

October 28, 2008

To: Office of Management and Budget

From: Illinois Council on Aging

The Illinois Council on Aging is writing to request that \$450,000 be immediately returned to the IDOA budget for the Ombudsman Program. We want to express our concern about how the Illinois Long Term Care Ombudsman Program (LTCOP) is funded, the threats faced by the program if funding is not secure, and the potential risk this poses to older people in nursing homes, and in assisted living, supportive living facilities and shared housing.

LTCOP is mandated by the Federal Older American's Act and the Illinois Act on Aging, to protect and promote the rights and quality of life for people who reside in long-term care facilities (nursing homes). In 2000 and 2003, legislation was passed in Illinois to add assisted living and supportive living facilities and shared housing to LTCOP's responsibilities, but without additional funding. In 2007, again without additional funding, legislation was passed authorizing ombudsmen to advocate for all residents of facilities, irregardless of age.

In 1999, Illinois, recognizing the importance and value of the LTCOP program in protecting vulnerable older people, for the first time provided \$400,000 of GRF funding to expand services into and beyond nursing homes. In 2004, through a Memorandum of Understanding with the Illinois Department of Public Health, LTCOP began to receive an annual allocation of \$750,000 from the Civil Monetary Penalty Funds (CMP funds). In 2005, \$9,000 was cut from the GRF allocation to LTCOP, and since then it has received \$391,000 from the state. Unfortunately, according to IDPH, Federal Regulations mandate that CMP Funds are not designed to sustain on-going programs and they informed LTCOP that the annual CMP Funds can no longer be used to fund them after 2009. In anticipation of this, the Illinois Department on Aging included an additional request of \$450,000 of GRF funds for 2009 for the LTCOP. **This line was cut in the current budget and must be restored.**

What does this stagnation and instability in funding, coupled with increased unfunded mandates mean to the LTCOP programs? Ombudsman services are provided through 16 regional ombudsman programs that have hands-on working relationships with the residents and staff of the facilities within their service areas. This year the LTCOP program reviewed and modified all of their activities to enable regional programs to meet their obligations. These reductions have had a devastating impact on vulnerable people:

- In 2008, the program was forced to cut back on outreach services, making the LTCOP virtually invisible to the community. These are the activities that not only make LTCOP visible in the community, but enable them to disseminate important information to community members and facility staff on how to

recognize and avoid elder abuse. LTCOP can no longer afford to hold community education programs, conduct facility in-service training, or attend annual meetings of IDPH.

- In 2008, LTCOP made the difficult decision to no longer require regional Ombudsmen to go into each facility in Illinois to establish Family Councils, or to regularly attend Resident Council meetings. Resident Councils are the primary vehicles that enable residents of nursing homes to express their concerns and choices in where and how they live. While nursing homes are required by law to hold Resident Council meetings, without Ombudsman presence, Resident Council members no longer have advocates to help them solve their problems and resolve their complaints.
- LTCOP no longer attempts to establish Resident Councils in assisted living or supportive living facilities.

The pressures on LTCOP regional programs are growing as the population ages. Complaint calls from nursing facilities and assisted living facilities rose last year by 9%. Illinois citizens expect Ombudsmen, the only advocates mandated to look out for the interests of residents, to respond to the needs of younger people living in nursing facilities, to advocate in the expanding home care programs, and of course continue their work in the rapidly expanding assisted living and supportive living facilities around the state. These expectations are not possible or reasonable without a stabilized and rational budget.

The Ombudsman Program is a powerful mechanism to assure that frail older people, and their families, know where to turn when they do not receive the service they need and deserve. **We urgently request that the Office of Management and Budget put \$450,000 back into the Ombudsman budget, stabilize its budget, and provide funding necessary to enable this program to grow and address the needs of the most frail among us.**