

March 20, 2018

The Honorable Thad Cochran
Chairman
Senate Appropriations Committee
U.S. Senate
113 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patrick Leahy
Vice-Chairman
Senate Appropriations Committee
U.S. Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Cochran and Senator Leahy:

The National Consumer Voice for Quality Long-Term Care (Consumer Voice) urges you to strengthen the Long-Term Care Ombudsman Program by providing the funding necessary to carry out its important work. Consumer Voice is a non-profit organization dedicated to advocating for the health, safety, welfare and rights of nursing home and assisted living facility residents and other long-term care consumers throughout the country. With more than 40 years' experience, we are the leading national voice representing consumers in issues related to long-term care. Our network is comprised primarily of long-term care consumers, family members, long-term care ombudsmen, citizen advocacy groups, and independent advocates.

Under the federal Older Americans Act (OAA), every state is required to have a State Long-Term Care Ombudsman Program that addresses complaints and advocates for improvements in the long-term care system. Each state has an Office of the State Long-Term Care Ombudsman, headed by a full-time State Long-Term Care Ombudsman who directs the program statewide. Across the nation, staff and thousands of volunteers are designated by State Ombudsmen as representatives to directly serve residents.

Long-term care ombudsmen serve residents by advocating for quality care that ranges from being able to get up when you want in the morning to serious issues of abuse. They also advocate for changes in laws, regulations, and policies that are responsive to resident needs. Long-Term Care Ombudsman Program representatives:

- Resolve complaints made by or for residents of long-term care facilities
- Educate consumers and long-term care providers about residents' rights and good care practices
- Promote community involvement through volunteer opportunities

The National Consumer Voice for Quality Long-Term Care (formerly NCCNHR) is a 501(c)(3) nonprofit membership organization founded in 1975 by Elma L. Holder that advocates for quality care and quality of life for consumers in all long-term-care settings.

- Provide information to the public on nursing homes and other long-term care facilities and services, residents' rights and legislative and policy issues
- Advocate for residents' rights and quality care in nursing homes, personal care, residential care and other long-term care facilities
- Promote the development of citizens organizations, family councils and resident councils

A few statistics¹ demonstrate just some of the ways ombudsmen promote quality care. In 2015, the program:

- Worked to resolve 199,238 complaints and resolved or partially resolved 74% of those complaints to the satisfaction of the resident or complainant
- Visited residents in 27,559 facilities at least quarterly
- Provided information on long-term care to 398,057 individuals
- Provided information and assistance to 122,213 facility managers and staff and 5,054 training sessions for long-term care facility staff

But data only tells part of the story. This is what one resident said about the critical assistance she received from an ombudsman, "Bridget has helped me with my dietary needs, and it has really made a big difference in my life. I could not have done it on my own." A resident's spouse also found ombudsman assistance invaluable: The Ombudsman was the BEST help I could have received! He was on our side and gave me the reassurance and confidence and assistance that I needed for my husband's care."

The Long-Term Care Ombudsman Program is a vital program that protects residents' rights and helps ensure residents are receiving quality care and quality of life in their chosen long-term care setting. It is the only program federally mandated to advocate on behalf of residents of long-term care facilities. Without access to the program, long-term care consumers do not have an advocate who provides education, empowerment, and resident-directed complaint investigation and resolution to address a wide range of issues.

Despite its mandate, the LTCOP is currently unable to provide residents with the assistance they need and are entitled to due to insufficient funding. For instance, budget cuts have forced the Iowa LTCOP to eliminate all staff visits to nursing facilities.² Today, one part-time ombudsman serves 2,320 beds.³ The Institute of Medicine recommends one full-time ombudsman serve 2,000 beds. Furthermore, in 2015, while long-term care ombudsmen visited 69 percent of nursing homes on a quarterly basis, only 28 percent of board and care, assisted living, and similar homes received a quarterly visit.⁴ Programs are stretched so thin that total funding for the LTCOP across the country has only increased by \$8.9 million dollars since 2010.⁵ This is contrasted with growing population of long-term care consumers: by 2050 the number of individuals using paid long-term care services in any setting will more than double from 13 million using services in 2000, to 27 million people.⁶

¹ 2015 NORS data.

² Kauffman, Clark, "Massive budget cuts slash travel, chaining Iowa's nursing home watchdogs," The Des Moines Register (August 23, 2017), <http://www.desmoinesregister.com/story/news/2017/08/23/budget-cuts-end-watchdogs-visits-iowa-nursing-homes-cuts-iowa-long-term-care-ombudsmens-office-end-w/589646001/>.

³ "LTC Facilities and Beds Numbers and Percents for FY 2015 as of 03/14/2017," LTC Ombudsman National and State Data, Administration for Community Living (March 14, 2017), <https://www.acl.gov/programs/long-term-care-ombudsman/ltc-ombudsman-national-and-state-data>.

⁴ "Other Ombudsman Activities for FY 2015 as of 03/14/2017," LTC Ombudsman National and State Data, Administration for Community Living (March 14, 2017), <https://www.acl.gov/programs/long-term-care-ombudsman/ltc-ombudsman-national-and-state-data>.

⁵ "LTC Ombudsman Program Funding Totals and Percents for FY 2015 as of 03/14/2017," LTC Ombudsman National and State Data, Administration for Community Living (March 14, 2017), <https://www.acl.gov/programs/long-term-care-ombudsman/ltc-ombudsman-national-and-state-data>.

⁶ "Selected Long-Term Care Statistics," Family Caregiver Alliance (January 31, 2015), <https://www.caregiver.org/selected-long-term-care-statistics>.

Consumer Voice requests increased funding for the Long-Term Care Ombudsman Program in order to provide residents with the advocacy, assistance, and support they need to obtain quality of care and quality of life. Funding amounts in the following areas would immensely strengthen the program and allow it to better serve residents:

1. *The Long-Term Care Ombudsman Program in the Elder Justice Act: \$5 million*

An appropriation of \$5 million under the Elder Justice Act would recognize the role of the program in elder justice and support their work to prevent, protect, and respond to older Americans who are at risk of abuse, neglect, and exploitation. With this additional funding, State Long-Term Care Ombudsman Programs would be able to hire additional staff, leverage staff to recruit volunteers, and provide training about the advocate's role in preventing, recognizing, and responding to abuse, neglect, and exploitation in long-term care facilities.

2. *Title VII and the State Long-Term Care Ombudsman Program: Level Funding for Federal Fiscal Year 2018*

Title VII programs already receive limited funding, and the impact of sequestration has drained services further. Level funding would help address a documented decline in reported activities and casework.

3. *Assisted Living Long-Term Care Ombudsmen: \$19.98 million in new funding*

Additional funding would create new ombudsman positions dedicated to providing services to residents of assisted living, board and care, and similar community-based long-term care settings. As long-term care services and supports have grown in scope and complexity, the State Long-Term Care Ombudsman Program has not been funded and able to grow with them. While the mandate to serve residents in assisted living was added to the program's mission by the 1981 amendments to the OAA, there was no new authorization for this function.

Additional funding for the LTCOP ensures that nursing home and assisted living facility residents who are among our nation's most vulnerable citizens have someone on their side, at their side.

Sincerely,



Lori Smetanka
Executive Director



Robyn Grant
Director of Public Policy & Advocacy