

# CT LTCOP

Mairead Painter, State Long-Term Care Ombudsman



# Long-Term Care Ombudsman

- ▶ The Long-Term Care Ombudsman Program (LTCOP) advocates for and protects the health, safety, welfare and rights of long-term care residents, bringing residents' concerns directly to public officials to ensure they are hearing about issues directly impacting the lives of residents. Bringing residents to the forefront to voice their concerns and supporting them in their quest to shape their own legislative agenda. The LTCOP also represents the residents' interests before governmental agencies.
- ▶ While the LTCOP sits within ADS, by federal statute LTCOP maintains autonomy and advocacy independence of their Department structure. This is unique within state government.

# Long-Term Care Ombudsman

- ▶ The LTCOP responds to, and investigates complaints brought forward by residents, family members, and/or other individuals acting on their behalf. Ombudsmen offer information and consultation to consumers and providers, monitor state and federal laws and regulations, and make recommendations for improvement.
- ▶ All Ombudsman activity is performed on behalf of, and at the direction of residents. All communication with the residents, their family members or legal guardians, as applicable, is strictly confidential.
- ▶ <https://ltcombudsman.org/uploads/files/library/long-term-care-ombudsman-program-what-you-must-know.pdf>

# Residents Rights

- ▶ Residents' Rights are guaranteed by the federal 1987 Nursing Home Reform Law.
  - ▶ The law requires nursing homes to “promote and protect the rights of each resident” and places a strong emphasis on individual dignity and self-determination.
  - ▶ Nursing homes must meet federal residents' rights requirements if they participate in Medicare and Medicaid.
  - ▶ Some states have residents' rights in state law or regulation for nursing homes, licensed assisted living, adult care homes, and other board and care facilities.
  - ▶ A person living in a long-term care facility maintains the same rights as an individual in the larger community.
- ▶ <https://ltcombudsman.org/uploads/files/issues/residents-rights-factsheet.pdf>

# Inclusivity

## Integration of independent goals and the ability to live authentically

- ▶ Integration of independent goals and the ability to live authentically
- ▶ The Connecticut Long Term Care Ombudsman Program developed the Inclusive Communities work group after working with the LGBT Aging Advocacy Group.
- ▶ We heard that there was a need for education and outreach, to support people identifying as part of many different marginalized groups and from that the inclusive communities' workgroup was developed.
- ▶ The Ombudsman program found that this is not only an LGBT issue, but an overall a human rights issue affecting people who identify with one or more of these disadvantaged or marginalized groups.

## ▶ Vision Statement

- ▶ A diverse group of providers, advocates, government agencies, professionals, and individuals that works collaboratively to strengthen the long-term care continuum to be inclusive, accepting and welcoming for all individuals so they may invariably be their authentic selves.

## ▶ Mission

- ▶ To cultivate communities that care for one another and build bridges of common humanity while maintaining respect for every individual. To give voice, identity and specific attention to individuals who identify with one or more marginalized or disempowered group.

## ▶ Goal

- ▶ Create an educational toolkit and video series offered to residents, family members, and staff members of LTC facilities to help create and cultivate inclusive LTC communities. This toolkit will include educational materials as well as application techniques broken down into specific subchapters relating to various marginalized groups and how to ensure that all individuals within the community are able to be their Authentic Selves

# Visitation/Access: Resident Rights

- ▶ Nursing Home Reform Law Regulations
  - ▶ Right to Receive Visitors of his/her choosing at the time of his/her choosing so long as visitation is not done in a manner that imposes on the rights of another resident. 42 CFR 483.10(f)(4)
  - ▶ Immediate Access: Representative of State, LTCO, physician, immediate family, visitors, resident representative, and individual providing health, social legal or other services. 42 CFR 483.10(f)(4)(i)-(iv)

# Involuntary Discharge: Resident Rights

- ▶ Residents have the right to remain in the facility unless transfer or discharge:
  - ▶ Is necessary for the resident's welfare and the resident's needs cannot met in the facility;
  - ▶ The resident no longer needs the services provided in the facility;
  - ▶ Safety of individuals in the facility is endangered due to the clinical or behavioral status of the resident;
  - ▶ The health of individuals in the facility would otherwise be endangered;
  - ▶ Failure to pay; or
  - ▶ Facility closure. 42 CFR 483.15(c)



# Involuntary Discharge: Resident Rights (cont.)

- ▶ Must receive written notice, in a language and manner that the Resident or Resident's representative can understand, 30 days before eviction
  - ▶ Reason for the transfer or discharge
  - ▶ Effective date of discharge
  - ▶ Location to which the resident will be transferred or discharged
  - ▶ Right to appeal
  - ▶ Name, address, and phone number of LTCO Office
- ▶ May remain in facility while appeal is pending

# Involuntary Discharge Portal for SNF's

- ▶ Welcome to The Connecticut Long Term Care Involuntary Discharge Web Portal. On this site you will be able to upload and submit all of your routine monthly discharge notifications as well as your involuntary 30-day discharge notifications. To get started click “Nursing Facility” on the top menu to create and access your nursing facility. To Access the User Manual Please click [here](#).
- ▶ Link to Current User Manual: <https://portal.ct.gov/-/media/LTCOP/PDF/WEBPORTAL/LTCOP-INV-Transfer-Website-Help-Manual-For-Facility-Staff-V1-11-2-21.pdf>

# Contact Information

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Long-term Care Ombudsman's Office

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**Coalition for Elder Justice in Connecticut**

[www.elderjusticect.org](http://www.elderjusticect.org)