



FLORIDA OMBUDSMAN PROGRAM

ADVOCATING FOR QUALITY LONG-TERM CARE

ANNUAL REPORT

FEDERAL FISCAL YEAR 2022





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PROGRAM MISSION

“The mission of the Florida Long-Term Care Ombudsman Program is to improve the quality of life for all Florida long-term care residents by advocating for and protecting their health, safety, welfare, and rights.”

MESSAGE FROM THE SECRETARY

Dear Ombudsman Team,

This was certainly a momentous year for the Department as we celebrated our 30th anniversary of being an agency and serving Florida's seniors! Reflecting over the past three decades, one of the greatest and most consistent pillars of our organization is our dedicated corps of caring volunteers. These amazing individuals graciously give time, energy, talents, and heart to make a significant difference in the lives of our cherished seniors in Florida. It is our mission together to serve our seniors as they live, contribute, and build legacies in our great state – and we simply could not achieve this without dedicated volunteers providing their precious time in service to others. This service not only helps individuals and families but also improves our communities.



The State's Long-Term Care Ombudsman Program (LTCOP) plays an essential role in protecting the safety, well-being, and rights of residents living in Florida's long-term care communities. The staff and volunteers are tireless advocates working daily to enhance every resident's quality of life through a collaborative, resident-centered advocacy program. This work is so critical to continuing our mission in Florida.

The year 2022 was one for celebration, reflection, and assessment! Now, we will put all that evaluation into practice, as we pave a new and even greater path forward for our next 30 years. In 2023, we will focus on implementing what we've learned, including best practices, exciting innovations, and process improvements.

I look forward to continued collaboration, including work with our sister agencies, community partners, and statewide initiatives to continue protecting and caring for our cherished elders. Together, we can ensure Florida's 6.1 million seniors live well and age well in the greatest state in the nation – Florida!

Secretary Michelle Branham

A handwritten signature in black ink that reads "Michelle Branham". The signature is written in a cursive, flowing style.

Florida Department of Elder Affairs

MESSAGE FROM THE STATE OMBUDSMAN

As we progress through the different chapters of our life, we should stop and assess where we are and how we got there. These moments appear as the proverbial forks in the road or come at a time when a deeper analysis is needed before we decide which path to take. We can also apply this analogy to the Long-Term Care Ombudsman Program. This past year has been pivotal as we've examined where we've been and where we expect to go.

It is an incredibly exciting time for LTCOP! We are at that fork and are on the precipice of change. Over 800 people move to Florida daily, most of whom will retire in our beautiful state. We need to prepare to meet the needs of a growing number of seniors. With the help of outside consultants who specialize in our industry, we are earnestly working to understand our challenges and identify our gaps. We are amending our Policy and Procedure Manual and studying our IT needs to ensure we have the right platform to meet our needs. This in-depth analysis is critical for our growth and will help us outline the steps necessary to successfully launch the next chapter of the LTCOP.



I am grateful and honored to have the support of our DOEA Secretary Michelle Branham and the unwavering dedication of our volunteers as we work to make Florida the best Long-Term Care Ombudsman Program in the country.

I look forward to implementing the long-term solutions needed to serve more seniors in our great state.

Terri Cantrell, State Ombudsman

A handwritten signature in black ink that reads "Terri Cantrell". The signature is written in a cursive, flowing style.

Florida Department of Elder Affairs

POLICY PURSUITS AND RECOMMENDATIONS

*Renee Harkins, Legal Advocate
Long-Term Care Ombudsman Program*

Legislative Session 2022

This past Legislative Session was an early session, meaning House and Senate committees met from September to December 2021, with the Legislative Session beginning January 11, 2022. Before the 2021 Legislative Session, there was concern that the effects of COVID-19 would reduce state revenues and require budget reductions. However, Florida's economy recovered, and the influx of federal relief funds meant no significant budget reductions were required. The Capitol Complex returned to full access, and groups resumed their day at the Capitol, and Session adjourned on March 14, 2022.



House Bill 1239 (Chapter 2022-61, Laws of Florida), Nursing Homes, amended Florida Statutes to modify nursing home staffing requirements. The bill changed the calculation of minimum nursing home staffing from a weekly to a monthly average and expanded positions that count toward "direct care staff." In addition, the bill required nursing homes to provide each resident with two hours of certified nursing assistant (CNA) care a day, down from the previous two and a half hours mandated in law. The bill also added increased consumer protections for those who sue nursing homes. The Long-Term Care Ombudsman Program opposed this bill as it could reduce the quality of care afforded to elderly nursing home residents and increase complaints to the LTCOP. The Governor signed the bill on April 6, 2022, and it took effect on July 1, 2022.

Senate Bill 988 (Chapter 2022-34, Laws of Florida), In-person Visitation, addressed in-person visitation, which applies to nursing homes, other health care facilities, and assisted living facilities.

For example, assisted living facilities must establish visitation policies that include in-person visitation by a designated essential caregiver of at least 2 hours daily.

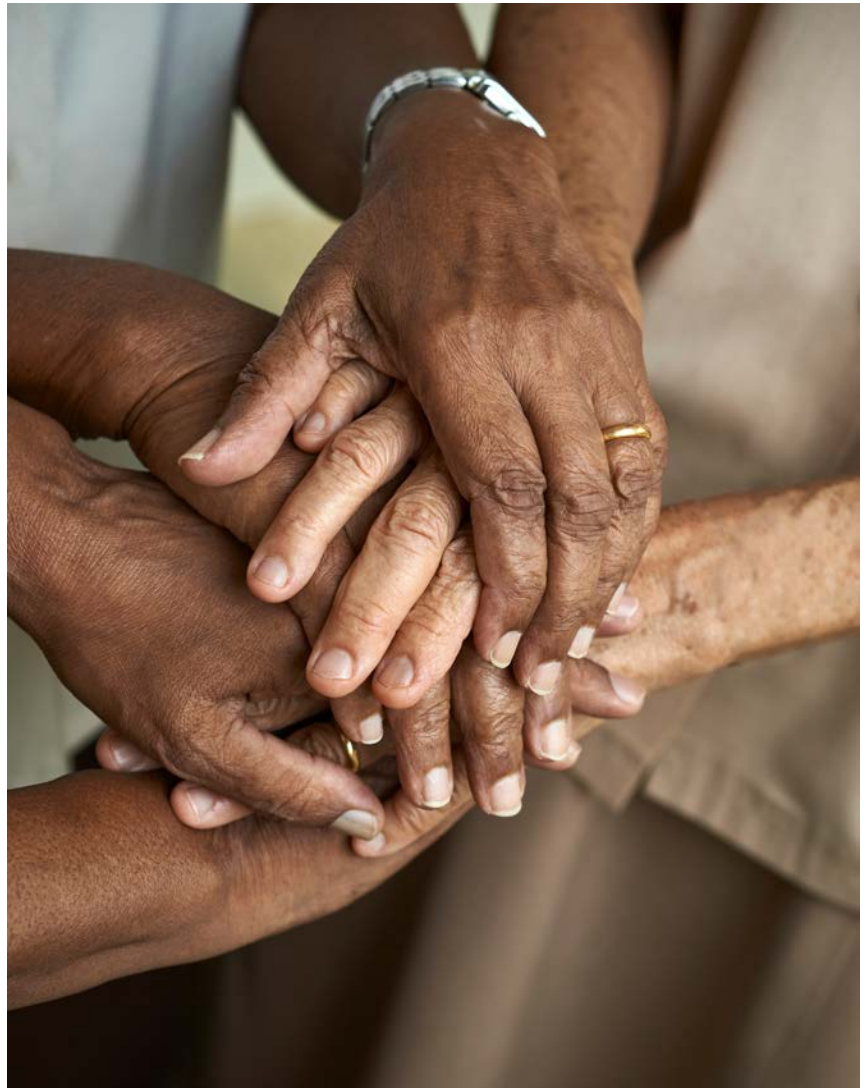
Also, visitation policies must be posted on the facilities' websites for public information. The Governor also signed the bill on April 6, 2022, and it took effect on July 1, 2022.

Long-Term Care Ombudsman Elder Justice Grants

Since the inception of the Elder Justice Innovations Grants program in the fiscal year 2016, the Administration for Community Living (ACL) has made 38 awards to address various topics of relevance that have contributed to the improvement in the field of adult maltreatment prevention and intervention at large and contributed to the evidence-base of knowledge. In FY2022, ACL funded a new set of grants that seek to enhance approaches to improve results for long-term care residents.

The LTCOP makes subgrants to local and community organizations, local nonprofits, elder rights, and justice groups. This funding intends to enhance, improve and expand the ability of Ombudsman programs to investigate allegations of abuse, neglect, and exploitation. The LTCOP partnered with local legal aid organizations to address complaints related to abuse, neglect, and poor care; resume in-person visitation; conduct education and outreach on abuse and neglect identification and prevention during the public health emergency to residents, their families, and facility staff.

These funds also enable travel for representatives of the LTCOP to ensure all residents have access to LTCOP representatives; purchase PPE, technology; enable participation in state-level strike teams to address complaints related to care and neglect; and provide information and assistance on transitions from long-term care facilities to community-based, home care settings, consistent with the Older Americans Act. This funding comes through a supplemental funding bill and is not considered a part of the annual federal budget; this funding is considered one-time funding.



WHO ARE THE OMBUDSMEN?

Florida's Long-Term Care Ombudsman Program was founded in 1975 as a result of the federal Older Americans Act, which grants a special set of residents' rights to individuals who live in long-term care facilities such as nursing homes, assisted living facilities, and adult family care homes. In Florida, a long-term care ombudsman is a trained volunteer who helps improve the quality of care and quality of life for residents in long-term care settings.

Ombudsmen are community members from all walks of life who are passionate about improving the lives of residents living in long-term care facilities. They are trained to work with residents and their family members to communicate concerns and resolve problems by providing advocacy, support, education, and empowerment. These volunteers simply want their time and talents to make a difference in improving the lives of people who may be elderly and/or disabled.

Volunteers are also trained in residents' rights, problem-solving, communication, intervention, negotiation skills, and working with long-term care staff. They advocate for improving the quality of life for residents, communicating with facility staff and family to resolve their unmet needs and concerns. Ombudsmen receive and investigate complaints on behalf of nursing home residents and their families. They serve as a voice for residents in ensuring that the facility meets mandated legal standards for every person receiving long-term care services.

Examples of common issues in nursing homes include discharges and evictions, medication administration, and matters of personal hygiene. Common issues in assisted living facilities and adult family-care homes include menu quality, quantity, variation; medication administration; and general housekeeping or cleanliness. Ombudsmen work to resolve residents' concerns. All complaints are confidential, and all services are provided at no charge.

Ombudsmen are the heart of our program. These special individuals dedicate thousands of unpaid hours each year toward ensuring that the voices of Florida's long-term care facility residents are heard and problems resolved.

You can be trained and certified as a State of Florida Long-Term Care Ombudsman and make a difference in the lives of people living in nursing homes, assisted living facilities, and adult family care homes. In addition to having the satisfaction of knowing that you are improving the care of long-term care residents, you will have the opportunity to make new friends and increase your understanding of aging and the aging process.

PROGRAM DATA

Year in Review

Florida's Long-Term Care Ombudsman Program (LTCOP) achieved new milestones in the past year. Here are some of the highlights and accomplishments that the Ombudsman Program's dedicated staff and volunteers achieved:

	201 Volunteers		2,833 Complaints Investigated
	30,810 Volunteer Hours		\$852,821 Estimated Savings to the State
	4,814 Facility Assessments & Visitations		

Quarterly Ombudsman Program Data

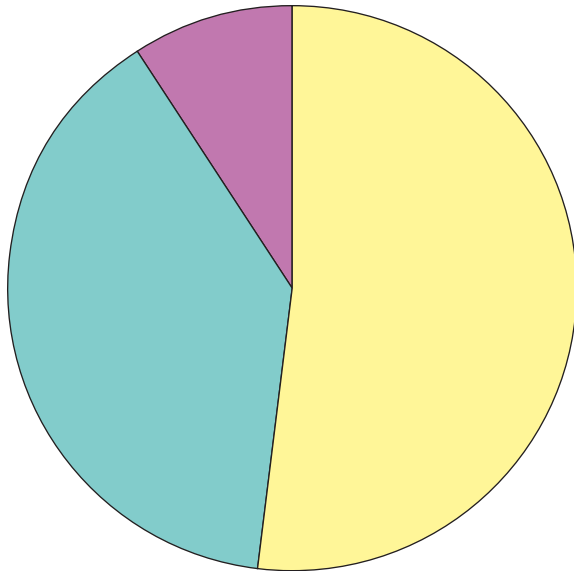
	OCT - DEC	JAN - MAR	APR - JUN	JUL - SEP
Long-Term Care Beds	202,440	202,546	202,095	201,900
Certified Ombudsmen	189	191	199	201
Volunteers in Training	46	40	44	41
Complaint Investigations	1,141	1,279	1,191	1,068
Facility Visitations	417	285	539	538
Facility Assessments	484	840	648	1,009

NOTE: These numbers reflect both initiation and closure dates that may overlap quarterly reporting periods; therefore, they are not an accurate representation of case numbers annually.

PROGRAM DATA

Complaint Resolution

A complaint is closed when the issue is addressed to the satisfaction of the resident or complainant. The following chart shows what types of disposition codes were assigned to closed cases in Federal Fiscal Year 2022.



- 52 % – Partially or fully resolved to the satisfaction of the resident, resident representative, or complainant.
- 39 % – Withdrawn or no action needed by the resident, resident representative, or complainant.
- 9 % – Not resolved to the satisfaction of the resident, resident representative, or complainant.

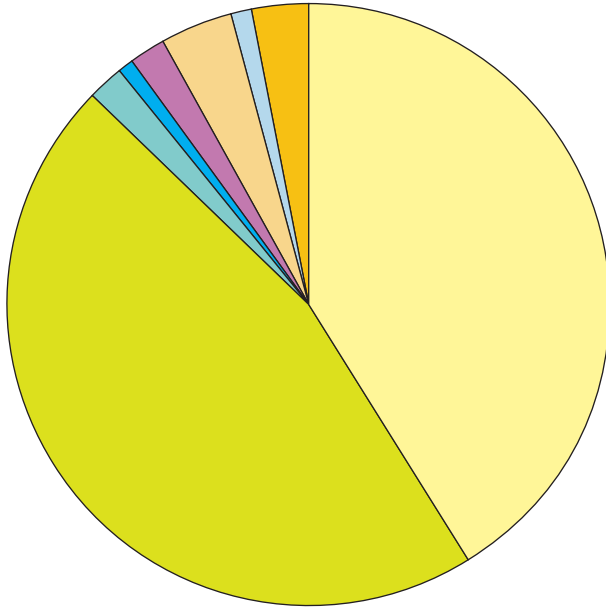
Top 5 Complaints

	Assisted Living Facilities & Adult Family Care Homes	Nursing Homes
1	Medications	Medications
2	Food Services	Responses to requests for assistance
3	Housekeeping, laundry, and pest abatement	Personal hygiene
4	Personal property	Personal property
5	Dignity and respect	Symptoms unattended

PROGRAM DATA

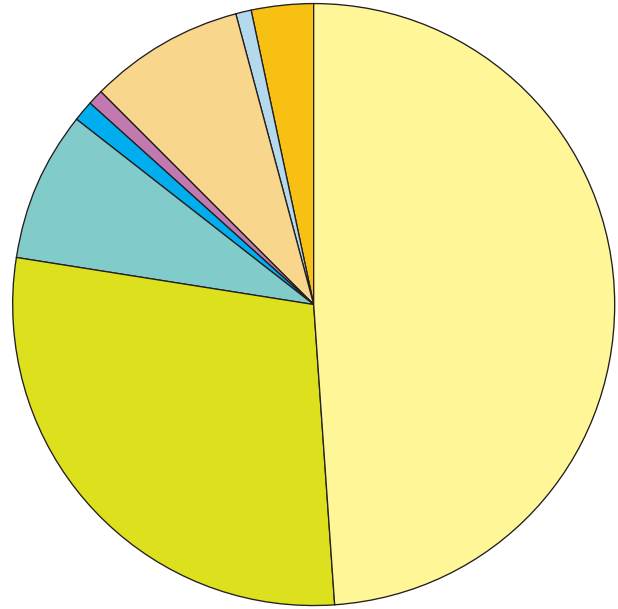
Complaint Origins

Nursing Homes



- 42% Resident
- 47% Resident representative, friend, family
- 2% Ombudsman program
- 1% Facility staff
- 2% Representative of other agency or program or organization
- 4% Concerned person
- 1% Resident or family council
- 3% Unknown

Assisted Living Facilities and Adult Family Care Homes*



- 48% Resident
- 29% Resident representative, friend, family
- 8% Ombudsman program
- 1% Facility staff
- 1% Representative of other agency or program or organization
- 8% Concerned person
- 1% Resident or family council
- 3% Unknown

*Exceeds 100% due to rounding of decimals.

STATE COUNCIL UPDATES AND DISCUSSION

The Long-Term Care Ombudsman Program's State Council is made up of volunteers who assist the State Ombudsman in the optimal operation of the program by serving as an advisory body on issues affecting residents and reaching consensus among districts and local councils.

Fiscal Year State Council Review

This fiscal year the LTCOP focused on the following:

- Creating public forums to make more people aware of our program and to find out what concerning issues need to be addressed;
- Developing an aggressive recruiting policy, connecting with Alzheimer's association to draw more volunteers;
- Working with Florida Pioneer Network to push more towards culture change;
- Working on focus groups throughout the state to engage with administrators and determine what will work, what won't, and what are real impediments;
- Extensive training for Ombudsmen;
- Updating the policy and procedure manual;
- Updating memorandums of understanding with agencies;
- Focused on understanding our technology needs for the future;
- Developing Memory Care Training for State Council Members.

The Legislative and Regulatory Workgroup participated in rulemaking with the Agency for Healthcare Administration regarding personal care attendants. The programs' advocacy was instrumental in increasing the minimum education for personal care attendants from eight to 16 hours.

The Training and Education Workgroup developed training for the difference between personal care attendant, certified





nursing assistant, and medication administrator. The training was designed for Elder Abuse Awareness Day (June 15). The workgroup suggested resuming inter-agency meetings with DCF, DOH, and AHCA that had ceased during the Public Health Emergency.

Fiscal Year State Council Recommendations and Discussion

- Encourage nursing homes and assisted living facilities to re-open dining rooms;
- Increase awareness of facilities' requirement to provide all residents with access to telephone services;
- Advocate for an increase in the personal needs allowance of residents in nursing homes;
- Update the LTCOP website to showcase new features and materials;
- Encourage facilities to engage in resident councils;
- Ombudsman volunteers are advised to pay attention to the facilities' use of Personal Care Attendants and compare their findings.

SUCCESS STORIES FROM THE DISTRICTS



North Region

We received a complaint from a resident of a nursing home facility that included several issues. The most serious of complaints was that the facility was not providing the transportation the resident needed to see a specialty doctor for surgery. The Ombudsman went to the facility, spoke with the resident, and found they were not receiving transportation or necessary care. The Ombudsman set up multiple meetings with the administrator, other staff, and service providers. Due to the ombudsman, the resident can now be transported to meet with the doctor at the office or virtually for follow-ups. The resident also received a larger bed, which added further comfort. Lastly, the Ombudsman worked with the dietary manager to ensure the resident was served foods aligned with their nutritional needs.

A middle-aged female was admitted to a nursing facility for rehabilitation following a hospital stay. This resident received intensive therapy—but could not return to the community setting due to multiple chronic medical conditions. The resident did not have adequate insurance to pay for the facility and would need to file for Medicaid benefits. The facility decided that the resident no longer needed to be at the nursing home and that she must be discharged to a homeless shelter. This female was wheelchair-bound, needed care, and was unable to transfer from chair to bed independently. She also required assistance and supervision with other activities of daily living which the homeless shelter does not provide.

When the facility issued the discharge notice, the resident contacted the LTCOP local office, which advised her to file an appeal with the Department of Children and Families. LTCOP worked with our legal aid partners to assist the resident with her application for medicaid benefits. Still, more advocating was needed with the discharge appeal.

The resident, facility staff, and Ombudsman were all present to provide evidence to support their case to the hearing officer. The Ombudsman also requested additional

time after the hearing to submit proposed orders. The hearing officer agreed, and orders were submitted. A month later, the hearing officer concluded that the facility did not meet its burden of proof and that the resident could stay. The LTCOP successfully advocated for this resident to remain in a safe environment and receive the necessary medical and nursing services she needed.

East Region

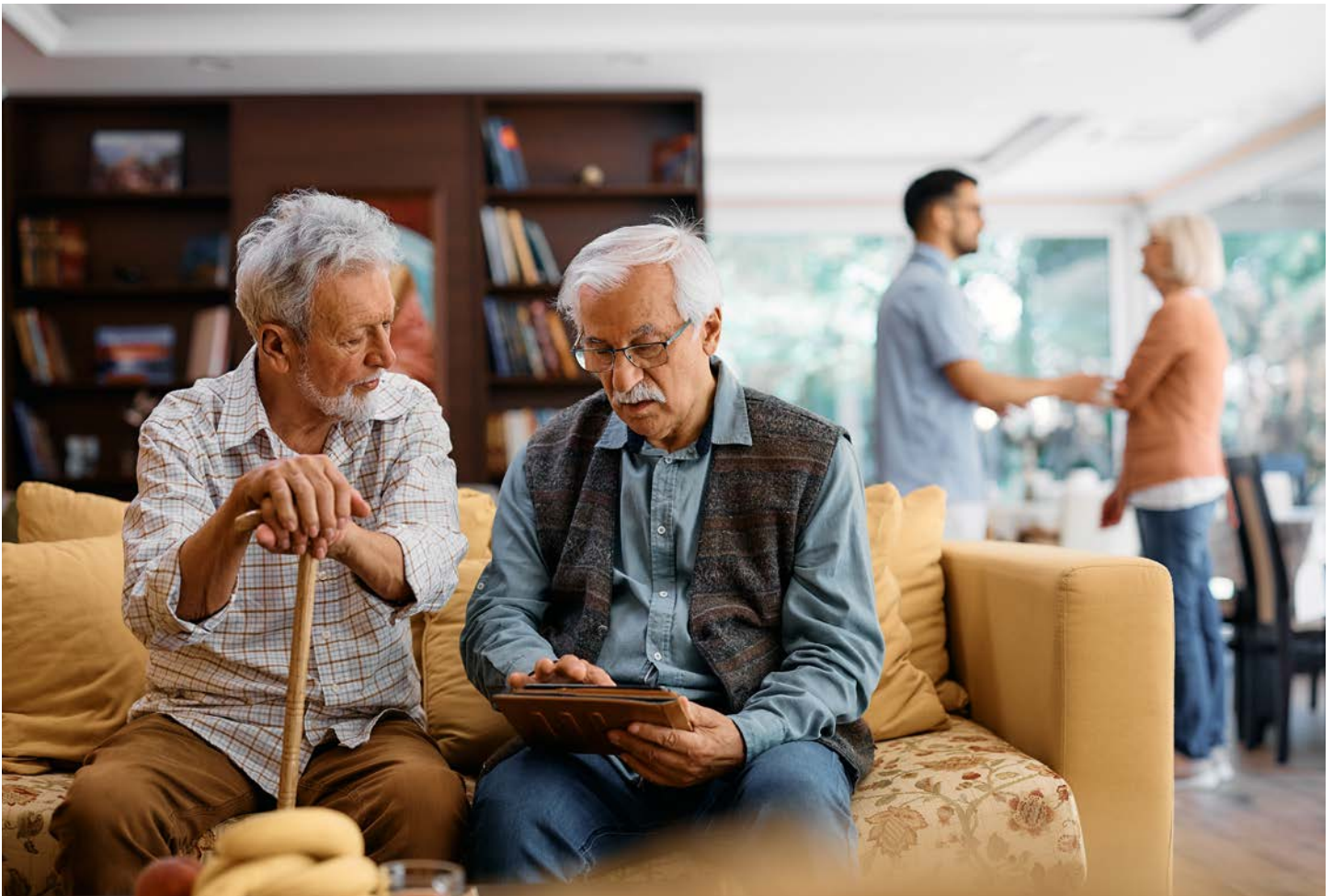
A resident called after being separated from his partner of over 30 years. He didn't know what to do when she was sent to another facility after being discharged from the hospital. Our Ombudsman knew they had to step in right away. After appealing to the administrators of both facilities to do what was in the best interest of this couple, the Ombudsman needed to make sure the transfer back to her original facility was safe and efficient. After being separated for almost three months, the couple was reunited. The resident could not be any happier, knowing his love was back with him as he underwent another round of chemotherapy. The couple is planning on getting married to prevent this separation from ever happening again, and even invited the Ombudsman to their wedding.



A resident contacted LTCOP after being transferred to a nursing home after a hospital stay. He had occupied a semi-private room for years but was placed in a room with four residents upon his return. The resident could not sleep or bathe due to not having enough privacy and screams from the other residents. The resident felt it was retaliation for having frequent hospital visits. The Ombudsman stepped in to discuss with the administration the importance of returning residents to their previous rooms if possible. After two weeks of negotiating and visiting the facility with the administrator, the resident could finally return to his original room.

West Region

An Ombudsman was instrumental in improving the lives of residents by reporting unsafe conditions at an assisted living facility (ALF) and helping residents relocate. He completed multiple visits with residents who reported numerous concerns at their ALF, including resident elopements, repeated bed-bug and raccoon infestations, inadequate food supply, unresolved building and plumbing failures, insufficient staff, poor care, and more. One resident reported entering the dining room only to be told there was no food. Another resident said she fell, and there was no response to the call button; she was scared and pounding on the wall. A neighboring resident came to her aid.



The Ombudsman worked closely with the resident council, the Agency for Health Care Administration, the Department of Health, and Adult Protective Services to resolve these issues. When he heard an agency partner was visiting, he dropped everything to visit with them to ensure they observed current concerns. After the owner of the ALF refused to make improvements, the Ombudsman stood by the residents and continued to visit them. He listened to residents' concerns and frustrations while providing them with encouragement, updates, and alternate housing options.



His interviews, observations, and referrals were instrumental in getting an Emergency Limited Suspension Order and Moratorium on Admissions and, later, the suspension of their license, which resulted in residents needing to move to a safer environment. The Ombudsman assisted residents over several days throughout the relocation process and they were thankful for his presence and reassurance during this difficult time. By advocating for and protecting these residents the Ombudsman significantly improved their quality of life and they were much happier in their new home.

A nursing home resident was desperate to go home, and her husband had tried many times to move her. The staff was deferring to a healthcare surrogate that the resident did not want or choose. An Ombudsman was able to have staff re-evaluate the resident's ability to make her own decisions, and she was found capable of returning home with her husband. The resident is now home and happily sitting on the front porch with her husband every evening.

CONTACT INFORMATION

Northwest

1101 Gulf Breeze Parkway
Building 3, Suite 5
Gulf Breeze, FL 32561
Phone: (850) 916-6720
Fax: (850) 916-6722

Panhandle

4040 Esplanade Way
Tallahassee, FL 32399
Phone: (850) 921-4703
Fax: (850) 391-1382

North Central

1515 East Silver Springs Blvd.
#203
Ocala, FL 34470
Phone: (352) 620-3088
Fax: (352) 732-1797

First Coast

Midtown Centre Office Park
3300 Building
4161 Carmichael Ave.
Suite 141
Jacksonville, FL 32207
Phone: (904) 391-3942
Fax: (904) 391-3944

First Coast South

210 N. Palmetto Ave.
Suite 403
Daytona Beach, FL 32114
Phone: (386) 226-7846
Fax: (386) 226-7849

East Central

400 W. Robinson St.
Suite S709
Orlando, FL 32801
Phone: (407) 245-0651
Fax: (407) 245-0653

West Coast

11351 Ulmerton Rd.
Suite 303
Largo, FL 33778
Phone: (727) 588-6912
Fax: (727) 588-3648

West Central

701 W. Fletcher Ave.
Suite C
Tampa, FL 33612
Phone: (813) 558-5591
Fax: (813) 375-3932

Southwest

2295 Victoria Ave.
Room 152
Ft. Myers, FL 33901
Phone: (239) 338-2563
Fax: (239) 338-2549

South Central

200 N. Kentucky Ave.
#224
Lakeland, FL 33801
Phone: (863) 413-2764
Fax: (863) 413-2766

Palm Beach

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#125A-B-C
West Palm Beach, FL 33401
Phone: (561) 837-5038
Fax: (561) 650-6885

Broward

8333 West McNabb Rd.
Suite 231
Tamarac, FL 33321
Phone: (954) 597-2266
Fax: (954) 597-2268

North Dade

9495 Sunset Dr.
Suite B100
Miami, FL 33173
Phone: (305) 273-3294
Fax: (786) 336-1424

South Dade

9495 Sunset Dr.
Suite B100
Miami, FL 33173
Phone: (305) 273-3250
Fax: (305) 671-7247

Statewide

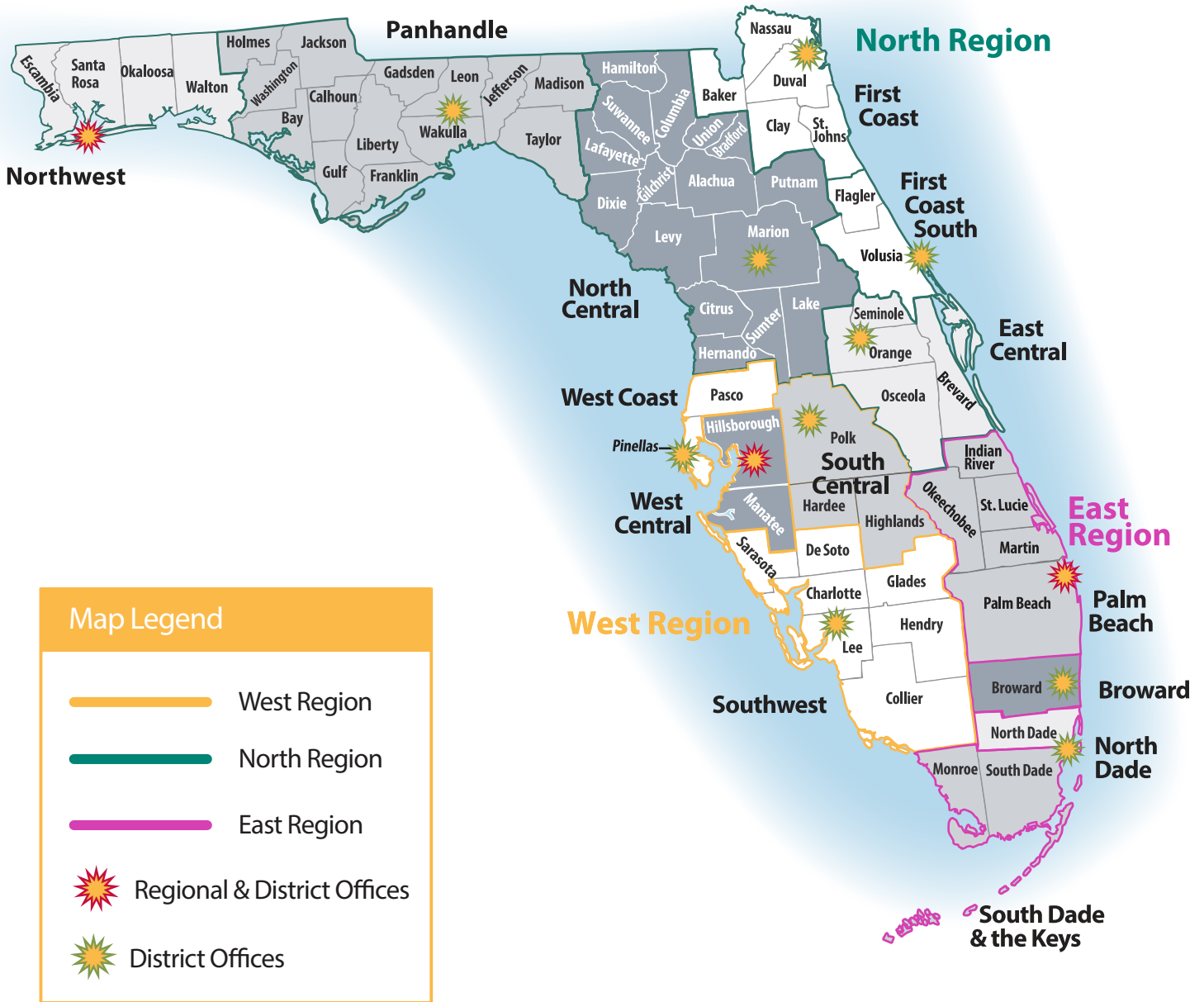
1-888-831-0404
ltcopinformer@elderaffairs.org

Central Office

4040 Esplanade Way
Tallahassee, FL 32399
Phone: (850) 414-2323
Fax: (850) 414-2377

OFFICE LOCATIONS

Long-term care ombudsmen are available to serve long-term care residents and their families in all 67 counties. The map below shows the 14 district and regional Long-Term Care Ombudsman Program offices throughout Florida. Some offices are co-located within the same space.





FLORIDA OMBUDSMAN PROGRAM

ADVOCATING FOR QUALITY LONG-TERM CARE

4040 Esplanade Way
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