

ANNUAL REPORT

Federal Fiscal Year 2022

Office of the State Long-Term Care Ombudsman

Aging and Disability Services Division

Department of Health and Human Services



Nevada Long Term Care
Ombudsman
Program

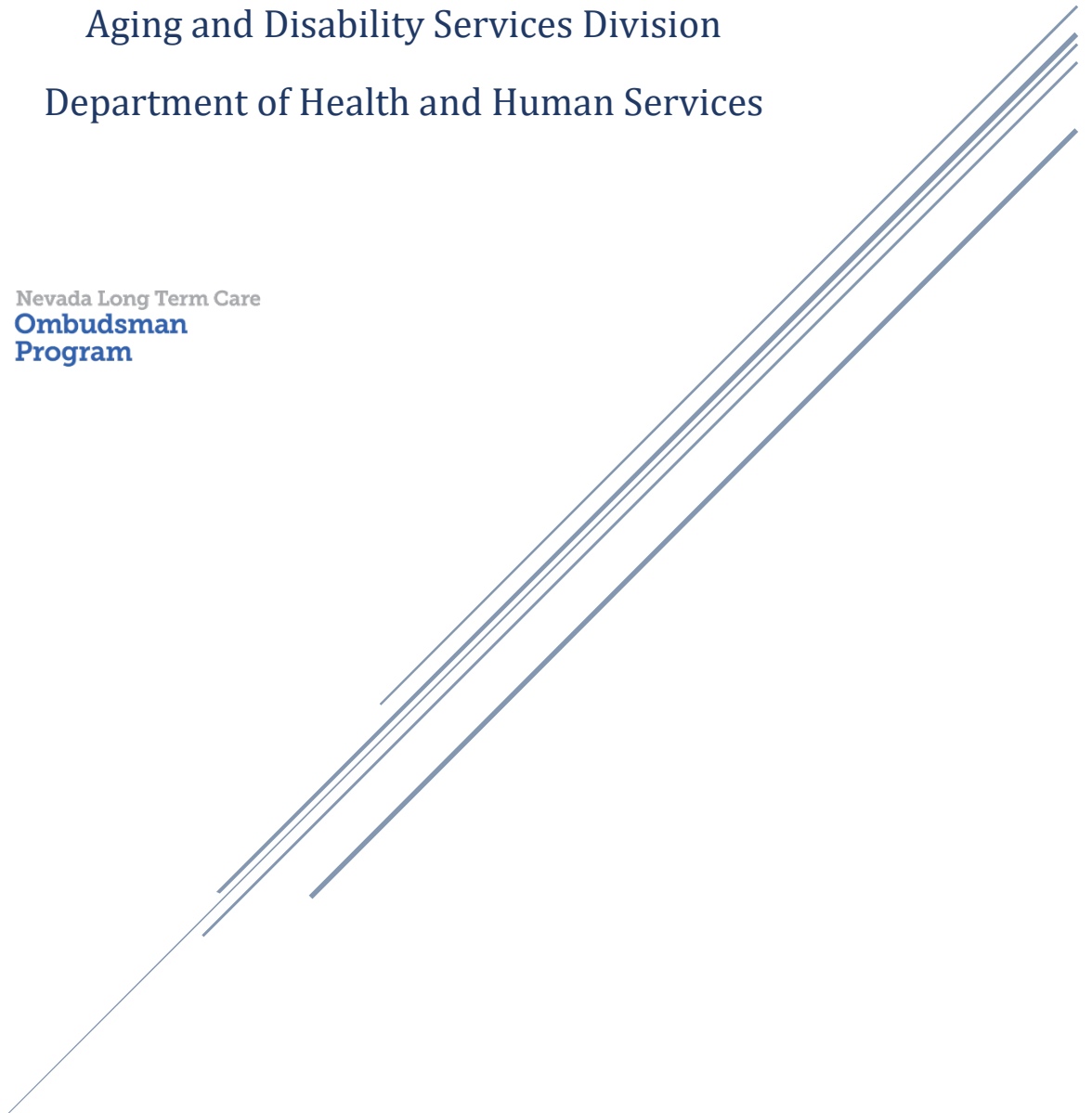


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The mission of the Nevada Long-Term Care Ombudsman Program is to advocate for and on behalf of the residents we serve to improve the quality of life and quality of care in long-term care settings.

Long-Term Care Ombudsman

- ❖ **Advocates** for increased consumer protections in state and federal laws and regulations.
- ❖ **Educates** residents about their rights.
- ❖ **Empowers and supports** residents and families to discuss concerns with facility staff.
- ❖ **Identifies and seeks to remedy** gaps in facility, government, or community services.
- ❖ **Protects** the health, safety, welfare, and rights of individuals living in nursing homes and assisted living facilities.
- ❖ **Provides information and assistance** regarding long-term services and support.
- ❖ **Receives and investigates complaints** and assists residents to resolve problems.
- ❖ **Represents** residents' interests before governmental agencies.
- ❖ **Respects** the privacy and confidentiality of residents and complainants.

The State Long-Term Care Ombudsman has a statutory requirement under Nevada Revised Statutes 427A.125 to report annually to the Administrator.

Highlights

October 2021 through September 2022

Long-Term Care Ombudsmen

- Closed 1,782 cases and investigated 3,498 complaints on behalf of Nevada's Long-Term Care residents;
- Responded to complaints from concerns about exercising preference and civil rights to involuntary discharges;
- Resolved, or partially resolved, 56% of nursing facility complaints (39% complaints were withdrawn or no action was needed) and 57% of residential care community complaints (37% complaints were withdrawn or no action was needed).

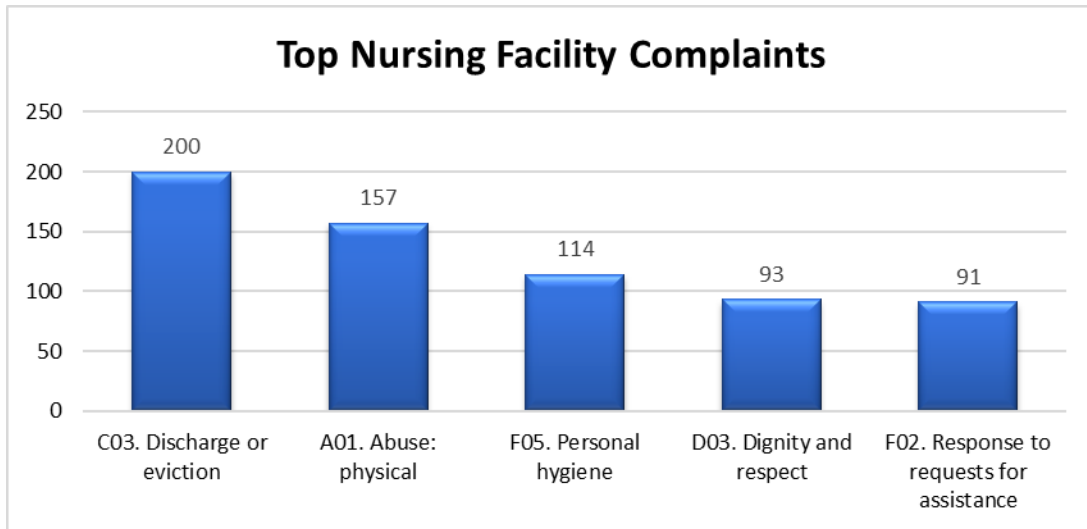
Ombudsmen Activities

- Facility Visits – 4,194 visits
- Information and assistance to facility residents and family – 21,498
- Information and assistance to facility staff – 10,353

Statistics

- Average of 17 Full-Time Equivalent (FTE) Ombudsman staff;
- 692 Licensed Long-Term Care Facilities;
- 17,099 licensed beds = 1,006 beds per Ombudsman

Ombudsmen in Nursing Facilities



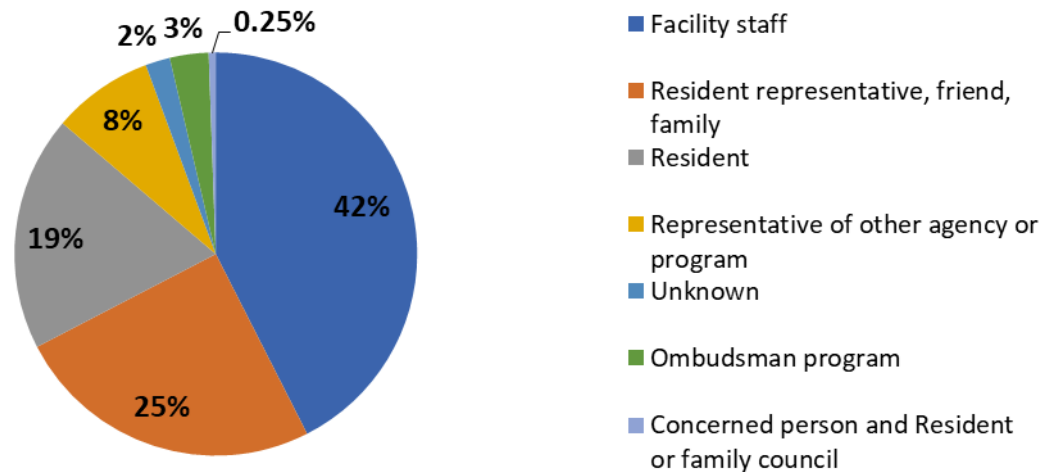
Ombudsmen investigated a total of 2,052 complaints regarding nursing facility residents during FFY 2022.

The top five complaints were as follows:

- 1) Discharge or eviction
- 2) Physical Abuse
- 3) Personal Hygiene
- 4) Dignity and Respect
- 5) Response to request for assistance

Of the top five complaints reported to the Long-Term Care Ombudsman Program in FFY 2022, all the complaints are in categories that affect resident care and safety. It is essential for nursing facilities to have well-trained, and well-supervised staff critical to quality care in a nursing facility. The Long-Term Care Ombudsman Program has continued to focus on providing person-centered care training to facility staff members, including administrators. Additional training is ongoing for facility staff regarding discharge notices to ensure safe and appropriate discharges from facilities.

Nursing Facility Closed Cases by Complainants



Nursing Facility Complainants

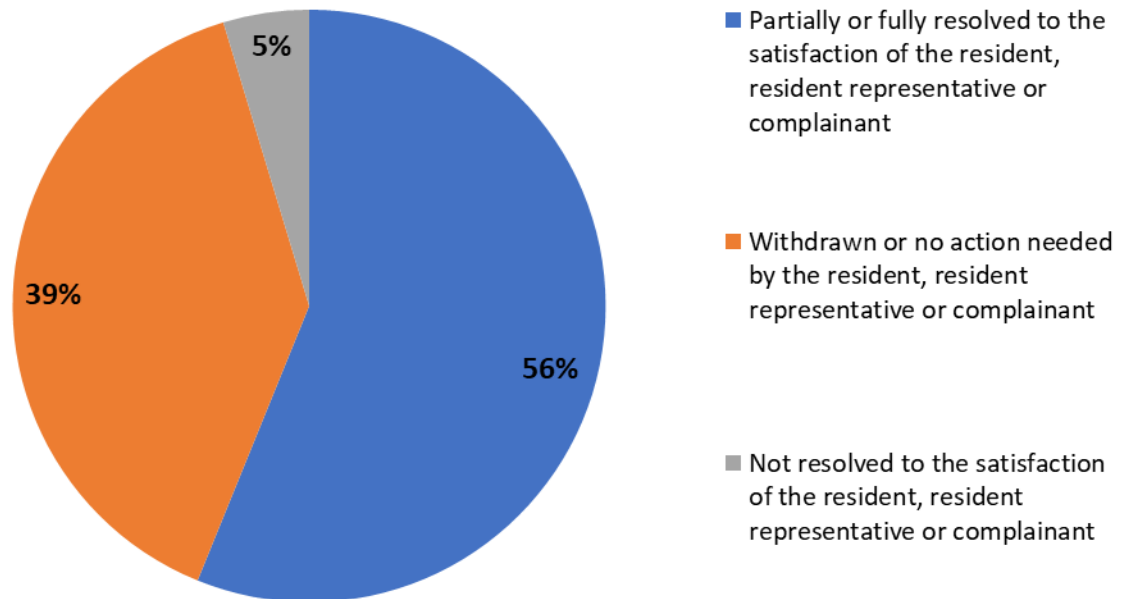
Complainants to the Ombudsman Program vary in relationship to the resident.

In FFY 2022, the top three complainants in Nursing Facilities were as follows,

- 1) Facility staff
- 2) Resident representative, friend, family
- 3) Resident

The Ombudsman Program will make every reasonable effort to assist, advocate and intervene on behalf of the residents. When investigating complaints, the program will respect the resident and the complainant's confidentiality and will focus complaint resolution on the resident's wishes. If a resident does not appear to be able to provide informed consent and does not have a supported decision maker, the ombudsman can advocate in the resident's best interest.

Nursing Facility Complaint Dispositions



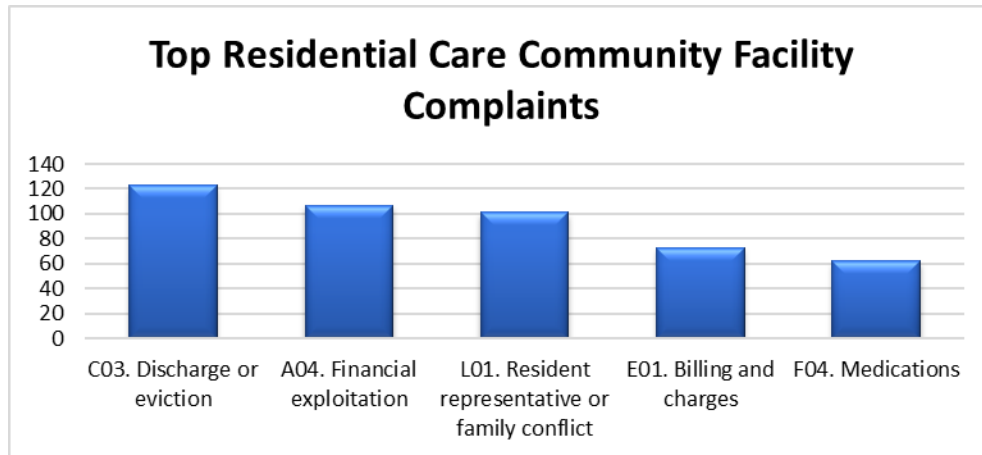
Verification of Complaints

Verification is determined by an Ombudsman through observation, interviews, and/or record inspection. Verification signifies if the circumstances described in the complaint existed and were generally accurate.

In FFY 2022, the Long-Term Care Ombudsman Program resolved **56%** of Nursing Facility complaints to the resident's satisfaction. However, not all complaints can be resolved to the satisfaction of a resident. For example, some complaints are referred to another agency for resolution and others do not require any action to be taken. Additionally, there are instances in which the complaint is regarding resident preference versus a service or item not provided by the facility, such as a request for a specific food or drink item.

There are instances in which a family member or friend has a concern, and the resident does not agree there is a concern. This results in the complaint being withdrawn and no action is needed by the ombudsman. In these cases, the residents are provided the opportunity to share feedback on their care and the facility. Additional cases may be opened based on the feedback from the resident.

Ombudsmen in Residential Care Community Facilities



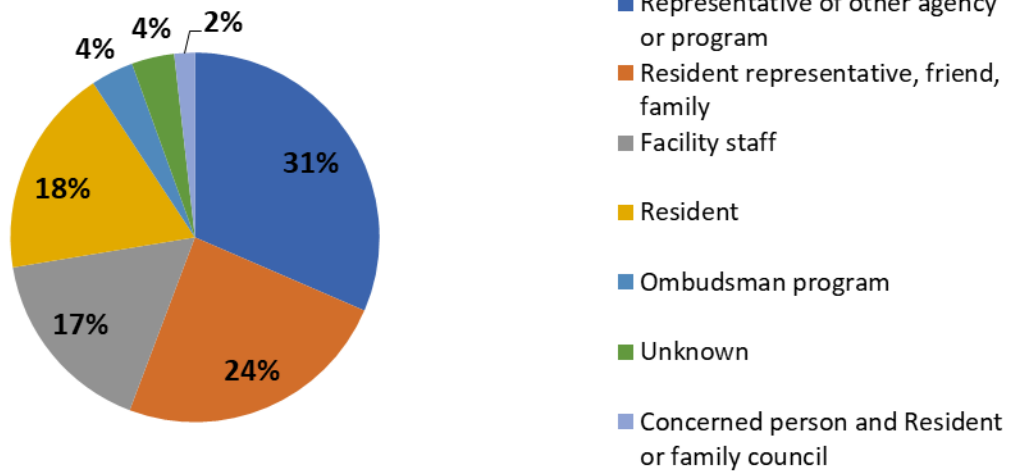
Ombudsmen investigated a total of 1,446 complaints regarding Residential Care Community Facility residents. The category of Residential Care Facilities includes Homes for Individual Residential Care (HIRCs) homes which are licensed to provide care to no more than two residents, Residential Facility for Groups, and unlicensed Residential Care Communities.

The top five complaints were as follows:

- 1) Discharge or eviction
- 2) Financial Exploitation
- 3) Resident representative or family conflict
- 4) Billing and charges
- 5) Medications

As compared to the Nursing Facility setting, the Residential Care Community facilities have fewer training requirements for staff. The Long-Term Care Ombudsman Program will continue to provide training to facility staff regarding individualized discharge/eviction plans to meet the needs of the resident. Financial exploitation complaints are received when the resident's funds are being accessed without consent and not being administered for resident care.

Residential Care Community Facility - Closed Cases by Complainants



Residential Care Community Facility Complainants

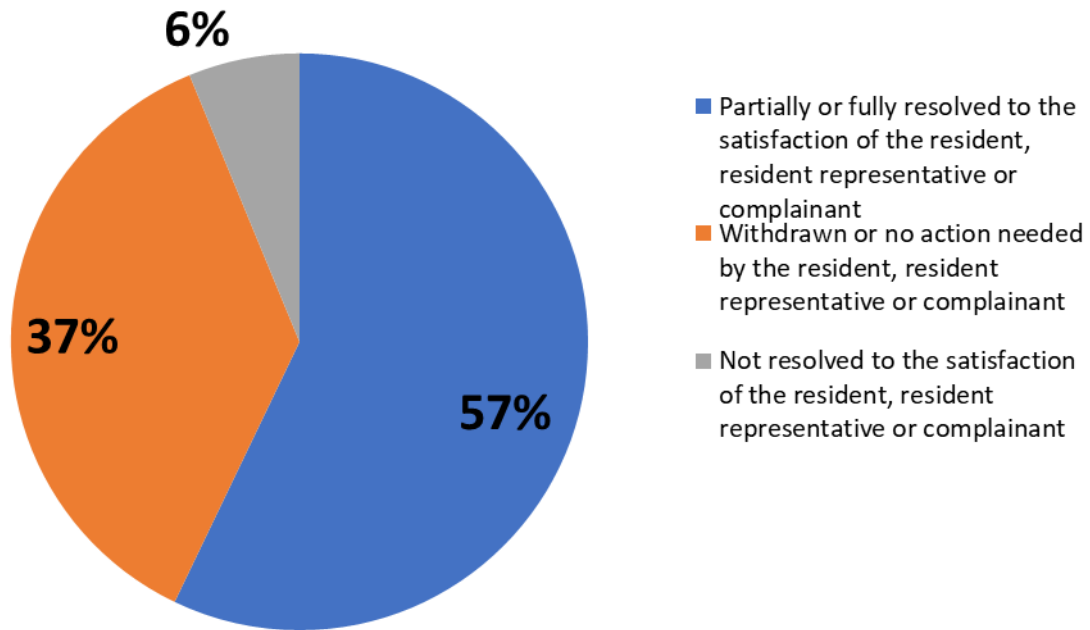
Complainants to the Ombudsman Program vary in relationship to the resident.

In FFY 2022, the top three complainants for Residential Care Community Facilities were as follows:

- 1) Representative of another agency or program
- 2) Resident representative, friend, family
- 3) Resident

The Ombudsman Program will make every reasonable effort to assist, advocate and intervene on behalf of the residents. When investigating complaints, the program will respect the resident and the complainant's confidentiality and will focus complaint resolution on the resident's wishes.

Residential Care Community Facility Complaint Dispositions



Verification of Complaints

Verification is determined by an Ombudsman through observation, interviews, and/or record inspection. Verification signifies that the circumstances described in the complaint existed and were generally accurate.

In FFY 2022, the Long-Term Care Ombudsman Program resolved 57% of Residential Care Community Facility complaints to the resident's satisfaction. Not all complaints can be resolved to the satisfaction of a resident as some complaints are referred to another agency for resolution and others do not require any action to be taken. As previously mentioned, there are instances in which the resident does not agree with the concerns expressed in the intake and the case is closed because the complaint is withdrawn, or no action is needed.

Information and Assistance and Training

Information and Assistance to Residents and Family

Ombudsmen spend their time resolving complaints for residents and providing residents, their families and friends with information related to resident rights. Ombudsmen answer questions, research and interpret regulations, and provide empowerment tools to residents and their loved ones. Often the Ombudsmen advise families and friends on how to select a Skilled Nursing Facility or Residential Care Community Facility. In FFY 2022, the Ombudsman Program had 21,489 instances of information and assistance to residents and families.

In-Service Training to Facility Staff

Most staff employed by long-term care facilities receive the required training where they work. Ombudsmen are asked to provide on-site training regarding the topics of Residents Rights, Role of Ombudsman and Medicaid outreach. Due to the COVID-19 pandemic, Ombudsmen access to the facilities was limited, resulting in a decrease in training provided to facility staff. Only four presentations were provided to facility staff in 2022.

Information and Assistance to Facility Staff

Ombudsmen have worked diligently to establish sound working relationships with facility staff. Ombudsmen are resources for facility staff, particularly management, when they encounter complex problems. The Ombudsmen provide information and assistance to facility staff on a variety of topics including care planning, resident rights, appropriate discharge procedures and planning, person-centered care, power of attorney, guardianship authority, and family conflict. The Ombudsman Program had 10,353 instances of information and assistance to facility staff in FFY 2022.

Program Outcomes

The data from the past five (5) National Ombudsman Reporting System (NORS) annual reports show that the Nevada State Long-Term Care Ombudsman Program (LTCOP) investigated autonomy, choice, rights and privacy, and care issues which are amongst the top three complaints. Issues related to these complaints range from dignity and respect, resident choice and concerns with overall care. The Long-Term Care Ombudsman Program has strived to ensure the program is consistent statewide and this has greatly improved with the collaborative efforts of the quality assurance team and the management analyst position.

In 2020, the program met with the quality assurance and management analyst staff to create and capture data regarding skilled nursing discharges. Data is important to identify where opportunities for improvement can be focused. A position dedicated to data entry of the discharge information was frozen due to budget constraints because of COVID-19 and economic needs of the state. In 2021, this position was able to be restored and data entry resumed. The information provided fostered conversations, training and advocacy for residents facing unsafe discharges.

In June 2022, the program had a change of leadership which resulted in programmatic changes. The Ombudsman began visiting residents monthly versus quarterly, which allowed increased access to the program. The increased access to the program has allowed residents and family members to express complaints to the Ombudsman to resolve conflict timely. The resolution of complaints allows for quality of life including care needs and individualism to be promoted.