

HAWAII LONG-TERM CARE OMBUDSMAN PROGRAM

Advocates

For Long-Term
Care Residents

JABSOM
Geriatric Clinic ECHO Series
January 8, 2025

John G. McDermott, LSW, ACSW, M.Div.

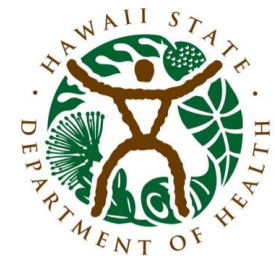
State Long-Term Care Ombudsman

808-586-7268 1-888-229-2231

www.hi-ltc-ombudsman.org



EOA | EXECUTIVE
OFFICE
ON AGING



OUR MISSION:

To protect the human and civil rights of Hawaii's aging/disabled population who reside in licensed/certified long-term care settings through the provision of culturally sensitive advocacy



Functions of an Ombudsman



- Identify, investigate, and resolve complaints
- Protect health, safety, welfare, and rights of residents
- Inform residents/families about obtaining services by providers or outside agencies
- Provide technical support to Resident and Family Councils
- Ensure residents have “*regular and timely access*” to services (quarterly visits)
- Represent interests of residents before governmental agencies
- Analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations and other governmental policies and actions

Levels of Care (LOC)



- Acute: Hospital
- Skilled: Nursing Home, CCFFH, Expanded ARCH or “Going Home Plus” (DHS)
- Intermediate Care: Nursing Home, CCFFH, Expanded ARCH
- Custodial: ARCH or Adult Day Care/Respite Care
- Assisted Living - Combination
- Independent: Group home, boarding home, senior home, own home





Types of Long-Term Care Settings



WARNING: "Aging in Place Homes" HB1911 passed (Act 148 signed July 6, 2018)

Nursing Homes (ICF/SNF)

Community Care Foster Family Homes (CCFFH)

Adult Residential Care Homes

Expanded Adult Residential Care Homes

Assisted Living Facilities

Group Homes/Independent Living

Home Health Agencies

Department of Health website

• <https://health.hawaii.gov/about/health-topics/#health-care-facility>

- **HEALTH CARE FACILITY REGULATION**
- [Home Care Agency Licensing Information](#)
- [Office of Health Care Assurance](#)
- [Licensing Regulations](#)
- [State Licensing Section](#)
- [Medicare Facilities](#)
- [Durable Medical Equipment Supplier Licensing](#)
- [How to Obtain a Background Check](#)
- [Healthcare Facility Inspection Reports](#)
- [Special Requests for CCFFH](#)
- [SHPDA](#)



HAWAII STATE
DEPARTMENT
OF HEALTH





Duplicating Services?

- *Adult Protective Services*
- *Office of Health Care Assurance – Annual Surveys*

Residents Rights

- A Facility MUST protect and ***promote*** the rights of each resident!!
- Dignified existence / *Homelike Environment*
- Self-determination
- Communication/access
- Exercise rights as a citizen of USA
- Free from interference, coercion, discrimination and reprisal
- **Even if adjudicated incompetent, facility must respect the resident's wishes to the maximum extent practicable**
- Facility must inform residents of their rights in writing and orally in a language resident understands
- Resident has right to access ALL records pertaining to him/herself and purchase copies





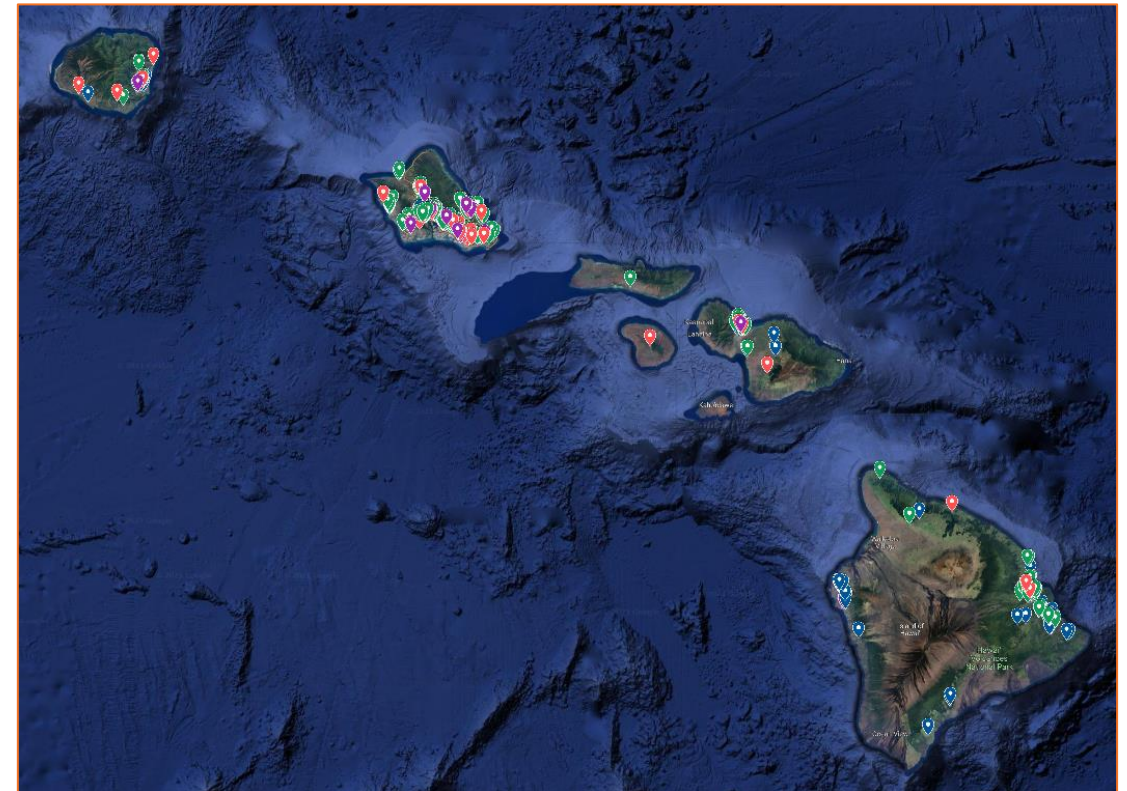
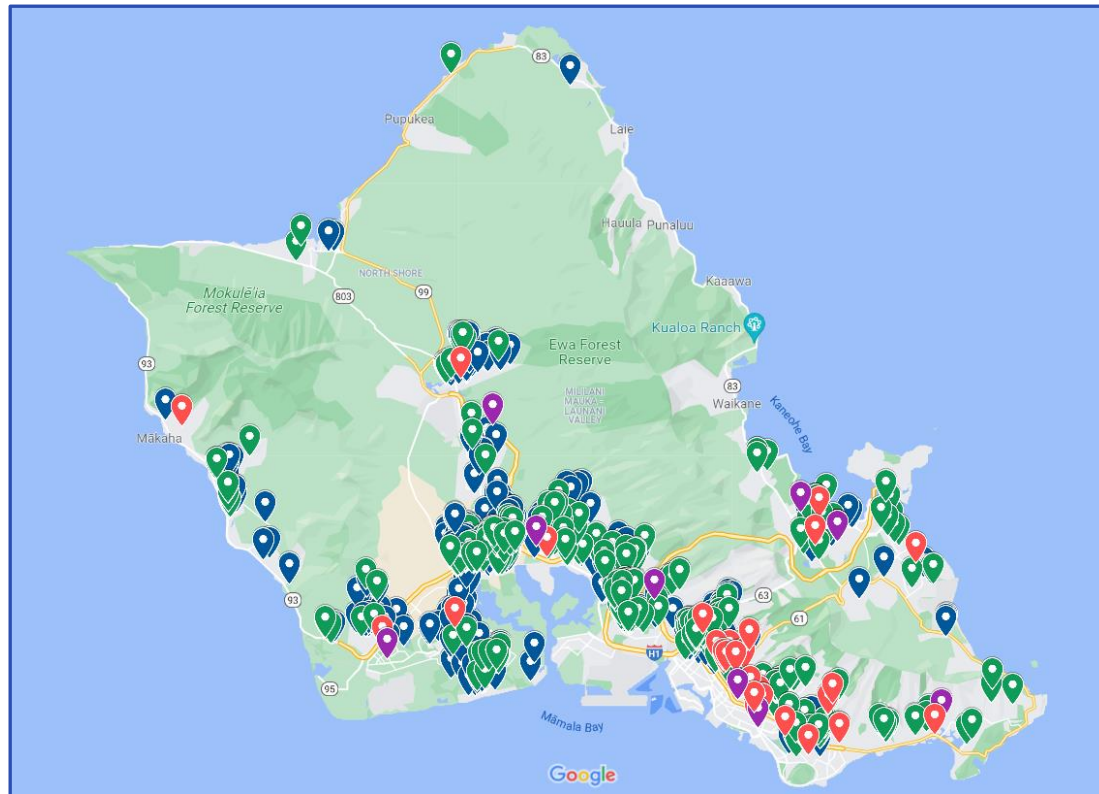
COVID-19 Issues



- Effects of Social Isolation
- Staffing Challenges
- Personal Belongings
- Vaccine and “Informed” Consent
- COVID Outbreak Clusters
- Re-entry and Visitation Policy
- Testing for COVID-19
- PPE Supplies (for Community Based Facilities)
- DOH/OHCA website – Leadership Role
- **Transfer Trauma**
- Solitary Confinement for 2+ years



Why We Need Representatives for Hawaii's Long-Term Care Residents





Long-Term Care Facilities and Beds

Total Statewide LTC
Facilities & Beds



1,779



12,895

	Hawaii Island		Kauai		Maui		Oahu		TOTAL	
	Facilities	Beds	Facilities	Beds	Facilities	Beds	Facilities	Beds	Facilities	Beds
Swing	2	32	2	10	3	26	1	21	8	89
NF	7	772	5	333	4	549	30	2,874	46	4,438
ALF	1	123	1	100	1	144	14	2,226	17	2,593
CCFFH	122	327	23	44	59	154	1,047	2,665	1,251	3,190
ARCH	42	193	5	26	13	76	397	2,290	457	2,581
	174	1,447	36	513	80	859	1,489	10,076	1,779	12,895



Hawaii's Long-Term Care Residents

60 days/quarter = 29.65/day!

Total Statewide LTC
Facilities & Beds



1,779



12,895

Facilities	Facility Type	Beds
8	CAH/Swing Units	89
46	Nursing Homes	4,438
17	Assisted Living Facilities	2,593
1,251	Community Care Foster Family Homes	3,190
457	Adult Residential Care Homes (ARCH), Expanded, Type I and II	2,581

Total Community-based Facilities: 1,725 with Beds 8,364

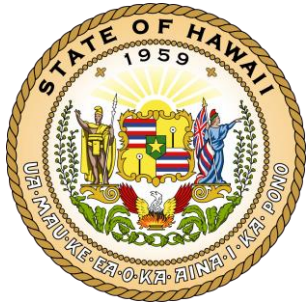


LTCO Program Staffing

- 1 State LTC Ombudsman – *John G. McDermott 8/5/98*
- 1 Oahu Ombudsman Specialist – *eliminated in 2015 EOA re-org Jan Mori 8/1/23*
2017 Legislature \$ restored. Not posted by DOH until October 26, 2021 - 4 years later!!
- 1 LTCO Volunteer Coordinator – *Lynn Niitani 10/23/17*
- ~~1 Clerical Support~~ *eliminated by EOA 2005*
- LTCOP Federal mandate 1978 - State mandate 1979
- 2022 VICTORY!! Neighbor Islands waited 44 years!!

National Institute on Medicine (1995) MINIMUM Staff

Recommendation: 1 for 2,000 (HI: 12,895)



FFY 2017 State Ombudsman Staffing

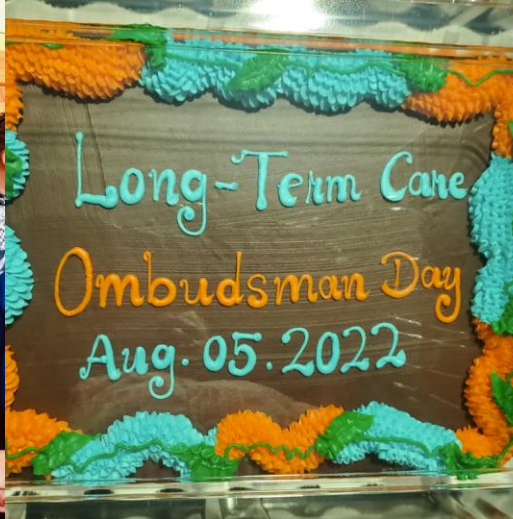
Alaska	5 FTE	Montana	19.72 FTE
Delaware	5 FTE	New Hampshire	5 FTE
D.C.	7 FTE	North Dakota	6.5 FTE
Hawaii	1 SLTCO + 1 VC	Rhode Island	6.15 FTE
Idaho	10 FTE	South Dakota	7 FTE
Maine	13.67 FTE	Vermont	6.6 FTE
		Wyoming	4 FTE



Neighbor Island Staff

- \$75,000 2-year grant from 2017 Legislature for 3 P/T positions
- *Originally* \$25,000 per Neighbor Island County
- \$75,000 to restore Oahu F/T permanent ombudsman
- **2022 Governor Ige approved funding for 5 additional positions**

Island	Contracted Ombudsman	Hours/Week
Maui	<i>Kristell Corpuz</i> (resigned)	March 1, 2024
Kauai	<i>Vacant</i>	
Hilo	<i>Wesley Tanigawa</i> (resigned)	May 1, 2024
Kona	<i>Vacant</i>	
Oahu	<i>Jomel Duldulao</i> (resigned) Jan Mori	





*Certified Ombudsman



"You make a living by what you get.
You make a life by what you give."

~ Winston Churchill

Protect Hawaii's Most Vulnerable Population

Provide confidential counseling to residents and their families

Advocate with legislators, facilities, and communities to ensure the care of Hawaii's kupuna remains a priority

For information or to volunteer with LTCOP

808-223-0468 808-586-7291
lynn.niitani@doh.hawaii.gov

The State Long-Term Care Ombudsman

The State Long-Term Care Ombudsman (SLTCO) works with Certified Volunteers to investigate, report, and resolve quality of care/life issues to protect residents in a long-term care facility.

Licensed/Certified facilities:

- Nursing homes
- Adult residential care homes
- Assisted living facilities
- Community care foster family homes

Contact the Hawaii SLTCO for a personal consultation

808-586-7268

john.mcdermott@doh.hawaii.gov

EOA | EXECUTIVE OFFICE ON AGING

Hawaii State Department of Health
Executive Office on Aging
250 S. Hotel St. Suite 406
Honolulu, HI 96813-2831
health.hawaii.gov/eoa/

MAKE A DIFFERENCE
VOLUNTEER TODAY



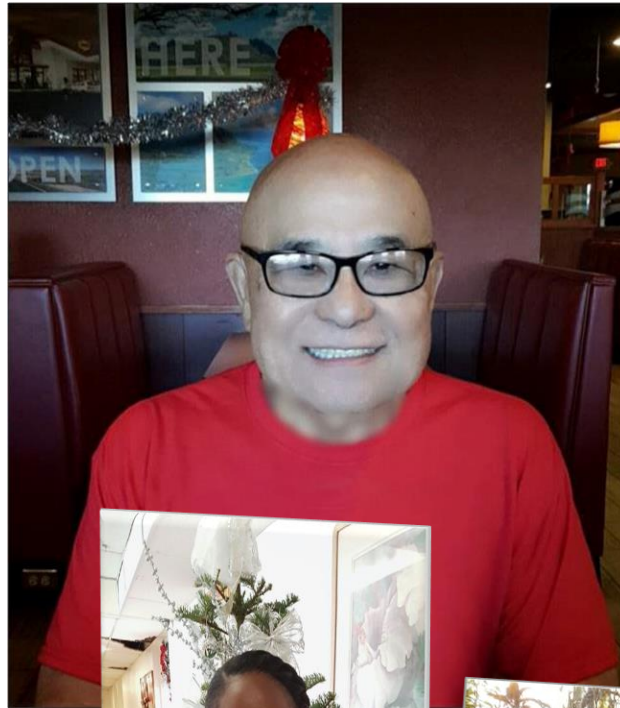
Be a Voice for Hawaii's Long-Term Care Residents



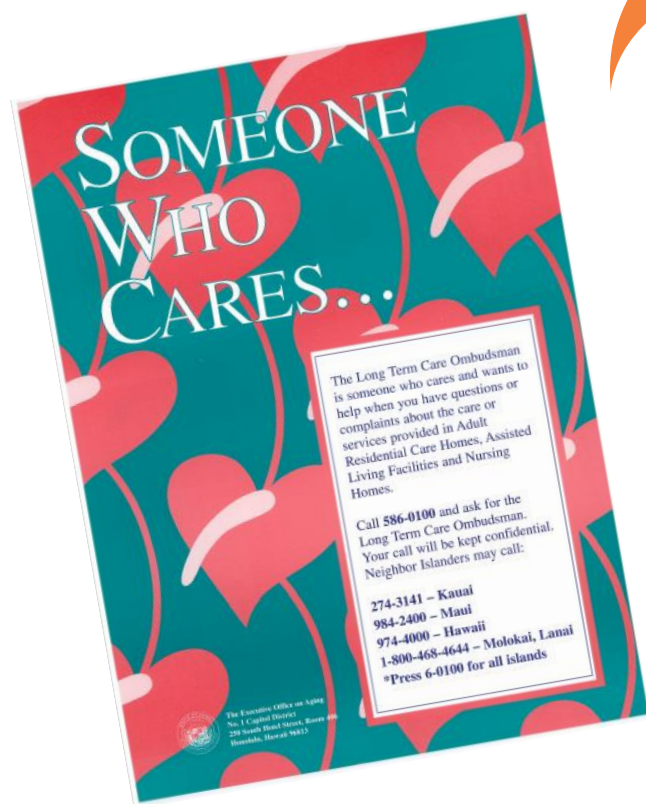
HAWAII LONG-TERM CARE
OMBUDSMAN
SOMEONE WHO CARES

How to Become A “Certified” Ombudsman Representative

- Written Application
- Criminal Background Check
- TB Clearance
- 40 hours of classroom training
- 8 hours of on-site training @ facility
- Certification.....MAHALO!!



New printed materials to increase access to the Ombudsman



SOMEONE WHO CARES

STATE LONG-TERM CARE OMBUDSMAN PROGRAM



Your Voice Matters Call Your Local Ombudsman
1-888-229-2231 Info@hl-ltc-ombudsman.org

All Inquiries Are Confidential

State Certified Ombudsmen help to resolve concerns about your loved one's care in a Nursing Home, Adult Residential Care Home, Assisted Living Facility, or Community Care Foster Family Home.

Be Someone Who Cares  Be A Volunteer Today!

 **EOA** EXECUTIVE OFFICE ON AGING

This project was supported by a grant from the U.S. Administration for Community Living, Department of Health and Human Services. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.

Community Resource Flyers by County

GOT A CONCERN? LONG-TERM CARE (LTC) SERVICES ON OAHU



Hawaii Long-Term Care Ombudsman
Information & Assistance with LTC Residents' Rights

Department of Health Office of Health Care Assurance
601 Kamokila Blvd. Rm 361, Kapolei, 96707

- Skilled Nursing Facility
- Adult Residential Care Home, Assisted Living Facility or Community Care Foster Family Home

Community Ties of America - Hawaii Comties.com
Licensing and Complaints of Case Management Agencies and Community Care Foster Family Homes



Med-QUEST Division Helpline MedQUEST.hawaii.gov
4473 Pahee St. Ste A, Lihue, 96766
Medicaid Eligibility and Benefits

GOT A CONCERN? LONG-TERM CARE (LTC) SERVICES ON MAUI



State Long-Term Care Ombudsman
Information & Assistance with LTC Residents' Rights 1-888-229-2231

Department of Health Office of Health Care Assurance
601 Kamokila Blvd. Rm 361, Kapolei, 96707

- Skilled Nursing Facility
- Adult Residential Care Home, Assisted Living Facility or Community Care Foster Family Home

Community Ties of America - Hawaii Comties.com
Licensing and Complaints of Case Management Agencies and Community Care Foster Family Homes



GOT A CONCERN? LONG-TERM CARE (LTC) SERVICES ON KAUAI



State Long-Term Care Ombudsman
Information & Assistance with LTC Residents' Rights 1-888-229-2231

Department of Health Office of Health Care Assurance
601 Kamokila Blvd. Rm 361, Kapolei, 96707

- Skilled Nursing Facility
- Adult Residential Care Home, Assisted Living Facility or Community Care Foster Family Home

Community Ties of America - Hawaii Comties.com
Licensing and Complaints of Case Management Agencies and Community Care Foster Family Homes



Med-QUEST Division Helpline MedQUEST.hawaii.gov 808-241-3575
4473 Pahee St. Ste A, Lihue, 96766
Medicaid Eligibility and Benefits

Livanta Helpline LivantaQIO.com 1-877-588-1123
9090 Junction Dr. Ste 10, Annapolis Junction, MD 20701
Discharges/Benefits Appeals and Immediate Help for Complaints

GOT A CONCERN? LONG-TERM CARE (LTC) SERVICES ON BIG ISLAND



State Long-Term Care Ombudsman 1-888-229-2231
Information & Assistance with LTC Residents' Rights

Department of Health Office of Health Care Assurance
601 Kamokila Blvd. Rm 361, Kapolei, 96707

- Skilled Nursing Facility 808-692-7420
- Adult Residential Care Home, Assisted Living Facility or Community Care Foster Family Home 808-692-7400

Community Ties of America - Hawaii Comties.com 808-234-5380
Licensing and Complaints of Case Management Agencies and Community Care Foster Family Homes



Med-QUEST Division Helpline MedQUEST.hawaii.gov

- 1404 Kilauea Ave., Hilo, 96720 808-933-0339
- 75-5591 Palani Rd. Ste 3004, Kailua-Kona, 96740 808-327-4970

Medicaid Eligibility and Benefits

Livanta Helpline LivantaQIO.com 1-877-588-1123
9090 Junction Dr. Ste 10, Annapolis Junction, MD 20701
Discharges/Benefits Appeals and Immediate Help for Complaints

Adult Protective & Community Services

- 1055 Kinole St. Ste 201, Hilo, 96720 808-933-8820
- 75-5995 Kuekini Hwy. Ste 433, Kailua-Kona, 96740 808-327-4280

Legal Aid Society of Hawaii LegalAidHawaii.org 1-800-495-4302
Legal Counseling and Assistance

Hawaii Disability Rights Center 1-800-682-1057
1132 Bishop St. Ste 2102, Honolulu, 96813
Enforcement of Disability Rights and Protection from Disability-Based Discrimination

Social Security Administration SSA.gov 1-800-772-1213
111 E. Puuinaho St. Ste 710, Hilo, 96720
Social Security Benefits and Medicare Enrollment

Hawaii State Health Insurance Assistance Program (SHIP) 1-888-875-9229
Medicare Eligibility and Benefits HawaiiSHIP.org

Senior Medicare Patrol (SMP) Hawaii 1-800-296-9422
Report Medicare Fraud and Scams SMPHawaii.org

Aging and Disability Resource Center (ADRC) HawaiiADRC.org
• 1055 Kinole St. Ste 101, Hilo, 96720 808-961-8626
• 74-5044 Ana Mechohokole Hwy. Bldg B, Kailua-Kona, 96740 808-323-4390
Community Support Services

Veterans Administration - Patient Advocate HawaiiVA.gov 808-433-0760



This project was funded by a grant from the U.S. Administration for Community Living, Department of Health and Human Services. It is not an endorsement of any product or service mentioned herein. The views expressed are those of the grantee and do not necessarily reflect those of the funding agency.



Concerning (LEGAL) trends and challenges

- Guardianship problems – jamming up hospitals
 - OPG needs tweaking – volunteers?
- Wahiawa NH – canary in mineshaft? “Certificate of NO Need?”
- Home Health staff shortages – can’t discharge
- POA as weapon against siblings (Ann Pearl) – DPOAHC NOT the same
- ESL residents labeled as difficult – communication failure
- CMAs done by RNs instead of SWs – a problem
- Facility SWs used as bouncers
 - Insurance providers practicing medicine without a license?
- Residents (FA) needing POAs but have NO ONE to ask



Concerning (LEGAL) trends and challenges

- AIPHS – UNLICENSED and ILLEGAL – go after referral source (MDs, RNs)
- COVID Pandemic – ARCHs/CCFFHs needed more help. Not part of HAH or CMS
- LTC Insurance not consistently covering CCFFHs – READ policy!
- RN professors needed to train LPNs – virtual mentorship?
- Can condo kids be paid to care for condo kupuna?
- No place for seniors with serious mental health behaviors. Spouses stuck
 - Maui Memorial – Police Dept – beds needed for violent dementia spouses
- Can Medicaid pay for ALFs? ... other way around!
- COVID impact on staffing from Philippines and elsewhere?
- Use [zoom] technology to connect more teachers from anywhere in U.S. to more Hawaii students (RNs, CNAs, LPNs)
- CCFFHs reimbursement: $\$1,442.90 + \$46.06/\text{day} = \$2,824.70/\text{mo.}$
 - Same rate since 2006! - Bankruptcy case -



Concerning (LEGAL) trends and challenges

- Illegal Discharges (hotels, IHS, boarding home, mother's house, YMCA) – Livanta - NFs have the power. Residents don't know their rights.
- Insurance determining discharge/treatment instead of doctor and medical staff (Luigi Mangione)
- Kaiser – 18 minutes per patient visit!!
- Five Allowable Reasons for Discharge
- Where have all the pro bono attorneys gone?
- Can pro bono attorneys get paid by NF if they win case? Deterrent. Not in federal law and not in HRS
- Using Facebook/internet to attack NFs. HIPPA? Libel? Free speech?
- TM eviction from mom's home. Legal Aid contract.
- Notary law – conflicts of interest?
- “Danger” to residents/staff ... really? Refusal to readmit after stabilized. Bounced from NF to acute to NF to acute!!
- Need staff to be PRO-Active: Can't sleep – tossed water, verbal threats, wrapped cord around neck
- PNA HB960 \$50 > \$75/mo. started October 1st. DHS never notified NFs!



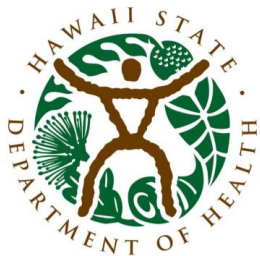
Mahalo!

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