

## Recommendations

The recommendation from the Office of the State Long-Term Care Ombudsman is to amend the Illinois Nursing Home Care Act regarding transfers and discharges. Proposed legislation must close loopholes currently allowing facilities to circumvent regulations.

Another amendment to the Nursing Home Care Act should allow IDPH to issue larger fines when facilities do not follow the proper transfer/discharge process. Current fines are not an effective deterrent. In addition, Administrative Law Judges must act on their authority to order the facility to take the resident back when the final decision in an appeal hearing is in the resident's favor.

Finally, new legislation must give a voice to our most vulnerable population by allowing Ombudsmen the authority to represent residents in an administrative hearing when the resident lacks capacity and who either has no representative or has a representative not fulfilling his or her fiduciary duty.



Illinois Department on Aging

State of Illinois  
Department on Aging

One Natural Resources Way, #100  
Springfield, Illinois 62702-1271

Senior HelpLine: 1-800-252-8966

Adult Protective Services Hotline  
1-866-800-1409 1-888-206-1327 (TTY)

[www.illinois.gov/aging](http://www.illinois.gov/aging)

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State of Illinois  
Illinois Department on Aging



**Illinois  
Long-Term Care  
Ombudsman Program**

**Annual Report FY 2017**



Illinois Department on Aging

# Fiscal Year 2017

## Annual Report

### Funding

#### Long-Term Care Ombudsman Program

In FY2017, the budget for the Ombudsman Program totaled \$5,371,968. The largest portion of funds supporting the program came from federal funding totaling \$2,354,076. The Program received \$1,587,341 in state funds while local funding for the program totaled \$230,551. And finally, the Program received \$1,200,000 from the Long-Term Care Provider Fund.

#### Home Care Ombudsman Program

Beginning in FY2014 and continuing into FY2017, the Long-Term Care Ombudsman Program expanded its services to include advocacy for seniors and persons with disabilities who live in the community and receive managed care services through the Medicare-Medicaid Alignment Initiative (MMAI) or who live in the community and receive Medicaid waiver services.

### Regular Presence Visits

The Ombudsman Program continued its push to be visible in Illinois long-term care facilities. Ombudsmen made 16,545 regular presence visits to 1,591 long-term care facilities. There were 141,420 beds in long-term care facilities in Illinois during FY2017.

### Complaints and Consultations

The Ombudsman Program handled 8,009 complaints during FY2017. Out of 6,734 nursing facility complaints, 4,630 complaints were verified. There were a total of 1,240 complaints regarding Assisted Living and Shared Housing Establishments, Supportive Living Facilities, and Shelter Care Facilities for FY 2017 and 789 complaints were verified. Of all complaints, 4,799 were

resolved or partially resolved to the satisfaction of the resident or complainant.

There are 133 possible codes used for documenting complaints into the National Ombudsman Resource System. By far, the largest single complaint investigated by the Illinois Ombudsman Program was related to improper involuntary discharges. The Program investigated:

- 1192 Complaints of Improper Discharges
- 453 Complaints of Financial Exploitation or Neglect from Individuals Outside of the Facility
- 312 Complaints Relating to Dignity, Respect – Staff Attitudes

Twenty-one percent of Ombudsmen complaints were made against someone other than the facility. The majority of those included complaints of financial exploitation.

There were 26,114 consultations handled by the Ombudsman Program. The three most reported consultation topics were Ombudsman Services, Involuntary Transfer or Discharge and Resident Rights.

### Long-Term Care Systems Rebalancing

#### Money Follows the Person:

The Ombudsman program received funds to assist with education and referrals to help residents transition out of nursing homes and into less restrictive living arrangements through the Money Follows the Person Program (MFP). Illinois was awarded the MFP Demonstration Project in May of 2007 from the Federal Centers for Medicaid and Medicare Services (CMS). MFP supported states in creating systems and services to transition long-stay Medicaid-eligible persons residing in institutional settings to appropriate

home and community based settings. The Ombudsman Program's Money Follows the Person grant ended June 30, 2017.

### Legislative Advocacy

An important legislative issue the Ombudsman Program continued to work on was improper discharge reform. The Office identified significant concerns with improper evictions from long-term care facilities and worked closely with the Alzheimer's Association and other advocacy groups to prepare a bill for introduction in the 2017 session. House Bill 3392 passed the House, but did not get called in the Senate. Several press conferences and media interviews were conducted to strengthen community awareness of the growing problem. Several legislators signed onto the bill, but in the end, it did not pass.

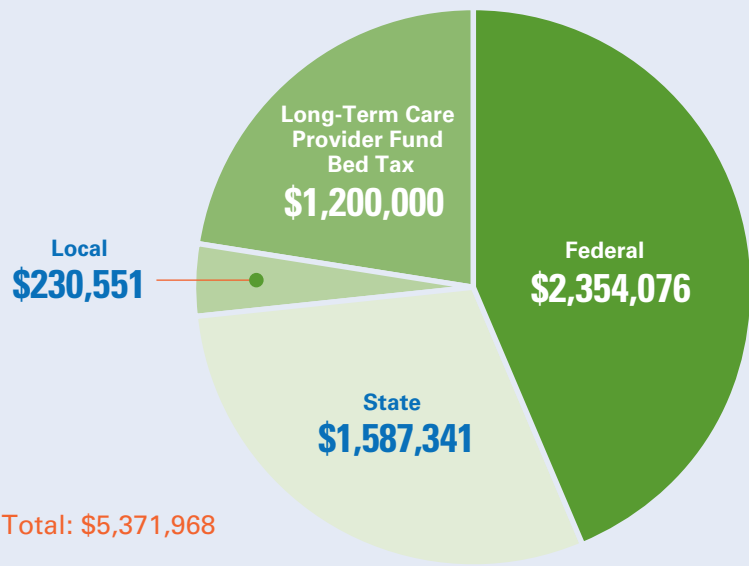
### Barriers and Challenges

#### Improper Discharges:

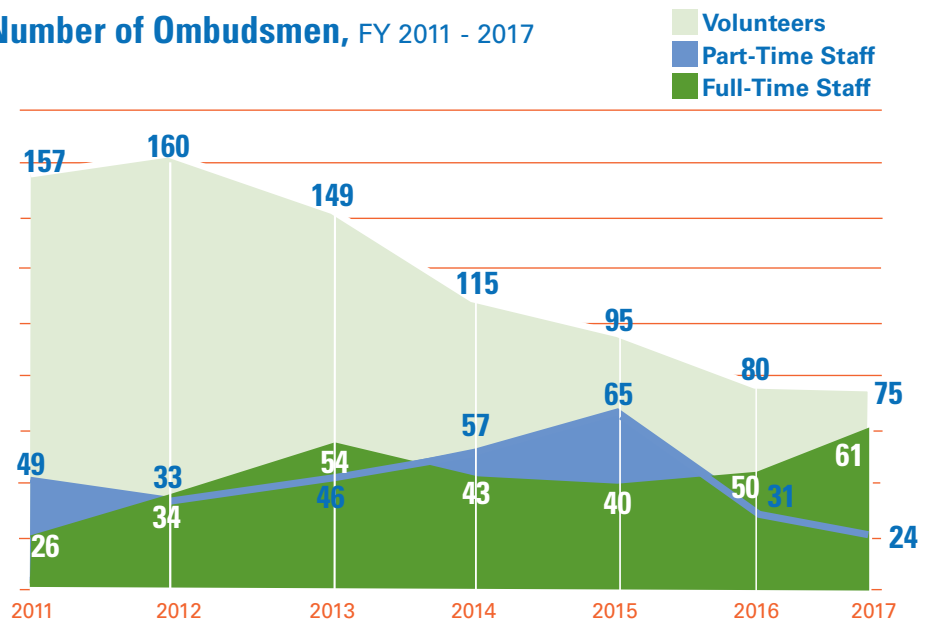
The Program identified the following concerns related to improper discharges:

- facilities discharge residents to hospitals, homeless shelters and other inappropriate settings and refuse to take the residents back,
- facilities discharge without proper notice,
- IDPH Administrative Law Judges (ALJs) do not act on the authority to order a facility to take the resident back or to allow the resident stay in the facility if a resident wins the administrative hearing,
- Ombudsmen cannot request a hearing or represent a resident in a hearing if the resident lacks decision making capacity and has no legal representative, and
- there are not substantial consequences for non-compliance.

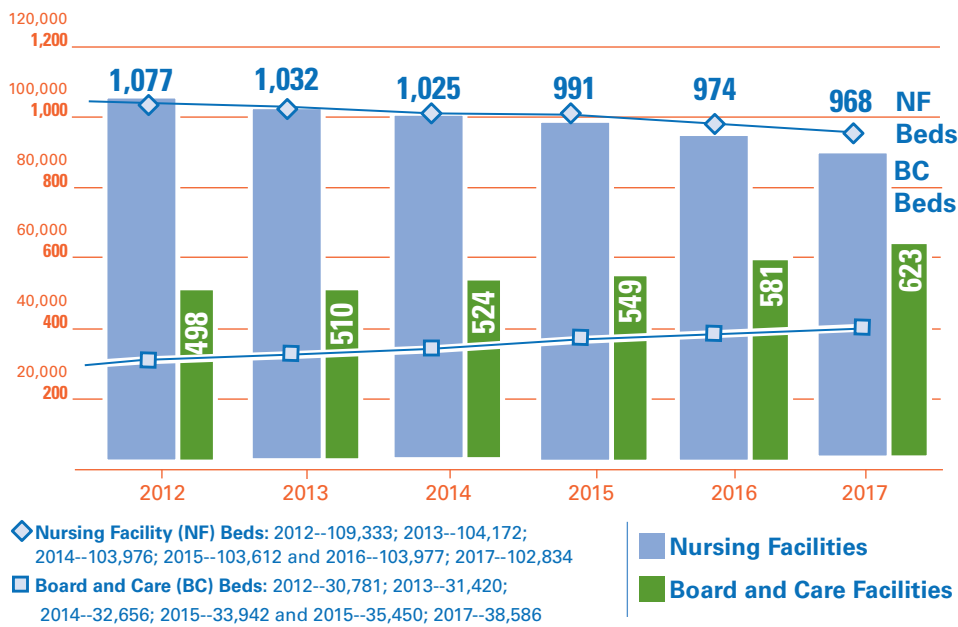
### Long-Term Care Provider Fund, FY 2017



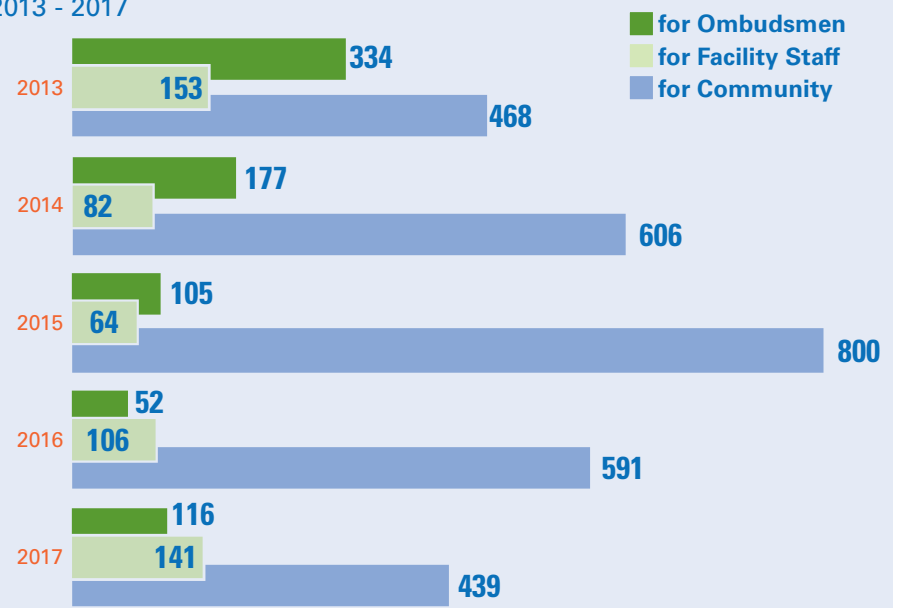
### Number of Ombudsmen, FY 2011 - 2017



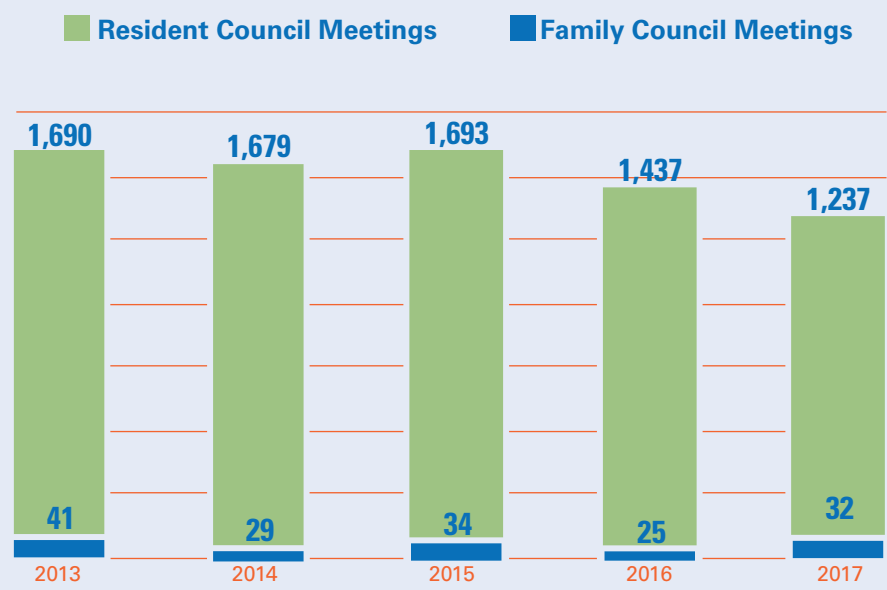
### Number of Board and Care and Nursing Facilities / Beds FY 2012 - 2017



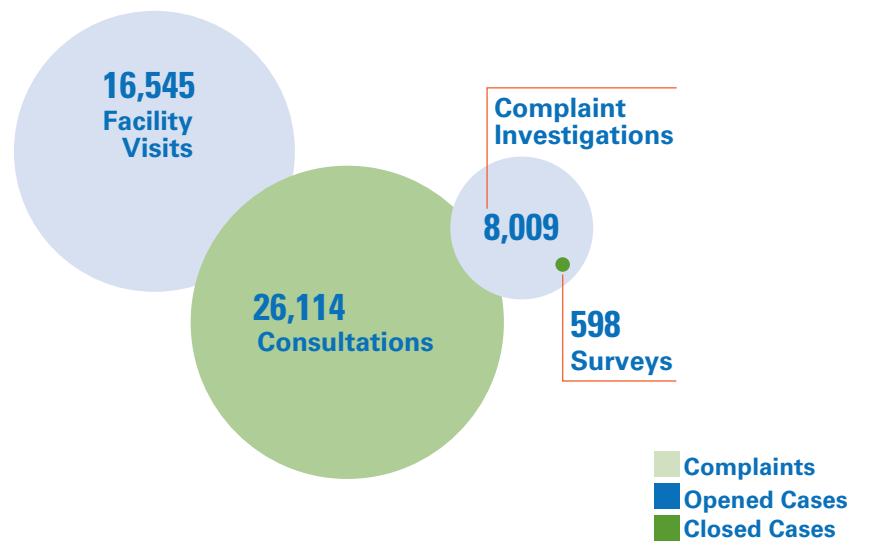
### Continuing Education Sessions Held by Ombudsmen FY 2013 - 2017



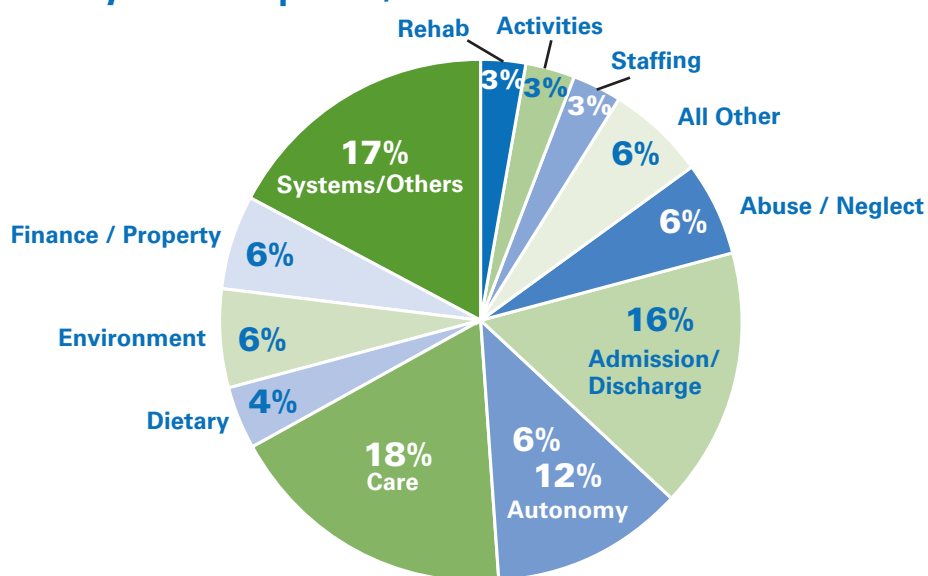
### Resident and Family Council Meetings Attended, FY 2013 - 2017



### Number of Activities and Services Performed, FY 2017



### Analysis of Complaints, FY 2017



Number of Complaints: 8,009

### Comparison of Complaints to Cases, FY 2013 - 2017

