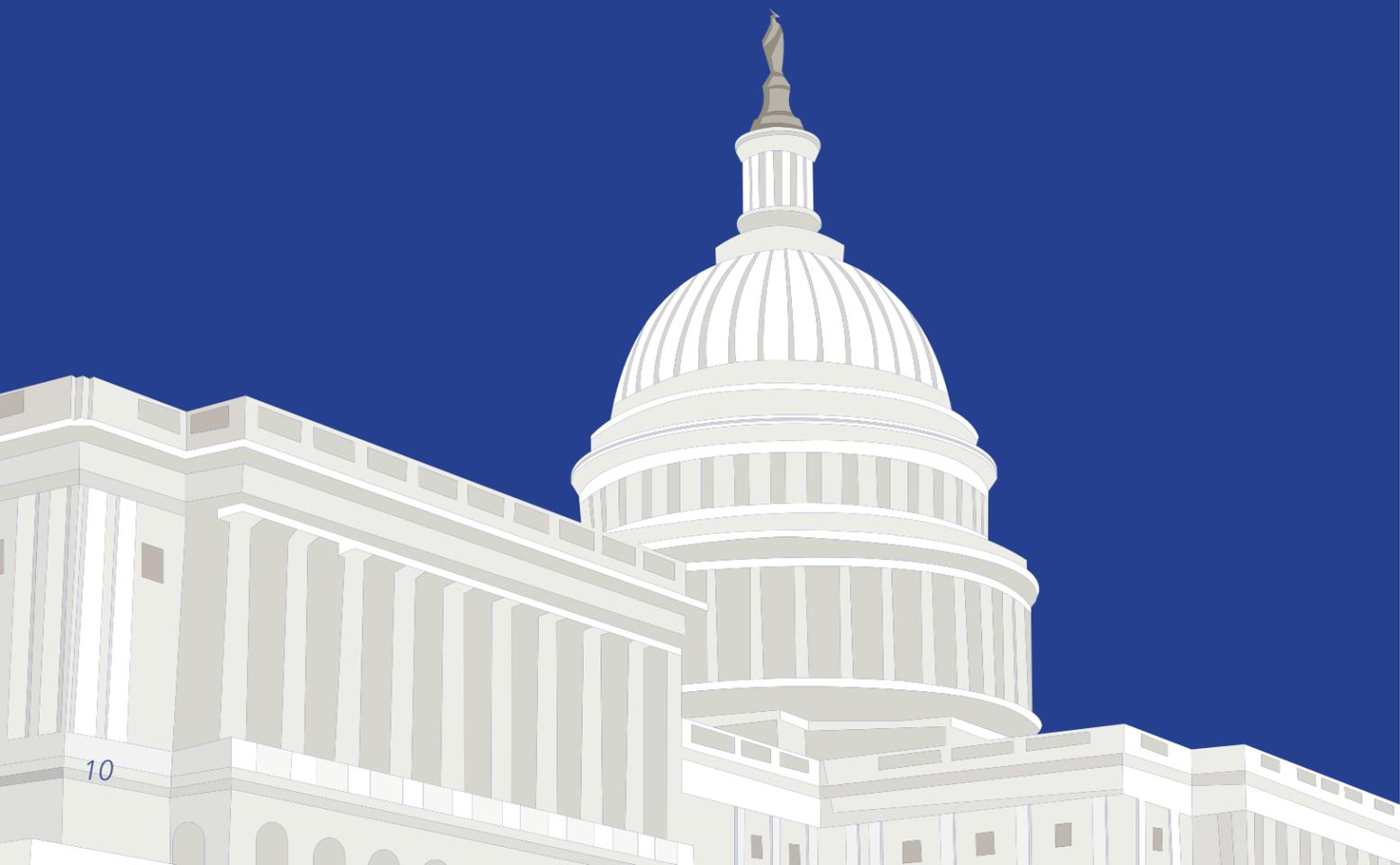


Complainant Data

Complainant	Nursing Facility	Residential Care Community	Other	Total per Complainant
Resident	5,017	2,144	28	7,189
Resident Representative, friend, family	2,925	1,112	39	4,076
Ombudsman program	2,152	2,056	4	4,212
Facility staff	6,277	1,956	169	8,402
Representative of other agency or program	2,352	2,027	326	4,705
Concerned person	101	139	14	254
Resident or family council	5	7	0	12
Unknown	222	138	15	375
Total per facility type	19,051	9,579	595	29,225

legislation supported

One of the responsibilities of the Long-Term Care Ombudsman program is to analyze, comment on, and monitor the development and implementation of laws, regulations, and other governmental policies and actions that pertain to the health, safety, welfare, and rights of residents in long-term care facilities. The State Long-Term Care Ombudsman supported the following bills in 2021.



Assembly Bill 57 (Gabriel)

The bill will implement the State Auditor's recommendations to better prevent, respond to, and document hate crimes in California. The bill's intent is to strengthen training requirements for peace officers and to require improved guidance, outreach, data collection and reporting by the California Department of Justice. This bill would also require any local law enforcement agency that adopts or updates a hate crime policy to include specified information on recognizing religion-bias hate crimes and would require those policies to include the discriminatory selection of victims as a form of bias motivation. The bill was approved by the Governor, Chaptered 691.

Assembly Bill 849 (Reyes) is a bill that will restore a critical tool for protecting the rights and well-being of nursing home residents. Residents whose rights are violated are now limited to \$500 in damages, no matter how many or how egregious the violations. Health and Safety Code Section 1430(b) was enacted to protect and ensure the rights of people living in nursing homes. With AB 849, a licensee would be liable for up to \$500 per violation. The purpose of AB 849 is to both deter and remedy violations and ensure that the intent of the law is to address each violation that has occurred. The bill is an essential piece of the legislature's 2021 PROTECT Plan, a package of bills aimed at reforming nursing homes to improve state oversight, financial transparency, accountability, and ultimately enhance care for all residents. This bill was approved by the Governor, Chaptered 557.

Senate Bill 650 (Stern)

A bill that will bring corporate transparency to public nursing home spending. SB 650 is an essential piece of the legislature's 2021 PROTECT Plan, a package of bills aimed at reforming nursing homes to improve state oversight, financial transparency, accountability, and ultimately enhance care for all residents. This bill was approved by the Governor, Chaptered 493.

Assembly Bill 279 (Muratsuchi)

Assemblyman Muratsuchi's bill would temporarily prohibit the owner of an ICF or SNF from involuntarily transferring a resident to another facility during any declared state of emergency relating to the coronavirus disease 2019 (COVID-19) up to July 1, 2022, except if the owner files for bankruptcy. This bill was vetoed by the Governor.

Assembly Bill 848 (Calderon)

This bill would increase the monthly maintenance amount for personal and incidental needs from \$35 to \$80, and would require the department to annually adjust that amount by the same percentage as the Consumer Price Index. This bill failed deadline.

robotic pet therapy for residents in long-term care facilities



Pandemic isolation had a negative effect on older adults and adults with disabilities living in LTC facilities. Although it's hard to measure social isolation and loneliness precisely, there is strong evidence that many adults aged 50 and older are socially isolated or lonely in ways that put their health at risk. Recent studies found that social isolation significantly increased a person's risk of premature death from all causes, a risk that may rival those of smoking, obesity, and physical inactivity. Social isolation was associated with about a 50 percent increased risk of dementia.*

While visitation restrictions, social distancing, and isolation policies were put in place to reduce the risk of transmission of COVID-19, it had the unintended effect of heightening the risk of social isolation and loneliness. Individuals living in licensed care facilities experienced the loss of fellow residents and staff to the virus. They had endured extended periods of facility quarantine, restricted opportunities to engage with fellow residents, lack

of meaningful engagement through organized activities, and most especially the stress of the unprecedented separation from family and friends who were restricted from inside visits with their loved one.

The California Department of Aging (CDA) worked collaboratively to bridge the digital divide and address inclusion, equity, and social isolation for older Californians, people with disabilities, and caregivers. OSLTCO initiated the Robotic Companion Pets Project in response to the negative impact COVID-19 had on residents living in LTC facilities. The Robotic Companion Pets Project is a person-centered approach to increasing engagement and enhancing meaningful interactions during and post COVID-19 pandemic. Robotic companion pets are designed to enhance meaningful interactions among residents living in LTC facilities, which are congregate living models, but may be experienced as lonely and socially isolated settings.



"We felt this was the perfect tool to bring the residents out, to do something for them that didn't involve any medication. Just a calming, soothing effect."

On July 7, 2021, a survey requesting commitment to participate was distributed to all 35 LTCO programs throughout the state. On August 2, 2021, the survey was closed with a 100 percent response rate identifying 27 LTCO Programs agreeing to participate. The total number of robotic pets issued were 580 cats and 647 dogs.

"These pets were really something we thought we could provide to the residents to interact with,

comfort and provide comfort," said Libby Anderson, a director with the Council of Aging-Southern California. "We felt this was the perfect tool to bring the residents out, to do something for them that didn't really involve any medication. Just a calming, soothing effect," said Anderson. Extra federal funding from the CARES Act was used to purchase the pets, according to Anderson.

For additional stories visit:

- [PSA 1 Humboldt County Story](#)
- [PSA 22 Orange County Story 1](#)
- [PSA 22 Orange County Story 2](#)

*Source: National Academies of Sciences, Engineering, and Medicine. 2020. Social Isolation and Loneliness in Older Adults: Opportunities for the Health Care System. Washington, DC: The National Academies Press



california long-term care ombudsman program

The Office of the State Long-Term Care Ombudsman operates a statewide 24-hour toll-free CRISISline to receive complaints and relay requests for local Long-Term Care Ombudsman services. These services are free and confidential, and interpreter services are available.

In California, every skilled nursing facility and residential care facility for the elderly, including board and care homes and assisted living facilities, is required to display one or more current posters with the CRISISline phone number. Each poster also includes the name, address, and phone number of the nearest Long-Term Care Ombudsman program. Posters are provided at no cost to long-term care facilities.

be a volunteer

Each applicant must complete 36 hours of classroom training, pass state and federal criminal record clearances, be mentored by a state-certified Ombudsman representative, and be certified by the State Ombudsman. To maintain certification, Ombudsman representatives must complete at least 18 hours of training each year. Volunteer Ombudsman representatives do important work such as investigating complaints, attending resident council meetings, participating in care planning meetings, and working with residents and families. Join us if you are interested in learning more about this rewarding work, call your local Long-Term Care Ombudsman Program. Local program contact information can be located at [the California Department of Aging website](#).



Number of Ombudsman Volunteer Representatives

The number of local Ombudsman volunteer representatives fell by 40 percent over the last five years. From a high of 730 in 2017, to only 438 Ombudsman volunteers active across the state at the end of 2021.



Number of Paid Ombudsman Program Staff

The number of paid full and part-time Ombudsman staff, in all programs across the state, increased by 88 over the last five years.



24-Hour CRISISline
(800) 231-4024

For hard of hearing callers:
(800) 735-2929
(800) 735-2922



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**For additional information visit the
[Long-Term Care Ombudsman webpage.](#)**

aging.ca.gov