



# The Long-Term Care Ombudsman Program annual report: FFY 2022

State of Utah  
Utah Department of Health and Human Services  
Division of Customer Experience  
6/20/2023

To: The Administration for Community Living  
From: Alianne Sipes, Utah State Long-Term Care (LTC) Ombudsman Program director  
Subject: The Long-Term Care Ombudsman Program annual report: FFY 2022

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## Purpose

As required by [45 CFR § 1324.13\(g\)](#), the Utah office of the State Long-Term Care Ombudsman Program shall independently develop and provide final approval of an annual report as set forth in section 712(h)(1) of the Act and as otherwise required by the Assistant Secretary. This report is to be available to the public and submitted to the assistant secretary, the governor, the state legislature, the state unit on aging, the state licensing and certification agency, and other appropriate entities<sup>1</sup>. The report shall:

- Describe the activities carried out by the office in the year for which the report is prepared;
- Contain analysis of ombudsman program data;
- Describe evaluation of the issues experienced by, and the complaints made by or on behalf of residents;
- Contain policy, regulatory, and/or legislative recommendations for improving quality of the care and life of the residents; protecting the health, safety, welfare, and rights of the residents; and resolving resident complaints and identified problems or barriers;
- Contain analysis of the success of the ombudsman program, including success in providing services to residents of, assisted living, board and care facilities, and other similar adult care facilities; and
- Describe barriers that prevent the optimal operation of the Ombudsman Program.

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<sup>1</sup> State Long-Term Care Ombudsman Program 2019 Revised Primer for State Agencies, page 15.  
<https://ltcombudsman.org/uploads/files/support/nasuad-ombudsman-acl-rpt-0319-web-final.pdf>

## **Executive summary**

Program structure:

- 1 paid full-time state long-term care ombudsman
- 28 AAA certified ombudsman employees equaling 11 full-time equivalent employee
- 8 certified volunteer long-term care ombudsman
- Contracts with 11 local area agencies on aging (AAAs) to provide ombudsman services throughout the state.

Program highlights:

- 13% increase in the number of facilities covered and a 24% increase in the number of licensed beds in those facilities compared to FFY 2021.
- Participated in 43 resident council meetings to educate residents and address resident identified concerns.
- Provided information and assistance to 2,128 individuals.
- Completed 1,688 consultations with facility staff.
- Completed 125 interviews with residents discharging from assisted living facilities.
- Addressed 1,387 complaints received on behalf of residents living in long-term care facilities.

## **Potential legislative action/follow-up**

- Assisted living residents lack protections against undue discharges. This means many assisted living residents have been discharged without an opportunity to dispute claims made by facilities. Nursing home residents currently have opportunities to dispute claims made by facilities. Residents in assisted living facilities deserve the same protections against undue discharges as nursing home residents.
- The current nursing home discharge appeal process combines discharge appeals with Medicaid 10A denial appeals. Combining the appeal process creates confusion for the residents and the Fair Hearings Office. The confusion prevents many nursing home residents from exercising their legal right to appeal. The process could be streamlined and simplified through creation of a separate appeal form specifically for nursing home discharge appeals.

## **Primary report**

The mission of the Utah Long-Term Care (LTC) Ombudsman Program is to seek resolution of problems and advocate for the rights of residents of long-term care facilities with the goal of enhancing the quality of life and care of residents.

The Utah Long-Term Care Ombudsman Program is authorized by the federal Older Americans Act (42 U.S.C. SS 3058g) and Utah law (26B-2-302). The Utah Department of Health and Human Services (DHHS) Division of Customer Experience (DCE) Office of the State Long-Term Care Ombudsman works with the Division of Aging and Adult Services, which contracts with 11 area

agencies on aging (AAAs) to provide ombudsman services throughout the state. AAA ombudsman programs use paid staff and volunteers to enhance ombudsman services to residents.

As of FFY 2022, Utah’s Long-Term Care Ombudsman Program covers 99 nursing homes with 9,301 beds and 259 assisted living facilities with 13,604 beds. This is a 13% increase in the number of facilities, and a more than 24% increase in the number of beds compared with FFY 2021. LTC ombudsmen regularly visit long-term care facilities to be accessible to residents and monitor conditions. The State LTC Ombudsman Program consists of 1 paid full-time state long-term care ombudsman, 28 AAA certified ombudsman employees equaling 11 full-time equivalent employees, and 8 certified volunteer ombudsmen. These individuals investigate and work to resolve complaints made by or on behalf of residents who live in Utah’s long-term care facilities. Licensed long-term care facilities include nursing homes and assisted living facilities.

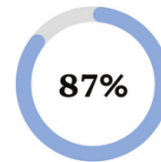
### LTC ombudsmen service levels in Utah FFY2022



Each ombudsman oversees 33 facilities and 2,082 beds on average



Statewide, that is 22,905 beds in 358 facilities



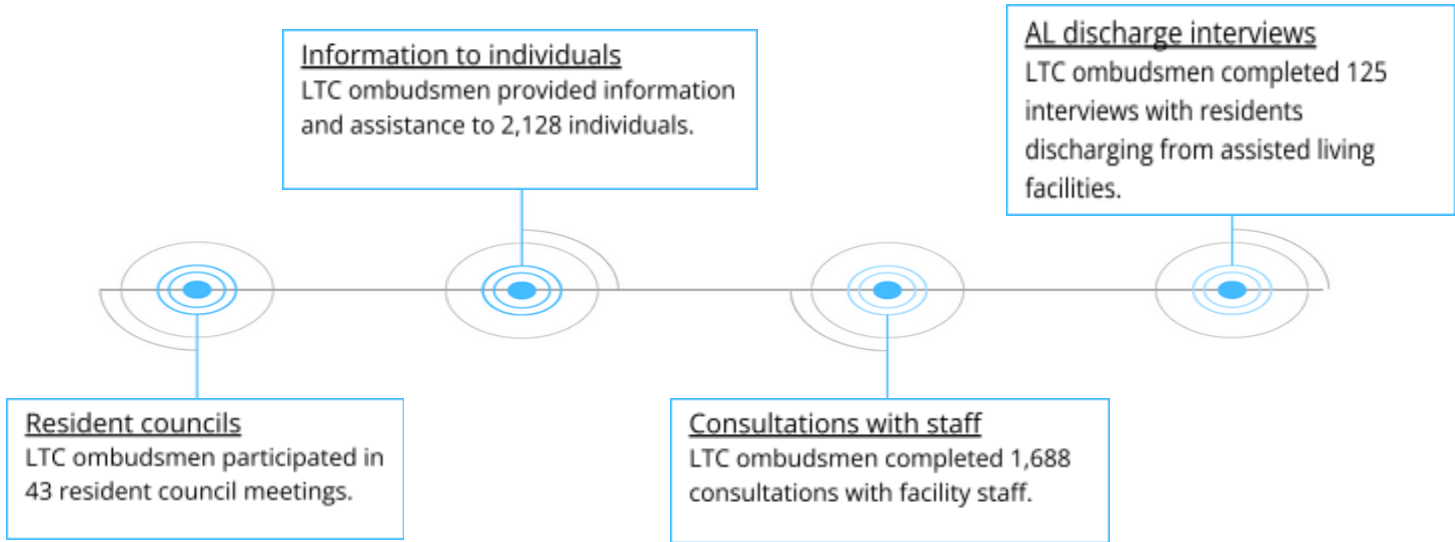
87% facilities received a routine walkthrough at least quarterly

### Utah LTC ombudsmen:

During FFY 2022, we opened 833 new cases, which included 1,378 complaints, and closed 613 cases.

Types of complaints		
Abuse, gross neglect, exploitation	Environment	Access to information
Admission, transfer, discharge eviction	Complaints about outside agencies	Autonomy, choice, rights
Financial, property	Facility policies, procedures and practices	Care
Activities, community integration, and social services	System/others (non-facility)/COVID-19	Dietary

## **FFY 2022 Highlights:**



The Long-Term Care Ombudsman Program investigates complaints, provides public education about long-term care issues, identifies long-term care concerns, and advocates for needed systemic change. Through collaboration efforts with other agencies, LTC ombudsmen work to make sure the wants and needs of residents are advocated for appropriately. The LTC Ombudsman Program continues to see a rise in the number of individuals who live within long-term care facilities. The program needs more funding to meet the needs of these additional individuals. It should be noted that the LTC Ombudsman Program continues to see a lower number in cases and complaints due to the ongoing COVID-19 pandemic due to the inability to visit Utah's long-term care facilities consistently throughout FFY 2022.

Utah's LTC Ombudsman Program is considered to be a resident's first responder when it comes to many issues facing people who live in long-term care facilities. The LTC ombudsmen are often in facilities more frequently than other state agency representatives and can identify individual and systemic concerns earlier. As resident advocates, the LTC ombudsmen work to resolve concerns and issues before they escalate. When we are unable to resolve concerns fully, we make sure residents understand their rights to report to other state agencies and, when asked, we collaborate with those agencies to make sure concerns are appropriately addressed.

The Utah Office of the State Long-Term Care Ombudsman has identified several systemic issues that, if changed at the state level, may increase the quality of life experienced by residents. Assisted living residents do not currently have the same appeal rights regarding discharges as nursing home residents. As a result, many assisted living residents have been discharged without having a chance to dispute claims made by facilities. Concerns regarding discharges were in the top 3 complaints the LTC Ombudsman Program received in FFY 2022. This office strongly recommends legislative changes to provide the same protections against discharges without due process to assisted living residents as is currently in place for nursing home residents. Another systemic issue that could be targeted for change is the current appeal process for nursing home

discharges. The current process combines discharge appeals with Medicaid 10A denial appeals, which creates confusion for the residents and the Fair Hearings Office and keeps many nursing home residents from exercising their legal right to appeal. The Utah Office of the State Long-Term Care Ombudsman will continue to advocate for these systemic changes and look for ways to improve the quality of life for long-term care residents.

The Utah Long-Term Care Ombudsman Program has seen a lot of changes this year. We implemented a new database which created an opportunity for a statewide data cleanup for our program. We had leadership changes at the state level and brought on a new state LTC Ombudsman Program manager. We continue to work with facilities to reinstate resident rights that were restricted during the height of the COVID pandemic. The federal requirement to visit each facility quarterly continued to be waived during FFY 2022. That requirement will be reinstated for the next federal fiscal year.

We look forward to the next year with hope and optimism. There are many new opportunities for growth and change as we continue to advocate for the residents who live in long-term care facilities.