

Agency or organization which sponsors the State Ombudsman Program: Ombudsman, Institutionalized Elderly

**Part I - Cases, Complainants and Complaints**

**A. Cases Opened**

Provide the total number of cases opened during reporting period.

2,265

*Case: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve, and follow-up.*

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**B. Cases Closed, by Type of Facility**

Provide the number of cases closed, by type of facility/setting, which were received from the types of complainants listed below.

*Closed Case: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code.*

<b>Complainants:</b>	<b>Nursing Facility</b>	<b>B&amp;C, ALF, RCF, etc.*</b>	<b>Other Settings</b>
1. Resident	115	36	14
2. Relative/friend of resident	677	147	11
3. Non-relative guardian, legal representative	19	5	0
4. Ombudsman/ombudsman volunteer	29	4	0
5. Facility administrator/staff or former staff	788	173	45
6. Other medical: physician/staff	51	15	0
7. Representative of other health or social service agency or program	47	20	1
8. Unknown/anonymous	57	31	1
9. Other: Bankers, Clergy, Law Enforcement, Public Officials, etc.	39	17	1

Total number of cases closed during the reporting period: 2,343

\* Board and care, assisted living, residential care and similar long-term care facilities, both regulated and unregulated

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**Part I - Cases, Complainants and Complaints**

**C. Complaints Received**

For cases which were closed during the reporting period (those counted in B above), provide the total number of complaints received:

5,093

*Complaint: A concern brought to, or Initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to health, safety, welfare or rights of a resident. One or more complaints constitute a case.*

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**D. Types of Complaints, by Type of Facility**

Below and on the following pages provide the total number of complaints for each specific complaint category, for nursing facilities and board and care or similar type of adult care facility. The first four major headings are for complaints involving action or inaction by staff or management of the facility. The last major heading is for complaints against others outside the facility. See Instructions for additional clarification and definitions of types of facilities and selected complaint categories.

**Residents' Rights**

**A. Abuse, Gross Neglect, Exploitation**

- 1. Abuse, physical (including corporal punishment)
- 2. Abuse, sexual
- 3. Abuse, verbal/psychological (including punishment, seclusion)
- 4. Financial exploitation (use categories in section E for less severe financial complaints)
- 5. Gross neglect (use categories under Care, Sections F & G for non-willful forms of neglect)
- 6. Resident-to-resident physical or sexual abuse
- 7. Not Used

	Nursing Facility	B&C, ALF, RCF, etc.
	240	32
	39	13
	154	33
	46	18
	9	6
	127	34

**B. Access to Information by Resident or Resident's Representative**

- 8. Access to own records
- 9. Access by or to ombudsman/visitors
- 10. Access to facility survey/staffing reports/license
- 11. Information regarding advance directive
- 12. Information regarding medical condition, treatment and any changes
- 13. Information regarding rights, benefits, services, the resident's right to complain
- 14. Information communicated in understandable language
- 15. Not Used

	20	2
	46	20
	0	0
	0	0
	82	13
	3	0
	0	0

**C. Admission, Transfer, Discharge, Eviction**

- 16. Admission contract and/or procedure
- 17. Appeal process - absent, not followed
- 18. Bed hold - written notice, refusal to readmit
- 19. Discharge/eviction - planning, notice, procedure, implementation, inc. abandonment
- 20. Discrimination in admission due to condition, disability
- 21. Discrimination in admission due to Medicaid status
- 22. Room assignment/room change/intrafacility transfer
- 23. Not Used

	6	6
	0	0
	13	6
	208	63
	0	0
	1	0
	43	4

**D. Autonomy, Choice, Preference, Exercise of Rights, Privacy**

- 24. Choose personal physician, pharmacy/hospice/other health care provider
- 25. Confinement in facility against will (illegally)
- 26. Dignity, respect - staff attitudes
- 27. Exercise preference/choice and/or civil/religious rights, individual's right to smoke
- 28. Exercise right to refuse care/treatment
- 29. Language barrier in daily routine
- 30. Participate in care planning by resident and/or designated surrogate
- 31. Privacy - telephone, visitors, couples, mail
- 32. Privacy in treatment, confidentiality
- 33. Response to complaints
- 34. Reprisal, retaliation
- 35. Not Used

	1	0
	23	13
	79	10
	21	5
	28	8
	51	6
	27	8
	10	4
	14	5
	11	6
	12	6

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<b>E. Financial, Property (Except for Financial Exploitation)</b>		
36. Billing/charges - notice, approval, questionable, accounting wrong or denied (includes overcharge of private pay residents)	31	17
37. Personal funds - mismanaged, access/information denied, deposits and other money not returned (report criminal-level misuse of personal funds under A.4)	17	3
38. Personal property lost, stolen, used by others, destroyed, withheld from resident	66	16
39. Not Used		
<b>Resident Care</b>		
<b>F. Care</b>		
40. Accidental or injury of unknown origin, falls, improper handling	197	16
41. Failure to respond to requests for assistance	96	10
42. Care plan/resident assessment - inadequate, failure to follow plan or physician orders (put lack of resident/surrogate involvement under D.30)	346	70
43. Contracture	1	1
44. Medications - administration, organization	90	41
45. Personal hygiene (Includes nail care & oral hygiene) and adequacy of dressing & grooming	78	15
46. Physician services, including podiatrist	28	6
47. Pressure sores, not turned	111	8
48. Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition	141	24
49. Toileting, incontinent care	111	14
50. Tubes - neglect of catheter, gastric, NG tube (use D.28 for inappropriate/forced use)	15	3
51. Wandering, failure to accommodate/monitor exit seeking behavior	34	11
52. Not Used		
<b>G. Rehabilitation or Maintenance of Function</b>		
53. Assistive devices or equipment	29	7
54. Bowel and bladder training	3	0
55. Dental services	12	5
56. Mental health, psychosocial services	14	1
57. Range of motion/ambulation	7	1
58. Therapies - physical, occupational, speech	38	3
59. Vision and hearing	12	1
60. Not Used		
<b>H. Restraints - Chemical and Physical</b>		
61. Physical restraint - assessment, use, monitoring	28	4
62. Psychoactive drugs - assessment, use, evaluation	32	11
63. Not Used		
<b>Quality of Life</b>		
<b>I. Activities and Social Services</b>		
64. Activities - choice and appropriateness	11	4
65. Community interaction, transportation	2	1
66. Resident conflict, including roommates	20	6
67. Social services - availability/appropriateness/ (use G.56 for mental health, psychosocial counseling/service)	7	1
68. Not Used		
<b>J. Dietary</b>		
69. Assistance in eating or assistive devices	28	9
70. Fluid availability/hydration	50	3

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71. Food service - quantity, quality, variation, choice, condiments, utensils, menu	22	3
72. Snacks, time span between meals, late/missed meals	14	4
73. Temperature	7	1
74. Therapeutic diet	23	1
75. Weight loss due to inadequate nutrition	33	2
76. Not Used		
<b>K. Environment</b>		
77. Air/environment: temperature and quality (heating, cooling, ventilation, water, noise)	13	7
78. Cleanliness, pests, general housekeeping	54	15
79. Equipment/building - disrepair, hazard, poor lighting, fire safety, not secure	27	18
80. Furnishings, storage for residents	1	0
81. Infection control	26	4
82. Laundry - lost, condition	4	2
83. Odors	14	5
84. Space for activities, dining	1	2
85. Supplies and linens	3	2
86. Americans with Disabilities Act (ADA) accessibility	0	0
<b>Administration</b>		
<b>L. Policies, Procedures, Attitudes, Resources (See other complaint headings, of above, for policies on advance directives, due process, billing, management residents' funds)</b>		
87. Abuse investigation/reporting, including failure to report	48	25
88. Administrator(s) unresponsive, unavailable	11	2
89. Grievance procedure (use C for transfer, discharge appeals)	0	0
90. Inappropriate or illegal policies, practices, record-keeping	107	36
91. Insufficient funds to operate	0	0
92. Operator inadequately trained	0	0
93. Offering inappropriate level of care (for B&C/similar)	0	20
94. Resident or family council/committee interfered with, not supported	1	0
95. Not Used		
<b>M. Staffing</b>		
96. Communication, language barrier (use D.29 if problem involves resident inability to communicate)	4	5
97. Shortage of staff	28	2
98. Staff training	10	3
99. Staff turn-over, over-use of nursing pools	5	0
100. Staff unresponsive, unavailable	12	4
101. Supervision	5	1
102. Eating Assistants	1	0
<b>Not Against Facility</b>		
<b>N. Certification/Licensing Agency</b>		
103. Access to Information (including survey)	0	0
104. Complaint, response to	1	0
105. Decertification/closure	0	0
106. Sanction, including Intermediate	0	0
107. Survey process	0	0
108. Survey process - Ombudsman participation	0	0
109. Transfer or eviction hearing	0	0

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110. Not Used		
<b>O. State Medicaid Agency</b>		
111. Access to Information, application	0	0
112. Denial of eligibility	1	2
113. Non-covered services	1	0
114. Personal Needs Allowance	0	0
115. Services	0	0
116. Not Used		
<b>P. System/Others</b>		
117. Abuse/neglect/abandonment by family member/friend/guardian or, while on visit out of facility, any other person	69	23
118. Bed shortage - placement	0	0
119. Facilities operating without a license	0	0
120. Family conflict; interference	116	41
121. Financial exploitation or neglect by family or other not affiliated with facility	230	93
122. Legal - guardianship, conservatorship, power of attorney, wills	125	63
123. Medicare	0	0
124. Mental health, developmental disabilities, including PASRR	0	0
125. Problems with resident's physician/assistant	0	0
126. Protective Service Agency	0	0
127. SSA, SSI, VA, Other Benefits/Agencies	0	1
128. Request for less restrictive placement	10	2
<b>Total, categories A through P</b>	<b>3,996</b>	<b>1,022</b>
<b>Q. Complaints About Services in Settings Other Than Long-Term Care Facilities or By Outside Provider in Long-Term Care Facilities (see instructions)</b>		
129. Home care	0	
130. Hospital or hospice	64	
131. Public or other congregate housing not providing personal care	0	
132. Services from outside provider (see instructions)	11	
133. Not Used		
<b>Total, Heading Q.</b>	<b>75</b>	
<b>Total Complaints*</b>	<b>5,093</b>	
* (Add total of nursing facility complaints; B&C, ALF, RCF, similar complaints and complaints in Q, above. Place this number in Part I, C on page 1.)		

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**Part I - Cases, Complainants and Complaints**

**E. Action on Complaints**

Provide for cases closed during the reporting period the total number of complaints, by type of facility or other setting, for each item listed below.

	Nursing Facility	B&C, ALF, RCF, etc.	Other Settings
1. Complaints which were verified:	1,887	613	24

*Verified: It is determined after work [interviews, record inspection, observation, etc.] that the circumstances described in the complaint are generally accurate.*

2. Disposition: Provide for all complaints reported in C and D, whether verified or not, the number:

a. For which government policy or regulatory change or legislative action is required to resolve (this may be addressed in the Issues section)	0	1	0
b. Which were not resolved* to satisfaction of resident or complainant	79	19	7
c. Which were withdrawn by the resident or complainant or resident died before final outcome of complaint investigation	116	38	2
d. Which were referred to other agency for resolution and:			
1) report of final disposition was not obtained	8	7	0
2) other agency failed to act on complaint	1	0	0
3) agency did not substantiate complaint	0	0	0
e. For which no action was needed or appropriate	30	13	3
f. Which were partially resolved* but some problem remained	475	193	10
g. Which were resolved* to the satisfaction of resident or complainant	3,287	751	53

<b>Total, by type of facility or setting</b>	<b>3,996</b>	<b>1,022</b>	<b>75</b>
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<b>Grand Total (Same number as that for total complaints on pages 1 and 7)</b>			<b>5,093</b>
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*\* Resolved: The complaint/problem was addressed to the satisfaction of the resident or complainant.*

3. Legal Assistance/Remedies (Optional) - For each type of facility, list the number of legal assistance remedies for each of the following categories that were used in helping to resolve a complaint: a) legal consultation was needed and/or used; b) regulatory endorsement action was needed and/or used; c) an administrative appeal or adjudication was needed and/or used; and d) civil legal action was needed and/or used.

Facility Type NF: a=0, b=0, c=0 and d=0  
 Facility Type BC: a=0, b=0, c=0 and d=0  
 Facility Type OT: a=0, b=0, c=0 and d=0



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**F. Complaint Description (Optional):**

Provide in the space indicated a concise description of the most interesting and/or significant individual complaint your program handled during the reporting period. State the problem, how the problem was resolved and the outcome.

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**Part II - Major Long-Term Care Issues**

A. Describe the priority long-term care issues which your program identified and/or worked on during the reporting period. For each issue, briefly state: a) the problem and barriers to resolution, and b) recommendations for system-wide changes needed to resolve the issue, or how the issue was resolved in your State. Examples of major long-term care issues may include facility closures, planning for alternatives to institutional care, transition of residents to less restrictive settings, etc.

1.) The Office of the Ombudsman for Institutionalized Elderly (OOIE) has identified the need to increase the number of volunteer advocates placed in nursing homes. Over the last two years, the number of "active" volunteers has increased from 150 covered facilities in the beginning of calendar year 2011 to 217 as of the end of calendar year 2013. OOIE currently has an additional 30 in the pipeline to be trained. The Volunteer Advocate Program hopes to add one more part time regional coordinator in late FFY 2014. The OOIE Volunteer Advocate Program made a concerted effort to ensure that volunteers were included in the Department of Health survey process during FFY 2013. This has been highly successful resulting in a more than three-fold increase in volunteer survey participation.

2.) To provide greater public awareness about home and community based services, the OOIE is assisting the NJ Department of Human Services with marketing the MFP program. OOIE now employs 5 full time staff at 100% federal match to: outreach nursing facility residents, work with families and to educate nursing facility staff and the general public that "a nursing home may not be the only option."

3.) The OOIE continues to take the lead among state agencies in educating nursing facility residents and their families about advance care planning options.

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**Part III - Program Information and Activities**

**A. Facilities and Beds:**

ALERT: AoA recommends that your program regularly enter into your data collection system all licensed facilities and beds in your state covered by your program and keep this information updated. In the event this is not being done in your program, the totals for Part III.A should be obtained from an outside source, such as the state licensing agency, and entered into the ORT manually.

1. How many nursing facilities are licensed in your State?	385
2. How many beds are there in these facilities?	51,877

3. Provide the type-name(s) and definition(s) of the types of board and care, assisted living, residential care facilities and any other similar adult care home for which your ombudsman program provides services, as authorized under Section 102(18) and (32), 711(6) and 712(a) (3)(A)(i) of the Older Americans Act. If no change from previous year, type "no change" at space indicated.

no change
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a) How many of the board and care and similar adult care facilities described above are regulated in your State?	520
b) How many beds are there in these facilities?	25,290

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**Part III - Program Information and Activities**

**B. Program Coverage**

*Statewide Coverage means that residents of both nursing homes and board and care homes (and similar adult care facilities) and their friends and families throughout the state have access to knowledge of the ombudsman program, how to contact it, complaints received from any part of the State are investigated and documented, and steps are taken to resolve problems in a timely manner, in accordance with federal and state requirements.*

**B.1. Designated Local Entities**

Provide for each type of host organization the number of local or regional ombudsman entities (programs) designated by the State Ombudsman to participate in the statewide ombudsman program that are geographically located outside of the State Office:

**Local entities hosted by:**

Area agency on aging	0
Other local government entity	0
Legal services provider	0
Social services non-profit agency	0
Free-standing ombudsman program	0
Regional office of State ombudsman program	0
Other; specify:	0

Total Designated Local Ombudsman Entities 0

**B.2. Staff and Volunteers**

Provide numbers of staff and volunteers, as requested, at state and local levels.

Type of Staff	Measure	State Office	Local Programs
Paid program staff	FTEs	26.00	0.00
	Number people working full-time on ombudsman program	23	0
Paid clerical staff	FTEs	5.00	0.00
Volunteer ombudsmen certified to address complaints at close of reporting period	Number volunteers	217	0
Number of Volunteer hours donated	Total number of hours donated by certified volunteer	38,192	0
<i>Certified Volunteer: An individual who has completed a training course prescribed by the State Ombudsman and is approved by the State Ombudsman to participate in the statewide Ombudsman Program.</i>			
Other volunteers (i.e., not certified) at close of reporting period	Number of volunteers	0	0

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**Part III - Program Information and Activities**

**C. Program Funding**

Provide the amount of funds expended during the fiscal year from each source for your statewide program:

Federal - Older Americans Act (OAA) Title VII, Chapter 2, Ombudsman	\$442,883
Federal - Older Americans Act (OAA) Title VII, Chapter 3, Elder Abuse Preventior	\$0
Federal - OAA Title III provided at State level	\$0
Federal - OAA Title III provided at AAA level	\$0
Other Federal; specify:	\$392,128
special purpose Money Follows the Person (MFP) authorized	
State funds	\$1,920,000
Local; specify:	\$0
<b>Total Program Funding</b>	<b>\$2,755,011</b>

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**Part III - Program Information and Activities**

**D. Other Ombudsman Activities**

Provide below and on the next page information on ombudsman program activities other than work on complaints.

Activity	Measure	State	Local	
<b>1. Training for ombudsman staff and volunteers</b>	Number sessions	46	0	
	Number hours	616	0	
	Total number of trainees that attended any of the training sessions above (duplicated count)	566	0	
	3 most frequent topics for training	State and Federal trends in advocacy		
		new OOIE initiatives (MFP, OOIE, S-COPE)		
	handling complaints, residents' rights, obtaining consent			
<b>2. Technical assistance to local ombudsmen and/or volunteers</b>	Estimated percentage of total staff time	25	0	
<b>3. Training for facility staff</b>	Number sessions	98	0	
	3 most frequent topics for training	overview of program, role of the volunteer		
		reporting concerns, mandatory reports		
		residents and end of life, advance care planning		
<b>4. Consultation to facilities (Consultation: providing information and technical assistance, often by telephone)</b>	3 most frequent areas of consultation	residents' rights, family conflicts		
		involuntary discharge		
		end of life		
	Number of consultations	2,515	0	

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<b>5. Information and consultation to individuals (usually by telephone)</b>	3 most frequent requests/needs	Department of Health surveys, care issues, residents' rights	
		Involuntary discharge	
		advance directives	
	Number of consultations	2,892	0
<b>6. Facility Coverage (other than in response to complaint) *</b>	Number Nursing Facilities visited (unduplicated)	267	0
	Number Board and Care (or similar) facilities visited (unduplicated)	0	0
<b>7. Participation in Facility Surveys</b>	Number of surveys	169	0
<b>8. Work with resident councils</b>	Number of meetings attended	477	0
<b>9. Work with family councils</b>	Number of meetings attended	15	0
<b>10. Community Education</b>	Number of sessions	135	0
<b>11. Work with media</b>	3 most frequent topics	volunteer program overview	
		advance care planning	
		OOIE overview and how to report	
	Number of Interviews/discussions	10	0
	Number of press releases	25	0
<b>12. Monitoring/work on laws, regulations, government policies and actions</b>	Estimated percentage of total paid staff time (Note: the total of the percentage at each level in this item and item 2 should not add to more than 100%.)	20	0

\* The number is for facilities receiving at least one visit per quarter, not in response to a complaint. It is not for the number of visits. States which do not have a regular visitation program should enter "0" in lieu of "NA," as this numeric field cannot accept "NA."