

## Long-Term Care Ombudsman 4<sup>th</sup> Quarter 2020 Reentry Plan: Resuming: In-Person Advocacy Activities

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The Office of the State Long-Term Care Ombudsman (OSLTCO) is authorized under the Older Americans Act to administer California's **Long-Term Care Ombudsman Program (LTCOP)**. The LTCOP provides residents of long-term care facilities with access to effective advocacy in order to ensure that they receive the quality of care and quality of life they deserve and are entitled to by law.

**The primary responsibility of the LTCOP is to investigate and endeavor to resolve complaints made by, or on behalf of, individual residents in long-term care facilities.**

# California Specific LTCOP Responsibilities

<b>Provide</b>	Provide regular and timely access to Ombudsman services by visiting every long-term care facility in the state on a quarterly basis.
<b>Receive and investigate</b>	Receive and investigate reports of suspected abuse and neglect of residents of long-term care facilities and certain other community care facilities.
<b>Witness</b>	Witness advance health care directives and certain property transfers for residents of skilled nursing facilities.

# Structure of the LTCOP

- The Office is housed administratively within the California Department of Aging.
- 35 local Ombudsman entities, designated by the State Ombudsman are housed in either Area Agencies on Aging or nonprofit agencies under contract or subcontracts with the Department.
- LTC Ombudsman representatives must obtain a criminal record clearance, complete 36 hours of initial classroom training, a minimum of 10 hours of supervision in the field, and a minimum of 12 hours of annual continuing education.
- In 2018 the program had 820 certified Ombudsmen, 60% were over the age of 65, and nearly 80% were volunteers.

# Resuming In-Person Advocacy

The CMS restriction on in-person facility visits had the goal of reducing harm. However evidence, indicates that the prolonged absence of direct observations by the residents' family members, unpaid care staff and LTC Ombudsman representatives has resulted in potentially irreversible physical, cognitive, physiological and functional decline for many vulnerable Californians.

**PHASE I & II LTC Ombudsman Reentry has been crafted to safely, thoughtfully, and gradually resume in-person advocacy activities.**

# Statewide Guidance: CDSS

## **CDSS Provider Information Notice:**

- **(PIN 20-23 ASC) June 26, 2020**
  - Allow CDSS, CDPH, local health department officials, healthcare providers, Ombudsman, and essential government authority to enter or conduct investigations at the facility.
- **(PIN 20-24-ASC) July 6, 2020, (PIN 20-38-ASC) October 6, 2020 updated guidance**
  - The right of a person to visit and the personal right to associate with other persons in care under HSC sections 1512, 1569.269, 1569.313, and 1771.7; California Code of Regulations (CCR), Title 22, Division 6, sections 80072, 81072, 82072, 85072, 87468, 87468.1, 87468.2, and 87872.
  - This waiver shall not apply at this time to in-person visits mandated by a court order, or federal law such as visits by Adult Protective Services and the Long- Term Care Ombudsman.

# Statewide Guidance: CDPH

## **CDPH All Facility Letter:**

- **(AFL 20-22.4) August 25, 2020**

- Ombudsman: Facilities must permit ombudsman in the facility. Any ombudsman representative entering the facility is subject to screening for fever and COVID-19 symptoms and must wear appropriate PPE.

# State Public Health Officer Order

- **Essential Workforce (updated August 21, 2020)-**  
<https://covid19.ca.gov/essential-workforce/>
- The Administration is confirming that LTC Ombudsman are covered as Workers under Health 1, section 2 inclusive of workers across entire public health continuum (“long term care facilities”) and 7 health facilities (“long term care”).



# Office of the State LTC Ombudsman (OSLTCO) Facility Visit Guidance: COVID-19 ERA

## **OSLTCO Phase I (updated July 31, 2020)\***

- Outside facility visits may be conducted by Ombs staff and volunteers
- Inside facility visits are conducted by Ombs staff
- Prior to Conducting Inside Facility Visit:
  - Complete Staff Competency trainings:
    - Infection Control Process,
    - Donning, Doffing and Disposal of PPE,
  - Daily Ombudsman LTCOP COVID-19 Self-Assessment and Affirmation

\*<https://aging.ca.gov/covid19/>

# OSLTCO Facility Visit Guidance: COVID-19 Era cont.

## **OSLTCO Phase II (updated September 15, 2020)\***

- After three weeks of experience with Phase I requirements, the local program may transition to Phase II guidance.
- Ombudsman representatives must be tested for COVID-19 in accordance with the prevailing CDPH and CCL guidance for the type of facility they are entering, for inside and outside facility visits.
- Ombudsman representatives may provide all regular LTCIP duties and conduct unannounced indoor visits to long-term care facilities, including those with positive COVID-19 cases.

# Personal Protective Equipment (PPE)

In consultation with a leading Geriatrician, an infection control expert and public health officials a tailored plan was created for LTC Ombudsman activities.

## COVID-19 Testing

Local LTC Ombudsman Field Representatives COVID-19 test in accordance with the prevailing CDPH and CCL guidance for the type of facility they are entering.



# By the Numbers

	# of staff	# of volunteers	# of visits to SNFs & RCFEs
Jan-20	196	717	6,609
Jul-20	188	441	345
Sep-20	<b>122*</b>	<b>145*</b>	<b>990</b>

\* Approximate # of staff and volunteers expressing a willingness or currently entering facilities during the COVID-19 pandemic

**What's the importance of  
inside facility visits?**

In 2019, of the 36,756 complaints investigated by the program, 11,215 were reported by facility administrator/staff or former staff.

“I assisted a resident in filing a police report for alleged financial abuse. Because the resident is hard of hearing, this would have been impossible to do over the phone. I was also able to view documents in person, rather than trying to have the resident describe them via telephone. Advocating in person is so much more effective.”

LTC Ombudsman Southern California



“I am profoundly touched by the joy reflected in the resident's face when they first see the Ombudsman. The joy swiftly changes to deep sadness because they haven't seen or held their loved ones in such a very long time. A resident wondered out loud if she would ever hug her grandson again before she dies. It broke my heart.”

LTC Ombudsman Northern California



# Working in Partnership: Legislative Staff

## How you can help?



- Encourage your constituents to contact the local LTCOP for information, resources and assistance, and for unique circumstances for individual facilities
- Reach out and establish a relationship with your local LTCOP before and when you get a question or concern about long-term care facilities in your district.



## Working in Partnership: Legislative Staff: How can we help you?

- What would be helpful for your member to know
- What would you like us to communicate to the local LTCOP

