California Long-Term Care Ombudsman Program

Federal Fiscal Years 2023-24
Annual Advocacy Report

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our mission

seek resolution of problems and advocate for the rights of residents of long-term care facilities with the goal of ensuring their dignity, quality of life, and quality of care.

introduction

The Office of the State Long-Term Care Ombudsman (OSLTCO) Annual Advocacy Report serves to inform the Assistant Secretary of the federal Administration on Aging, the Governor, the California Legislature, the California Department of Public Health, the California Department of Social Services, and the public about the program's achievements over the past year. By presenting key data, best practices, and strategic initiatives, this report highlights how the Long-Term Care Ombudsman Program continues to safeguard the health, safety, welfare, and rights of long-term care residents, ultimately enhancing their care and quality of life.

Of special note, just prior to the start of the Federal Fiscal Year (FFY) on September 1, 2023, following extensive interagency and interdisciplinary collaboration among federal, state, and local governments, elected officials, and stakeholders – including the San Francisco Long-Term Care Ombudsman team – the Centers for Medicare & Medicaid Services (CMS) officially recertified Laguna Honda Hospital on August 16, 2023.

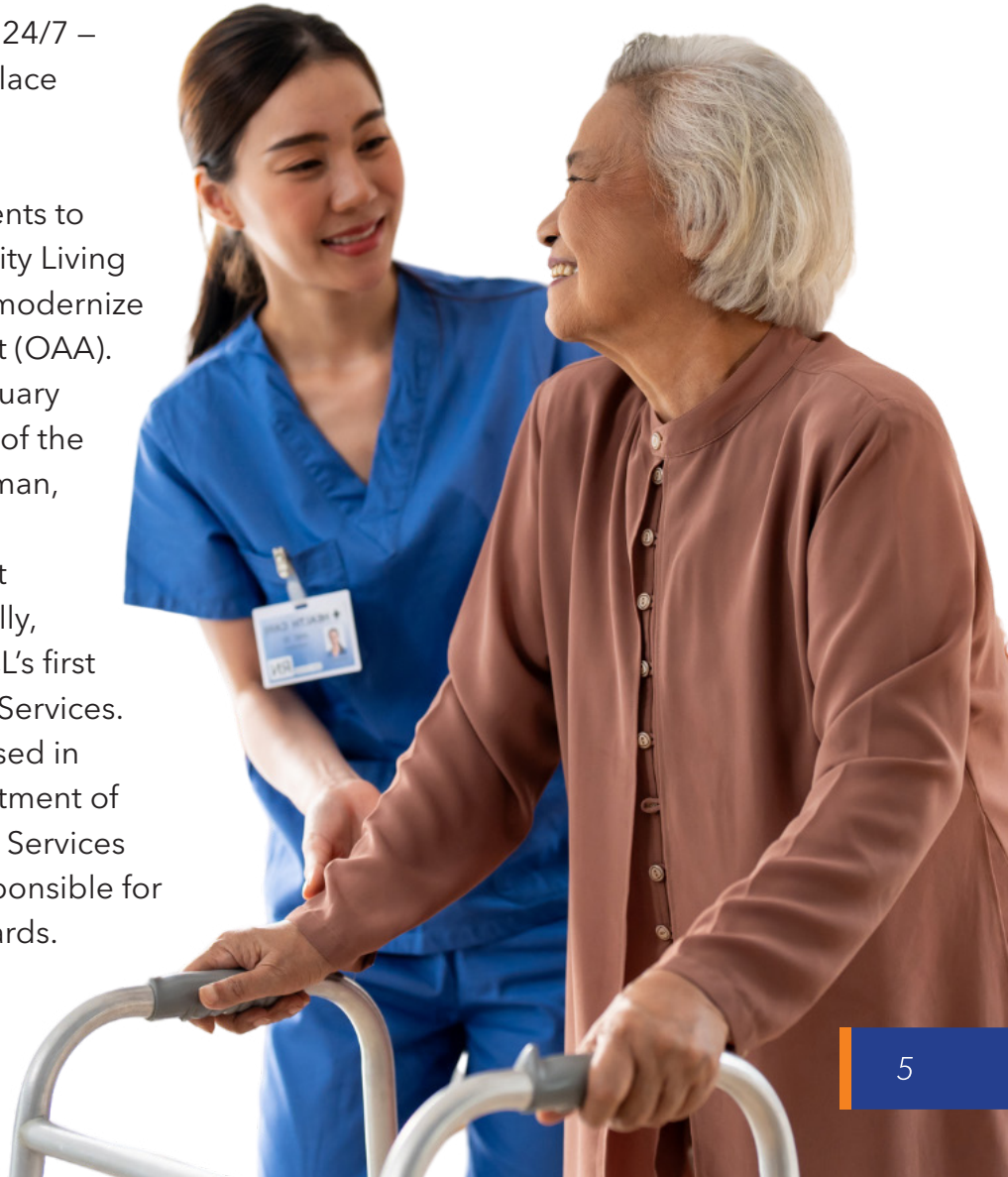
The State Long-Term Care Ombudsman plays a critical role in advocating for policies that enhance the quality of care in skilled nursing and assisted living facilities at both the federal and state levels. In 2024, in collaboration with leading aging and disability advocacy organizations – including Justice in Aging (JiA), Disability Rights California, California Advocates

for Nursing Home Reform (CANHR), the California Long-Term Care Ombudsman Association (CLTCOA), and the National Association of State Ombudsman Programs (NASOP) – OSLTCO submitted recommendations to CMS and the Administration for Community Living (ACL) to strengthen federal regulations and ensure residents' rights remain a priority.

As part of this advocacy, OSLTCO provided input on the first-ever CMS proposed rule for Minimum Staffing Standards for Nursing Homes. The final regulations, published in April 2024, mandate that all skilled nursing facilities have a registered nurse on staff 24/7 – a requirement not currently in place in California.

OSLTCO also submitted comments to the Administration for Community Living (ACL) on proposed updates to modernize the federal Older Americans Act (OAA). The final rule, published in February 2024, strengthens the authority of the State Long-Term Care Ombudsman, ensuring OSLTCO can continue advocating for residents without unnecessary barriers. Additionally, California provided input on ACL's first regulations for Adult Protective Services. The final regulations were released in May 2024. The California Department of Social Services' Adult Protective Services program is the lead agency responsible for implementing these new standards.

Long-Term Care Ombudsman representatives remain committed to amplifying residents' voices and advocating for their rights. While federal and state-level efforts drive systemic change, the most impactful work occurs at the community level, where local Ombudsman programs provide direct support to residents. The Federal Fiscal Year 2023-24 Annual Advocacy Report highlights the dedication of over 600 LTC Ombudsman staff and volunteers who empower residents and their families to exercise their rights every day.



what we accomplished

During 2023 and 2024, the State Long-Term Care Ombudsman program focused heavily on policy advocacy, rolling out an updated quality review process and expanding support to recruitment and training efforts. Below are some examples of key initiatives and actions taken by OSLTCO on behalf of residents and local long-term care ombudsman programs during the reporting period.

Long-Term Care Ombudsman Program Activities in FFY 2023	Long-Term Care Ombudsman Program Activities in FFY 2024
574 Community Education Sessions	**751** Community Education Sessions
195 Surveys Completed	**288** Surveys Completed
68,562 Facility Visits	**69,645** Facility Visits
94,657 Instances of Information and Assistance Provided to Individuals	**84,167** Instances of Information and Assistance Provided to Individuals
22,684 Instances of Information and Assistance Provided to Facility Staff	**34,282** Instances of Information and Assistance Provided to Facility Staff
43,820 Complaints Investigated	**34,864** Complaints Investigated
52% Complaint Resolution Rate (percentage of complaints resolved partially or completely to the satisfaction of the resident)	**54%** Complaint Resolution Rate (percentage of complaints resolved partially or completely to the satisfaction of the resident)
2,319 Resident Council Meetings Supported	**2,924** Resident Council Meetings Supported
174 Family Council Meetings Supported	**213** Family Council Meetings Supported
175 Facility Staff Trainings	**275** Facility Staff Trainings
23,511 CRISISline Calls Received	**21,724** CRISISline Calls Received

state level advocacy

California's Office of the State Long-Term Care Ombudsman (OSLTCO), the statewide network of LTC Ombudsman programs and resident advocates joined together to actively support needed state and federal efforts to improve the quality of care provided to long-term care residents. OSLTCO shared program data, testified, and submitted letters in support of or in opposition to impactful legislation proposed during the two-year session. OSLTCO also submitted comments to the federal Centers for Medicare and Medicaid Services (CMS) and Administration for Community Living (ACL). Here are the key initiatives in 2023 and 2024 and the actions OSLTCO took on behalf of residents and local long-term care programs.

State Agency Coordination

OSLTCO invested significant time and effort during this reporting period to strengthen collaboration with key state agency partners with influence over long-term care facility operations and resident care. Partnerships were formalized with the signing of no fewer than five memoranda of understanding between the OSLTCO and agency partners. These included formal MOUs with the California Department of Public Health; Department of Justice, Medical Fraud and Elder Abuse Division; Department of Developmental Services; Department of Corrections and Rehabilitation; and the first-ever MOU with Adult Protective Services. Ombudsman representatives also participated in the first Adult Protective Services' Multi-Disciplinary Team Conference. At the time of writing, OSLTCO is currently revisiting a three-year MOU with the Department of Social Services.

legislative advocacy

OSLTCO, the statewide network of LTC Ombudsman programs, and resident advocates focused their advocacy efforts on multiple legislative initiatives during the 2023-24 legislative session. As a result of these efforts, several notable outcomes were achieved that promise to protect and expand residents' rights and strengthen the state's long-term care system. The following is a summary of key initiatives the OSLTCO advocated for and against during the recent session:

Senate Bill 1354 (Wahab) – Passed: Chapter 339, Statutes of 2024

Payment Source Discrimination

This law mandates that long-term health care providers participating in the Medi-Cal program deliver aid, care, services, and benefits to Medi-Cal beneficiaries in the same manner with the same methods, quality, and level as those provided to all residents regardless of payment source. OSLTCO co-sponsored the bill and testified on the challenges of placing long-term, low-income residents in skilled nursing facilities. Governor Newsom signed it into law.

Senate Bill 1406 (Allen) – Passed: Chapter 340, Statutes of 2024

Residential Care Facilities for the Elderly: Resident Services

This law grants RCFE residents the right to request, refuse, or discontinue services and requires facilities to provide written notice of rate increases at least 90 days in advance, including reasons for the adjustment. Supported by OSLTCO, the bill was passed and signed into law by Governor Newsom.

Senate Bill 1249 (Roth) – Passed: Chapter 337, Statutes of 2024

Revisions to the Older Californians Act

This law authorizes the California Department of Aging to enter into contracts and allows counties to petition for control of local Area Agencies on Aging when they cannot effectively provide Ombudsman services. Supported by OSLTCO, the bill was passed and signed into law by the Governor.

Assembly Bill 2075 (Alvarez) – Defeated

Resident-Designated Support Persons Act

This bill would have provided a resident of a long-term care facility with the right to personal, on-site access to a designated support person or health and social service provider during a public health emergency in which the resident's visitation rights are restricted by state or local order.

This bill was cosponsored by OSLTCO and, despite early broad-based support in committees, was defeated in the Senate. OSLTCO is committed to revisiting this issue in the upcoming legislative session and has identified a potential legislative sponsor.

Assembly Bill 1911 (Reyes) – Defeated

Resident Complaints

AB 1911 proposed reforms to complaint procedures for residential care facilities for the elderly (RCFEs), requiring CDSS to conduct on-site investigations within one business day for complaints alleging imminent danger and to notify complainants within 10 days if an investigation were deemed unnecessary. The bill was ultimately defeated due to concerns over CDSS's capacity to meet these requirements with existing staff resources.

Legislation Opposed by OSLTCO

Senate Bill 875 (Glazer) – Defeated

Residential Care Facilities for the Elderly: Referral Agencies

This bill sought to bring referral agencies under the CDSS licensing framework. OSLTCO opposed it due to insufficient disclosure requirements and financial incentives that could lead to inappropriate nursing home placements. Despite strong industry lobbying, OSLTCO and residents' rights advocates successfully highlighted the bill's flaws, leading to its defeat. OSLTCO plans to pursue revised legislation next year.

amplifying voices

Long-Term Care Ombudsman representatives visit all skilled nursing facilities (SNF), intermediate care facilities (ICF), residential care facilities for the elderly (RCFE), and residential care centers (RCC) on a regular, quarterly basis. These visits are part of routine monitoring and not in response to a specific resident complaint.

Adult residential facilities (ARF) and other facilities such as Intermediate Care Facilities for the Developmentally Disabled and Adult Day programs are visited by Ombudsman representatives in response to complaints of possible physical abuse.

SNF/ICF

1,189 facilities

115,944 beds

RCFE/RCC

7,798 facilities

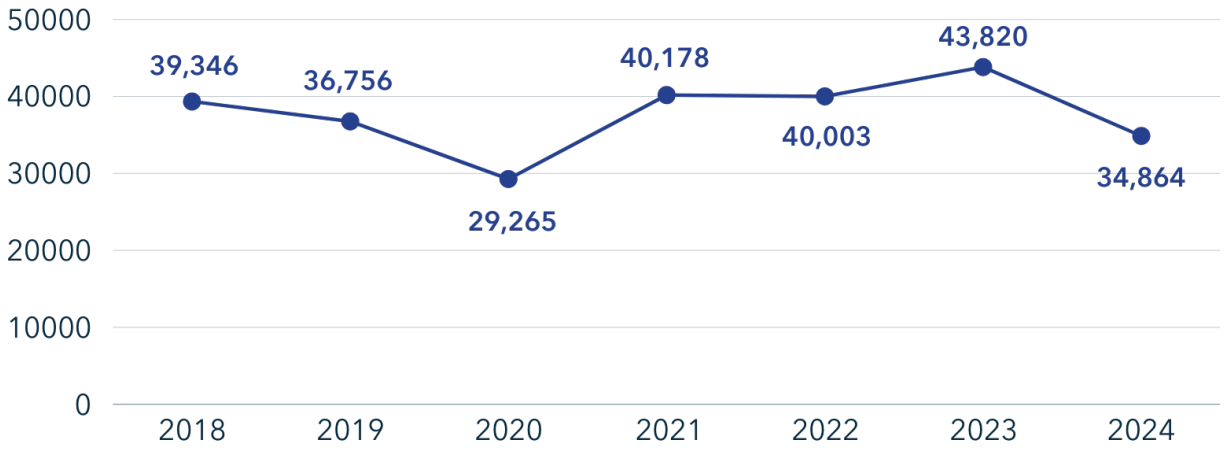
206,274 beds

ARF

5,853 facilities

39,519 beds

The Ombudsman Program saw a 20% decrease in the number of complaints over the previous year. This decrease is partially attributable to program guidance provided by the OSLTCO as well as training efforts focused on properly documenting abuse reports received from mandated reporters. Complementary to this effort is the development of a feature within the program's data management system enabling the capture of these reports as assignments to be investigated prior to opening a case. As a result of these efforts, the overall number of cases opened, and cases withdrawn, declined over the reporting period.



Top 5 Complaints in FFY 2023, All Facility Types

Rank	Complaint Description	Complaints of this Type	% of all Complaints
1	Abuse, Gross Neglect, Exploitation – Abuse: physical	5,835	13%
2	Care – Symptoms unattended	3,045	7%
3	Admission, Transfer, Discharge, Eviction – Discharge or eviction	2,386	5%
4	Abuse, Gross Neglect, Exploitation – Gross neglect	2,327	5%
5	Care – Medications	1,983	5%

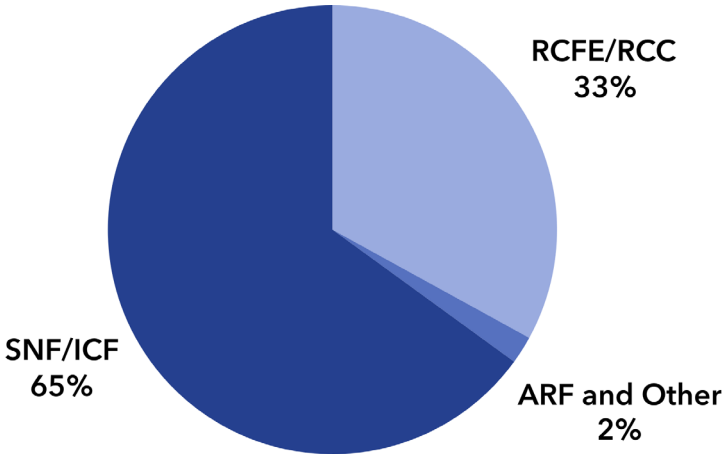
Top 5 Complaints in FFY 2024, All Facility Types

Rank	Complaint Description	Complaints of this Type	% of all Complaints
1	Abuse, Gross Neglect, Exploitation – Abuse: physical	4,848	13.9%
2	Care – Symptoms unattended	2,490	7.1%
3	Abuse, Gross Neglect, Exploitation – Care Planning	2,228	6.4%
4	Admission, Transfer, Discharge, Eviction – Discharge or eviction	2,159	6.2%
5	Abuse, Gross Neglect, Exploitation – Gross Neglect	1,983	5.7%

Total Complaints by Facility Type

Facility	2023	2024
SNF/ICF	29,186	22,915
RCFE/RCC	14,031	11,499
Other	603	450
Total	**43,820**	**34,864**

Total Complaints by Facility Type FFY 2024



OSLTCO Funding and Structure

Staffing and Volunteers in FFY 2023

265 Paid Full- and Part-Time Staff

360 Trained Volunteers

Staffing and Volunteers in FFY 2024

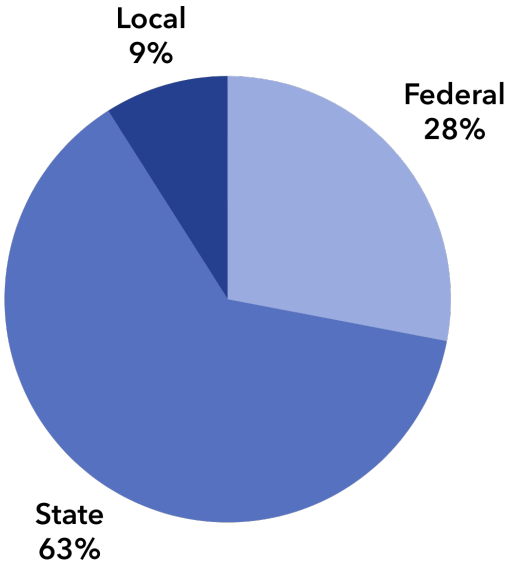
252 Paid Full- and Part-Time Staff

364 Trained Volunteers

Program Expenditures

Source	2023	2024
Federal	$5,310,220	$5,716,986
State	$13,877,574	$12,913,338
Local	$1,948,695	$1,826,755
Total	**$21,136,489**	**$20,457,080**

Program Expenditures FFY 2024



addressing unanswered call lights

A Residents Rights Issue

When individuals enter a long-term care (LTC) facility in California, such as a nursing home, following a stroke, major surgery, or injury requiring rehabilitation, they retain their individual rights.

Nursing homes, licensed by the California Department of Public Health as Skilled Nursing Facilities or SNFs, provide 24-hour supervision, three daily meals, and assistance with daily activities. They also offer rehabilitation services, including physical, occupational, and speech therapy. One of the most common complaints from nursing home residents is unresponsive staff. Residents have reported waiting hours for assistance with basic needs. Federal and state regulations, including California Code of Regulations, Title 22, Section 71661, mandate that nursing homes maintain functional call systems to ensure prompt responses. These systems must provide visible and audible signals, with indicators at nurses' stations and in hallways. Calls must be reset at the originating station unless the system includes two-way communication.

Both federal and state laws emphasize that LTC residents must receive care, supervision, and services tailored to their needs. However, many residents report being neglected, with requests for assistance or medical care ignored. In 2023, the Long-Term Care Ombudsman Program received over 6,000 complaints about unattended symptoms and 3,100 complaints about ignored or denied assistance requests. These numbers declined in 2024. The Long-Term Care Ombudsman Program in 2024 received more than 950 complaints about unattended symptoms and 2,490 complaints about ignored or denied assistance requests.

A facility's commitment to residents' rights is reflected in how staff respond to call lights. These call buttons, located at each resident's bedside, serve as a vital lifeline, especially for individuals who are unable to transfer independently. Failure to respond promptly violates residents' rights and raises concerns about overall care quality. Unanswered call lights may signal broader systemic issues, such as high staff turnover, inadequate training, or poor supervision.

Addressing call light responsiveness must be a priority for LTC facility management. Consistently monitoring response times ensures high-quality care and reinforces a commitment to residents' rights and well-being.

residents' rights

Certified Long-Term Care Ombudsman representatives help residents, their families, and their friends understand and exercise rights guaranteed by federal and state laws and regulations.

Residents have the right to:

Be treated with dignity and respect.

Send and receive personal mail.

Be free from chemical and physical restraints.

Have personal and medical records kept confidential.

Manage their own finances.

Apply for state and federal assistance without discrimination.

Voice grievances without fear of retaliation.

Be fully informed of available services and any charges for those services prior to admission.

Associate and communicate privately with any person of their choice.

Be given advance notice of plans to transfer or discharge them.

best practices

San Bernardino County

In its first year running San Bernardino County's Long-Term Care Ombudsman (LTCO) Program, WISE & Healthy Aging managed to close 78% more cases – an impressive increase in any industry.

"I'm really passionate about giving voice to those who are voiceless," says Ombudsman Program director Tabatha Sebastian, whose leadership helped accomplish that. "This population is vulnerable to exploitation and we're here to make sure their rights are being upheld. Just because they're in a facility doesn't mean they lose their choices."

When WISE & Healthy Aging started providing ombudsman services in April 2022, about 2% of skilled nursing facilities were providing the LTCO office with copies of transfer discharge notices issued to long-term care residents 30 days before their moves, as required by law. Tabatha's staff mailed each facility two notices, and compliance increased to 25%. So they required that facilities sign an acknowledgement of the rules, she recalls.

"I'm happy to say that 99% are now notifying us properly," she says with a smile.

The WISE team also launched a series of public education campaigns digitally and in print, alerting the community that they're ready and available to help. Advertisements drive readers to WISE & Healthy Aging's website, which has information on residents' rights plus a handy facility locator to help older adults, people with disabilities, and their families find the facility that's right for their needs. Another innovation: hiring Master of Social Work interns, adding three eager and valuable student workers to Tabatha's staff of five and allowing the office to cover more ground. The office is now about a year ahead of expectations, says Molly Davies, president and CEO of WISE & Healthy Aging, a nonprofit that also manages Los Angeles County's LTCO program.

Molly says, "They're doing a phenomenal job across the board."

contact the ombudsman

The Office of the State Long-Term Care Ombudsman operates a statewide 24-hour toll-free CRISISline to receive complaints and relay requests for local Long-Term Care Ombudsman services. These services are free and confidential, and interpreter services are available.

In California, every skilled nursing facility and residential care facility for the elderly, including board and care homes and assisted living facilities, is required to display one or more current posters with the CRISISline phone number. Each poster also includes the name, address, and phone number of the nearest Long-Term Care Ombudsman Program. Posters are provided at no cost to long-term care facilities.

24-Hour CRISISline
(800) 231-4024

For hard of hearing callers:
(800) 735-2929
(800) 735-2922

24-Hour CRISISline
(800) 231-4024

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(800) 735-2922

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