

**New Mexico  
Long-Term Care  
Ombudsman Program  
Annual Report  
Federal Fiscal Year 2010  
(October 1, 2009-September 30, 2010)**

*35 years of service  
to New Mexicans*

*To the world you may be one person, but  
to one person you may be the world.  
- Anonymous*

**New Mexico Long-Term Care  
Ombudsman Program  
2550 Cerrillos Road  
Santa Fe, NM 87505**

[www.nmaging.state.nm.us](http://www.nmaging.state.nm.us)



**Susana Martinez, Governor  
Retta Ward, Secretary-designate**

**The New Mexico Long-Term Care Ombudsman Program on behalf of long-term care residents throughout the state would like to extend its appreciation to the Program's 110 dedicated volunteers, without whom residents' voices would not be heard.**

**New Mexico Long-Term Care  
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1-866-842-9230**

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Las Cruces, NM 88007  
1-800-762-8690**

**Aging & Disability Resource Center  
1-800-432-2080**

**Adult Protective Services Hotline  
1-866-654-3249**

## From the State Ombudsman

Dear Friends of Long-Term Care Residents:

As the State Long-Term Care Ombudsman, I am pleased to present the Federal Fiscal Year (FFY) 2010 Annual Report of the New Mexico Long-Term Care Ombudsman Program.

Long-Term Care Ombudsmen are mandated by state and federal law to advocate for the respect, recognition and enforcement of rights for all residents of New Mexico's long-term care facilities. Ten staff and more than 110 Certified volunteers strive to fulfill this responsibility every day by providing prompt and fair investigation of residents' complaints, advocating for their wishes and providing a voice for those who often go unheard.

Census projections indicate that in the coming years, our state faces an unprecedented growth of the older adult population. In 2030, New Mexico is one of ten states likely to have more persons aged 65 and older, than under 18. There will be more people in need of care than caregivers to provide those services. Trends also point to greater numbers of "unbefriended" elders, or persons lacking familial or community supports.

Present economic conditions tax long-term care resources and will continue to do so in the future. We must endeavor to meet the needs of our most vulnerable citizens in a manner which preserves and maximizes individual dignity and independence. To meet these challenges, an important function of the Ombudsman Program is to promote the quality of life for residents through public policy initiatives.

Examples of these in FFY 2010 include:

- Strengthening advocacy services for residents wishing to transition from a nursing home to a less restrictive care setting known as Home and Community-Based Services.
- Increasing Ombudsmen presence in facilities by establishing an "Associate" Ombudsman role and training protocol that rapidly engages interested volunteers and reduces training expenses.
- Participating in the legislative Senate Memorial 21 Transportation Task Force to discuss objective driver safety assessments for select at-risk groups.
- Participating in a House Joint Memorial 34 workgroup to address the need for oversight of behavioral health homes.
- Advocating for expanded consumer protection under the state Continuing Care Act and advocating to exempt nursing home arbitration agreements from the federal Arbitration Act.

The Ombudsman Program of the Aging and Long-Term Services Department hopes that this report will be helpful in your efforts to improve the lives of New Mexico's long-term care population.

Sincerely,

Sondra Everhart  
State Long-Term Care Ombudsman

# Ombudsman Program Highlights FFY 2010

## History and Mission

Established through the Older Americans Act of 1965, the Long-Term Care Ombudsman Program is federally and state mandated to provide oversight and advocacy services to residents in New Mexico's long-term care facilities. The Long-Term Care Ombudsman Program is a resident centered advocacy program designed to protect the rights of New Mexicans living in long-term care facilities.

## Long-Term Care in New Mexico

- There are 70 nursing homes.
- There are 225 licensed assisted living facilities.
- There are +/- 40 known unlicensed residential care homes.
- There are more than 12,000 long-term care residents.
- New Mexico continues to lead the nation in the percentage of Medicaid dollars dedicated to Home and Community-Based Services. (HCBS)
- In addition to in-facility advocacy, Ombudsmen provide in-home advocacy to residents who have transitioned home or to community-based care settings. (HCBS)
- Per 2010 Federal policy, resident assessments now emphasize person-centered choices and resident wishes. (MDS 3.0)

## FFY 2010: Top Five Complaints in New Mexico's Long-Term Care Facilities

Nursing Home residents generally require a higher level of care than residents of Assisted Living facilities. It is notable that similar complaints are seen across both settings.

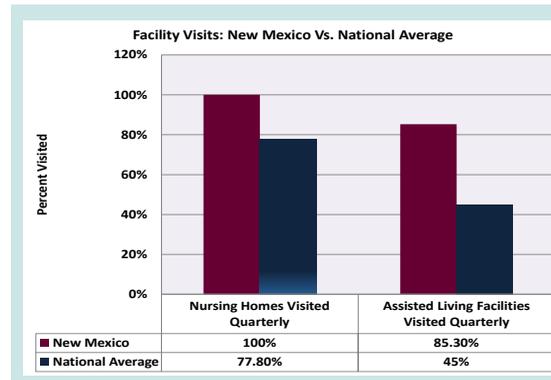
Complaints by Rank	Nursing Home	Assisted Living Facility
1	Dignity, Respect, Staff Attitudes	Food Service, Quality, Variety, etc.
2	Medications – Administration, Organization	Activities – Choice and Appropriateness
3	Failure to Respond to Requests for Assistance	Dignity, Respect, Staff Attitudes
4	Personal Hygiene, Adequacy of Dressing and Grooming	Equipment/Building Disrepair, Safety, Environmental Issues
5	Food Service, Quality, Variety, etc.	Medications – Administration, Organization

## FFY 2010 Accomplishments

- 100% of nursing homes visited quarterly, the majority visited weekly.
- 100% annual visitation of assisted living facilities, more than 80% visited quarterly.
- Ombudsmen volunteers contributed more than 11,000 hours of service. The program resolved more than 4,100 complaints.
- Ombudsman Transition Specialists managed more than 70 complex transition cases.
- Initiated self-advocacy training for residents transitioning from nursing homes to HCBS.
- Pursuant to Section 28-17-19, NMSA 1978, Office of the State Ombudsman issued a Notice of Violation to a New Mexico nursing home for obstruction and retaliation.

## Facility Visits: New Mexico vs. National Average

An acknowledged strength of the New Mexico Ombudsman Program is the ability of staff and volunteers to maintain a regular presence in our long-term care facilities, as demonstrated below. New Mexico statistics are listed in red and national averages are in blue.



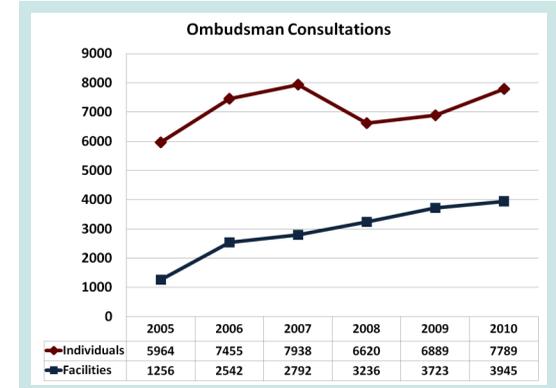
## Outreach & Systemic Advocacy

The Ombudsman Program has a strong training and consultation initiative aimed at addressing issues and concerns of long-term care residents before residents feel their concerns have escalated to the level of a reportable complaint.

The following graph illustrates the recent increase in consultation services to residents, family members and facility staff. This proactive effort empowers residents, families and community members by teaching self-advocacy skills and promoting residents' rights education.

## NM Ombudsman: Consultations to Individuals & Facilities

Ombudsmen provided more than 3,900 consultations to facilities (blue) and more than 7,700 consultations (red) to individuals in 2010.



## Recommendations for FFY 2011

1. Address the most significant barriers to successful transitions, specifically, lack of housing, resources and community supports.
2. Create specialty units in each region to serve the growing population of residents needing behavioral health treatment at the nursing home level of care.
3. Follow federal legislative initiatives to establish Home-Care Ombudsman services.
4. Initiate policy discussions on the needs of "unbefriended" elders and persons with disabilities, particularly in the areas of surrogate decision-making.