



# **Failing New York's Family Caregivers and Loved Ones in Nursing Homes**

## **Governor Hochul's Long Term Care Ombudsman Program Remains Under-Funded**

- Nearly 80% of New York City's nursing homes and other adult care facilities failed to receive a single visit from New York's federally required adult care oversight program during a three-month period in 2022
- And it wasn't much better on Long Island or the rest of the state
- **The ombudsman program does not even meet the program's definition of a regular ombudsman presence, which is considered weekly coverage, because only 9% of all facilities received a weekly visit from an ombudsman**
- The program has been plagued for years with insufficient funding
- **Unfortunately, Governor Hochul's state budget proposal did not include any new funding for the Long Term Care Ombudsman Program so it can do its job and help protect some of our state's most vulnerable citizens**

### **Background**

Under the federal Older Americans Act (OAA), every state is required to operate a Long Term Care Ombudsman Program (LTCOP) that addresses complaints and advocates for improvements in the long-term care system. In New York, the State Office for Aging (SOFA) houses our LTCOP.

With adequate funding and staff, the ombudsman program can be an effective advocate and resource for caregivers and their loved ones who live in nursing homes, assisted living, and other licensed adult care homes. **There are 1,400 such facilities statewide, including more than 500 in New York City and on Long Island.** LTCOP is supposed to be the voice of the frail in our institutions, helping residents and caregivers understand and exercise residents' rights and intervening to help protect residents by resolving specific quality-of-care issues.

### **The Problem**

The pandemic has shined a light on many serious quality care issues in New York's long-term care facilities, from abuse, neglect, and exploitation of residents to administrative shortcomings, poor maintenance and failure of staff to provide high quality care. **New York's LTCOP is not able to work effectively at current state funding levels.**

Many facilities do not get visited, and therefore resident concerns do not get addressed. The program currently relies overly on volunteers and not professional staff, limiting its ability to meet the demand for services and care by long-term care facilities' residents. The majority of LTCOP program volunteers are older, and therefore more vulnerable to COVID-19 or other infectious diseases themselves.

The latest data from SOFA clearly show the program is failing due to lack of funding and staff issues. The program is nowhere near conducting regular visits to all 1,400 facilities or achieving the program's own stated goal of one full-time employee for every five facilities for weekly coverage. In fact, even before the COVID pandemic hit, audits conducted by both the New York State<sup>1</sup> and New York City<sup>2</sup> comptrollers substantiated the dire need for additional professional staff.

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<sup>1</sup> NYS Comptroller Report <https://www.osc.state.ny.us/files/state-agencies/audits/pdf/sga-2020-18s48.pdf>

<sup>2</sup> NYC Comptroller Report <https://comptroller.nyc.gov/wp-content/uploads/documents/Ombudsman-Report.pdf>

The LTCOP program is divided into 15 regions. The following chart shows the 15 regions by the highest percentage of facilities that received no visits by the program during the federal fiscal year’s third quarter of 2022, April 1 through June 30, the most recent period for which data is available. Statewide, 52% of all facilities did not receive an ombudsman visit at all during that period and only 9% of all facilities had a regular ombudsman presence, which is considered weekly coverage.

Region	Counties	# of Adult Care Facilities	% of Facilities Receiving No Visits *	% of Facilities Receiving Weekly Visits (Standard)* *
3	New York City (Bronx, Kings, New York, Queens Richmond)	299	78.60%	1.34%
13	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates	128	64.06%	8.59%
2	Nassau	105	60.96%	9.52%
4	Putnam, Rockland, Westchester	122	59.84%	2.46%
5	Columbia, Dutchess, Greene, Orange, Sullivan, Ulster Counties	110	58.19%	2.73%
15	Cattaraugus, Chautauqua, Erie, Niagara	121	57.02%	7.44%
6	Albany, Fulton, Hamilton, Warren, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Washington	103	50.49%	4.85%

1	Suffolk	130	41.54%	29.23%
11	Broome, Chenango, Delaware, Tioga	49	22.45%	4.08%
14	Allegany, Steuben	22	4.55%	4.55%
12	Chemung, Schuyler, Tompkins	23	4.35%	39.13%
10	Cayuga, Cortland, Onondaga, Oswego	63	3.17%	23.81%
7	Clinton, Essex, Franklin	23	0.00%	26.09%
8	Jefferson, Lewis, St. Lawrence	16	0.00%	0.00%
9	Herkimer, Madison, Oneida, Otsego	50	0.00%	16.00%

**Source:** NYSOFA quarterly reports

<https://aging.ny.gov/system/files/documents/2023/01/statewide-visits-by-region-quarter-3-ffy2022.pdf>

**\* Note:** Chart is organized by rates of no visits

**\*\*A standard set by the ombudsman program states that regular presence is considered weekly coverage.**

**Data Reference:** See all adult care facilities in NYS by region that did not receive a visit

<https://aging.ny.gov/system/files/documents/2023/01/ltpop-statewide-facility-no-visits-04-01-22-through-09-30-22.pdf>

**Data Reference:** See adult care facilities in NYS by region that did receive a visit

<https://aging.ny.gov/system/files/documents/2023/01/ltpop-statewide-facility-visits-report-04-01-22-through-09-20-22.pdf>

### **Resources Needed to Move Forward**

LTCOP volunteers are restricted in the scope as well as the number of facilities they can visit. This limits the program’s ability to cover all facilities.

The program needs more professional staff to conduct weekly visits so all facilities can have a regular ombudsman presence, which would undoubtedly improve the care residents receive.

That requires one full-time employee for every five facilities for weekly coverage. A \$15 million increase in the next state budget would add 235 full-time employees to conduct regular and consistent weekly visits. Such an increase would bring the State's annual investment in LTCOP to \$19.4 million, up from the current \$4.4 million.

**The residents of our nursing homes and other adult care facilities need leadership from Governor Hochul on this issue. Unfortunately, in her 2023-24 Executive Budget, the Governor did not include a much-needed additional investment in our Long Term Care Ombudsman Program.** It is unacceptable to AARP that LTCOP cannot do its job and be the voice of the frail in our institutions, helping residents and caregivers understand and exercise residents' rights and resolving quality-of-care issues. **A final state budget must include the necessary funds for this program to succeed.**

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