

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.

Recommendations

The recommendation from the Office of the State Long-Term Care Ombudsman is to amend the Illinois Nursing Home Care Act regarding improper facility-initiated 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 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

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal Statutes. If you feel you have been discriminated against, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY).

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State of Illinois
Illinois Department on Aging



Illinois Long-Term Care Ombudsman Program

Annual Report FY 2018



Illinois Department on Aging

Fiscal Year 2018

Annual Report

Program Overview

The Long-Term Care Ombudsman Program works to protect and promote the rights and quality of life for those living in long-term care facilities. Ombudsmen work to resolve complaints on behalf of people who receive long-term care services. In addition, Ombudsmen provide regular presence visits in long-term care facilities, respond to requests for information and assistance, assure the interests of residents are represented to policy makers, provide education sessions to the general public and facility staff, and work to support resident and family councils.

Funding

Long-Term Care Ombudsman Program

In FY2017, the budget for the Ombudsman Program totaled \$5,780,815. The Program received \$1,454,701. The Program received \$2,814,343 in state funds while local funding for the program totaled \$311,771. 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 FY2018, 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. Fiscal Year 2018 funding came from two sources: a federal grant through the Duals Demonstration Program and state funds.

Regular Presence Visits

The Ombudsman Program continued its push to be visible in Illinois long-term care facilities. Ombudsmen made 17,775 regular presence visits to 1,624 long-term care facilities. There were 143,725 beds in long-term care facilities in Illinois during FY2018.

Complaints and Consultations

The Ombudsman Program handled 7,679 complaints during FY2018. Out of 6,329 nursing facility complaints, 4,387 complaints were verified. There were 1,350 Assisted Living and Shared Housing Establishments, Supportive Living, and Shelter Care complaints for FY 18 and 859 complaints were verified. Of all complaints, 4,768 were resolved or partially resolved to the satisfaction of the resident or complainant. A consultation is the provision of information and assistance to an individual that does not include casework.

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 facility-initiated discharges. The Program investigated:

- 826 Complaints of Improper Discharges
- 437 Complaints of Financial Exploitation or Neglect from Individuals Outside of the Facility
- 313 Complaints Relating to Dignity, Respect – Staff Attitudes

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

There were 29,529 consultations handled by the Ombudsman Program. A consultation is the provision of information and assistance to an individual that does not include casework. The three most reported consultation topics were Resident Rights, Ombudsman Services, and Legal/Advanced Directives.

Long-Term Care Systems Rebalancing

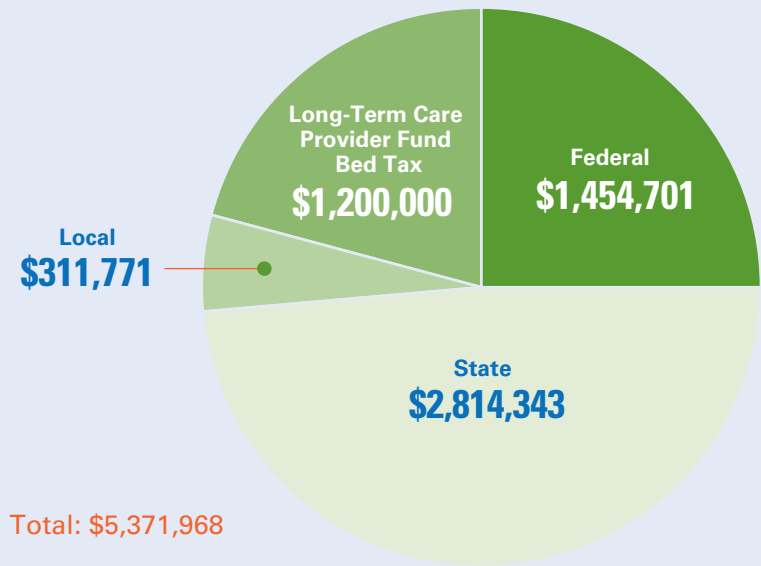
Money Follows the Person:

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. The Ombudsman Program continues to make referrals to appropriate entities.

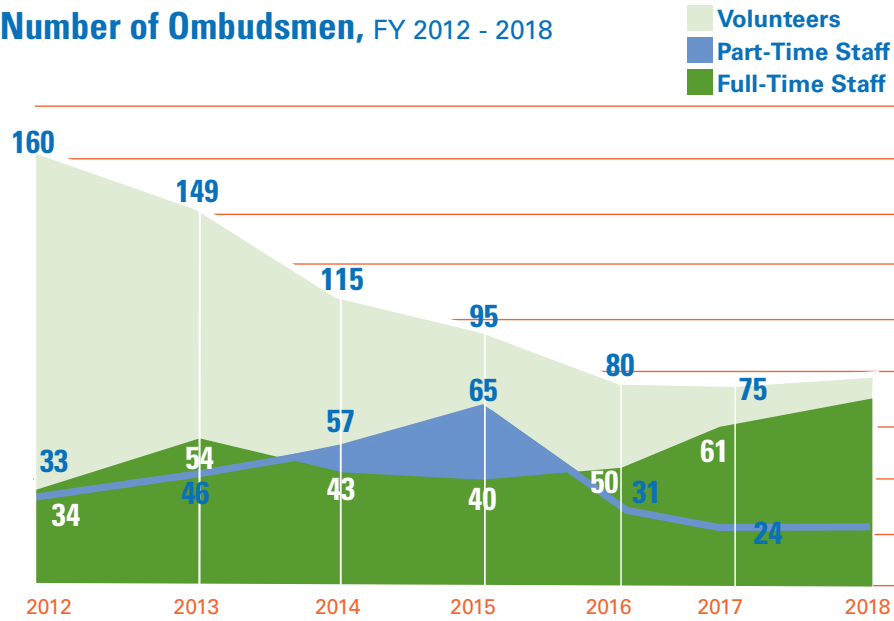
Legislative Advocacy

An important legislative issue the Ombudsman Program continued to work on was improper discharge reform. Illinois began work on legislation with the Alzheimer's Association in FY16 and introduced a bill to address these issues in 2017 and 2018. The bill did not pass, but the Program has seen positive changes from the media coverage and with surveyor investigations.

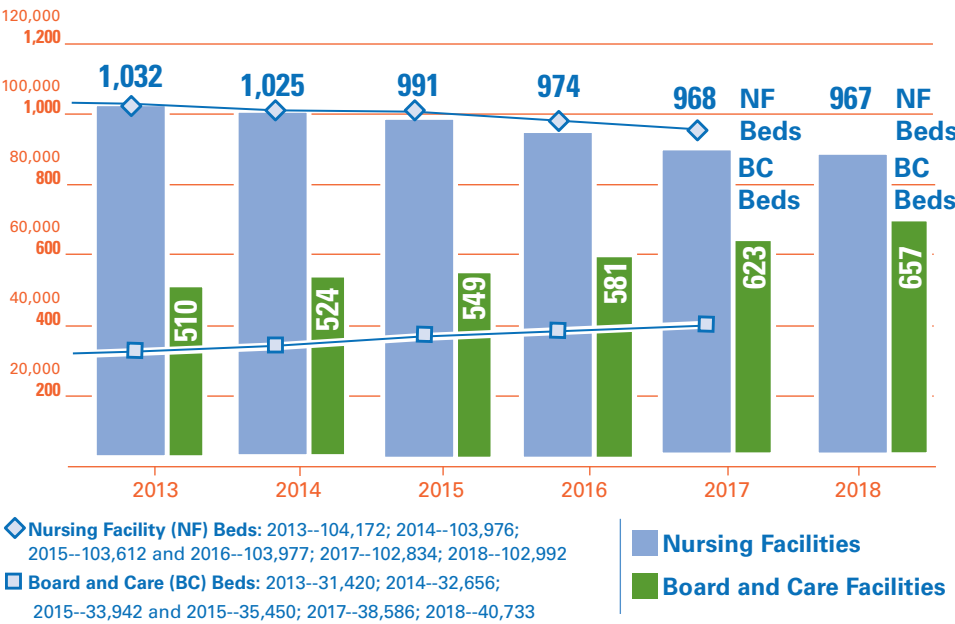
Long-Term Care Provider Fund, FY 2018



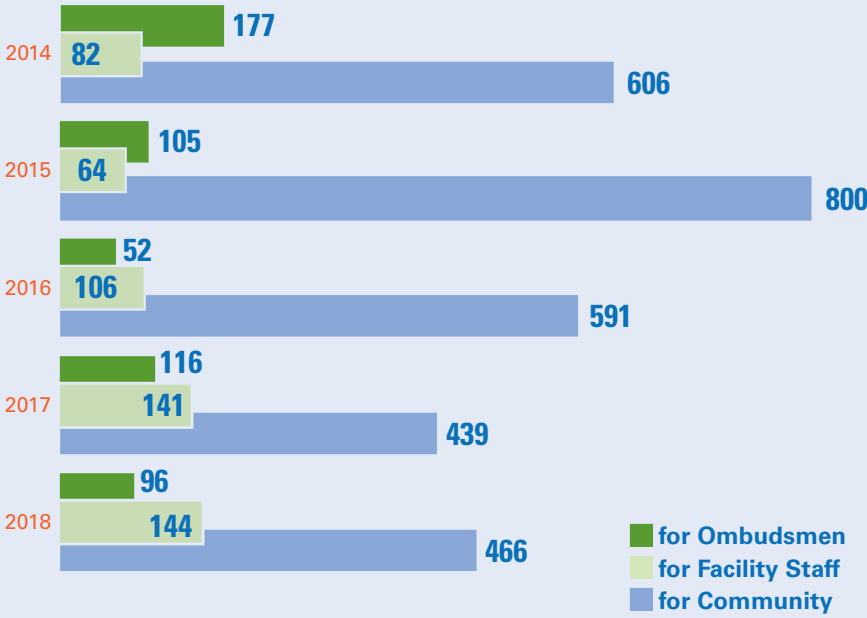
Number of Ombudsmen, FY 2012 - 2018



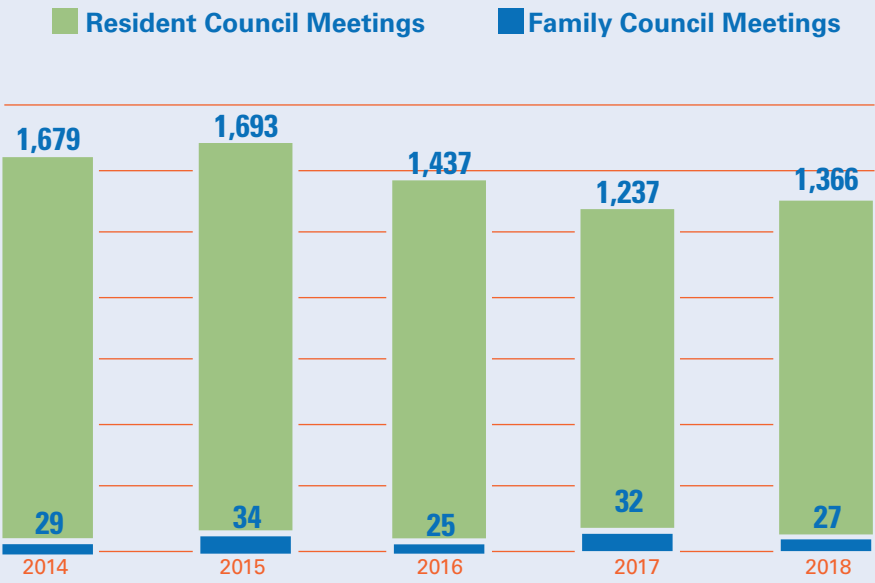
Number of Board and Care and Nursing Facilities / Beds
FY 2013 - 2018



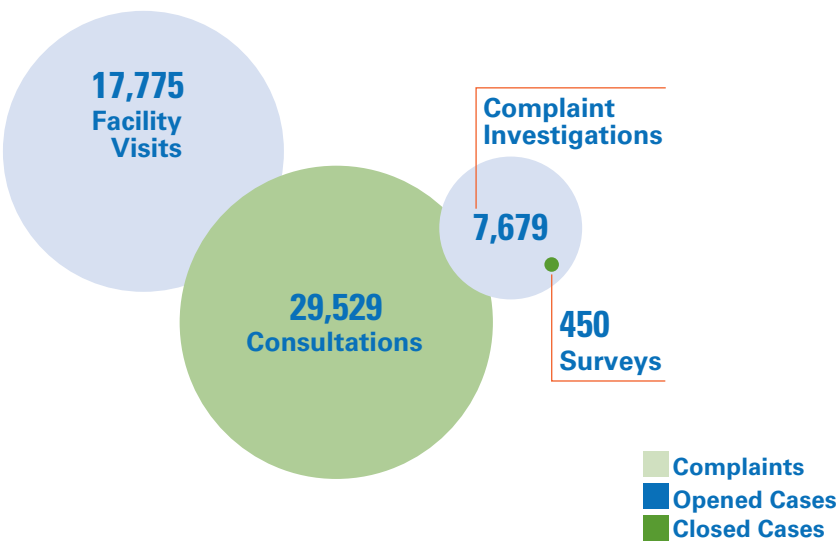
Education Sessions Held by Ombudsmen
FY 2014 - 2018



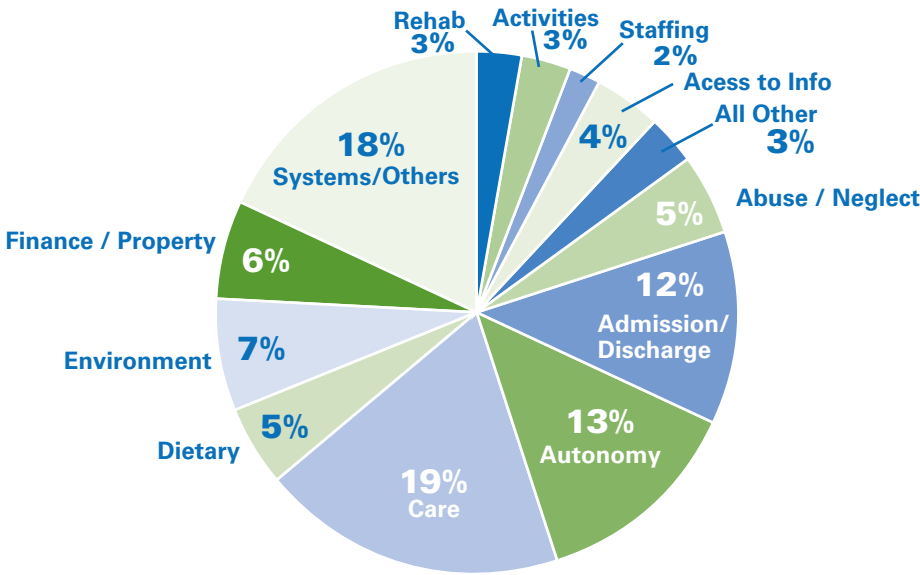
Resident and Family Council Meetings Attended, FY 2014 - 2018



Number of Activities and Services Performed, FY 2018



Analysis of Complaints, FY 2018



Comparison of Complaints to Cases, FY 2014 - 2018

