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Prepared for the House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies – Addressing the Administration for Community Living

Chairman Cole and Ranking Member DeLauro, I am pleased to present this testimony on behalf of residents in Oklahoma long-term care facilities and in collaboration with the National Association of State Long-Term Care Ombudsman Programs (NASOP). Thank you for your past support of State Long-Term Care Ombudsman Programs (SLTCOPs) and all the vulnerable citizens that it serves, and for the \$1 million increase for the program in the Consolidated Appropriations Act, 2018. This statement and the funding recommendations are submitted for the Fiscal Year 2018 for SLTCOPs administered through the Administration for Community Living in the Department of Health and Human Services, and include \$5 million under the Elder Justice Act, an additional \$19.98 million for assisted living ombudsman services under Title VII., and \$17.78 million under Title VII of the Older Americans Act.

Some amazing people live in nursing homes and assisted living facilities in your communities. Residents are rocket scientists, industry leaders, teachers, clergy, truck drivers, grocers, plumbers, politicians, veterans of multiple wars, and people from all walks of life.

Long-term care ombudsmen serve these residents, advocating for quality care that ranges from simple pleasures like the right to nutritious food, to serious issues of

abuse. The advocacy we provide helps stop elder abuse and neglect, improves quality of life, and improves care, but budget constraints in Oklahoma have resulted in the reduction of staff hours and positions being abolished. Our situation is similar to that of many SLTCOPs across the county.

In Oklahoma and other states the number of Assisted Living Facility residents has grown tremendously. With the diminished number of Ombudsman and the growing number of residents it has become more difficult to provide the cost saving advocacy services the Ombudsmen provide. Without additional funding we may not be able to intervene in situations such as the one I am about to describe.

In Oklahoma residents often age in place in Assisted Living Facilities. Even when they exceed the level of care the facility provides they can continue to live there as long as their care needs can be met by outside providers. In one such case, a person living with diabetes was residing in an assisted living facility. They needed multiple blood sugar checks each day and injections of insulin to regulate their blood sugar levels. But they were not getting those needs met by either the facility or outside providers resulting in a situation of gross neglect.

Ombudsman assistance was requested and we were able to investigate where the breakdown occurred and give suggestions on how best to resolve the problem. Throughout the process we worked with the resident, their designated representative and the facility to develop a plan of accommodation, to institute that plan and how best to monitor the plan so future problems with the diabetic care would not reoccur.

This was all done without the involvement of regulatory agencies, legal interventions or costly litigation. The Ombudsman's advocacy in this instance likely

saved an untold amount of money and resources. But more importantly than the fiscal savings was that the resident's care was improved, their quality of life was improved, and they were able to stay in the assisted living home where they wanted to be.

To alleviate the effects of diminished budgets and expanding long-term care populations, we respectfully request the following funding to support all SLTCOPs.

First, we request \$5,000,000 to support the work of SLTCOPs under the Elder Justice Act (EJC). This appropriation would allow states to hire and train staff and recruit more volunteers to prevent abuse, neglect, and exploitation of residents and investigate complaints. Though the funds have been authorized since 2010, to date no EJC funds have been appropriated for SLTCOPs. Second, we request \$19,980,000 to support SLTCOP work with residents of assisted living, board and care, and similar community-based long-term care settings. While the mandate to serve residents in assisted living was added to our mission Act, there have been no appropriations for this function. Assisted living and similar businesses have boomed, but SLTCOP funding has not increased to meet the demand and respond to the industry boom. As a result, our program is unable to adequately serve residents in assisted living. For example in Oklahoma during FFY 2017, only 20 percent of assisted living and similar homes received a quarterly visit. Assisted living residents have complex medical needs, very much like nursing home residents in terms of frailty and vulnerability. Diminished resources and funding, coupled with the tremendous growth in the number of assisted living facilities, present challenges to SLTCOPs, which need to ensure that residents have regular and timely access to long-term care ombudsmen. Current funding levels preclude SLTCOPs from quickly responding to complaints and monitoring facilities.

Without our eyes and ears in these buildings, residents are at risk of abuse, neglect, and exploitation, and any number of rights violations. Third, we request \$17.784 million, which is level funding for the core program under Title VII of the Older Americans Act.

In addition to improving the quality of life and care for millions of vulnerable long-term care residents, our work saves Medicare and Medicaid funds by avoiding unnecessary costs associated with poor quality care, unnecessary hospitalizations and expensive procedures and treatments. Further, in 2016, nearly 7,331 volunteers served in the SLTCOP. For every one staff ombudsman, six volunteer ombudsmen serve residents. Ombudsman staff and volunteers investigated 199,493 complaints made by 129,559 individuals. Ombudsmen were able to resolve or partially resolve 74 percent – or three out of every four complaints investigated.

In FFY 2017, Oklahoma had 630 long-term care facilities with approximately 30,000 Oklahomans residing in them. With just 27 full-time staff, my office is responsible for advocating for those nearly 30,000 individuals. Fortunately, we have dedicated volunteers to help.

In SFY2016, Oklahoma's SLTCOP received 5,914 complaints from or on behalf of residents; and provided 10,184 consultations, education sessions, visits, and other advocacy activities. Our limited workforce handles increasing caseloads under mounting fiscal constraints. The above challenges were exacerbated in SFY2017 when the number of complaints investigated by Ombudsman Supervisor's and volunteers skyrocketed by almost 20% to 7,054 Complaints.

Currently, federal Older Americans Act funding comprises less than half of the funding required to maintain the Oklahoma program at its current level. With declines in

state revenue it is unlikely that state dollars will be available to maintain the program. The additional funding would support ombudsman elder justice work, help us recruit cost-saving volunteers, and help the growing number of assisted living residents get the quality of care and life they deserve.

We understand that this subcommittee faces a strained financial situation, but a continued commitment to SLTCOPs protects the health and safety of millions of older adults living in nursing homes and assisted living facilities. I believe their protection should remain a high priority.

Demand for our services is growing. The number of complex and very troubling cases that long-term care ombudsmen investigate has been steadily increasing. In addition, there continues to be a disturbing increase in the frequency and severity of citations for egregious regulatory violations by long-term care providers that put residents in immediate jeopardy of harm. This trend suggests a frightening decline in the quality of long-term care services. Ombudsmen are needed now more than ever in nursing homes, assisted living, and similar care facilities where we are required to serve.

The people who operate long-term care facilities have recognized the value and benefit of having ombudsmen assist with staff training and consultation. In order to improve advocacy and services available to residents, our office and NASOP respectfully request the aforementioned funding levels. We also appreciate that the testimony of the Elder Justice Coalition also calls for these increases.

Thank you for your ongoing support.