

- facilities discharge without proper notice,
- residents without proper representation in a hearing. Ombudsmen do not currently have standing to request a hearing or represent a resident in a hearing if the resident lacks decision making capacity and has no legal representative, and
- a lack of 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.

State of Illinois Department on Aging

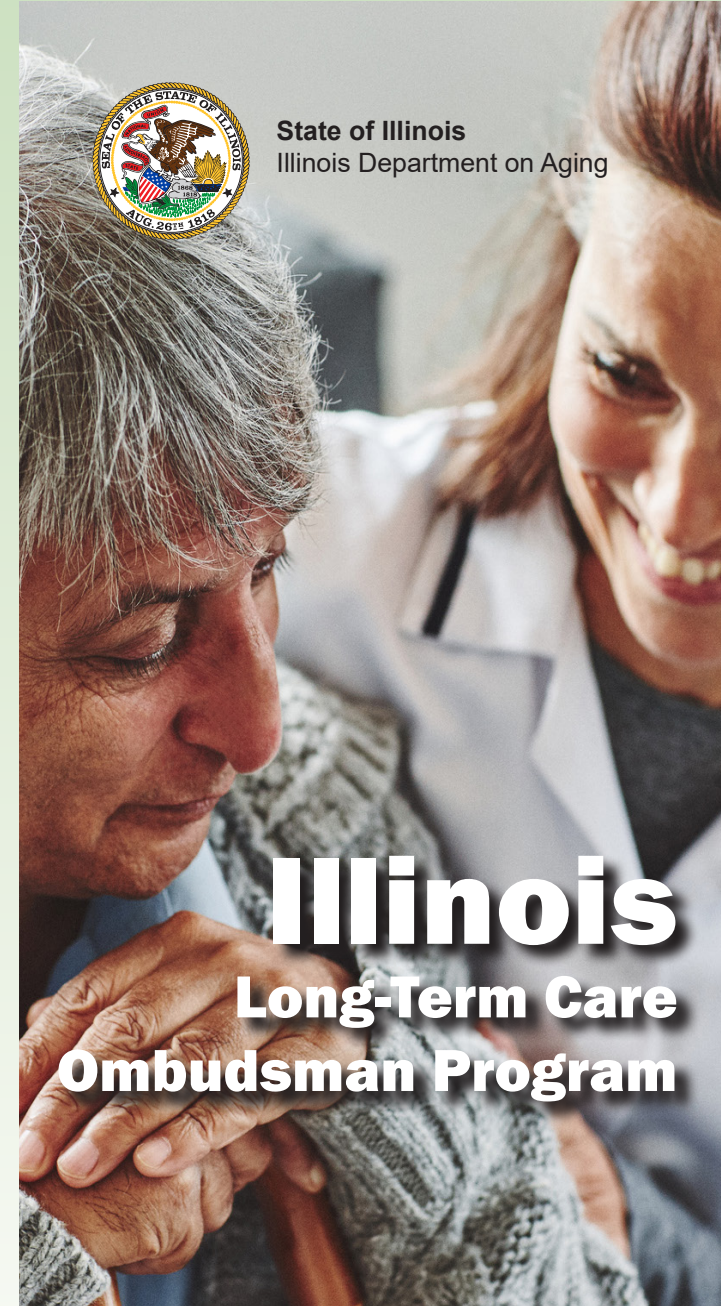
One Natural Resources Way, #100
Springfield, Illinois 62702-1271
Senior HelpLine: 1-800-252-8966
Adult Protective Services Hotline
1-866-800-1409 1-888-206-1327 (TTY)
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State of Illinois
Illinois Department on Aging



Annual Report FY 2019



Fiscal Year 2019

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 routine 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 FY2019, the budget for the Ombudsman Program totaled \$8,950,463. The Program received \$2,124,808 in federal funds. The Program received \$5,184,278 in state funds while local funding for the program totaled \$441,377. 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 FY2019, 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 2019 funding came from two sources: a federal grant through the Duals Demonstration Program and state funds.

Routine Visits

The Ombudsman Program continued its push to be visible in Illinois long-term care facilities. Ombudsmen made 18,340 routine visits to 1,634 long-term care facilities. There were 144,287 beds in long-term care facilities in Illinois during FY2019.

Complaints and Consultations

The Ombudsman Program handled 9,513 complaints during FY2019. Out of 7,823 nursing facility complaints, 5,794 complaints were verified. There were over 1,700 complaints in the other facility settings covered by the Ombudsman Program and 1,173 complaints were verified. Of all complaints, 5,933 were resolved or partially resolved to the satisfaction of the resident or complainant.

There are 59 possible codes used for documenting complaints into the National Ombudsman Reporting System. By far, the largest single complaint investigated by the Illinois Ombudsman Program was related to improper facility-initiated discharges. The Program investigated:

- 1,079 Complaints of Improper Discharges
- 426 Complaints related to Failure to Respond to Requests for Assistance
- 413 Complaints Relating to Dignity, Respect – Staff Attitudes

Fourteen percent of Ombudsmen complaints were made against someone other than the facility. The majority of those included complaints of financial exploitation, closely followed by requests for less restrictive placement.

There were 29,529 information and assistance activities handled by the Ombudsman Program. The three most reported topics were Resident Rights, Ombudsman Services, and Involuntary Transfer or Discharge.

Policy Changes

In order to align with federal rules pertaining to the Ombudsman program that were issued for the first time in 2016, the Office of the State Long-Term Care Ombudsman Program worked to revise 89 Ill Admin. Code 270 (B). The revised state rule took effect on January 1, 2019. Some of the major changes include clarification about conflicts of interest, strengthened language regarding access and disclosure, and specific language on grievances.

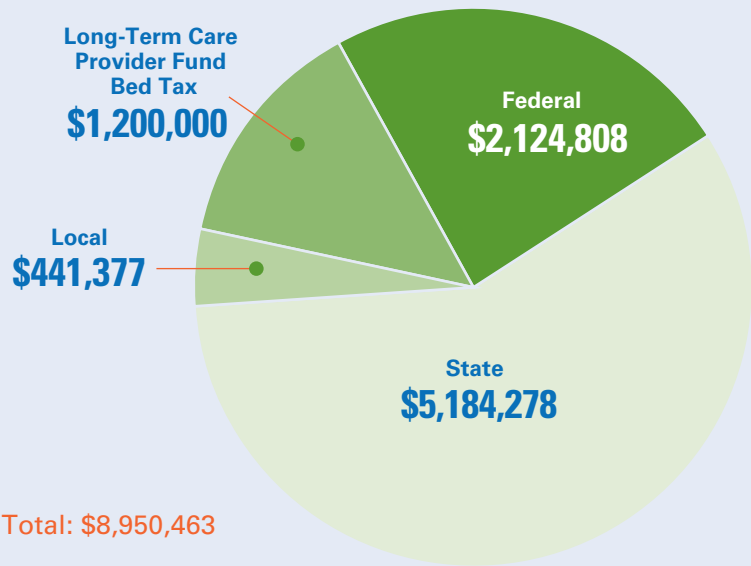
Barriers and Challenges

Improper Discharges:

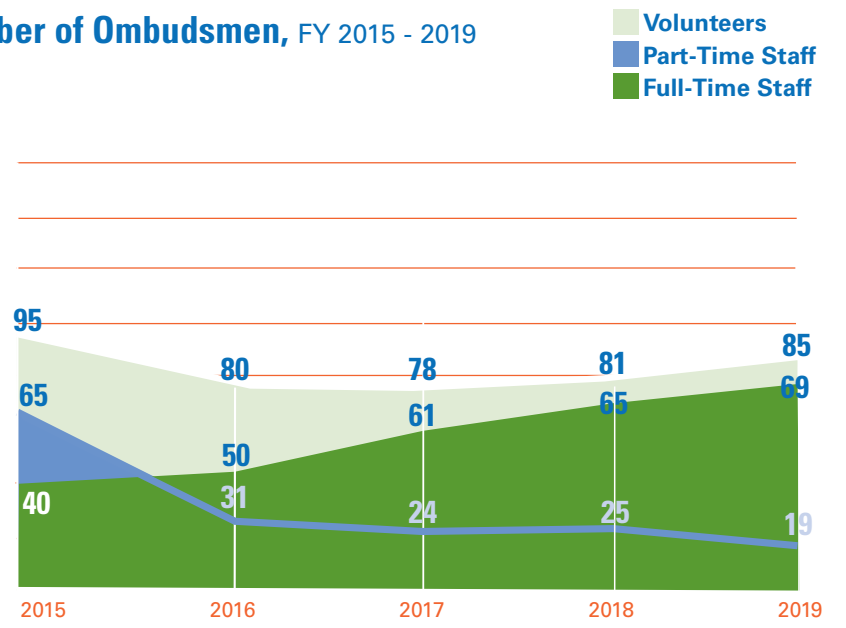
Improper facility initiated discharges continue to be a major challenge. The Ombudsman Program continues to see:

- facilities discharge residents to hospitals, homeless shelters and other inappropriate settings and refuse to take the residents back,

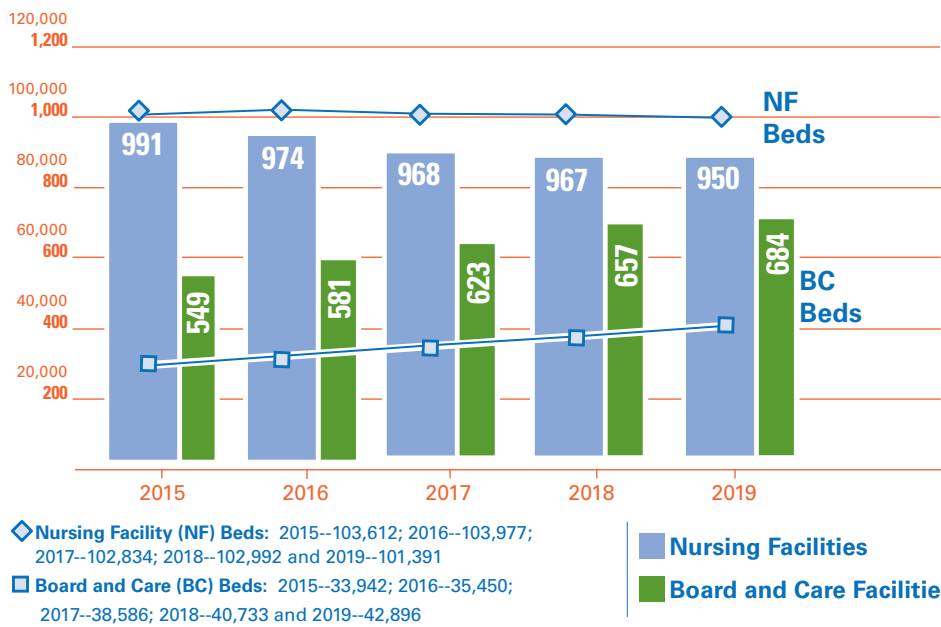
Long-Term Care Provider Fund, FY 2019



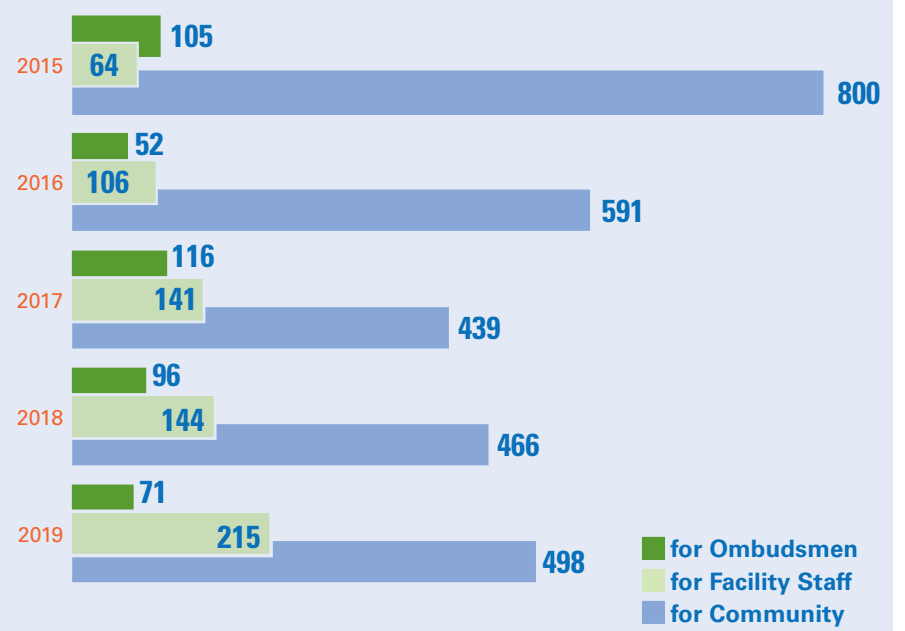
Number of Ombudsmen, FY 2015 - 2019



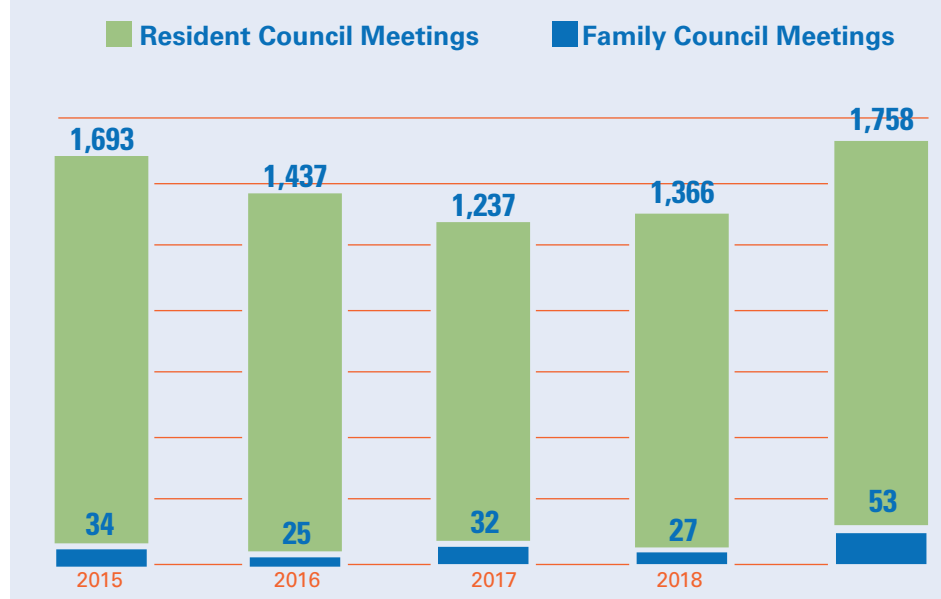
Number of Board and Care and Nursing Facilities / Beds FY 2015 - 2019



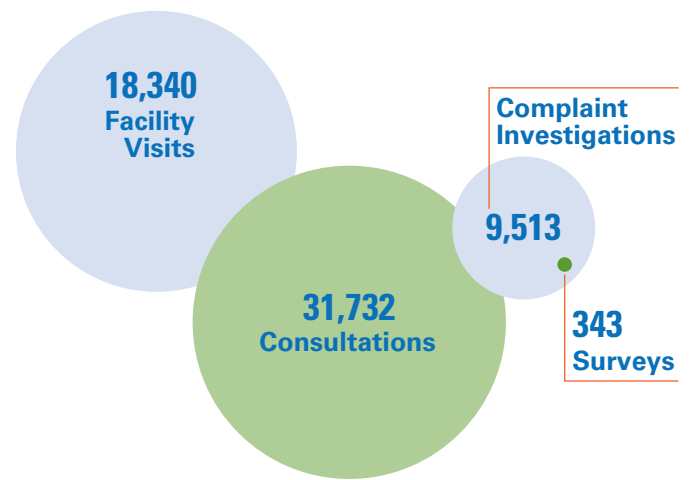
Education Sessions Held by Ombudsmen FY 2015 - 2019



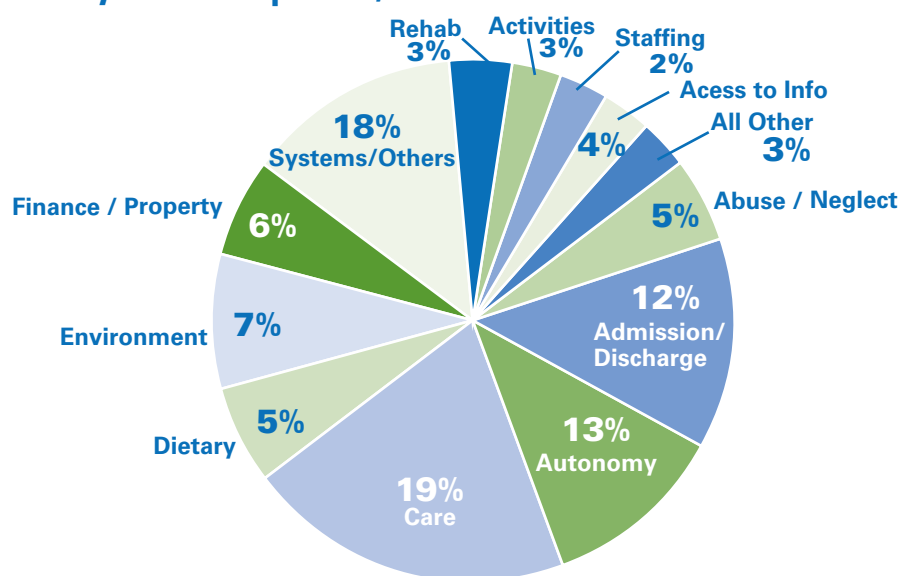
Resident and Family Council Meetings Attended, FY 2015 - 2019



Number of Activities and Services Performed, FY 2019



Analysis of Complaints, FY 2019



Number of Complaints: 9,513

Comparison of Complaints to Cases, FY 2015 - 2019

