

Larry Hogan | Governor Boyd K. Rutherford | Lt. Governor Rona E. Kramer | Secretary

August 3, 2022

The Honorable Larry Hogan State House 100 State Circle Annapolis, Maryland 21401

The Honorable Bill Ferguson President Senate of Maryland State House, H-107 Annapolis, Maryland 21401 The Honorable Adrienne A. Jones Speaker Maryland House of Delegates State House, H-101 Annapolis, Maryland 21401

# RE: Report required Human Services § 10-909 HB 536/Ch. 155, 2010; FY2020 The State Long–Term Care Ombudsman Annual Report

Dear Governor Hogan, President Ferguson, and Speaker Jones:

Please find attached the Maryland Department of Aging's The State Long–Term Care Ombudsman Annual Report for fiscal year 2020 pursuant to Human Services § 10-909 HB 536/Ch. 155, 2010.

Do not hesitate to contact Alexandra Baldi, Legislative Liaison, at alexandra.baldi@maryland.gov or (410) 767-1102 with any questions.

Very truly yours,

Rona E. Kramer Secretary

cc: Sarah Albert, Department of Legislative Services



Larry Hogan | Governor Boyd K. Ruth

Boyd K. Rutherford | Lt. Governor Rona E. Kramer | Secretary

#### Long-Term Care Ombudsman Program FACT SHEET FY 2020

*Authority:* Annotated Code of Maryland, Human Services Article, Title 10, Subtitle 9; Older Americans Act, including the requirements of 42 U.S.C. § 3058g

Protecting the rights and promoting the well-being of residents of long-term care facilities

# The Ombudsman Program serves 53,000+ people in 227 Nursing Homes and 1,687 Assisted Living Facilities through:

- The Office of the State Long-Term Care Ombudsman at the Maryland Department of Aging with a State Ombudsman and Ombudsman Specialist
- 19 Local Programs (32 FTEs) located in Area Agencies on Aging
- 101 volunteers (67 designated)

#### In FY20, the Long-Term Care Ombudsman Program provided:

- 3515 Total facility visits
- 7974 Consultations to individuals
- 84 Community Ed. Sessions
- 305 Meetings with resident councils

#### Sources of complaints:

- Residents 42%
- Relative/Friend 43%
- Other 10%

- 3856 Complaints addressed
- 6887 Consultations to facilities
- 81 Meetings with family councils
- 174 Participation in facility surveys
- Facility Staff 5%
- Representative of other agency or program – 5%

#### Most frequent complaints handled in Nursing Homes by Complaint type:

- 1. Care
- 2. Admission, transfer, discharge, eviction
- 3. Autonomy, choice, rights
- 4. Abuse, gross neglect, and exploitation
- 5. Dietary
- 6. Access to information
- 7. Financial, property
- 8. Environment
- 9. Facility policies, procedures, and practices
- 10. Activities, community integration & social services

#### Most frequent complaints handled in Assisted Living Facilities by Complaint type:

- 1. Care
- 2. Admission, transfer, discharge, eviction
- 3. Autonomy, choice, rights
- 4. Abuse, gross neglect, and exploitation
- 5. Facility policies, procedures, practices
- 6. Financial, property
- 7. Access to information
- 8. Dietary
- 9. System & others (non-facility)
- 10. Activities, community integration & social services

#### **Program Information:**

The Long-Term Care Ombudsman Program provides individual and systemic advocacy for those who live in nursing home and assisted living facilities. Federal and State laws guide the Program and give its authority.

The Ombudsman Program works throughout the state and country to protect the rights and promote the wellbeing of residents who are oftentimes medically fragile, vulnerable and isolated.

All ombudsmen must complete orientation and training and be free of any conflict of interest. Volunteer ombudsmen are mentored by an experienced ombudsman to conduct facility visits and receive additional training to resolve complaints before coming designated.

Ombudsman Programs throughout the state respond to grievances with the goal to resolve them at the lowest possible level based on the wishes/needs of the resident. Ombudsmen seek to empower residents, their family members, and resident representatives to better understand the long-term care system and address their issues using a variety of strategies. Ombudsmen may act with or on behalf of residents. Actions taken by ombudsmen are guided by the resident or resident representative.

Confidentiality is central to ombudsman work. No names or identifying information are released without permission.

Ombudsmen are proactive, working to prevent neglect/abuse and promote residents' rights. They provide staff training, educational forums, work with resident and family councils, and are involved in local, county and statewide discussions that address policies related to long term care.

#### State Ombudsman Goals:

- Provide the resources needed to ensure that the Maryland Long-Term Care Ombudsman Program is operated consistently with Older American's Act provisions and operating consistently within and between the local ombudsman programs.
- 2) Advocate with and on behalf of Maryland residents who live in long-term care facilities.
- Promote quality of care <u>and</u> quality of life for residents including those with dementia through training, consultations, highlighting successful practices, and public policies that support person-centered care.

This Fact Sheet summarizes the FY20 (October 1, 2019 – September 30, 2020) data submitted to the Administration for Community Living. For more information contact Stevanne Ellis, State Long-Term Care Ombudsman, stevanne.ellis@maryland.gov, 1-800-243-3425 (toll free in Maryland) or 410-767-1100.

| Case and Complaints Sur                              | Case and Complaints Summary                |  |  |  |  |
|--|--|--|--|--|--|
| Complaint Type by Facilit                            | t <u>y Type</u>                            |  |  |  |  |
| Complaint Examples                                   |  |  |  |  |  |
| System Issues  |  |  |  |  |  |
| Organizational Structure                             |  |  |  |  |  |
| Organizational Conflicts                             | of Interest                                |  |  |  |  |
| Staff and Volunteers                                 |  |  |  |  |  |
| Funds Expended                                       |  |  |  |  |  |
| Facility - Number and Ca                             | pacity                                     |  |  |  |  |
| Facility - RCC                                       |  |  |  |  |  |
| Program Activities<br>Generated on:<br>Generated by: | 5/12/2022<br>stevanne.ellis@portal.acl.gov |  |  |  |  |

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### **Case and Complaints Summary**

Total number of cases closed:

1954

#### Totals Cases per Complainant by Facility Setting

| Complainant                               | Nursing<br>Facility | Residential<br>Care<br>Community | Other | Total per<br>complainant |
|---|---------------------|----------------------------------|-------|--------------------------|
| Resident                                  | 704                 | 122                              | 0     | 826                      |
| Resident representative, friend, family   | 695                 | 137                              | 0     | 832                      |
| Ombudsman program                         | 14                  | 25                               | 0     | 39                       |
| Facility staff                            | 75                  | 32                               | 0     | 107                      |
| Representative of other agency or program | 56                  | 44                               | 0     | 100                      |
| Concerned person                          | 16                  | 10                               | 0     | 26                       |
| Resident or family council                | 8                   | 1                                | 0     | 9                        |
| Unknown                                   | 9                   | 6                                | 0     | 15                       |
| Total per facility type                   | 1577                | 377                              | 0     | 1954                     |
|   | 3856                |                                  |       |                          |

Total number of complaints:

Major Complaint Groups by Type of Facility

| Complaint Category/Type                     | Facility | Residential<br>Care<br>Community | Other | Total by<br>Complaint<br>Type |
|---|----------|----------------------------------|-------|-------------------------------|
| A. Abuse, gross neglect, exploitation       | 206      | 77                               | 0     | 283                           |
| B. Access to Information                    | 174      | 38                               | 0     | 212                           |
| C. Admission, transfer, discharge, eviction | 448      | 110                              | 0     | 558                           |
| D. Autonomy, choice, rights                 | 382      | 101                              | 0     | 483                           |
| E. Financial, property                      | 170      | 40                               | 0     | 210                           |
| F. Care                                     | 1207     | 143                              | 0     | 1350                          |

| G. Activities and community integration and social services | 83  | 19 | 0 | 102 |
|---|-----|----|---|-----|
| H. Dietary  | 177 | 28 | 0 | 205 |
| I. Environment  | 139 | 52 | 0 | 191 |
| J. Facility policies, procedures and practices              | 119 | 47 | 0 | 166 |
| K. Complaints about an outside agency (non-facility)        | 28  | 2  | 0 | 30  |
| L. System and others (non-facility)                         | 47  | 19 | 0 | 66  |

#### **Complaint Verifications**

|              | Facility | Residential<br>Care<br>Community | Other | Total |
|--------------|----------|----------------------------------|-------|-------|
| Verified     | 2569     | 525                              | 0     | 3094  |
| Not Verified | 611      | 151                              | 0     | 762   |

#### **Complaint Dispositions**

| •   | Facility | Residential<br>Care<br>Community | Other | Total |
|---|----------|----------------------------------|-------|-------|
| Partially or fully resolved to the satisfaction of the resident, resident representative or complainant | 2069     | 431                              | 0     | 2500  |
| Withdrawn or no action needed by the resident, resident representative or complainant                   | 615      | 165                              | 0     | 780   |
| Not resolved to the satisfaction of the resident, resident representative or complainant                | 496      | 80                               | 0     | 576   |

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## **Complaint Types by Type of Facility**

| Complaint Category/Type                     | Nursing<br>Facility | Residential<br>Care<br>Community | Other | Total by<br>Complaint<br>Type |
|---|---------------------|----------------------------------|-------|-------------------------------|
| A. Abuse, gross neglect, exploitation       | 206                 | 77                               | 0     | 283                           |
| A01. Abuse: physical                        | 87                  | 23                               | 0     | 110                           |
| A02. Abuse: sexual                          | 9                   | 8                                | 0     | 17                            |
| A03. Abuse: psychological                   | 35                  | 14                               | 0     | 49                            |
| A04. Financial exploitation                 | 22                  | 15                               | 0     | 37                            |
| A05. Gross neglect                          | 53                  | 17                               | 0     | 70                            |
| B. Access to Information                    | 174                 | 38                               | 0     | 212                           |
| B01. Access to information and records      | 132                 | 31                               | 0     | 163                           |
| B02. Language and communication barrier     | 38                  | 6                                | 0     | 44                            |
| B03. Willful interference                   | 4                   | 1                                | 0     | 5                             |
| C. Admission, transfer, discharge, eviction | 448                 | 110                              | 0     | 558                           |
| C01. Admission                              | 10                  | 3                                | 0     | 13                            |
| C02. Appeal process                         | 16                  | 1                                | 0     | 17                            |
| C03. Discharge or eviction                  | 373                 | 100                              | 0     | 473                           |
| C04. Room issues                            | 49                  | 6                                | 0     | 55                            |
| D. Autonomy, choice, rights                 | 382                 | 101                              | 0     | 483                           |
| D01. Choice in health care                  | 36                  | 4                                | 0     | 40                            |
| D02. Live in less restrictive setting       | 36                  | 9                                | 0     | 45                            |
| D03. Dignity and respect                    | 112                 | 35                               | 0     | 147                           |
| D04. Privacy                                | 20                  | 10                               | 0     | 30                            |
| D05. Response to complaints                 | 40                  | 7                                | 0     | 47                            |
| D06. Retaliation                            | 10                  | 4                                | 0     | 14                            |

| Complaint Category/Type           | Nursing<br>Facility | Residential<br>Care<br>Community | Other | Total by<br>Complaint<br>Type |
|-----------------------------------|---------------------|----------------------------------|-------|-------------------------------|
| D07. Visitors                     | 29                  | 13                               | 0     | 42                            |
| D08. Resident or family council   | 3                   | 0                                | 0     | 3                             |
| D09. Other rights and preferences | 96                  | 19                               | 0     | 115                           |
| E. Financial, property            | 170                 | 40                               | 0     | 210                           |
| E01. Billing and charges          | 64                  | 17                               | 0     | 81                            |
| E02. Personal property            | 106                 | 23                               | 0     | 129                           |

| Complaint Category/Type                                     | Nursing<br>Facility | Residential<br>Care<br>Community | Other | Total by<br>Complaint<br>Type |
|---|---------------------|----------------------------------|-------|-------------------------------|
| F. Care   | 1207                | 143                              | 0     | 1350                          |
| F01. Accidents and falls                                    | 68                  | 14                               | 0     | 82                            |
| F02. Response to requests for assistance                    | 175                 | 19                               | 0     | 194                           |
| F03. Care planning  | 132                 | 10                               | 0     | 142                           |
| F04. Medications  | 187                 | 28                               | 0     | 215                           |
| F05. Personal hygiene                                       | 137                 | 21                               | 0     | 158                           |
| F06. Access to health related services                      | 58                  | 13                               | 0     | 71                            |
| F07. Symptoms unattended                                    | 170                 | 14                               | 0     | 184                           |
| F08. Incontinence care                                      | 92                  | 11                               | 0     | 103                           |
| F09. Assistive devices or equipment                         | 100                 | 9                                | 0     | 109                           |
| F10. Rehabilitation services                                | 82                  | 2                                | 0     | 84                            |
| F11. Physical restraint                                     | 2                   | 2                                | 0     | 4                             |
| F12. Chemical restraint                                     | 4                   | 0                                | 0     | 4                             |
| G. Activities and community integration and social services | 83                  | 19                               | 0     | 102                           |
| G01. Activities   | 33                  | 13                               | 0     | 46                            |
| G02. Transportation   | 10                  | 5                                | 0     | 15                            |
| G03. Conflict resolution                                    | 12                  | 1                                | 0     | 13                            |
| G04. Social services  | 28                  | 0                                | 0     | 28                            |
| H. Dietary  | 177                 | 28                               | 0     | 205                           |
| H01. Food services  | 83                  | 18                               | 0     | 101                           |
| H02. Dining and hydration                                   | 57                  | 7                                | 0     | 64                            |
| H03. Therapeutic or special diet                            | 37                  | 3                                | 0     | 40                            |
| I. Environment  | 139                 | 52                               | 0     | 191                           |
| I01. Environment  | 39                  | 19                               | 0     | 58                            |
| I02. Building structure                                     | 3                   | 5                                | 0     | 8                             |

| Complaint Category/Type                        | Facility | Residential<br>Care<br>Community | Other | Total by<br>Complaint<br>Type |
|--|----------|----------------------------------|-------|-------------------------------|
| 103. Supplies, storage and furnishings         | 21       | 4                                | 0     | 25                            |
| I04. Accessibility                             | 6        | 5                                | 0     | 11                            |
| 105. Housekeeping, laundry and pest abatement  | 70       | 19                               | 0     | 89                            |
| J. Facility policies, procedures and practices | 119      | 47                               | 0     | 166                           |
| J01. Administrative oversight                  | 28       | 14                               | 0     | 42                            |
| J02. Fiscal management                         | 17       | 6                                | 0     | 23                            |
| J03. Staffing                                  | 74       | 27                               | 0     | 101                           |

| Complaint Category/Type                              | Nursing<br>Facility | Residential<br>Care<br>Community | Other | Total by<br>Complaint<br>Type |
|--|---------------------|----------------------------------|-------|-------------------------------|
| K. Complaints about an outside agency (non-facility) | 28                  | 2                                | 0     | 30                            |
| K01. Regulatory system                               | 1                   | 1                                | 0     | 2                             |
| K02. Medicaid  | 18                  | 0                                | 0     | 18                            |
| K03. Managed care                                    | 4                   | 0                                | 0     | 4                             |
| K04. Medicare  | 3                   | 1                                | 0     | 4                             |
| K05. Veterans Affairs                                | 0                   | 0                                | 0     | 0                             |
| K06. Private Insurance                               | 2                   | 0                                | 0     | 2                             |
| L. System and others (non-facility)                  | 47                  | 19                               | 0     | 66                            |
| L01. Resident representative or family conflict      | 16                  | 12                               | 0     | 28                            |
| L02. Services from outside provider                  | 14                  | 6                                | 0     | 20                            |
| L03. Request to transition to community setting      | 17                  | 1                                | 0     | 18                            |

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### Complaint Examples

|               | Nursing Facility Example | Residential Care Community Example | Optional Complaint<br>Example |
|---------------|--------------------------|------------------------------------|-------------------------------|
| Facility type | Nursing Facility         | Residential Care Community         | Other                         |

| Description     | A facility did not permit a<br>resident to attend his/her<br>care plan meeting due to<br>COVID restrictions which<br>included residents being<br>confined to their rooms. This<br>led to the resident not<br>having access to what was<br>discussed at his care plan<br>meeting. Prior to the<br>scheduled care plan<br>meeting, the resident had<br>been told that would either<br>be taken to an area where<br>the care plan meetings were<br>being held or a staff person<br>would assist with attending<br>the care plan meeting<br>"virtually" in the resident's<br>room. The facility had a<br>virtual communication<br>device at their disposal.<br>However, the care plan<br>meeting was held with the<br>resident's POA in<br>attendance but not the<br>resident. | A Resident contacted the LTCO program and shared that he was<br>discharged to an assisted living facility [ALF] from a skilled nursing facility<br>[SNF] and was then soon "dumped" by this ALF owner.<br>The discharging SNF paid the resident's first month care fee directly to the<br>ALF owner. Shortly after he was admitted, The ALF owner directed<br>another person to leave this resident and another resident at the public<br>library. Library staff contacted police and a family member drove both<br>residents back to the ALF. The resident who contacted the LTCO<br>requested his medication and a meal as he had not eaten all day. The<br>assisted living provider took the resident to a local emergency room later<br>that day. Hospital staff were not able to contact the ALF owner. The<br>resident was discharged to a different ALF.<br>After his arrival at his new residence, the resident attempted, with no<br>success, to contact the owner of the former ALF to obtain his wallet and<br>personal belongings. The LTCO was also not successful in contacting the<br>ALF owner as she would not answer or return the phone calls. The<br>resident contacted the police to file a report but they refused to come out<br>to the facility due to COVID-19 and the report could not be filed online.<br>The LTCO contacted the SNF, informing them the ALF owner "dumped"<br>the resident at the hospital and would not return his belongings. The SNF<br>refused the ombudsman's request to file a police report because "the<br>resident was no longer at the nursing home."<br>Desperate for the return of his belongings, the resident continued to<br>contact the ALF owner until she directed him in a text message to<br>"electronically transfer \$882 to her account and she would ship his<br>belongings to him." The resident did not follow through with this request. | During a routine<br>ombudsman visit to a<br>nursing home, a resident<br>complained that she felt<br>confined to the nursing<br>home even though she did<br>not need to be there. She<br>was ambulatory with a<br>walker and performed all of<br>her own activities of daily<br>living. She explained that<br>she came for rehabilitation<br>following a stay in the<br>hospital, where she had<br>been admitted after her<br>home was declared<br>uninhabitable. She was<br>admitted to the nursing<br>home because there was no<br>other place for her. After<br>being in the nursing home<br>for approximately 18<br>months, she simply wanted<br>to go home. The longer she<br>stayed, there was less<br>possibility that she would be<br>able to afford to go home. |
|-----------------|--|---|---|
| Complaint topic | Care   | Admission, Transfer, Discharge, Eviction  | Autonomy, Choice, Rights  |
| Complaint type  | Care planning  | Discharge or eviction   | Live in less restrictive setting  |
| Verification    | Verified   | Verified  | Verified  |

| Disposition | Partially or fully resolved to<br>the satisfaction of the<br>resident, resident<br>representative or<br>complainant | Not resolved to the satisfaction of the resident, resident representative or complainant | Partially or fully resolved to<br>the satisfaction of the<br>resident, resident<br>representative or<br>complainant |
|-------------|---|--|---|
|-------------|---|--|---|

| Discostilis              | The state build and state to the state | The LTOO filed a second distantial the line of the second se | The evelopment of the set of the   |
|--------------------------|--|--|--|
| Disposition<br>narrative | care plan meeting in order to          | The LTCO filed a complaint with the licensing agency against the assisted<br>living owner for abandoning the resident at the hospital, refusing to pick<br>him up and refusing to return the resident's personal belongings.<br>The LTCO filed a complaint with the Office of the Attorney General<br>requesting an investigation of the criminal financial abuse of the resident<br>and three other former residents of this same ALF. The investigation was<br>officially opened, and is currently ongoing. The investigator from the<br>Attorney General's Office reported there may be up to 20 victims in the<br>case   | The ombudsman advocated for<br>her by setting up a community<br>support team consisting of a<br>short-term case manager,<br>someone to get her house<br>prepared for her to live in, an<br>Information and Assistance<br>counselor, Taxi Voucher<br>services, and food and<br>household cleaning resources<br>from the food pantry. This<br>advocacy from the<br>Ombudsman Program to<br>enable the resident to move<br>back to her home in the<br>community took the<br>coordination of many<br>individuals. If the ombudsman<br>had not stepped in, the<br>resident would have had no<br>choice but to stay at the<br>nursing home long-term. Not<br>only would this have been<br>detrimental for the individual,<br>but also the Medicaid system<br>was paying for someone who<br>did not need or qualify for the<br>services. Almost one year<br>later, the individual is thriving<br>in her own home and enjoying<br>her independence. She<br>continues to have a support |
|                          |  |  | in her own home and enjoying her independence. She   |

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### System Issues

|                        | System Issue 1   | System Issue 2   |
|------------------------|--|--|
| System issue topic     | J - Facility Policies, Procedures and Practices  | F - Care   |
| Problem<br>description | COVID-19 created many staffing challenges during FY2020.<br>This statement is based on 1) ombudsman interviews with<br>nursing home administrators as to staffing shortages created by<br>the pandemic, and 2) the number of complaints recorded by the<br>ombudsman that were staff-related with regard to failure to<br>respond to requests for assistance, symptoms unattended, and<br>dignity and respect. | One of the most devastating long-term care issues that<br>surfaced in fiscal year 2020 was residents' need to be in<br>contact and socialize with family and friends outside of<br>the nursing home environment. The COVID pandemic<br>brought a lock-down in long-term care facilities in an<br>attempt to protect the residents from contracting the<br>virus. The facilities were often short staffed, and<br>consequently, did not have time to spend with residents<br>other than to attend to critical care needs. It became very<br>difficult for anyone, including ombudsmen, to connect<br>with the residents. In attempting to protect nursing home<br>residents, the long-term care system failed this<br>population by not setting up a good way to fulfill their<br>social needs. Many residents have become depressed<br>and have had a decline in health. Often, they are living<br>isolated in a room with little or no socialization. |

| Barriers<br>description  | Nursing home administrators reported to the ombudsman that<br>staffing challenges resulted from fear of COVID-19. Many staff<br>quit due to concern over getting COVID-19 and potentially giving<br>it to their loved ones at home. Often the remaining staff worked<br>long hours without their accustomed time off. Staff burnout was<br>inevitable, thus resulting in additional staff leaving their positions.<br>Low employee compensation for nursing assistants exacerbated<br>the problem. Many staff members chose to become agency<br>workers where they could make an extra \$2/hour, rather than be<br>regular employees of a long-term care facility. Increased<br>infection control procedures added to the demands placed on<br>employee time. Agency workers became common in facilities,<br>which often led to resident dissatisfaction and little relationship<br>with caregivers. Staff shortages were especially troublesome in<br>rural areas because an available staffing pool to draw upon was<br>not readily available. Residents perceived the overall situation as<br>"not enough staff" which resulted in staff-related complaints to<br>the ombudsman for failure to respond to requests for assistance,<br>symptoms unattended, and dignity and respect. | Many usual nursing home requirements were waived by<br>CMS but they did not waive the care needed by residents<br>including mental health services. The decisions were<br>made to protect public health, but often the result was<br>social isolation. Many residents have had to stay in their<br>rooms for long extended periods of time so that the<br>nursing home no longer felt like their home but more like<br>a prison being in a small space with lots of restrictions<br>and minimal interactions. Often, families have not been<br>allowed or able to visit unless the resident's situation<br>would allow compassionate care visits. |
|--------------------------|--|---|
| Issue status             | Newly identified in this reporting year and not fully resolved.  | Ongoing issue from last fiscal year   |
| Affected setting         | Nursing Facility   | Nursing Facility  |
| Resolution<br>strategies | Provided information to public or private agency<br>Provided Information to legislator or legislative staff<br>Recommended changes to laws, regulations, policies or actions<br>through written or oral testimony.<br>Recommended changes to laws, regulations, policies or actions<br>through written or oral testimony.  | Provided information to public or private agency<br>Provided Information to legislator or legislative staff<br>Recommended changes to laws, regulations, policies or<br>actions through written or oral testimony.<br>Provided leadership or participated on a task force<br>Provided information to the media<br>Provided educational forums; facilitated public comment<br>on laws, regulations, policies or actions<br>Developed and disseminated information<br>Recommended changes to laws, regulations, policies or<br>actions through written or oral testimony.   |

| Resolution  | Recommendations for system-wide changes needed to resolve                                     | Some of the local ombudsman offices in the state were      |
|-------------|---|--|
| description | the issue:  | able to obtain technology to facilitate conversation       |
|             | According to the Statista (2020) report titled "Number of U.S.                                | between residents and their family and friends. In         |
|             | nursing home employees with select occupations as of 2018,"                                   | addition, both the state and local offices worked on both  |
|             | nursing home assistants comprised the largest select  | individual advocacy to resolve communication and           |
|             | occupational role in nursing homes over any other employee                                    | isolation barriers in a person-centered way including care |
|             | category. For example, in 2018 nursing home assistants  | planning and family/resident meeting. Systemically, the    |
|             | comprised 36% of the workforce with LPNs at 13% and RNs at                                    | ombudsman program spoke with stakeholders, the CILS,       |
|             | 9%. Nursing assistant 2019 median pay was \$14.25/hour  | provider groups, provided community education, and         |
|             | (Source: Bureau of Labor Statistics, 2020). This is close to the                              | spoke to the media to raise awareness of this issue.       |
|             | average hourly rate for Target Corporation employees (Source:                                 | Compassionate care visits were encouraged whenever         |
|             | https://www.payscale.com/research/US/Employer=Target_Corpo                                    | possible. The State Ombudsman attended regular             |
|             | ration/Hourly_Rate). Yet according to the Occupational Outlook                                | meetings with law makers and other stakeholder to raise    |
|             | Quarterly article titled "Nursing jobs in nursing homes" nursing                              | awareness and to develop legislation to address this and   |
|             | assistants are charged with a great deal of resident responsibility                           | other issues in the next legislative session.              |
|             | and contact and often "the first person nursing home residents                                |  |
|             | see in the morning and the last one they see at night" (Torpey,                               |  |
|             | 2011).  |  |
|             | A recommendation for system-wide changes to improve staff                                     |  |
|             | recruitment and retention would be to examine the intrinsic and                               |  |
|             | extrinsic motivations of nursing assistants more carefully through                            |  |
|             | perspective taking amongst this population. The nursing home                                  |  |
|             | sector should work to promote a culture of appreciation for                                   |  |
|             | nursing assistants from a leadership, management, and   |  |
|             | consumer perspective. The local ombudsman and state   |  |
|             | ombudsman did meet with facility staff, stakeholders, and others                              |  |
|             | to address this issue including working with employee   |  |
|             | organizations (SEIU) and state provider groups to raise                                       |  |
|             | awareness and to try to resolve the issue both at a facility level<br>and at the state level. |  |
|             | מווע מו נווב גומוב ובעבו.   |  |
|             |   |  |
|             |   |  |
|             |   |  |

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## **Organizational Structure**

| Office of state LTCO location   | State Unit on Aging |
|---|---------------------|
| Local Ombudsman Entity Location   | Number of Ombudsman |
| Area agency on aging (AAA) an area agency on aging designated under section 305(a)(2)(A) of the Older Americans Act or a State agency performing the functions of an area agency on aging under section 305(b)(5) of the OAA. | 19                  |
| Social services non-profit agency, with 501(c)(3) status, other than AAA  | 0                   |
| Legal services provider   | 0                   |
| Stand-alone local Ombudsman entity - a non-profit<br>agency with 501(c)(3) status – the only program is the<br>local Ombudsman entity   | 0                   |
| Total number of entities  | 19                  |

| State data for MD for FFY 2020  |                         |   |  |  |
|---|-------------------------|---|--|--|
| Back to Index   |                         |   |  |  |
| Organizationa   | I Conflict              | s of Interest   |  |  |
| Conflict of Interest<br>Type Location Remedy  |                         |   |  |  |
| Makes decisions on<br>admissions or<br>discharges   | Both State<br>and Local | When a AAA has a guardianship case, then this is a conflict. See the remedy for guardianship.   |  |  |
| Has governing board,<br>ownership,<br>investment, or<br>employment interest<br>LTC facility | Local                   | In one county, one of the governing board members has indirect<br>oversight of a nursing home. In this county, the governing board is a<br>policy-making entity only. If an issue related to the ombudsman<br>program or anything that could<br>potential conflict comes up, this board member would recuse him or<br>herself from a vote or decision that could be a potential conflict. |  |  |

| Provides LTC<br>coordination or case<br>management for<br>residents                     | Both State<br>and Local | See guardianship remedy - guardians can provide LTC coordination<br>and case management<br>In most counties in Maryland, the local Department of Aging is one of<br>the supports planning agencies that residents can select when they<br>are applying for services including the medicaid waiver.<br>Supports Planners may assist residents leaving nursing homes or that<br>reside in assisted living facilities. The local ombudsmen do not provide<br>these services. If there is ever a conflict between the supports<br>planner and the local representative of the office that cannot be<br>worked out, Ombudsman would work with the host agency and local<br>ombudsman<br>For all situations, the Ombudsmen, local ombudsmen, and the host<br>agency would work to resolve any issue that would arise. If the<br>supports planners report to a supervisor within the local department<br>of aging this supervisor may report directly to the AAA director or to |
|---|-------------------------|--|
| Responsible for<br>eligibility<br>determinations for the<br>Medicaid/public<br>benefits | Local                   | This is the assisted living and group home subsidy. See the remedy for<br>sets LTC reimbursement rates. Residents can apply for this program<br>and receive assisted living services at a fixed rate based on income.<br>More information can be provided about this program if needed.  |
| Sets reimbursement<br>rates for LTC facilities  | Local                   | This is related to a program called the assisted living and group home<br>subsidy. More information can be provided upon request about this<br>program. None of the ombudsman work in this program. The<br>remedy is the same for guardianship and the other potential conflicts.<br>if there is an issue that arises, the Ombudsman would be notified and<br>would work with the local ombudsman staff and the host agency to<br>remedy the situation.  |

|                          |            | -   |
|--------------------------|------------|---|
| Other: For all conflicts | Both State | In the SLTCOP policy and procedures there is a process for                  |
| see the remedy below     | and Local  | organizational conflict of interest review, removal and remedy. This        |
|                          |            | includes an organizational conflict of interest form that was               |
|                          |            | completed for FY16 that has a specific remedy for any identified            |
|                          |            | potential conflicts. This form will be reviewed annually and as needed.     |
|                          |            | Many of the local ombudsman offices have their own phone number             |
|                          |            | with calls coming directly to them, their own password - protected          |
|                          |            | computer, and some ombudsman offices has own fax machines so hat            |
|                          |            | faxes come directly to the ombudsmen and no one else. Promotional           |
|                          |            | materials are clearly labeled Long-term Care Ombudsman Program              |
|                          |            | with no other program name, and on the website the Ombudsman                |
|                          |            | Program as a separate program describing the role of the ombudsmar          |
|                          |            | and services available (this is the common practice in most of the          |
|                          |            | local ombudsman programs) and contact information. Records are              |
|                          |            | locked and only the ombudsmen staff has access to the records and           |
|                          |            | files. The ombudsman software is a web-based program, password              |
|                          |            | protected, and only ombudsman staff that document in the software           |
|                          |            | have access. The access to the ombudsman software is approved by            |
|                          |            | the State Ombudsman and local Ombudsman Manager when                        |
|                          |            | appropriate. In Maryland, only ombudsman staff has access to the            |
|                          |            | ombudsman software. The State Ombudsman Program has policy and              |
|                          |            | procedures that went into effect in 2017 that clearly delineates the        |
|                          |            | role of representatives of the office, and the conflict of interest policy. |
|                          |            | In the State Ombudsman Office, staff have their own phone number,           |
|                          |            | private voice mail, their own password protected computers, locked          |

| Provides guardianship,<br>fiduciary, or surrogate<br>decision-makingBoth State<br>and LocalAll counties have guardianship programs for older adults. The local<br>representatives of the office do not provide these services. In sever<br>counties, the guardianship case manager and the ombudsmen both<br>report directly to the AAA director. If there is an issue that arises<br>another manager and the Ombudsman would work with the host<br>agency and local ombudsman and guardianship case manager to<br>resolve the issue. In at least one county, the guardianship program<br>in a different division in the local Dept. of Aging. Consequently, the<br>ombudsman and guardianship case manager and the<br>ombudsmen, local ombudsmen, and the host agency would work to<br>resolve any issue that would arise.For the state conflict: Provides long- term care coordination or case<br>management for residents of long-term care facilities, makes<br>decisions related to admission or discharge for long-term care and<br>management for provides long-term care facilities, makes |                         |
|--|-------------------------|
| decision-making<br>services<br>counties, the guardianship case manager and the ombudsmen both<br>report directly to the AAA director. If there is an issue that arises<br>another manager and the Ombudsman would work with the host<br>agency and local ombudsman and guardianship case manager to<br>resolve the issue. In at least one county, the guardianship program<br>in a different division in the local Dept. of Aging. Consequently, the<br>ombudsman and guardianship case manager report to different star<br>members. In several counties, the guardianship manager and the<br>ombudsmen have different supervisors. For all situations, the<br>Ombudsmen, local ombudsmen, and the host agency would work to<br>resolve any issue that would arise.<br>For the state conflict: Provides long- term care coordination or case<br>management for residents of long-term care facilities, makes<br>decisions related to admission or discharge for long-term care and   |                         |
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| management for residents of long-term care facilities, makes decisions related to admission or discharge for long-term care and  |                         |
| decisions related to admission or discharge for long-term care and   |                         |
|  |                         |
|  |                         |
| provides guardianship because the MDoA Secretary can be appointed  |                         |
| as a guardian for an individual. At this time, no one receives   |                         |
| guardianship services from MDoA.   |                         |
| The local offices do have guardianship clients. If an issue arises and   |                         |
| cannot be resolved related to an individual that has a MDoA guardia  |                         |
| the remedy for this potential conflict is that the guardianship case   |                         |
| manager reports to a different supervisor than the Ombudsman. If   |                         |
| legal counsel is needed, the Ombudsman and the guardianship case   |                         |
| manager would have different staff from the Maryland Attorney  |                         |
| General Office appointed.  |                         |
|  |                         |

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#### **Staff and Volunteers**

#### Office of State Ombudsman Staff

| Total staff   | 3     |       |
|---|-------|-------|
| Total full-time equivalent (FTE)                        | 2     |       |
| Total state volunteer representatives                   | 1     |       |
| Total hours donated by state volunteers representatives | 80    | Hours |
| Total other volunteers (not representatives)            | 0     |       |
| Local Ombudsman Entity Staff                            |       |       |
| Total staff   | 38    |       |
| Total full-time equivalent (FTE)                        | 32    |       |
| Total local volunteer representatives                   | 66    |       |
| Total hours donated by local volunteer representatives  | 4,965 | Hours |
| Total local volunteers (not representatives)            | 34    |       |

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### **Funds Expended**

#### Funds Expended from OAA Sources

| Federal - OAA Title VII, Chapter 2, Ombudsman | \$262,954   |
|---|-------------|
| Federal - OAA Title VII, Chapter 3            | \$73,079    |
| OAA Title III - State level                   | \$57,163    |
| OAA Title III - AAA level                     | \$93,135    |
| Other Federal Sources                         |             |
| There are no other Federal sources            |             |
| Total other Federal funds expended            | \$39,831    |
| Other State Sources                           |             |
| There are no other State sources              |             |
| Total other State funds expended              | \$1,432,871 |
| Other Local Sources                           |             |
| There are no other Local sources              |             |
| Total other Local funds expended              | \$1,081,570 |
|   |             |

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### **Facility - Number and Capacity**

#### **Licensed Nursing Facilities**

| Total number                 | 227   |  |  |  |
|------------------------------|-------|--|--|--|
| Total resident capacity      | 27937 |  |  |  |
| Residential Care Communities |       |  |  |  |
| Total number                 | 1687  |  |  |  |
| Total resident capacity      | 24896 |  |  |  |

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#### **Facility - Residential Care Community Information**

| RCC typ  | e      | IRCC type definition | Minimum RCC<br>capacity | Maximum<br>RCC<br>capacity |
|----------|--------|----------------------|-------------------------|----------------------------|
| assisted | living | assisted living      | 2                       |                            |

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### **Program Activities**

#### **Certifications and Training**

| Certification training hours                       | 40   | Hours |  |  |
|--|------|-------|--|--|
| Training hours required to maintain certification  | 15   | Hours |  |  |
| Number of new individuals completing certification | 3    |       |  |  |
| training   |      |       |  |  |
| Ombudsman Program Activities                       |      |       |  |  |
| Information and assistance to individuals          | 7974 |       |  |  |
| Community education                                | 84   |       |  |  |
| Ombudsman Program Activities - Facilities          |      |       |  |  |

| Activity  | Nursing<br>Facility | Residential<br>Care Community |
|---|---------------------|-------------------------------|
| Training sessions for facility staff                  | 24                  | 9                             |
| Information and assistance to staff                   | 3160                | 3727                          |
| Number of facilities that received one or more visits | 220                 | 915                           |
| Number of visits for all facilities                   | 1462                | 2053                          |
| Number of facilities that received routine access     | 1                   | 0                             |
| Total participation in facility survey                | 147                 | 27                            |
| Resident council participation                        | 237                 | 68                            |
| Family council participation                          | 49                  | 32                            |

#### State and Local Level Coordination Activities

Area agency on aging programs, Aging and disability resource centers, Adult protective services programs, Protection and advocacy systems, Facility and longterm care provider licensure and certification programs, The State Medicaid fraud control unit, Victim assistance programs, State and local law enforcement agencies, Courts of competent jurisdiction, The State legal assistance developer and legal assistance programs, Centers for Independent Living

#### **Other Coordination Activities:**

Attorney General's Office, Fire Marshal, EMS, Department of Justice, Maryland Department of Health (several offices including public health programs), Medicaid Waiver Program, Provider Groups, Alzheimer's Association

Describe any state or local level coordination and leadership activities with the entities listed, as applicable.

Case work, committee work, work on laws, policies and initiatives, presentations, individual advocacy, Stakeholder's Groups and Commissions, and other types of systemic advocacy