

Providing Sufficient Funding for the LTC Ombuds Program



About the Long Term Care Ombudsman Program

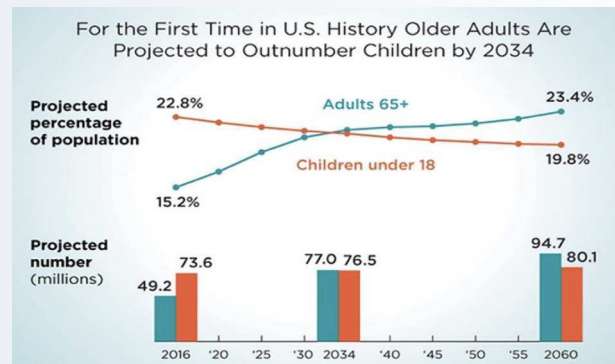
The State Long-Term Care Ombuds Program is a statewide, independent program that advocates on behalf of the individuals who live in licensed LTC settings. The LTC Ombuds advocates for residents of nursing homes, adult family homes, and assisted living facilities.

Required by the Federal Older Americans Act of 1965, its mission is to protect and promote the resident rights guaranteed to residents under federal and state law. Program staff and certified volunteers are trained to receive complaints and resolve problems in situations involving quality of care, use of restraints, transfer and discharge, abuse and other aspects of resident dignity and rights.

Ombuds resolve 91% of all complaints, without resorting to more expensive systems.

Preparing for the Age Wave

- By 2034 older adults will outnumber children.
- Programs serving seniors must be prepared.
- The LTC Ombuds Program is an entitlement program to all residents.



Institute of Medicine Recommends 1 Full Time Ombuds for every 2000 Residents

- According to a [2024 Federal Report](#), the national average ratio for ombuds was 1:2193
- **WA is far behind with 1 full time equivalent ombuds to every 3,667 residents**

Creating a Formula Based Funding Recommendation - HB1664

State law requires the LTC Ombuds program be completely independent from state agencies. But that independence has made it difficult to ensure a funding level that is sufficient to keep up with inflation and serve the growing number of residents.

HB 1664 will create a process at the Department of Commerce, and establish the baseline expectation of 1 FTE to every 2000 residents so that every year the Governor and budget writers are provided with a recommended level of funding that:

- Is sufficient to meet the recommended ratio of 1:2000
- Accounts for the predicted growth in case load according to the Caseload Forecast Council
- Includes increases for operations costs due to inflation

Small Increase in Current Funding to Bridge to the Formula

Both inflation and increased numbers of residents have resulted in a budget shortfall. Small increases in state funding are needed to avoid cuts to services.

Additional Funding needed:

\$125,000 in FY 25

\$125,000 in FY 26

Right to Counsel for Residents of Long Term Care



Residents of Long Term Care and Eviction

Residents of Long Term Care are not covered by the Resident Landlord Tenant Act, and instead are covered by Long Term Care Resident Rights.

Federal Changes in Medicaid Requires Comparable Protections for Residents

Federal changes to Medicaid rules now require that residents in some long term care, including assisted living, adult family homes, and enhanced services facilities have the same protections against eviction as tenants.

The Centers for Medicare and Medicaid Services (CMS) have determined that Washington's protections for residents in those long-term care settings are insufficient to meet federal standards. To address these compliance issues, the Department of Social and Health Services (DSHS) will update state regulations to guarantee the right to legal counsel for eligible residents.

There are five reasons why a resident can be evicted (discharged) from their home:

- 1- It necessary for the resident's welfare and the resident's needs cannot be met in the facility.
- 2- The safety of individuals in the facility is endangered.
- 3- The health of individuals in the facility would otherwise be endangered;
- 4- The resident has failed to make the required payment for his or her stay; or
- 5 - The facility ceases to operate.

DSHS is Conducting Rule Making to Address Right to Counsel

DSHS is in the middle of rule-making to come into compliance with the CMS requirements. This rule-making will ensure that when residents on medicaid are given notice of discharge or transfer (eviction) from their home, that they have access to legal counsel, and the LTC Ombuds is notified to ensure that the discharge is lawful, safe and orderly, as required by statute.

\$7.1 Million in Funding is required to come into Compliance with CMS

\$6.25 Million for the biennium for the Office of Civil Legal Aid to fund statewide contracts and staff at OCLA

\$850,000 for the biennium for the Long Term Care Ombuds program. - DSHS is working on a draft rule that will require all Long Term Care Facilities to provide a notice of Discharge to the Long Term Care Ombuds Program. This is a new requirement and will require additional staffing and resources to support.

Provides Protections for 19,000 people

There are over 19,000 individuals who rely on Medicaid and live in settings impacted by this change. OCLA estimates that 1,380 residents will be eligible and require for legal counsel every year.