



Sunset Review of Assisted Living Facility Transfers

UCA 62a-3-209(3)

STATE OF UTAH
Division of Customer Experience
September 1, 2022

To: Health and Human Services Interim Committee
From: Utah State Long-Term Care (LTC) Ombudsman Program Director
Subject: Assisted Living Facility Transfers

Is/Did the statute/program accomplish[ing] its objective?

Yes, this statute is meeting its objective by involving the LTC Ombudsman Program more in the discharge process of residents living in assisted living facilities to ensure discharges happen appropriately and only when allowed by Utah statute as found in the Utah Assisted Living Regulations (R432-270-11). Prior to the implementation of the statute, Utah had seen an increase in inappropriate discharges in assisted living facilities. This statute's objective was to clarify the authority of the LTC Ombudsman Program to interview discharging residents to ensure resident rights were observed, while also providing the program with the additional funding to meet the increased reporting requirements. The statute's objective was also to provide a means of reporting to the Health and Human Services Interim Committee data relating to the reasons for discharges and discharge location that was previously tracked inconsistently due to our limited involvement in the discharge process.

As of August 30, 2022, the LTC Ombudsman Program completed 288 interviews of discharged individuals, 112 of which were due to facilities closing. Excluding facility closure, the top reason for discharge since SFY 2019 was because the facility had determined that they could not meet the resident's needs for various reasons such as resident medical needs, behaviors, or staffing constraints.

Discharged individuals were relocated to the following:	Number of Individuals relocated:

Another assisted living facility	178
Nursing home facility	46
Family member's home	9
Unknown location	31
Home	10
Hospital/rehab	2
Other	9
Passed away	1
Staying at the facility	2
Total Discharges	288

Is the statute/program necessary? Does it need to continue? If so, for how long? (Up to 10 years)

Yes. The assisted living facility transfers statute is needed and has been very beneficial in the discharge process for the residents in assisted living facilities. The statute and attached additional funding has allowed the LTC Ombudsman program to become more involved in the discharge process, ensuring discharges adhere to state code and regulations and protecting the rights of vulnerable residents. In many situations the LTC Ombudsman Program was able to prevent inappropriate discharges from taking place. Where discharges were appropriate, the LTC Ombudsman Program was able to ensure the discharge process was safe and orderly, as required by Utah regulations.

Inappropriate discharges continue to be the third top complaint reported to the LTC Ombudsman in FFY 2020 and 2021. Continuation of this statute is vital to the ongoing protection of vulnerable residents, many of whom cannot advocate for themselves. The sunset statute should be removed and allow the assisted living facility transfers statute to continue in perpetuity.

Are there ways to improve the statute/program?

The Department of Health and Human Services, Division of Customer Experience is committed to continuous quality improvement to enhance the performance of the LTC Ombudsman Program. We have identified the following improvements in this assisted living facility transfers statute:

- Expanding the statute to include interviews regarding skilled nursing home discharges

would allow the LTC Ombudsman Program to ensure residents rights are observed and the skilled nursing home discharge process follows state and federal regulations. This would require additional resources to implement.

- Include stronger accountability for Long-Term Care facilities, both assisted living facilities and skilled nursing facilities, to notify the LTC Ombudsman of a discharge to ensure adherence to state and federal regulations.
- Clarify that Long-Term Care facilities must notify the LTC Ombudsman Program of a pending discharge that is not strictly initiated by the resident or representative.