

House Aging Committee
Written Statement of
Margaret Barajas, Pennsylvania Long-term Care Ombudsman
Thursday April 13, 2023

Good afternoon to all of you as members of the House Aging and Older Adult Services Committee.

I'm Margaret Barajas and I thank you for the opportunity to talk about the good work of the Pennsylvania long-term care ombudsman team and, most importantly, the needs of the folks we serve across this great commonwealth, which I am honored to serve.

The word "ombudsman" comes from the Swedish word "ombuds" which means to advocate.

That Swedish word is in the title of my position as the Pennsylvania Ombudsman for Long Term Care, but I do not – and could not – work alone.

What if you needed to go to the hospital, and when it came time to return home, your landlord said you couldn't move back in? Across our nation this year, thousands of nursing home residents will face exactly that situation.

Residents in nursing homes and other residential board and care communities who have concerns about eviction, poor care, food insecurity, or who have questions about what they are allowed to do in their homes can turn to an ombudsman for confidential, person-centered advocacy. More than half of the residents we serve don't have loved ones to help them contemplate decisions or navigate the complexities of long-term care.

In addition to that one-to-one assistance, we also engage in systems advocacy—by testifying, for example, as I am here today—before those who have the power to make the rules by which I advocate for the most vulnerable among us: our elders.

This office is federally required under the Older Americans Act and established within the Pennsylvania Department of Aging, the state unit on aging.

As advocates, we are resident-directed in all that we do. Our services are delivered by 341 local ombudsmen, through offices at the Area Agencies on Aging or their subcontractors; and 10 state office staff, including regional ombudsman specialists. All of these certified representatives of the Office are well trained in state and federal regulations that apply to all levels of long-term care, as well as resident rights. These advocates are also among the most courageous and compassionate problem solvers you'll ever encounter. This work is not for everyone.

We're most effective when we're in facilities regularly, creating a visible presence and building relationships of trust with those who live there and their loved ones. In fact, our volunteer ombudsmen, and our resident volunteers who have trained to become Pennsylvania Empowered Expert Residents or PEERs make ombuds one of the most efficient and cost-effective resources in state government. Last year our volunteers donated over 7,000 hours of service valued at just under \$220,000.

When I'm in a facility, in the faces of these residents, I see my father. I see my mother. I see myself. And I ask a simple question, "Would we feel loved and well cared for here?"

Well, I'm sorry to report that all too often the answer is no.

Last year, PA LTC ombudsmen documented 68,000 instances of outreach to 45,500 residents, 4,500 families, and 18,000 care staff, nurses, and administrators. That's 68,000 instances of community education, information and assistance, work with resident and family councils, and unfortunately emergency facility closures and resident relocation, in addition to complaint response.

By federal mandate, long-term care ombudsmen are required to conduct a facility visit of each licensed nursing home, personal care home and assisted living community once per quarter of each year, at a minimum. Complaint-related visits typically occur within 24-72 hours depending on the nature of the concern.

Since the pandemic, however, the complaints we receive are more complex. These complaints are the symptoms of a dysfunctional care system, that was challenged long before the pandemic. Where direct-care workers are overworked and can feel undervalued, where the off-label use of anti-psychotic medication has skyrocketed as a means to pacify residents who have challenging dementia-related behaviors, and where person-centered/individualized care is metered by accountants for shareholders.

In these environments, long-term care ombudsmen provide an unhurried human touch along with a chance to discuss your concerns privately and confidentially.

Lastly, the consumers I serve, who as a consequence of age or disability, are an invisible constituency. They won't come by the busload to advocate for improvements to the systems that they depend on or buy stamps they can't afford to write letters to you. In fact, the meager personal needs allowance they receive each month hasn't been increased since 2007. In Pennsylvania, personal care home residents get to keep \$85 of their social security income each month and nursing home residents receive only \$45. Maybe we can change that.

Over the next year, I look forward to continued work with the Biden-Harris administration on improvements to the federal nursing home regulations, to continued work with the Shapiro administration on matters of protection and advocacy for vulnerable Pennsylvania seniors, and I thank Chairperson Kim and all of the members of the Aging and Older Adults Services Committee for this opportunity to discuss this Office and its services as a health oversight entity. I look forward to any and all opportunities to share the residents' perspective, as you and all of our lawmakers look to improve our systems of long-term care.

I'd like this to be the beginning of an ongoing conversation about long-term care and the needs of our elders. My office is always accessible to all of you, along with members of your staff, and of course, your constituents.

Thank you.

Margaret Barajas

State Long-Term Care Ombudsman | Office of the Long-Term Care Ombudsman
PA Department of Aging and Commonwealth of PA Office of Advocacy and Reform
Phone: (717) 783-7096 | Fax: (717) 772-3382

*"Advocate for those who can't,
support those who can,
and ensure all long-term care consumers
live with dignity and respect."*