

# OFFICE OF THE LONG-TERM CARE OMBUDSMAN

EST. WITHIN THE PA DEPARTMENT OF AGING

House Aging Committee  
Written Statement of  
Margaret Barajas, Pennsylvania Long-term Care Ombudsman  
Wednesday October 4, 2023

Chairpersons Kim and Kinsey and the honorable members of the House Committees on Human Services and Aging and Older Adult Services:

I'm Margaret Barajas, the Pennsylvania State Long-Term Care Ombudsman. I thank you for the opportunity to come before you today on this subject: the commonwealth's licensed personal care homes, specifically those licensed under 55 Pa. Code Chapter 2600. I will be sharing some information today about the residents we serve and the personal care homes in which they live.

Personal care homes provide housing and services for adults that need some assistance with their daily activities in a setting different than a nursing home. Personal care homes that support low-income adults are a particularly critical link in Pennsylvania's long-term care continuum.

Long-term care ombudsmen work in a variety of settings across that continuum, advocating on behalf of individuals receiving care in skilled nursing facilities, personal care homes, assisted living communities, older adult daily living centers, LIFE centers, and domiciliary care. But it's the plight of those individuals living in the small, "mom and pop" personal care homes which concerns me the most. These are the personal care homes which serve individuals who have little to no income, retirement savings, resources, or family support; these are among the most impoverished, vulnerable older adults in the Commonwealth. These residents have no nest-egg, pension, or assets and receive only Supplemental Security Income (SSI). This means these Pennsylvanians are living at or below the federal poverty level. Their monthly income is in the hundreds of dollars, not thousands, and they surrender all but \$85 of that limited income each month to pay for their care. Residents are only permitted to keep a modest personal needs allowance which they use to purchase their medications, personal hygiene items, shoes, snacks, and non-medical transportation.

#### Types of challenges residents face in personal care homes:

- Personal care home residents have fewer regulatory protections than nursing-home residents.
- Because they are afforded fewer protections, these residents are less likely to communicate concerns out of fear of reprisal.
- There is limited opportunity for residents to appeal when adverse action is taken. Such disputes are handled in court as a tenant/landlord disagreement.
- Personal care home resident complaints are more challenging to resolve.
- In fact, the Administration for Community Living released American Rescue Plan funding to all States' LTC Ombudsman programs for the purpose of enhancing our capacity to respond to and resolve complaints about abuse, neglect, and substandard care in board and care facilities, i.e. personal care homes.
- Personal care home residents often have complex needs, yet access to county level supportive services for substance use disorder and behavioral health, is limited.

- When residents are relocated to another county, their access to these critical services is further interrupted. They end up on the bottom of waiting lists because they are new county residents.
- Local ombudsmen are increasingly receiving concerns about food insecurity and hunger.
- Residents of personal care homes are not eligible for home delivered meals, community food boxes, or farm market vouchers.

This Office, in coordination with several rural Area Agencies on Aging, is currently administering over \$750,000 in American Rescue Plan funds, for the purpose of enhancing our capacity to respond to and resolve complaints about abuse and neglect, and quality of life concerns in personal care.

Long-term care ombudsmen are resident directed advocates. By federal regulation we are required to conduct – at a minimum – one non-complaint related facility visit every three months or four quarterly visits each year. These visits are comprehensive.

During these quarterly facility visits we conduct environmental scans. What do you see, what do you hear, what do you smell? Are you observing something that threatens the general safety and well-being of the residents? Concerns of a serious nature are shared immediately with the licensing representatives at the Department of Human Services, Bureau of Human Services Licensing. We have a strong working relationship with them. But all too often, this advocacy can lead to a home being closed.

Here's what these closures look like:

- There are 1,054 licensed personal care homes with over 63,000 beds.
- Since 2008 we have lost 46% of the SSI beds in personal care homes.
- Over 400 homes that accepted SSI as payment have closed during that time.
- Many residents have been and continue to be repeatedly harmed by multiple transfers, sometimes only months apart, due to facility closures.
- These losses have decimated the availability of care for low-income individuals who do not need much more expensive skilled nursing care.

I advocate for the interests of the older adults and the individuals living with disabilities who call these places home and I'm deeply concerned about how quickly they're disappearing with no alternative in place.

From this advocate's resident-directed perspective, assuring access to low-income personal care must be a priority for all of us because every Pennsylvanian needing personal care and other long-term care services deserves a safe and affordable home in which they can live with dignity and respect.

Thank you for this opportunity to create awareness of this need.

Thank you.