



Failing New York's Nursing Home Residents and their Caregivers: Governor Hochul's Long Term Care Ombudsman Program Remains Under-Funded

Over 96% 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 in the first three months of this year.

And it wasn't much better on Long Island or the rest of the state.

The program has been plagued for years with insufficient funding.

Next year's State Budget must include an investment in our 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 older adults and people with disabilities who live in nursing homes, assisted living, and other licensed adult care homes. LTCOP is supposed to be the voice of the frail in our institutions, helping residents, family members and caregivers understand and exercise residents' rights and intervening to help protect residents by resolving specific resident quality-of-care issues. LTCOP should act as the eyes and ears of residents and their families in 1,400 facilities statewide.

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 State¹ and New York City² Comptrollers substantiated the dire need for additional professional staff.

The LTCOP program is divided into 15 regions. The following chart shows the seven regions with the highest percentage of facilities that received no visits by the program during the first quarter of this year, January 1, 2022 through March 31, 2022, the most recent period for which data is available. Statewide, 58.52% of all facilities did not receive an ombudsman visit at all during that period.

<u>Region</u>	<u>Counties</u>	<u># Adult Care Facilities</u>	<u>% of Facilities Receiving No Visits</u>
2	Nassau	100 Facilities	55.88%
3	New York City (Bronx, Kings, New York, Queens, Richmond)	301 Facilities	96.36%
4	Putnam, Rockland, Westchester	127 Facilities	78.57%
6	Albany, Fulton, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington Counties	104 Facilities	57.69%

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

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

11	Broome, Chenango, Delaware, Tioga	51 Facilities	67.67%
13	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates	136 Facilities	72.73%
15	Cattaraugus, Chautauqua, Erie, Niagara	120 facilities	53.33%

Source: NYSOFA quarterly reports <https://aging.ny.gov/system/files/documents/2022/08/ltcop-statewide-visits-by-region-quarter-2-ffy-2022.pdf>

- **Data Reference:** See all adult care facilities in NYS by region that did not receive a visit in the last quarter of 2021 and first quarter of 2022:
<https://aging.ny.gov/system/files/documents/2022/09/statewide-facility-visits-no-visits-report-10-01-21-through-03-31-22.pdf>
- **Data Reference:** See adult care facilities in NYS by region that did receive a visit:
<https://aging.ny.gov/system/files/documents/2022/08/ltcop-statewide-visits-by-region-quarter-2-ffy-2022.pdf>

A First Step

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 the Governor's help. The Governor should include in the 2023-24 Executive Budget that will be released early next year a \$15 million additional investment in our Long-Term Care Ombudsman Program. It would be an injustice to allow some of our state's most vulnerable residents to continue to languish without access to the quality care and oversight they deserve.

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