

State: _____ Federal Fiscal Year: October 1, 20__ to September 30, 20__

State Annual Ombudsman Report to the Administration on Aging

Agency or organization which sponsors the State Ombudsman Program: _____

Part I — Cases, Complainants and Complaints

A. Provide the total number of *cases opened* during reporting period.

Case: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve, and follow-up.

B. Provide the *number of cases closed*, by type of facility/setting, which were received from the types of complainants listed below.

Closed Case: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code.

Complainants:	Nursing Facility	B&C, ALE, RCE, etc.*	Other Settings
1. Resident	_____	_____	_____
2. Relative/friend of resident	_____	_____	_____
3. Non-relative guardian, legal representative	_____	_____	_____
4. Ombudsman/ombudsman volunteer	_____	_____	_____
5. Facility administrator/staff or former staff	_____	_____	_____
6. Other medical: physician/staff	_____	_____	_____
7. Representative of other health or social service agency or program	_____	_____	_____
8. Unknown/anonymous	_____	_____	_____
9. Other: Bankers, Clergy, Law Enforcement, Public Officials, etc.	_____	_____	_____

Total number of *cases closed* during the reporting period: _____

C. For *cases which were closed* during the reporting period (those counted in B above), provide the *total number of complaints received*: _____

Complaint: A concern brought to, or initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to health, safety, welfare or rights of a resident. **One or more complaints constitute a case.**

* Board and care, assisted living, residential care and similar long-term care facilities, both regulated and unregulated

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D. Types of Complaints, by Type of Facility

Below and on the following pages provide the total number of *complaints* for each specific complaint category, for nursing facilities and board and care or similar type of adult care facility. The first four major headings are for complaints involving action or inaction by staff or management of the facility. The last major heading is for complaints against others outside the facility. See Instructions for additional clarification and definitions of types of facilities and selected complaint categories.

Ombudsman Complaint Categories

Residents' Rights	Nursing Facility	B&C, ALF, RCF. similar
A. Abuse, Gross Neglect, Exploitation		
1. Abuse, physical (including corporal punishment)	_____	_____
2. Abuse, sexual	_____	_____
3. Abuse, verbal/psychological (including punishment, seclusion)	_____	_____
4. Financial exploitation (use categories in section E for less severe financial complaints)	_____	_____
5. Gross neglect (use categories under Care, Sections F & G for non-willful forms of neglect)	_____	_____
6. Resident-to-resident physical or sexual abuse	_____	_____
7. Not Used		
B. Access to Information by Resident or Resident's Representative		
8. Access to own records	_____	_____
9. Access by or to ombudsman/visitors	_____	_____
10. Access to facility survey/staffing reports/license	_____	_____
11. Information regarding advance directive	_____	_____
12. Information regarding medical condition, treatment and any changes	_____	_____
13. Information regarding rights, benefits, services, the resident's right to complain	_____	_____
14. Information communicated in understandable language	_____	_____
15. Not Used		

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Part I, Types of Complaints, cont.

**Nursing
Facility**

**B&C, ALF,
RCF. similar**

C. Admission, Transfer, Discharge, Eviction

- 16. Admission contract and/or procedure _____
- 17. Appeal process - absent, not followed _____
- 18. Bed hold - written notice, refusal to readmit _____
- 19. Discharge/eviction - planning, notice, procedure, implementation, inc. abandonment _____
- 20. Discrimination in admission due to condition, disability _____
- 21. Discrimination in admission due to Medicaid status _____
- 22. Room assignment/room change/intrafacility transfer _____
- 23. Not Used _____

D. Autonomy, Choice, Preference, Exercise of Rights, Privacy

- 24. Choose personal physician, pharmacy/hospice/other health care provider _____
- 25. Confinement in facility against will (illegally) _____
- 26. Dignity, respect - staff attitudes _____
- 27. Exercise preference/choice and/or civil/religious rights, individual's right to smoke _____
- 28. Exercise right to refuse care/treatment _____
- 29. Language barrier in daily routine _____
- 30. Participate in care planning by resident and/or designated surrogate _____
- 31. Privacy - telephone, visitors, couples, mail _____
- 32. Privacy in treatment, confidentiality _____
- 33. Response to complaints _____
- 34. Reprisal, retaliation _____
- 35. Not Used _____

E. Financial, Property (Except for Financial Exploitation)

- 36. Billing/charges - notice, approval, questionable, accounting wrong or denied (includes overcharge of private pay residents) _____

Nursing

B&C, ALF,

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Part I, Types of Complaints, cont.

Facility

RCF. Similar

- 37. Personal funds - mismanaged, access/information denied, deposits and other money not returned (report criminal-level misuse of personal funds under A.4) _____
- 38. Personal property lost, stolen, used by others, destroyed, withheld from resident _____
- 39. Not Used _____

Resident Care

F. Care

- 40. Accident or injury of unknown origin, falls, improper handling _____
- 41. Failure to respond to requests for assistance _____
- 42. Care plan/resident assessment - inadequate, failure to follow plan or physician orders (put lack of resident/surrogate involvement under D.30) _____
- 43. Contracture _____
- 44. Medications - administration, organization _____
- 45. Personal hygiene (includes nail care & oral hygiene) and adequacy of dressing & grooming _____
- 46. Physician services, including podiatrist _____
- 47. Pressure sores, not turned _____
- 48. Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition _____
- 49. Toileting, incontinent care _____
- 50. Tubes - neglect of catheter, gastric, NG tube (use D.28 for inappropriate/forced use) _____
- 51. Wandering, failure to accommodate/monitor exit seeking behavior _____
- 52. Not Used _____

G. Rehabilitation or Maintenance of Function

- 53. Assistive devices or equipment _____
- 54. Bowel and bladder training _____
- 55. Dental services _____
- 56. Mental health, psychosocial services _____
- 57. Range of motion/ambulation _____

Part I, Types of Complaints, cont.

**Nursing
Facility**

**B&C, ALF,
RCF. Similar**

58. Therapies — physical, occupational, speech

59. Vision and hearing

60. Not Used

H. Restraints - Chemical and Physical

61. Physical restraint - assessment, use, monitoring

62. Psychoactive drugs - assessment, use, evaluation

63. Not Used

Quality of Life

I. Activities and Social Services

64. Activities - choice and appropriateness

65. Community interaction, transportation

66. Resident conflict, including roommates

67. Social services - availability/appropriateness/ (use G.56 for mental health, psychosocial counseling/service)

68. Not Used

J. Dietary

69. Assistance in eating or assistive devices

70. Fluid availability/hydration

71. Food service - quantity, quality, variation, choice, condiments, utensils, menu

72. Snacks, time span between meals, late/missed meals

73. Temperature

74. Therapeutic diet

75. Weight loss due to inadequate nutrition

76. Not Used

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Part I, Types of Complaints, cont.

K. Environment

**Nursing
Facility**

**B&C, ALF,
RCF. similar**

- 77. Air/environment: temperature and quality (heating, cooling, ventilation, water,noise) _____
- 78. Cleanliness, pests, general housekeeping _____
- 79. Equipment/building - disrepair, hazard, poor lighting, fire safety, not secure _____
- 80. Furnishings, storage for residents _____
- 81. Infection control _____
- 82. Laundry — lost, condition _____
- 83. Odors _____
- 84. Space for activities, dining _____
- 85. Supplies and linens _____
- 86. Americans with Disabilities Act (ADA) accessibility _____

Administration

L. Policies, Procedures, Attitudes, Resources (See other complaint headings, of above, for policies on advance directives, due process, billing, management residents' funds)

- 87. Abuse investigation/reporting, including failure to report _____
- 88. Administrator(s) unresponsive, unavailable _____
- 89. Grievance procedure (use C for transfer, discharge appeals) _____
- 90. Inappropriate or illegal policies, practices, record-keeping _____
- 91. Insufficient funds to operate _____
- 92. Operator inadequately trained _____
- 93. Offering inappropriate level of care (for B&C/similar) _____
- 94. Resident or family council/committee interfered with, not supported _____
- 95. Not Used _____

M. Staffing

- 96. Communication, language barrier (use D.29 if problem involves resident inability to communicate) _____
- 97. Shortage of staff _____

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Part I, Types of Complaints, cont.

**Nursing
Facility**

**B&C, ALF,
RCF. similar**

- 98. Staff training _____
- 99. Staff turn-over, over-use of nursing pools _____
- 100. Staff unresponsive, unavailable _____
- 101. Supervision _____
- 102. Eating Assistants _____

Not Against Facility

N. Certification/Licensing Agency

- 103. Access to information (including survey) _____
- 104. Complaint, response to _____
- 105. Decertification/closure _____
- 106. Sanction, including Intermediate _____
- 107. Survey process _____
- 108. Survey process - Ombudsman participation _____
- 109. Transfer or eviction hearing _____
- 110. Not Used _____

O. State Medicaid Agency

- 111. Access to information, application _____
- 112. Denial of eligibility _____
- 113. Non-covered services _____
- 114. Personal Needs Allowance _____
- 115. Services _____
- 116. Not Used _____

P. System/Others

- 117. Abuse/neglect/abandonment by family member/friend/guardian or, while on visit out of facility, any other person _____
- 118. Bed shortage - placement _____

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Part I, Types of Complaints, cont.

	Nursing Facility	B&C, ALF, RCF. Similar
119. Facilities operating without a license	_____	_____
120. Family conflict; interference	_____	_____
121. Financial exploitation or neglect by family or other not affiliated with facility	_____	_____
122. Legal - guardianship, conservatorship, power of attorney, wills	_____	_____
123. Medicare	_____	_____
124. Mental health, developmental disabilities, including PASRR	_____	_____
125. Problems with resident's physician/assistant	_____	_____
126. Protective Service Agency	_____	_____
127. SSA, SSI, VA, Other Benefits/Agencies	_____	_____
128. Request for less restrictive placement	_____	_____
Total, categories A through P	_____	_____

**Q. Complaints About Services in Settings Other Than Long-Term Care Facilities or
By Outside Provider in Long-Term Care Facilities (see instructions)**

129. Home care	_____
130. Hospital or hospice	_____
131. Public or other congregate housing not providing personal care	_____
132. Services from outside provider (see instructions)	_____
133. Not Used	_____
Total, Heading Q.	_____
Total Complaints*	_____

*(Add total of nursing facility complaints; B&C, ALF, RCF, similar complaints and complaints in Q, above. Place this number in Part I, C on page 1.)

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E. **Action on Complaints:** Provide for cases closed during the reporting period the total number of complaints, by type of facility or other setting, for each item listed below.

	Nursing Facility	B&C, ALF, RCF, similar	Other Settings
1. Complaints which were <i>verified</i>	_____	_____	_____

Verified: It is determined after work [interviews, record inspection, observation, etc.] that the circumstances described in the complaint are generally accurate.

2. **Disposition:** Provide for all complaints reported in C and D, **whether verified or not**, the number:

a. For which government policy or regulatory change or legislative action is required to resolve (this may be addressed in the issues section)	_____	_____	_____
b. Which were not resolved* to satisfaction of resident or complainant	_____	_____	_____
c. Which were withdrawn by the resident or complainant or resident died before final outcome of complaint investigation	_____	_____	_____
d. Which were referred to other agency for resolution and:			
1) report of final disposition was not obtained	_____	_____	_____
2) other agency failed to act on complaint	_____	_____	_____
3) agency did not substantiate complaint	_____	_____	_____
e. For which no action was needed or appropriate	_____	_____	_____
f. Which were partially resolved* but some problem remained	_____	_____	_____
g. Which were resolved* to the satisfaction of resident or complainant	_____	_____	_____

Total, by type of facility or setting

Grand Total (Same number as that for total complaints on pages 1 and 7)

***Resolved:** The complaint/problem was addressed to the satisfaction of the resident or complainant.

3. **Legal Assistance/Remedies (Optional)** - For each type of facility, list the number of legal assistance remedies for each of the following categories that were used in helping to resolve a complaint: a) legal consultation was needed and/or used; b) regulatory endorsement action was needed and/or used; c) an

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administrative appeal or adjudication was needed and/or used; and d) civil legal action was needed and/or used.

F. Complaint Description (Optional): Provide in the space indicated a concise description of the most interesting and/or significant individual complaint your program handled during the reporting period. State the problem, how the problem was resolved and the outcome.

Part II — Major Long-Term Care Issues

A. Describe the priority long-term care issues which your program identified and/or worked on during the reporting period. For each issue, briefly state: a) the problem and barriers to resolution, and b) recommendations for system-wide changes needed to resolve the issue, or how the issue was resolved in your State. Examples of major long-term care issues may include facility closures, planning for alternatives to institutional care, transition of residents to less restrictive settings, etc.

Note: Do not use attachments when entering this material on the data input program provided for the report — the material will be lost. Enter the material in the box provided for this purpose in the data input program.

Part III - Program Information and Activities

A. Facilities and Beds:

1. How many **nursing facilities** are licensed in your State? _____
2. How many **beds** are there in these facilities? _____
3. Provide the type-name(s) and definition(s) of the types of **board and care, assisted living, residential care facilities** and any **other similar adult care home** for which your ombudsman program provides services, as authorized under Section 102(18) and (32), 711(6) and 712(a)(3)(A)(i) of the Older Americans Act. *If no change from previous year, type “no change” at space indicated.*
 - a) How many of **the board and care and similar adult care facilities** described above are **regulated** in your State? _____
 - b) How many **beds** are there in these facilities? _____

B. Program Coverage

Statewide Coverage means that residents of both nursing homes and board and care homes (and similar adult care facilities) and their friends and families throughout the state have access to knowledge of the ombudsman program, how to contact it, complaints received from any part of the State are investigated and documented, and steps are taken to resolve problems in a timely manner, in accordance with federal and state requirements.

B.1. Designated Local Entities

Provide for each type of host organization the **number** of local or regional ombudsman entities (programs) designated by the State Ombudsman to participate in the statewide ombudsman program that are geographically located outside of the State Office:

Local entities hosted by:

- Area agency on aging _____
- Other local government entity _____
- Legal services provider _____
- Social services non-profit agency _____
- Free-standing ombudsman program _____
- Regional office of State ombudsman program _____
- Other; specify: _____
- Total Designated Local Ombudsman Entities _____

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B.2 Staff and Volunteers

Provide numbers of staff and volunteers, as requested, at state and local levels.

Type of Staff	Measure	State Office	Local Programs
Paid program staff	FTEs		
	Number people working full-time on ombudsman program		
Paid clerical staff	FTEs		
Volunteer ombudsmen certified to address complaints at close of reporting period.	Number volunteers		
Number of Volunteer hours donated	Total number of hours donated by certified volunteer Ombudsman		
Other volunteers (i.e., not certified) at close of reporting period.	Number of volunteers		

Certified Volunteer: *An individual who has completed a training course prescribed by the State Ombudsman and is approved by the State Ombudsman to participate in the statewide Ombudsman Program.*

B.3 Organizational Conflict of Interest

Provide a description of any organizational conflicts of interest identified and steps taken by the State agency and the Ombudsman to remedy or remove identified conflicts; indicate (a) the type of conflict as described in 45 CFR §1324.21 and Section 712 (f) (2) of the Older Americans Act; or a brief description of other conflicts of interest that may impact the effectiveness and credibility of the work of the Office (b) indicate if the conflict was at the State Office or at a local Ombudsman entity or both (c) provide a description of steps taken to remedy or remove each conflict of interest. If no conflicts were identified among the state Office or local Ombudsman entities, where applicable, write that none were identified.

Location of Conflict	Identified at: State Office • Local Entity • Both •
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For subsequent reporting years: • I certify that I have reviewed the organization conflicts of interest in my state Ombudsman program and report no changes in organization conflicts or the remedies previously implemented.

C. Program Funding

Provide the amount of funds *expended* during the fiscal year from each source for your *statewide* program:

Federal - Older Americans Act (OAA) Title VII, Chapter 2, Ombudsman \$_____

Federal - Older Americans Act (OAA) Title VII, Chapter 3, Elder Abuse Prevention \$_____

Federal - OAA Title III provided at State level \$_____

Federal - OAA Title III provided at AAA level \$_____

Other Federal; specify: \$_____

State funds \$_____

Local; specify: \$_____

Total Program Funding \$_____

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D Other Ombudsman Activities

Provide below and on the next page information on ombudsman program activities other than work on complaints.

Activity 1: Training for ombudsman staff and volunteers

Measure	State	Local
Number sessions		
Number hours		
Total number of trainees that attended any of the training sessions above (duplicated count)		
3 most frequent topics for training		

Activity 2: Technical assistance to local ombudsmen and/or volunteers

Measure	State	Local
Estimated percentage of total staff time		

3. Training for facility staff

Measure	State	Local
Number sessions		
3 most frequent topics for training		

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4. Consultation to facilities

(Consultation: providing information and technical assistance, often by telephone)

Measure	State	Local
3 most frequent topics for training		
Number of consultations		

5. Information and consultation to individuals (usually by telephone)

Measure	State	Local
3 most frequent requests/needs		
Number of consultations		

6. Facility Coverage (other than in response to complaint)

Measure	State	Local
Number Nursing Facilities visited (unduplicated)		
Number Board and Care (or similar) facilities visited (unduplicated)		

7. Participation in Facility Surveys

Measure	State	Local
Number of surveys		

8. Work with resident councils

Measure	State	Local
Number of meetings attended		

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9. Work with family councils

Measure	State	Local
Number of meetings attended		

10. Community Education

Measure	State	Local
Number of sessions		

11. Work with media

Measure	State	Local
3 most frequent topics		
Number of interviews/discussions		
Number of press releases		

12. Monitoring/work on laws, regulations, government policies and actions

Measure	State	Local
Estimated percentage of total paid staff time (Note: the total of the percentage at each level in this item and item 2 should not add to more than 100 %.)		