



Office of the State Long-Term Care Ombudsman

FFY 2023 Annual Report

Angela Van Pelt
State Long-Term Care
Ombudsman



December 31, 2024

The Honorable Kim Reynolds

Members of the General Assembly

Dear Governor Reynolds and Members of the General Assembly:

Attached is the annual report of the Office of the State Long-Term Care Ombudsman for federal fiscal year 2023. This report is produced pursuant to Iowa Code 231.42, which requires that this office annually report to the governor and general assembly on:

1. The activities of this Office; and
2. Recommendations for improving the health, safety, welfare and rights of residents and tenants of long-term care facilities, assisted living programs and elder group homes.

This report reflects the efforts of the Long-Term Care Ombudsmen by sharing program highlights and discussing issues encountered by the Office in carrying out its mandate to act as an advocate for the residents of long-term care facilities.

Sincerely,



Angela Van Pelt

Title: State Long-Term Care Ombudsman

Office of the State Long-Term Care Ombudsman

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Program Overview

Mission

The mission of the Office of the State Long-Term Care Ombudsman (Office) is to provide individual and systemic advocacy to protect the health, safety, welfare, and rights of individuals residing in long-term care by investigating complaints, seeking resolutions to problems, and providing advocacy to enhance the quality of life and care.

In 2015, the mission was expanded to advocate for Medicaid managed care members who receive care in a healthcare facility, assisted living program, or elder group home, or are enrolled in one of the seven Medicaid waiver programs.

In Federal Fiscal Year (FFY) 2023 (Oct. 1, 2022 – Sept. 30, 2023), the programs administered by the Office included the Local Long-Term Care Ombudsman Program (LLTCOP), the Volunteer Ombudsman Program (VOP) and the Managed Care Ombudsman Program (MCOP).

Program Authority and Mandates

The Long-Term Care Ombudsman Program (LTCO) is authorized by the federal [Older Americans Act](#) and the [Older Iowans Act](#). The functions of the Long-Term Care Ombudsman Program are to:

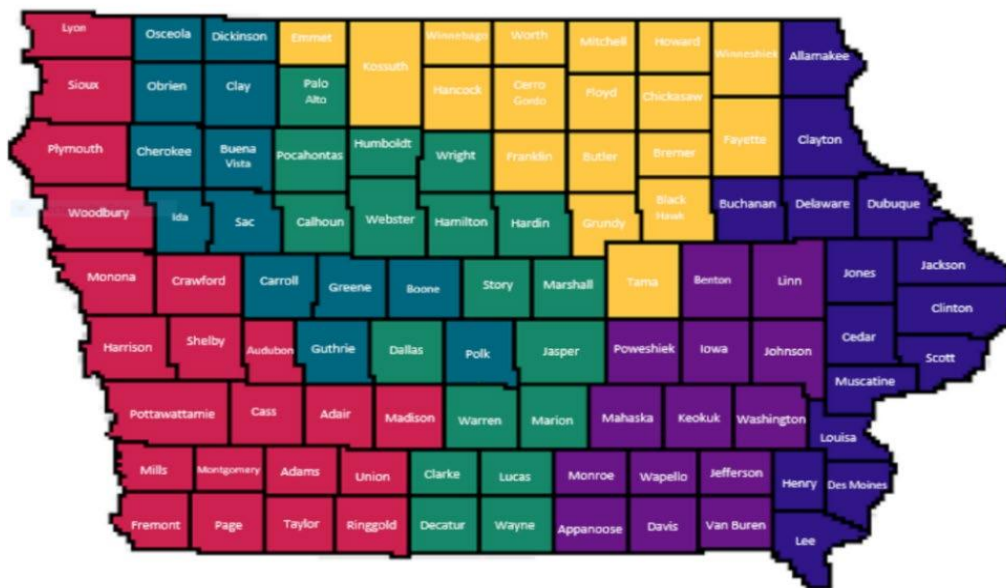
- Identify, investigate, and resolve complaints made by or on behalf of residents or tenants that adversely affect their health, safety, welfare, or rights.
- Make referrals to appropriate licensing, certifying, and enforcement agencies to ensure appropriate investigation of abuse complaints and corrective actions.
- Provide services to assist residents or tenants in protecting their health, safety, welfare, and rights.
- Inform residents and tenants about the means of obtaining services offered by providers or agencies.
- Ensure residents and tenants have regular and timely access to the services provided through the Office and that residents, tenants, and complainants receive timely responses.
- Represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect their health, safety, welfare, and rights.
- Provide administrative and technical assistance to local and volunteer long-term care ombudsmen.
- Analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other governmental policies and actions that pertain to the health, safety, welfare, and rights of residents and tenants.
- Provide training for representatives of the Office, promote the development of citizen organizations to participate in the program, and provide technical support for the development of resident and family councils to protect the well-being and rights of residents and tenants.
- Establish and implement a statewide confidential uniform reporting system.
- Publicize the Office and provide information and education to consumers, the public, and other agencies about the issues related to long-term care in Iowa.
- Annually report on the activities of the Office and make recommendations for improving the health, safety, welfare, and rights of residents and tenants of long-term care facilities and residential care communities.
- Participate in inquiries, meetings, or studies that may lead to improvements in the health, safety, welfare, and rights of residents and tenants.
- Recruit, train, educate, support, and monitor volunteers serving as representatives of the Office.
- Coordinate ombudsman services with the Older Americans Act legal assistance and elder abuse awareness and prevention programs.

- Coordinate services with state and local law enforcement agencies and courts of competent jurisdiction.
- Ensure confidentiality and a program free of conflicts of interest.

Structure

In July 2023, the Office of the State Long-Term Care Ombudsman was part of a government realignment in Iowa and was moved from the Iowa Department on Aging to the Iowa Department of Health and Human Services (HHS). The Office of the State Long-Term Care Ombudsman operates as an independent entity within the Iowa Department of Health and Human Services and is now housed within the Compliance Division under Internal Controls and Accountability.

In FFY 2023, the Office of the State Long-Term Care Ombudsman had 13 staff positions: the State Long-Term Care Ombudsman (SLTCO), program and administrative staff, local long-term care ombudsmen (LLTCO), a managed care ombudsman, and the volunteer coordinator. The Office also had 38 volunteer ombudsmen providing advocacy services.



To assist in fulfilling the long-term care ombudsman duties outlined by law, the Office has designated local long-term care ombudsmen to serve residents and tenants in specific areas of the state. Local Long-Term Care Ombudsmen are all located remotely and are required to travel and conduct in-person facility visits within their assigned region. All staff attend in-person quarterly staff meetings, participate in bi-weekly calls and have 1:1 touch base meetings with lead workers and the SLTCO to ensure ongoing communication occurs while working remotely.

Occurring in July, the new alignment served as a catalyst for evaluation of OSLTCO leadership, and the existing staff structure / service delivery system as it existed in Iowa, including the functionality of the Managed Care and Volunteer Ombudsman Programs.

For the remainder of FFY 2023, the Office focused primarily on establishment of priorities, building the team to do the work and personal leadership development. This time of focus, evaluation and planning, would lay the groundwork for upcoming conversation about office restructuring to ensure that resources are being used in the most impactful way in FFY 2024.

Activities of the Office

Individual Advocacy

The primary role of the Long-Term Care Ombudsman Program is advocacy – or serving as the voice for residents and tenants residing in long-term care settings. Individual advocacy efforts ensured that residents' and tenants' voices were heard and that their rights were maintained in nursing facilities and residential care communities within the state.

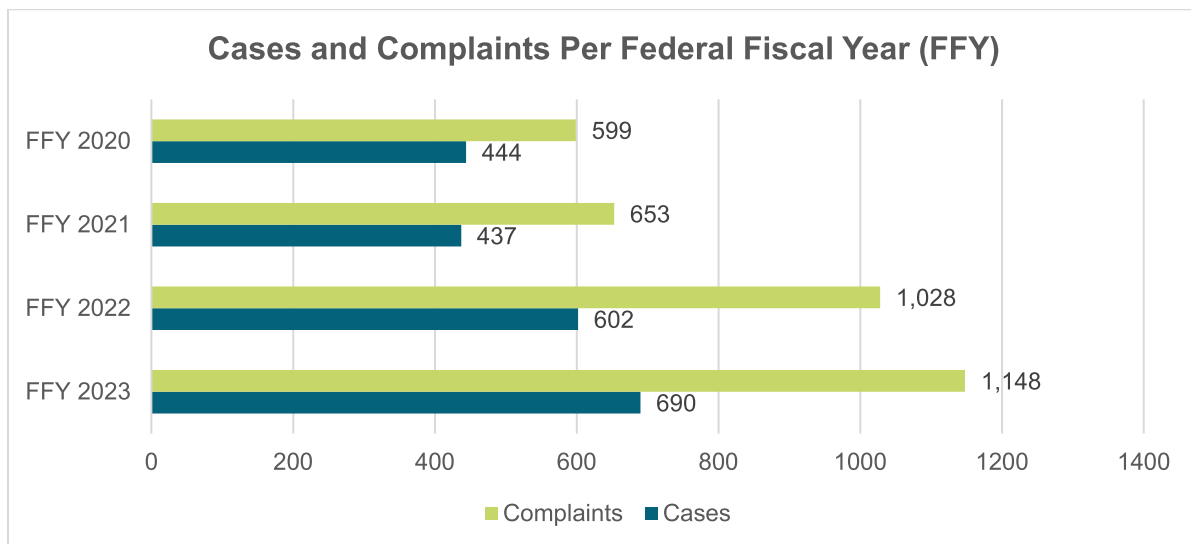
CASES AND COMPLAINTS

The Office is responsible for identifying, investigating, and resolving complaints made by or on behalf of residents or tenants in long-term care facilities. These complaints relate to issues that negatively impact their health, safety, welfare, or rights. A complaint is defined as a concern raised to or initiated by the Long-Term Care Ombudsman for investigation and action on behalf of one or more residents or tenants.

With the resident's or tenant's permission, Long-Term Care Ombudsmen are required to investigate and try to resolve complaints made by or on behalf of residents or tenants in long-term care facilities. Each inquiry brought to, or initiated by, the Long-Term Care Ombudsman on behalf of a resident or a group of residents that involves one or more complaints requiring investigation, resolution strategies, and follow-up is considered a case

In FFY 2023, the Office received 1,148 complaints and closed 690 cases, reflecting increases from the previous year in both complaints (11.67%) and cases (14.62%). The most common complaint categories for both nursing facilities and residential care communities are:

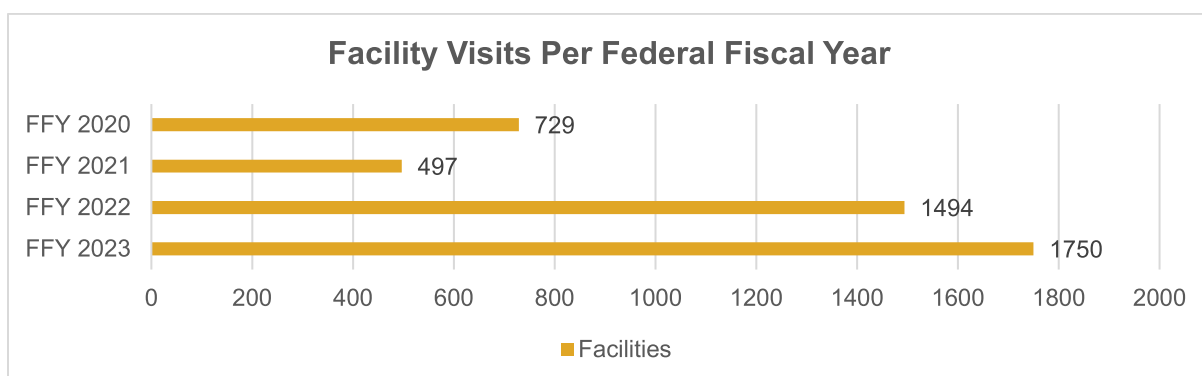
- Care
- Autonomy, Choice and Rights
- Financial and Property
- Admissions, Transfers, Discharges, and Evictions



COMPLAINT CODE	Total	Verified	Not Verified	Resolved/ Partially Resolved	Withdrawn	Not Resolved
All Settings						
A. Abuse, gross neglect, exploitation	19	13	6	9	5	5
B. Access to information	36	31	5	25	4	7
C. Admission, transfer, discharge, eviction	161	141	20	117	20	24
D. Autonomy, Choice, Rights	193	148	45	116	40	37
E. Financial, Property	169	132	37	124	22	23
F. Care	326	240	86	197	55	74
G. Activities and community integration and social services	29	21	8	21	3	5
H. Dietary	57	43	14	36	8	13
I. Environment	67	48	19	52	8	7
J. Facility policies, procedures and practices	24	19	5	14	4	6
K. Complaints about an outside agency (non-facility)	21	13	8	14	3	4
L. System and others (non-facility)	46	39	7	28	15	3

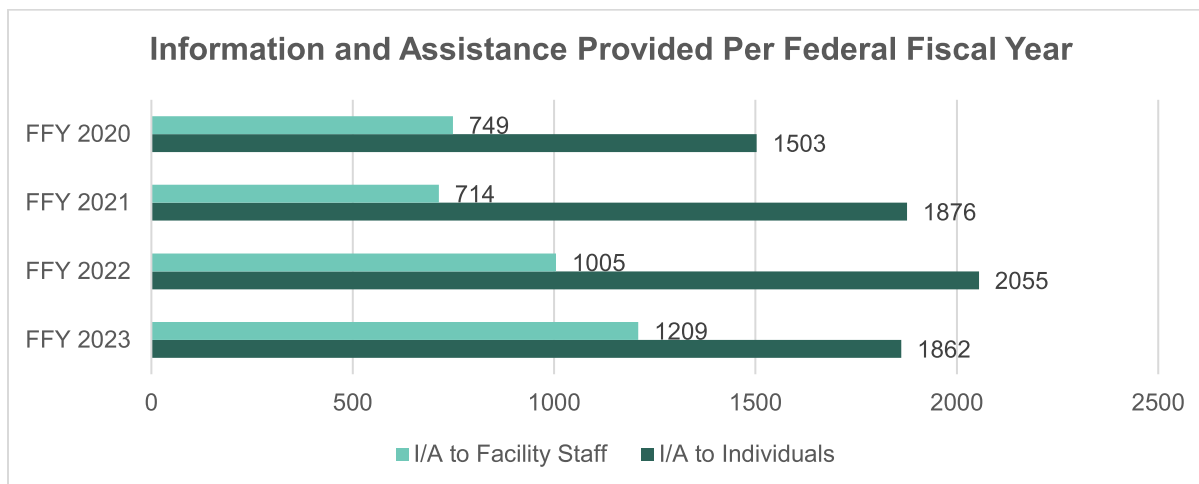
FACILITY VISITS

The Long-Term Care Ombudsman's Office may respond to inquiries, calls, e-mails, and reported concerns by visiting with residents and tenants. Visits are either complaint-related (non-routine) or non-complaint-related (routine). Facility visits allow the local and volunteer long-term care ombudsmen to assess a situation, provide education and information, and empower residents or tenants to act, as well as to obtain additional information to pursue the concern as a complaint or case if needed. In FFY 2023, representatives of the Office continued to be in facilities regularly to work on complaints, assess resident situations, and observe general conditions of the facility. Due to several urgent closure situations, staff made additional facility visits as necessary and needed, to assist in resident transfer efforts and to provide much appreciated support during these times. Facility visits increased by 17% (256 visits) from in FFY 23.



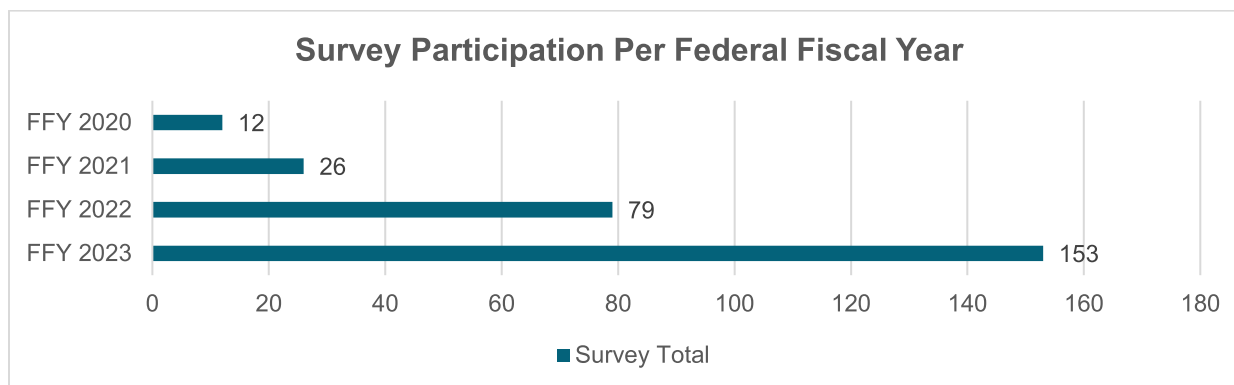
INFORMATION AND ASSISTANCE

The Office offers information and assistance to individuals, facilities, and service providers. This information and assistance often cover topics such as residents' rights, issues related to the abuse, neglect, or financial exploitation of residents or tenants, the role of long-term care ombudsmen and their intervention abilities, as well as concerns related to nursing facilities and assisted living services, and involvement of family and friends. It's important to note that providing this information and assistance does not involve investigating or resolving complaints. In FFY 23, the OSLTCO provided 1,862 instances of information and assistance to individuals and 1,209 instances of information and assistance to facility staff.



PARTICIPATION IN FACILITY SURVEYS

The Long-Term Care Ombudsman's Office participates in surveys conducted by the Department of Inspections, Appeals & Licensing (DIAL), which serves as the regulatory entity for long-term care facilities in Iowa to ensure their compliance with federal and state laws. The role of the Office is to provide comments; share concerns on behalf of residents, tenants, family members, and volunteers; and ensure residents' and tenants' voices are heard. Participation by the Office may include pre-survey briefing or attending the resident group interview or exit interview. In FFY 2023, Representatives of the Office participated in 153 facility surveys throughout Iowa, again reflecting a significant increase in participation.



ENGAGEMENT WITH RESIDENT AND FAMILY COUNCILS

The OSLTCO assists resident and family councils by attending meetings, upon request, and by providing technical assistance in the development and continuation of these councils. Resident and family councils are separate meetings that give residents and their families opportunities to reach out to

similarly situated individuals to discuss issues, care needs, frustrations, and personal experiences, as well as to receive support and encouragement. Representatives participated in 90 resident or family council meetings in FFY 2023 compared to 71 in FFY 2022.

	FFY 2020	FFY 2021	FFY 2022	FFY 2023
Resident Council	43	3	69	86
Family Council	0	1	2	4

Volunteer Ombudsman Program

The Office utilizes a Certified Volunteer Ombudsman trained to listen, empower, and advocate to serve as a voice for nursing facility residents. In FFY 23, the Volunteer Ombudsman Program used volunteer ombudsman to visit with and advocate for residents. Volunteer Ombudsman conduct unannounced visits to an assigned facility monthly and engage with residents to address their concerns. Volunteers have been an essential part of the Long-Term Care Ombudsman program. Their value, according to the Independent Sector of \$33.49 per hour, is significant as reflected in the graphic below.



But volunteers bring more than a monetary benefit to the program, they are a familiar face that residents come to know and trust. They provide an extra set of eyes and ears to see what's occurring and to provide advocacy when needed. Since COVID, the OSLTCO has seen a consistent decline in volunteers. While this is not unique to Iowa's Ombudsman Program alone, the decision was made to start reviewing the program's current operational structure, evaluate issues, and identify strategies for improvement so that volunteers could easily and professionally navigate the process and engage more fully in their experience.

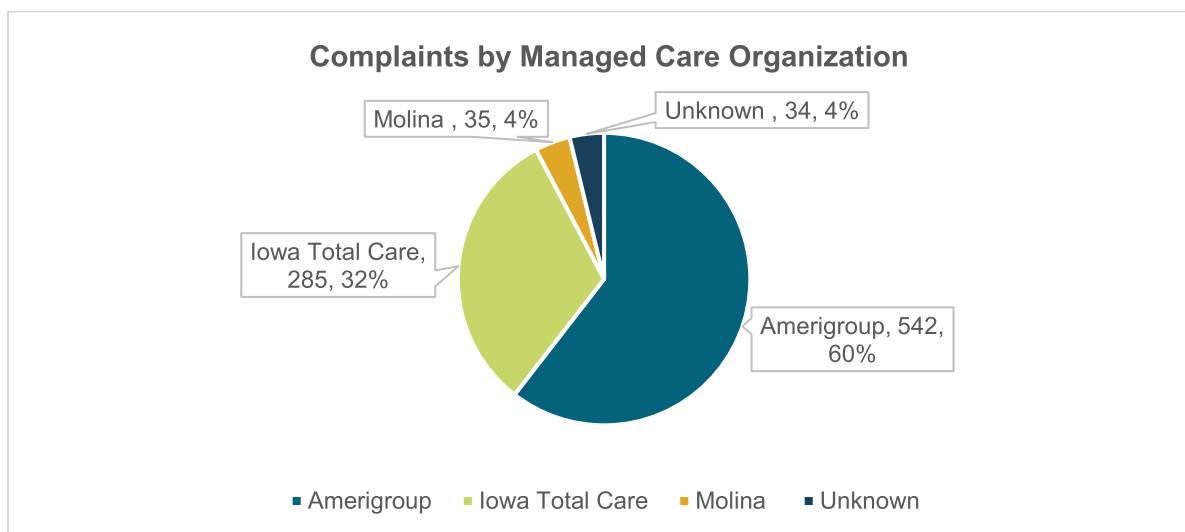
In fall of FFY 23, OSLTCO and HHS partners began to look at the feasibility of moving all certification training to an online platform for all staff and volunteers. HHS offered to pilot the project and will start work on this in FFY 2024. In conjunction with the updates to the certification training platform, discussion occurred regarding programmatic resources available to the OSLTCO to assist in restructuring the volunteer ombudsman components of the overall work of the office. During this period recruitment efforts were put on hold to avoid inconvenient or duplicative processes during onboarding and to focus on program re-building in FFY 2024.

Managed Care Ombudsman Program

Since the launch of Medicaid Managed Care in Iowa on April 1, 2016, the Managed Care Ombudsman Program has advocated for managed care members enrolled in one of Medicaid's seven home and community-based services (HCBS) waiver programs. These programs include the Children's Mental Health Waiver, the Elderly Waiver, the Health and Disability Waiver, the Intellectual Disability Waiver, the Physical Disability Waiver, the AIDS/HIV Waiver, and the Brain Injury Waiver.

In addition to advocacy, the Managed Care Ombudsman Program offers education and information about managed care plans, services, and processes. It provides guidance on the formal grievance and appeals process, as well as assistance with complaint resolution for members who need help navigating their managed care organization or the overall managed care system.

In FFY 23, the Managed Care Ombudsman Program received 893 complaints from members in managed care. These were largely from Amerigroup and Iowa Total Care, as Molina was not a provider for the State until July 2023.



The top compliant issues for managed care members were access to services and benefits, issues with consumer direct attendant care and problems with care coordination and poor customer service. Most of the complainants were on the Elderly Waiver, the Health and Disability Waiver and the Intellectual Disability Waiver.

As with the VOP, a review was initiated to determine the current structure and operation of the MCOP to ensure operations and service delivery is as efficient as possible. More detailed analysis will occur in FFY 2024.

Individual Advocacy Success Stories

A resident at a nursing facility had behaviors due to post traumatic stress disorder (PTSD) that was untreated at the facility. The resident refused cares because of this and would become upset when certain staff tried to care for her. The facility thought they could involuntarily transfer her to another facility without a notice or without the resident's input. The Local Long-Term Care Ombudsman became involved and was able to prevent the discharge and worked with the care staff to find the appropriate treatment for her PTSD and history of sexual abuse. The resident's behaviors and rapport with the staff improved as staff were educated on how to approach resident resulting in the resident being able to remain at the facility.

A resident of an assisted living facility shared that she had money stolen and that the facility would not investigate, claiming that she was probably "confused and had likely misplaced it". The Local Long-Term Care Ombudsman advocated for the program to investigate the report, by reminding them that it is required by law and must be self-reported to the appropriate agencies. The facility was found to be non-compliant and as a result the program reimbursed the tenant. The same individual had also been told that she would not be allowed to purchase her medications through her mail-order pharmacy, at half the cost. The facility was reminded that tenants have a right to choose their own pharmacy- the tenant was able to resume use of her preferred mail order pharmacy where she was able to save money.

A resident at an assisted living facility was issued a 30-day discharge/eviction notice. The tenant requested help from the Local Long-Term Care Ombudsman saying that she would prefer to move to her home state where she could live in a less restrictive environment. Even though she had family willing to

take her in, the tenant had not been able to contact her family as she had no access to a computer or smartphone nor a debit or credit card to purchase a plane ticket even if they were agreeable to taking her in. Through several in-person visits, phone calls and emails, the LLTCO coordinated with the tenant, facility administration, HHS, out-of-state entities, tenant's financial institution and out-of-state family to work towards a successful discharge from the assisted living facility in Iowa to a less restrictive setting in the tenant's home state.

Systemic Advocacy

Legislative, Regulatory and Policy Monitoring

In addition to individual advocacy, the Office provides systemic advocacy. A major part of systemic advocacy is reviewing and commenting on rules, regulations and laws; recommending policy changes when the health, safety, welfare or rights of residents and tenants are impacted; or educating residents, family, providers, policymakers and the public on issues of concern to individuals residing in long-term care facilities, and residential care communities. In FFY 2023, the State Long-Term Care Ombudsman monitored proposed legislation and rules and provided declarations or comments, on bills similar to:

SF 561	Medicaid, Veterans and Personal Needs Allowance
HF 685/SF 567	Nursing Facility (NF) Change of Ownership, Certificate of Need, NF Bed Need
HF 537	Authorized Electronic Monitoring in Nursing Facilities
HF 357/SF 327	Health Care Employment Agencies
HF 288	Alzheimer's Advisory Council and State Plan
HF 457	Medicaid Reimbursement Rates for NF for Registered Sex Offenders
SF 537/HF 619	Hospital / Nursing Facility Visitation Policies

In FFY 22 and FFY 23, the Office of the State Long-Term Care Ombudsman actively engaged residents, facilities and stakeholders in a grassroots effort to increase the Personal Needs Allowance (PNA). This is the amount that residents receiving Medicaid are allowed to keep monthly, currently it is \$50 in Iowa and the proposal is to increase it to \$65 with an annual cost of living adjustment.

This has been an ongoing effort through the circulation of a petition; creation and posting of resident testimony on social media; interviews with local media; development of a PNA infographic and other materials and direct legislative education and engagement by residents and the SLTCO. In March of 2023, the Office hosted it's first PNA Facebook Live event to educate the public on the issue. While efforts have not been successful yet, we will continue to support this resident priority in FFY 24 and would encourage legislators to support the increase.

Collaborative Engagement and Efforts with Stakeholders

The Long-Term Care Ombudsman's Office participates in federal, state and local efforts to ensure that the rights of and issues impacting residents and tenants in long-term care facilities, assisted living programs and elder group homes are communicated. Through these efforts, long-term care ombudsmen share systemic issues and day-to-day concerns that adversely impact the health, safety, welfare or rights of residents/tenants, serving as visible advocates working toward resolution of these very issues. In FFY 23, the OSLTCO participated in work groups and discussions with stakeholder on issues such as:

- Quality of care for residents
- Closures and transfer trauma
- Nursing facility stability and the long-term care landscape in Iowa, present and future state
- Overuse of agency staffing, including quality and fiscal impacts to the resident
- Nursing Home ownership and accountability, including impacts of private equity buyouts
- Identification of at risk-facilities prior to emergency situations
- Patient mix and occupancy levels
- Change of Ownership Process (CHOW) and vetting / financial review of prospective buyers
- Long-Term Care Fraud
- Innovative housing-Intergenerational Housing Models, Green House Models

Community Education and Outreach Efforts

The Long-Term Care Ombudsman Program presents relevant and timely information to the community on such topics as the role of the long-term care ombudsman; the rights of residents and tenants; how to advocate on behalf of or empower residents and tenants; and various subject matter topics, including powers of attorney, guardianship, conservatorship, visitation, voting rights, residents' right to sexual expression, admissions, discharges and evictions from long-term care facilities.

In FFY 2023, the OSLTCO again actively pursued and engaged in opportunities to raise visibility and awareness of our role in Iowa for residents in Long-Term Care Facilities. This includes accepting opportunities for public speaking engagements and media interviews, presenting at webinars and working intentionally to build a stronger social media presence. The Office had 25 instances of community education in FFY 23, up from 15 the prior year.

Given the high profile of facility bankruptcy and closures occurrences in Iowa, we wanted to develop additional outreach materials to ensure that loved ones and residents had the tools they needed to make these transitions easier on their loved ones. We prepared 5 educational pieces in paper and video format for availability on our social media sites. The information covered includes:

- Resident Rights
- Long Term-Care Ombudsman Services
- Involuntary Discharge or Transfer
- Facility Closure-Know your rights!
- Dependent Adult Abuse

These additional resources are especially helpful during the closure process. We find that people are shocked and struggling to process what is occurring in these moments, so having a tangible piece of information that they can take with them and a reference point for additional materials and support is very much appreciated.

The Office will continue to be intentional in building the presence of our work across the state in the coming year.

Challenges and Opportunities

Holding Facility Ownership Accountable

Long-term care (LTC) facilities serve a vulnerable population, including elderly and disabled individuals, many of whom rely heavily on these institutions for their health, safety, and quality of life. Facility closures in Iowa are on the rise and in FFY 2023, more than 20 facilities closed in Iowa.

Name	City	Facility Type	Date
QHC Mitchellville	Polk	Free Standing NF/SNF	2022-10-01
Westmont Healthcare Community	Logan	Free Standing NF/SNF	2022-11-02
Pride Group at Lincoln	Le Mars	RCF	2022-11-02
Good Samaritan-Postville	Postville	Free Standing NF/SNF	2022-11-03
Good Samaritan-Fontanelle	Fontanelle	Free Standing NF/SNF	2022-11-17
Crestview Acres	Marion	Free Standing NF/SNF	2022-11-19
Donald Lundak Center Assisted Living	Cresco	ALP/D	2022-11-28
Patty Elwood Center	Cresco	Free Standing NF/SNF	2022-12-28
Pleasant View Home	Albert City	Free Standing NF/SNF	2023-02-17
QHC Fort Dodge Villa	Fort Dodge	Free Standing NF/SNF	2023-02-20
QHC Humboldt North	Humboldt	Free Standing NF/SNF	2023-02-24
QHC Winterset North	Winterset	Free Standing NF/SNF	2023-02-24
QHC Madison Square LLC	Winterset	ALP-D	2023-02-24
Rock Rapids Healthcare Center	Rock Rapids	Free Standing NF/SNF	2023-03-02
Spurgeon Manor	Dallas Center	RCF	2023-03-17
Legacy Gardens	Iowa City	ALP/D	2023-03-20
Mercy One Oelwein Senior Care	Oelwein	HSP-SNF/NF	2023-04-07
Evergreen Estates III	Cedar Rapids	RCF	2023-04-26
Kosgrove Estates	Sioux Center	ALP	2023-06-15
Pocahontas Manor	Pocahontas	Free Standing NF/SNF	2023-07-14
Countryside Health Care Center	Sioux City	Free Standing NF/SNF	2023-07-26
Aspire of Primghar	Primghar	Free Standing NF/SNF	2023-09-13
Emerson Point	Iowa City	ALP	2023-09-23

The closure of an LTC facility can have profound and far-reaching consequences for residents, families, and the community. Transitions to new environments can lead to psychological distress, worsening of medical conditions or even death.

Facility ownership must be held accountable when closures occur to protect resident's rights and wellbeing and to ensure that closures are conducted with minimal harm, prioritizing residents' needs over financial interests. The state needs to ensure that current state laws, regulation and policy holds existing owners accountable both prior to any acquisition or change of ownership and during the facility closure process by:

- Strengthening regulatory oversight by establishing a pre-approval process prior to closure to ensure plans also meet legal and ethical standards during the closure.

- Enhancing financial accountability by requiring owners to disclose financial health indicators leading up to the closure and auditing and investigating if closures seem financially motivated.
- Increasing ownership scrutiny for owners with a history of mismanagement or neglect.

The closure of an LTC facility is a critical event with significant consequences. To protect vulnerable residents, uphold ethical standards, and preserve public trust, greater scrutiny and accountability for facility ownership are essential. By implementing robust oversight mechanisms, States can ensure that closures are handled responsibly, minimizing harm and promoting justice for all affected parties.

Utilization of an Involuntary Transfer and Discharge Portal

Per federal and state regulation, facilities are required to submit copies of all facility-initiated (involuntary) transfer or discharge notices to the Ombudsman Program, these come in multiple formats, certified mail, email and regular mail. Upon receiving a notice, the LLTCO contacts the impacted resident to see if they would like assistance with an appeal. These time frames for appeal are short and require quick action, failure to effectively respond within the time frames can result in discharge.

Due to the large volume of discharges received monthly and the various formats they come in, it would be highly beneficial for Iowa to use a more streamlined, electronic process and portal that all parties could use for discharge notice submission. This electronic reporting system would enhance transparency and accountability in the management of involuntary discharges and transfers within long-term care facilities. By streamlining the reporting process, it aids in protecting residents' rights and ensures that facilities adhere to legal requirements.

Optimization of Long-Term Care Program Operations

Additional funding into the LTCOP in Iowa is essential to continue the momentum that has been gained since COVID. For the last several years, the influx of additional federal COVID relief funds have provided additional resources for staffing, travel, outreach and marketing but without these funds, the program will barely sustain personnel cost alone. Funds are needed to have adequate staff; engage in volunteer recruitment and retention strategies; to build and expand resident and family councils and to provide training for staff and individuals in these roles.

A robust volunteer pool is essential to expanding our reach in rural and underserved areas. Expanding Iowa's volunteer ombudsman program offers a cost-effective, community-driven solution to the growing challenges in long-term care oversight. By increasing volunteer engagement, the state can enhance its capacity to monitor care facilities, address complaints, and protect the rights of long-term care residents, all while empowering volunteers and strengthening the connection between residents, families, and the broader community. Volunteers are an integral part of a more responsive, proactive, and effective ombudsman program that ensures higher standards of care and greater advocacy for Iowa's aging population.

Developing and strengthening resident and family councils in Iowa's long-term care facilities can provide significant benefits to residents, families, and the facilities themselves. These councils are formal or informal groups of residents and family members who come together to discuss issues, advocate for improvements, and support the well-being of those living in long-term care settings. Resident and family councils provide an essential mechanism for advocacy, engagement, and support, ultimately creating a better living environment for residents and a more collaborative, responsive care environment. This is a necessary key step in enhancing Iowa's long-term care system and ensuring that the voices of residents and families are heard and acted upon in meaningful ways.