



HPGS Biennial Conference September 7-8, 2023

HAWAII LONG-TERM CARE OMBUDSMAN PROGRAM

Advocates for
Long-Term Care
Residents

John G. McDermott
State Long-Term Care Ombudsman

Jomel Duldulao
Oahu LTC Ombudsman

Lynn Niitani
Volunteer Coordinator

Jan Mori
Oahu LTC Ombudsman

808-586-7268 1-888-229-2231
www.hi-ltc-ombudsman.org



EOA | EXECUTIVE
OFFICE
ON AGING



OUR MISSION:

To protect the human and civil rights of Hawaii's aging *and disabled population* who reside in licensed long-term care settings through the provision of culturally sensitive advocacy



Functions of an Ombudsman



- Identify, investigate, and resolve complaints
- Protect health, safety, welfare, and rights of residents
- Inform residents/families about obtaining services by providers or outside agencies
- Provide technical support to Resident and Family Councils
- Ensure residents have “*regular and timely access*” to services (quarterly visits)
- Represent interests of residents before governmental agencies
- Analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations and other governmental policies and actions



Duplicating Services?

- *Adult Protective Services (APS)*
- *Office of Health Care Assurance (OHCA) – Annual Surveys*
- *Medicaid Fraud Control Unit (MFCU)*

Types of Long-Term Care Settings



WARNING: "Aging in Place Homes" HB1911 passed (Act 148 signed July 6, 2018)



Critical Access Hospitals ("Swing")

Nursing Homes (ICF/SNF)

Community Care Foster Family Homes (CCFFH)

Adult Residential Care Homes

Expanded Adult Residential Care Homes

Assisted Living Facilities

Group Homes/Independent Living

Home Health Agencies

Department of Health website



<https://health.hawaii.gov/about/health-topics/#health-care-facility>

- **HEALTH CARE FACILITY REGULATION**
- [Home Care Agency Licensing Information](#)
- [Office of Health Care Assurance](#)
- [Licensing Regulations](#)
- [State Licensing Section](#)
- [Medicare Facilities](#)
- [Durable Medical Equipment Supplier Licensing](#)
- [How to Obtain a Background Check](#)
- [Healthcare Facility Inspection Reports](#)
- [Special Requests for CCFFH](#)
- [SHPDA](#)



Residents Rights

- A Facility MUST protect and ***promote*** the rights of each resident!!
- Dignified existence / *Homelike* Environment
- Self-determination
- Communication/access
- Exercise rights as a citizen of USA
- Free from interference, coercion, discrimination and reprisal
- **Even if adjudicated incompetent, facility must respect the resident's wishes to the maximum extent practicable**
- Facility must inform residents of their rights in writing and orally in a language resident understands
- Resident has right to access ALL records pertaining to him/herself and purchase copies





LTCO Program Staffing

- 1 State LTC Ombudsman – **John G. McDermott** 8/5/98
- 1 Oahu Ombudsman Specialist (*eliminated in 2015 EOA re-org*) – **Jomel Duldulao** 3/1/22
2017 Legislature \$ restored. Not posted by DOH until October 26, 2021 - 4 years later!
- 2nd Oahu Ombudsman Specialist (*new*) – **Jan Mori** 8/1/23
- 1 LTCO Volunteer Coordinator – **Lynn Niitani** 10/24/17
- ~~1 Clerical Support~~ *eliminated by EOA 2005*
- LTCOP Federal mandate 1978 – State mandate 1979 **Neighbor Islands waiting 44 years!!**

National Institute on Medicine (1995) **MINIMUM** staff recommendation:

1 for 2,000 residents (HI: **12,942**)



Neighbor Island Contractors

- \$75,000 2-year grant from 2017 Legislature for 3 P/T positions
- Originally \$25,000 per Neighbor Island County
- \$75,000 to restore Oahu F/T permanent ombudsman

APPLY NOW FOR FULL-TIME POSITIONS!

<https://www.governmentjobs.com/careers/hawaii>

Island	Contracted Ombudsman	Hours/Week
Maui	<i>Brent Freemont</i>	~19 hours/week
Kauai	<i>Wayne Yamashita</i>	~12 hours/week
Hilo	<i>Jackie Gardner, Vicki Fiege</i>	~24 hours/week
Kona	Currently Vacant	~10 hours/week

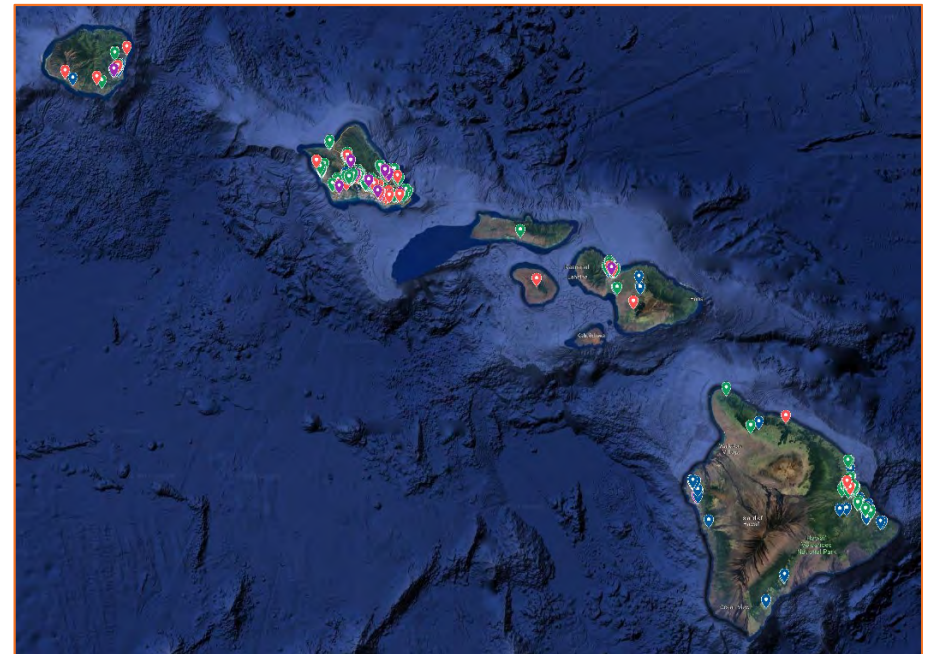
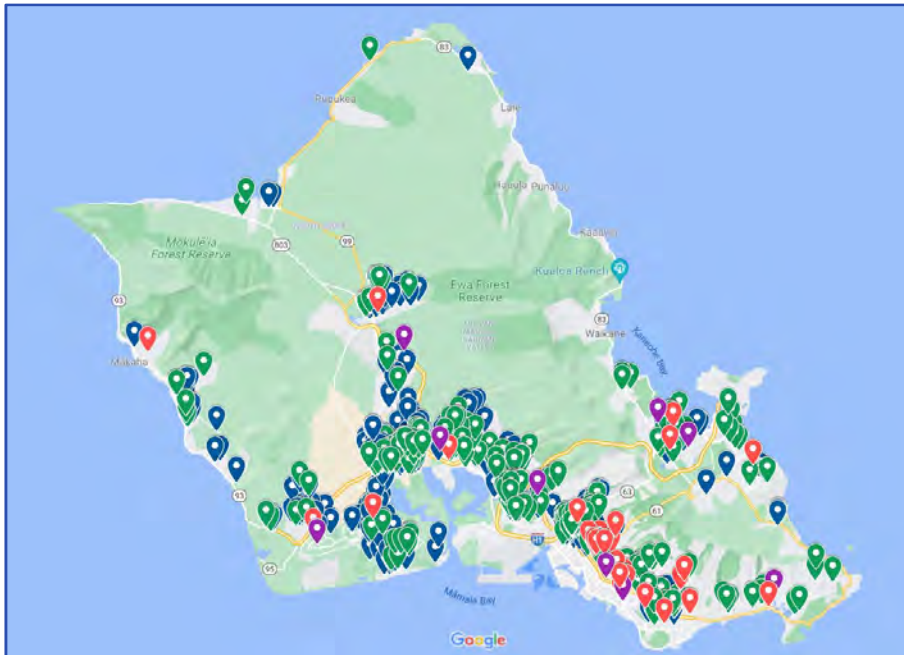


FFY 2017 State Ombudsman Staffing

Alaska	5 FTE	Montana	19.72 FTE
Delaware	5 FTE	New Hampshire	5 FTE
D.C.	7 FTE	North Dakota	6.5 FTE
Hawaii	1 SLTCO + 1 VC	Rhode Island	6.15 FTE
Idaho	10 FTE	South Dakota	7 FTE
Maine	13.67 FTE	Vermont	6.6 FTE
		Wyoming	4 FTE



Why We Need Representatives for Hawaii's Long-Term Care Residents



Hawaii's Long-Term Care Facilities and Beds




Total Statewide LTC
Facilities & Beds



1,790



12,942

	East Hawaii Island		West Hawaii Island		Kauai		Maui Island		Molokai		Lanai		Oahu		Statewide	
	Facilities	Beds	Facilities	Beds	Facilities	Beds	Facilities	Beds	Facilities	Beds	Facilities	Beds	Facilities	Beds	Facilities	Beds
Critical Access Hospitals (CAH) / Swing-Beds	0	0	3	38	2	39	1	9	1	15	1	4	1	21	9	126
Nursing Homes	5	612	2	160	5	333	3	449	0	0	1	10	29	2,759	45	4,323
Assisted Living Facilities	0	0	1	123	1	100	1	144	0	0	0	0	14	2,226	17	2,593
Adult Residential Care Homes Type I	8	35	4	18	5	21	4	17	0	0	0	0	154	696	175	787
Adult Residential Care Homes Type II	0	0	0	0	0	0	1	20	0	0	0	0	2	65	3	85
Expanded-ARCH Type I	14	66	10	48	1	5	2	10	0	0	0	0	233	1,139	260	1,268
Expanded-ARCH Type II	0	0	0	0	0	0	0	0	0	0	0	0	34	602	34	602
Community Care Foster Family Homes	46	126	64	170	21	50	59	147	1	2	0	0	1,056	2,663	1,247	3,158
TOTAL	73	839	84	557	35	548	71	796	2	17	2	14	1,523	10,171	1,790	12,942



Hawaii's Long-Term Care Residents

60 days/quarter = 29.83/day!

Total Statewide LTC
Facilities & Beds



1,790



12,942

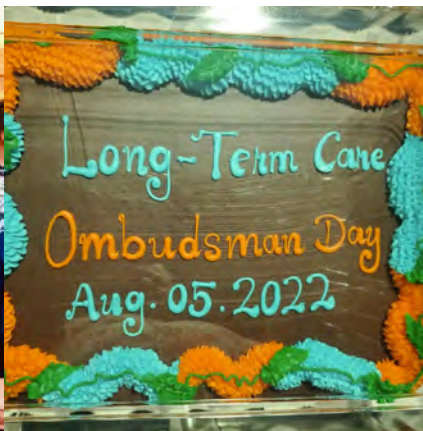
Facilities	Facility Type	Beds
9	CAH/Swing Units	126
45	Nursing Homes	4,323
17	Assisted Living Facilities	2,593
1,247	Community Care Foster Family Homes	3,158
472	Adult Residential Care Homes (ARCH), Expanded, Type I and II	2,742

Total Community-based Facilities: 1,736 with Beds 8,493

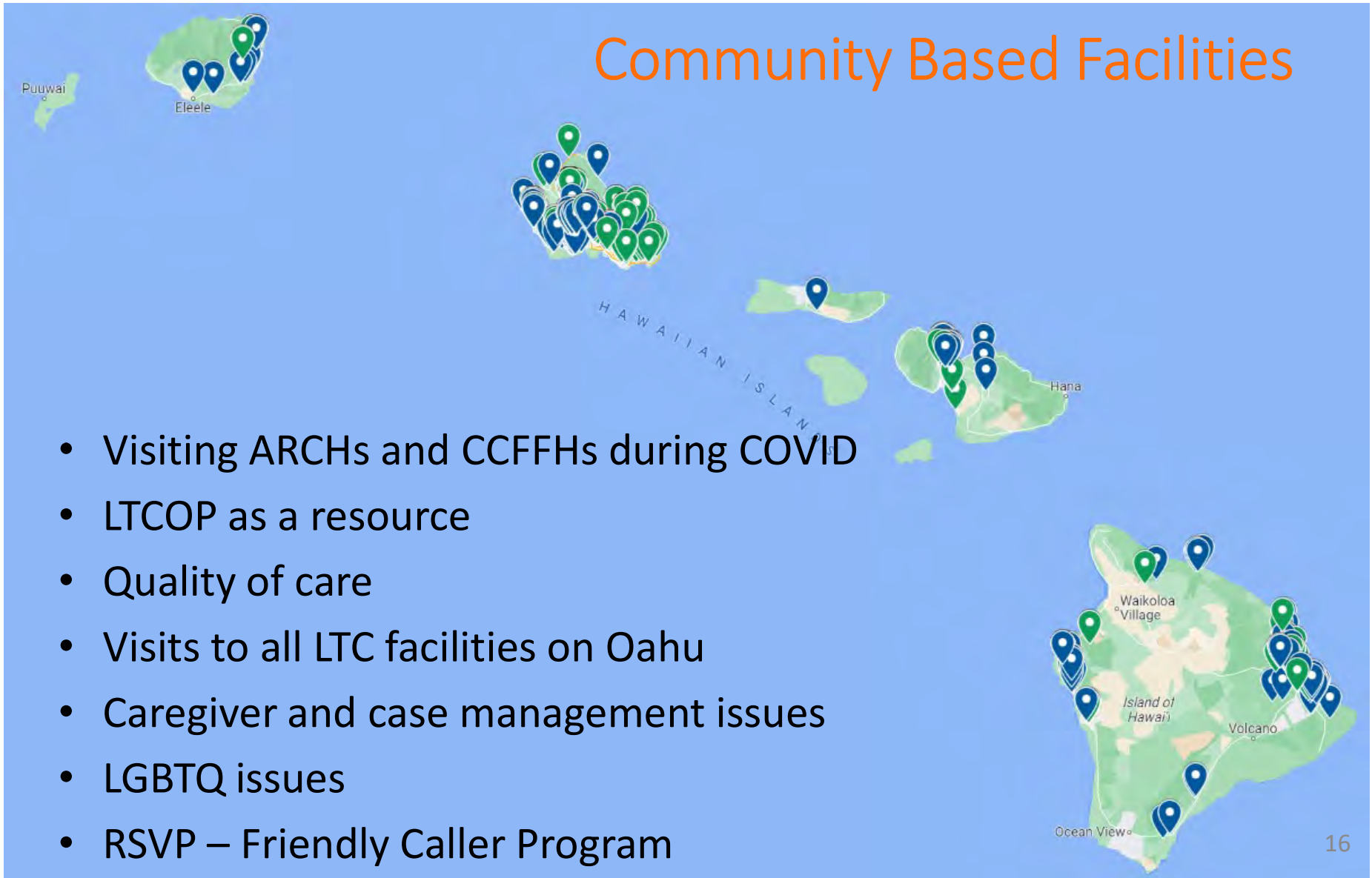
COVID-19 Issues



- Effects of Social Isolation
- Staffing Challenges
- Personal Belongings
- Vaccine and Informed Consent
- COVID Outbreak Clusters
- Re-entry and Visitation Policy (AARP)
- Testing for COVID-19
- PPE Supplies (for Community Based Facilities)
- DOH/OHCA website – Leadership Role



Community Based Facilities



LTCOP Response to Lahaina

- Impact to LTC Residents and staff
- Discharge challenges
- Understanding and coping with loss
- Reassurance, resources, and supports





Molokai



- How did we get here?
- Met with public health nurses and staff from Alu Like
- Brainstormed options to address community concerns about the need for LTC facilities on the island
- Visited home and introduced Arcenia Masiglat, Molokai's last foster home caregiver
- Workforce challenges? Who will do this work?
- OHCA and Medicaid involvement necessary; reimbursement needs to be higher

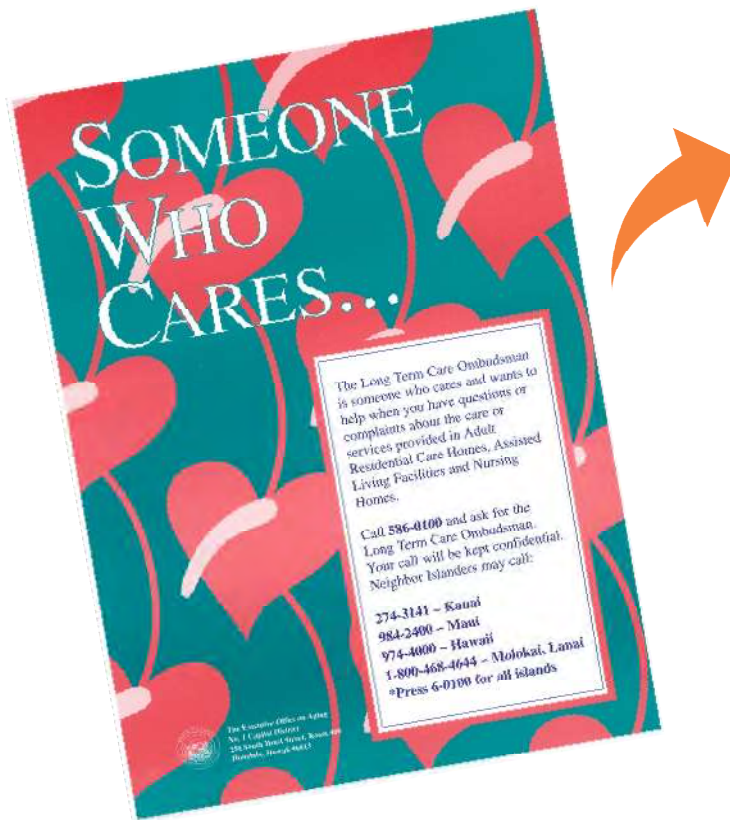
Increasing Awareness and Access to Ombudsman Services



- <https://www.hi-ltc-ombudsman.org/>
- 1-888-229-2231 (toll-free access)
- info@hi-ltc-ombudsman.org (secure email)
- Partnerships with other programs



New printed materials increase access to the Ombudsman



SOMEONE WHO CARES
STATE LONG-TERM CARE OMBUDSMAN PROGRAM

Your Voice Matters Call Your Local Ombudsman
1-888-229-2231 Info@hl-ltc-ombudsman.org
All Inquiries Are Confidential

State Certified Ombudsmen help to resolve concerns about your loved one's care in a Nursing Home, Adult Residential Care Home, Assisted Living Facility, or Community Care Foster Family Home.

Be Someone Who Cares **Be A Volunteer Today!**

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This project was supported by a grant from the U.S. Administration for Community Living, Department of Health and Human Services. Grantees undertaking projects under government sponsorship are encouraged to exercise freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.

Community Resource Flyers by County

GOT A CONCERN?

LONG-TERM CARE (LTC) SERVICES ON OAHU



Hawaii Long-Term Care Ombudsman
Information & Assistance with LTC Residents' Rights

Department of Health Office of Health Care Assurance
601 Kamokila Blvd, Rm 361, Kapolei, 96707

- Skilled Nursing Facility
- Adult Residential Care Home, Assisted Living Facility or Community Care Foster Family Home

Community Ties of America - Hawaii
Licensing and Complaints of Case Management Agencies and Community Care Foster Family Homes

Med-QUEST Division Helpline MedQUEST.hawaii.gov
4473 Pihae St, Ste A, Lihue, 96764
Medicaid Eligibility and Benefits

Livanta Helpline LivantaHI.com
9090 Junction Dr, Ste 10, Annapolis Junction, MD 20701
Discharge/Benefits Appeals and Immediate Help for Complaints

Adult Protective & Community Services
• 1055 Kinohi St, Ste 201, Hilo, 96720
• 75-5895 Kuahine Hwy, Ste 433, Kailua-Kona, 96740

Legal Aid Society of Hawaii LegalAidHawaii.org
Legal Counseling and Assistance

Hawaii Disability Rights Center
1132 Belknap St, Ste 2102, Honolulu, 96813
Enforcement of Disability Rights and Protection from Disability-Based Discrimination

Social Security Administration SSA.gov
111 E. Puuhale St, Ste 710, Hilo, 96720
Social Security Benefits and Medicare Enrollment

Hawaii State Health Insurance Assistance Program (SHIP)
Medicare Eligibility and Benefits HawaiiSHIP.org

Senior Medicare Patrol (SMP) Hawaii
Report Medicare Fraud and Scams SMPHawaii.org

Aging and Disability Resource Center (ADRC) HawaiiADRC.org
• 1055 Kinohi St, Ste 101, Hilo, 96720
• 74-5044 Aiea Kachokale Hwy, Bldg B, Kailua-Kona, 96740
Community Support Services

Veterans Administration - Patient Advocate HawaiiVet.gov

GOT A CONCERN?

LONG-TERM CARE (LTC) SERVICES ON KAUAI



State Long-Term Care Ombudsman
Information & Assistance with LTC Residents' Rights

Department of Health Office of Health Care Assurance
601 Kamokila Blvd, Rm 361, Kapolei, 96707

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Community Ties of America - Hawaii
Licensing and Complaints of Case Management Agencies and Community Care Foster Family Homes

GOT A CONCERN?

LONG-TERM CARE (LTC) SERVICES ON BIG ISLAND



State Long-Term Care Ombudsman
Information & Assistance with LTC Residents' Rights

Department of Health Office of Health Care Assurance
601 Kamokila Blvd, Rm 361, Kapolei, 96707

- Skilled Nursing Facility
- Adult Residential Care Home, Assisted Living Facility or Community Care Foster Family Home

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Licensing and Complaints of Case Management Agencies and Community Care Foster Family Homes

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• 1404 Kilauea Ave., Hilo, 96720
• 75-5891, Palani Rd, Ste 3004, Kailua-Kona, 96740
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Veterans Administration - Patient Advocate HawaiiVet.gov

Community Education and Outreach



- PSA development with Olelo Media
- Community awareness events, kupuna Fairs, educational opportunities
- Signage, uniforms, informa





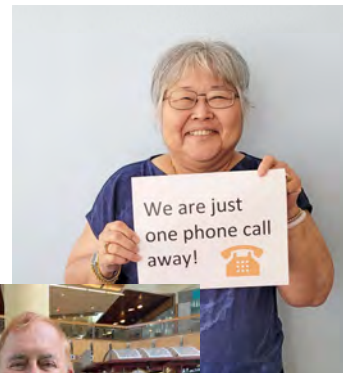
National Training Standards for Certified Ombudsmen

- Established the minimum training
- 36 hours of initial training
- 10 hours of field based (in-facility)
- 18 hours annually to maintain certification
- Annual National Conference
- Understanding of common health issues / aging
- Federal and state regulations
- Role and responsibilities of Ombudsmen (confidentiality, conflicts of interest, decision-making)
- Residents' Rights
- Complaint investigation and case resolution



Volunteer Team

- Pre-COVID
- Development of new roles
- Balancing employment and volunteerism
- Current needs





- Application and interview
- Reference /criminal background check
- TB Clearance, COVID-19 vaccination
- 1 year commitment
- Weekly visits
- Peer sharing



"You make a living by what you get.
You make a life by what you give."

~ Winston Churchill

Protect Hawaii's Most Vulnerable Population

Provide confidential counseling to residents and their families

Advocate with legislators, facilities, and communities to ensure the care of Hawaii's kupuna remains a priority

For information or to volunteer with LTCOP

808-223-0468 808-586-7291
lynn.niitani@doh.hawaii.gov

The State Long-Term Care Ombudsman

The State Long-Term Care Ombudsman (SLTCO) works with Certified Volunteers to investigate, report, and resolve quality of care/ life issues to protect residents in a long-term care facility.

Licensed/Certified facilities:

- Nursing homes
- Adult residential care homes
- Assisted living facilities
- Community care foster family homes

Contact the Hawaii SLTCO for a personal consultation

808-586-7268
john.mcdermott@doh.hawaii.gov

EOA | EXECUTIVE
OFFICE
ON AGING

Hawaii State Department of Health
Executive Office on Aging
250 S. Hotel St. Suite 406
Honolulu, HI 96813-2831
health.hawaii.gov/eoa/

**MAKE A DIFFERENCE
VOLUNTEER TODAY**



*Be a Voice for Hawaii's
Long-Term Care Residents*



**HAWAII LONG-TERM CARE
OMBUDSMAN**
SOMEONE WHO CARES



Lessons Learned: Systemic Challenges

- Decision Making
 - Guardianship problems – jamming up hospitals
 - OPG needs tweaking
 - POA as weapon against siblings – DPOAHC NOT the same
 - More than one POA – what to do?
 - Residents (Fred) needing POAs but have NO ONE to ask
- Staff shortage / workforce
 - Home Health staff shortages – can't discharge
 - COVID impact on staffing from Philippines and elsewhere
 - ESL residents labeled as difficult – communication failure
 - Need staff training to be PRO-Active: Can't sleep – tossed water, verbal threats, wrapped cord around neck
- Wahiawa NH – canary in mineshaft? “Certificate of NO Need?”
- CMAs done by RNs instead of SWs – a problem

Systemic Challenges



- Discharge
 - Illegal Discharges (hotels, IHS, boarding home, mother's house, YMCA) – NFs abusing their power?
 - Five Allowable Reasons for Discharge
 - Right to Appeal??
 - Danger to residents/staff ... really?
 - Refusal to readmit after stabilized. Bounced from NF to acute to NF to acute!!
 - Where have all the pro bono attorneys gone?
 - Can pro bono attorneys get paid by NF if they win case? Deterrent. Not in federal law and not in HRS
 - Facility SWs used as bouncers
 - Using Facebook/internet to attack NFs. HIPPA? Libel?

Systemic Challenges



- PNA HB960 \$50 > \$75/mo. **DIDN'T** Pass 😞
- Aging In Place Homes – UNLICENSED and ILLEGAL – go after referral source
- COVID Pandemic – ARCHs/CCFFHs needed more help. Not part of HAH or CMS
- LTC Insurance not consistently covering CCFFHs – READ policy!
- RN professors needed to train LPNs
- Can condo kids be paid to care for condo kupuna?
- No place for seniors with serious mental health behaviors. Spouses stuck
- Can Medicaid pay for ALFs? ... Other way around!
- Use [zoom] technology to connect more teachers from anywhere to more Hawaii students (RNs, CNAs, LPNs)
- Legal services - Son evicted by sister from mom's home
- CCFFHs reimbursement: $\$1,442.90 + \$46.06/\text{day} = \$2,824.70/\text{mo.}$
 - Same rate since 2006! **Recently increased**

Executive Office on Aging





Mahalo!

John G. McDermott

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