

The background of the cover is a photograph of a building entrance. In the foreground, there are branches of pink cherry blossoms. The building has a light-colored facade with a central entrance. Above the entrance, the words "CENTRE CITY" are visible. To the right of the entrance, the number "15" is displayed. There are three large potted plants in front of the entrance.

JOINT OFFICE OF CITIZEN COMPLAINTS

2009 Annual Report

**Ombudsman's Office
Long-Term Care Ombudsman Program**



OMBUDSMAN'S MESSAGE 2009

It is my pleasure to present the Annual Report of the Ombudsman's Office and the Long-term Care Ombudsman Program to the wider community. 2009 was the 38th year of operation for this office, which is the third oldest Ombudsman office in the United States.


2009 marked the 200th Anniversary of the creation of the first governmental Ombudsman office in Sweden in 1809. While the "Swedish Form" of Ombudsman remains the foundation of the Ombudsman concept, many variations have evolved to respond to diverse political and governmental contexts. Your Ombudsman Office was established in 1971, through a cooperative action by the Commissioners of Montgomery County, the Commissioners of the City of Dayton, and the members of the Dayton Public School Board. **This Ombudsman Office is unique in the world in being established through the cooperation of three political jurisdictions.** This innovative structure has enabled the Ombudsman and staff to assist the citizens of Dayton and Montgomery County on a wide range of issues. Most citizens do not realize how rare it is for legislative bodies to establish Ombudsman Offices. I am honored to serve as the fourth Ombudsman in this office and continue to work on behalf of the citizens of our area and the elected officials who have established and supported the office over the years.



The Long-term Care Ombudsman Program is mandated by both the Federal Older Americans Act and by Ohio Law to seek resolution of problems and to advocate for the rights of homecare consumers and residents of long-term care facilities. The program has been a part of the Ombudsman Office since it was established in 1979. Through this program we serve the important role of watchdog for seniors and vulnerable adults who have become dependent upon others for daily care.

Ombudsmen help the "average Joe or Jane" who is being treated unfairly by government. We give citizens information about where they can go for assistance, advise them on what to do, or work directly to get bureaucrats to fix problems. Individual complaint resolution for citizens and seniors receiving care is at the heart of what we do. In 2009 we investigated 1400 separate complaints and answered 6437 requests for assistance or information.

The value of resolving individual complaints cannot be overstated. Large government organizations can become mired in rules and regulations so that individuals become invisible. A lost file, a computer entry error, or a missing verification may seem trivial, but take on a large importance in the lives of those who are impacted by these errors. This office has worked to maintain water service for families, without which the family cannot pursue a normal lifestyle of cooking, bathing and going to work and school. Staff from this office have put food on the tables of families who were experiencing problems with food stamp benefits. Our resolution of



complaints has assisted many to maintain subsidized housing, without which they would have to double-up with family members or fall into homelessness. Our long-term care staff have prevented inappropriate discharges from nursing facilities to homeless shelters. Financial exploitation of senior citizens by their family members has been uncovered and stopped. Behind each of the numbers in this report is an instance of a wrong corrected by the work of the Ombudsman's Office. Behind each number is a human story where the real lives of our neighbors have been improved.

The ombudsman model is the least expensive dispute resolution method that exists. We can work with speed and informality. We avoid an expensive legal process which may not even be accessible for many citizens. Our tools are reason and fact-finding. An Ombudsman Office is a gift by elected officials to their citizens, a gift to help them if their government is causing them delay or harm. We don't give gifts to people we don't care about. The existence of an Ombudsman Office demonstrates to citizens that their elected officials care about what is happening to them and want to safeguard and protect them.

For the most part, the Ombudsman and staff continue to experience cooperation with the staff of agencies and facilities within our jurisdiction. I respect their willingness to cooperate with my assistant ombudsmen and long-term care ombudsmen. Ombudsmen advocate for good government and for good care, and professionals in those fields do as well. We believe that a non-adversarial and cooperative approach is in the best interest of all. But we are not afraid to fight when other strategies fail!

I want to take this opportunity to thank all those who assisted the office in 2009 with an outpouring of support when the City of Dayton Planning Department recommended eliminating all funding to support the Ombudsman Office. Funding was restored by the City of Dayton Commissioners at \$50,000. This is a reduction of \$20,000, and is the level of funding the office received from the City of Dayton in 1980.

I also want to express my gratitude for the professionalism, creativity and tenacity that staff have demonstrated this year. The citizens of Montgomery County and residents of long-term care facilities in our nine-county area truly have advocates in their quest for fair treatment.

I look ahead with hope, but also with concerns. The economic situation of citizens has increased our workload, but the resources to implement our mandate have been reduced. In spite of increasing complaints by citizens seeking access to government services and decreasing resources with which to address those issues, I remain committed to providing the best Ombudsman services possible and to seeking solutions to our citizens' problems with their government and their care.

Diane D. Welborn,
Ombudsman

ARTICLES OF INCORPORATION

NAME:

The name of this corporation shall be the Joint Office of Citizen Complaints.

PRINCIPAL OFFICE:

The place in this state where the principal office of this corporation is to be located is the City of Dayton, Montgomery County, Ohio.

PURPOSES:

This corporation is formed and shall be operated exclusively for the following charitable and educational purposes:

1. To provide investigative services of administrative acts of agencies upon complaint by any citizen.
2. To provide convenient public service to assist individual citizens in getting fair treatment from governmental agencies.
3. To provide an impartial agency for investigating citizen complaints concerning services of governments and governmental agencies.
4. To further improve citizen confidence in local government services.
5. To generate public information through the media which will lead to better community understanding of urban dilemmas.
6. To provide an opportunity for constructive public service by volunteers.

RESTRICTIONS ON CORPORATE ACTIVITY:

No charge shall be made by this corporation for any service rendered to complaining citizens. No substantial part of the activities of this corporation shall attempt to influence legislation. This corporation shall not participate in any political campaign on behalf of any candidate for public office.

MEMBERSHIP:

Any political subdivision in the Dayton, Ohio metropolitan area shall be eligible to become a member of the corporation upon the affirmative vote of not less than a majority of the Board of Trustees. The initial members of this corporation shall be the City of Dayton, Ohio, the Dayton School District, and Montgomery County, Ohio.

TRUSTEES:

The affairs of the corporation shall be governed by a Board of Trustees. Each member of the corporation shall elect three trustees.

OMBUDSMAN:

The Board of Trustees shall elect an Ombudsman to be the chief executive officer of the corporation. There is a Management Agreement by which the Ombudsman is retained through a contractual agreement with the Board of Trustees. This agreement limits any interference by the members of the trustees in the ordinary conduct of business of the Ombudsman's Office. It further states that, if the Ombudsman shall breach any of the terms of the agreement, she/he may be removed from office by only the affirmative vote of two-thirds of all the trustees in office. The Board of Trustees shall have authority to delegate the general supervision and control of the affairs of the corporation to the Ombudsman.

BOARD OF TRUSTEES 2009

BOARD OF EDUCATION

Lester Weller
Dayton Education Council Chair

Nancy Nerny
Dayton Public School Board

Ronald C. Lee
Dayton Public School Board

CITY OF DAYTON

Dean Lovelace
Commissioner

Mabel Vaughn
Citizen

Vacant Position

MONTGOMERY COUNTY

Judy Dodge
Commissioner

Dan Foley
Commissioner

Deborah Lieberman
Commissioner

OMBUDSMAN

OMBUDSMAN BUDGET 2009

Where the money comes from:

Montgomery County	\$ 89,431
City of Dayton	70,000
Dayton Board of Education	15,000
Other Income	5,802
Total	\$180,233

Where the money goes:

Salaries	\$ 116,265
Benefits	41,512
Rent & Office Expenses	14,087
Telephone	1,668
Equipment Purchases & Fees	3,133
Program Expense	3,568
Total	\$180,233

LONG-TERM CARE OMBUDSMAN PROGRAM BUDGET 2009

Where the money comes from:

Title IIIB Ombudsman Funds	\$ 80,018
Title VII Elder Abuse Prevention Funds	20,251
Title VII Long-Term Care Ombudsman Funds	18,611
State of Ohio – Long-Term Care Ombudsman Funds	52,250
Ombudsman Support Funds	50,000
Facilities Bed Fee	88,334
Total	\$309,464

Where the money goes:

Salaries	\$ 208,628
Benefits	55,881
Rent & Office Expenses	17,309
Telephone	3,281
Equipment Purchases & Fees	6,901
Program Expense	17,464
Total	\$309,464

City of Dayton

Cases

Information & Referrals

CityWide Development	0	2
Human Relations	0	4
Human Resources	0	1
Inspectional Services	8	79
Law Department	0	2
Leisure Services	0	1
Mediation Center	0	7
Miscellaneous	1	2
Municipal Court Misc.	1	40
Neighborhood Development	0	1
Police Department	3	15
Priority Board	0	4
Street Maintenance	2	2
Taxation	1	2
Traffic	1	0
Waste Collection	2	3
Water Department	137	17
Weed & Vacant Lots	1	0

Total

157

182

Public Health Dayton & Montgomery County

Cases

I & R

Community Health Services	1	9
Housing Inspection	0	4
Miscellaneous	0	1
Personal Health	1	1
Vital Statistics	1	23

Total

3

38

Montgomery County

Cases

I & R

ADAMHS	0	17
Animal Shelter	0	4
Auditor's Office	8	22
Board of Elections	0	5
CareSource	4	0
Children's Services	2	15
County Courts	3	32
Crisis Care	0	1
Developmental Disabilities Services	0	1
Engineer's Office	0	1
Jail	1	5
Job & Family Services		
Adult Protective Services	0	10
Child Support	48	31
Daycare	3	2
Disability Assistance	31	5
Food Stamps	108	17
Medicaid	95	27
Ohio Works First	45	8
Prevention, Retention, Contingency	12	4
Recertification	31	4
Unemployment	11	0
WIA	1	0
Miscellaneous	0	3
Probation	0	2
Prosecutor	1	1
Public Defender	1	5
Recorder	0	1
Sanitary Department	1	1
Sheriff	2	2
Treasurer	1	2
Veterans Services	1	9
Water Department	10	3

Total	420	240
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Dayton Board of Education

	<i>Cases</i>	<i>I & R</i>
Administration	10	0
Schools	7	1
Transportation	16	0
Total	33	1

State of Ohio

	<i>Cases</i>	<i>I & R</i>
Attorney General	3	104
Bureau of Employment Services	1	8
Bureau of Motor Vehicles	4	20
Bureau of Workers Compensation	0	14
Department of Rehabilitation & Correction	1	2
HEAP	0	1
Medical Board	0	18
Miscellaneous	2	4
ODJFS	3	10
Ohio Civil Rights Commission	0	45
Ohio Consumers' Counsel for Utilities	0	83
Ohio Dept. of Commerce	1	12
Ohio Dept. of Development	0	2
Ohio Dept. of Education	0	3
Ohio Dept. of Health	0	6
Ohio Dept. of Insurance	0	99
Ohio Dept. of Mental Health	0	1
Ohio Public Utilities Commission	0	77
Ohio Dept. of Youth Services	0	1
Ohio Public Employees Retirement System	0	2
State Laws	0	2
State Representative	0	31
State Taxation	1	6
Unemployment Compensation	0	26
Victim of Violent Crime Compensation Program	0	2
Total	16	579

Federal	<i>Cases</i>	<i>I & R</i>	Other Cities & Agencies	<i>Cases</i>	<i>I & R</i>
Congressional Representative	0	25	Better Business Bureau	0	128
Department of Commerce	0	1	CAP-HEAP	8	29
Department of Health & Human Services	0	1	Consumer	14	37
EITC (Earned Income Tax Credit)	0	4	Dayton Power & Light	1	14
Equal Employment Opportunity Commission	0	25	Debt Collection	0	110
Federal Bureau of Investigation	0	1	Emergency Assistance	22	494
Federal Communications Commission	0	1	Employer/Employee	2	77
Federal Trade Commission	0	7	Housing- DMHA	60	52
Housing & Urban Development	2	68	Housing	2	617
Internal Revenue Service	2	19	Housing- Foreclosures	0	120
Medicare	2	22	Insurance	2	19
Miscellaneous	0	6	Legal	4	601
Patent & Trademark Office	0	2	Library	0	3
Social Security	44	45	Medical	2	68
U.S. Census Bureau	0	1	Mental Health	3	20
U.S. Department of Education	1	5	Miscellaneous	4	24
U.S. Department of Labor	0	74	Municipalities/Villages	8	30
U.S. Dept of State	0	3	Other County	9	63
U.S. Post Office	6	2	Other State	0	30
U.S. Citizen & Immigration Services	0	2	Passport	0	3
Veteran's Administration	0	5	Real Estate	0	1
Total	57	319	RTA	8	4
			Schools	4	4
			Senior Resource Conn.	0	2
			Social Services	5	30
			Townships	1	1
			Transportation	1	6
			Vectren	0	12
			Total	160	2599

OMBUDSMAN TOTALS

CASES

846

INFORMATION & REFERRALS

3958

LONG-TERM CARE OMBUDSMAN COMPLAINTS

Abuse Within Facilities

Financial Exploitation	5
Physical Abuse	5
Sexual Abuse	8
Verbal & Psychological Abuse	4
Total	22

Access to Information

Access to Residents' Records	11
Visits by Friends & Relatives	5
Violations of Residents' Rights	7
Total	23

Admission & Discharge

Admission	3
Holding Resident's Bed While	
Hospitalized	2
Involuntary Discharge	64
Room Change	11
Total	80

Choice & Rights

Confined Against One's Will	12
Civil Rights	12
Negative Staff Attitude	38
Right to Refuse Treatment	7
Response to Complaints	7
Total	76

Finance & Property

Billing	30
Personal Funds	8
Lost/Stolen Property	31
Total	69

Care

Accidents	13
Response to Call Lights	25
Care Plan	50
Medication Administration	29
Lack of Proper Hygiene	11
Total	128

Rehabilitation

Absence of Assistive Devices	18
Therapy	5
Dental, Vision & Hearing	5
Physical/Chemical Restraints	3
Total	31

Activities & Social Services

Case Management	4
Roommate Conflict	6
Transportation	3
Total	13

Dietary

Food Temperature & Delivery	14
Limited Menu Selection	15
Therapeutic Diet	5
Total	34

Environment

Temperature	4
Cleanliness & Odors	20
Equipment, Storage & Supplies	18
Infection Control	4
Total	46

LONG-TERM CARE OMBUDSMAN INFORMATION & REFERRALS

Policy			Assisted Living Visits	213
Record Keeping	4		Benefits, Rights & Regulations	874
Total	4		Community Education	60
Staffing			Adult Group Home Visits	120
Communication Barrier	2		Nursing Home Visits	604
Shortage of Staff	8		Selection Assistance	110
Unresponsive to Residents' Complaints	3		Provider Consultation	314
Lack of Supervision	1		Work with Resident/Family Council	60
Lack of Training	1		Other	124
Total	15		TOTAL INFORMATION & REFERRALS	2479

Certification of Facility by CMS

Access to Certification Information	1
Total	1

Medicaid/ODJFS

Access to Information	4
Personal Needs Allowance	2
Services	1
Total	7

LONG-TERM CARE OMBUDSMAN TOTALS

Systems

Abuse by Family	1
Family Conflict	5
Financial Exploitation by Family	9
Guardianship	9
Preadmission & Screening	2
Physician Not Available	1
Restrictive Environment	6
Total	33

TOTAL COMPLAINTS 582

COMPLAINTS

582

INFORMATION & REFERRALS

2479

2009 CONTACTS

MONTGOMERY COUNTY

OMB LTC*

CITIES & VILLAGES

Brookville	35	2
Centerville	62	10
Clayton	30	0
Englewood	66	9
Farmersville	2	0
Germantown	32	1
Huber Heights	218	6
Kettering	366	26
Miamisburg	140	7
Moraine	22	8
New Lebanon	70	12
Oakwood	18	1
Riverside	58	0
Trotwood	283	29
Union	17	0
Vandalia	39	11
West Carrollton	124	12

TOWNSHIPS

Butler	201	0
Clay	49	0
German	4	0
Harrison	135	17
Jackson	30	0
Jefferson	128	1
Miami	103	12
Washington	69	17

CITY OF DAYTON

OMB LTC*

PRIORITY BOARDS

Downtown	302	0
FROC	491	22
Innerwest	430	7
Northwest	545	3
Northeast	188	2
Southeast	1025	29
Southwest	351	1
Unknown	32	0

CITY OF DAYTON TOTALS

3364 64

MONTGOMERY COUNTY

LTC CONTACTS

2140

MONTGOMERY COUNTY

TOTALS

5665 245

LTC OTHER COUNTIES

CHAMPAIGN COUNTY	100
CLARK COUNTY	422
DARKE COUNTY	111
GREENE COUNTY	438
LOGAN COUNTY	95
MIAMI COUNTY	269
PREBLE COUNTY	73
SHELBY COUNTY	55
UNKNOWN	148

OTHER COUNTY TOTALS

1711


GRAND TOTALS

5665 4096

OMBUDSMAN TOTAL

9761

* LTC contacts in facilities in these Jurisdictions



Every Sunday the Ombudsman Column features examples of the problems citizens bring to the office and the resolutions brought by the Ombudsman's staff. We are grateful for the long-standing cooperation with the Dayton Daily News.

COMMUNITY EDUCATION

STAFF & VOLUNTEER SUPPORT

STAFF

Diane D. Welborn, Ombudsman

Mary Green, Executive Assistant

Shirley Howard Dunson, Receptionist

Brandy Alexander, Assistant Ombudsman

Amanda Bennett, Assistant Ombudsman

Priscilla Lofton, Program Assistant,

sponsored by the Dayton Urban League

Troy Rooney, Graduate Student Intern

Monica Wynn, Program Director

*Sandy Cherry, Program Director until
April 17, 2009*

Sandy Fredrick, Ombudsman Support Staff

Megan Gariety, Ombudsman Specialist

*Drew Strayer, Ombudsman Specialist until
August 13, 2009*

Nancy Wrede, Ombudsman Specialist

*Marilyn Yonts, Ombudsman Support
Staff*

Rebecca Baker, Student Intern

VOLUNTEERS

The Ombudsman Office could not fulfill our mission without the participation of volunteers. Volunteers in the Ombudsman Office serve through investigating complaints and handling information and referral calls. Long-term care volunteers serve by providing a community presence in long-term care facilities and investigating complaints. Volunteer time devoted in 2009 exceeds 2000 hours. We are grateful for each and every hour!

LONG-TERM CARE OMBUDSMAN VOLUNTEERS

Barbara Albers

George Blackburn

Steve Buttermore

Barbara Fee

Robert Garwood

Jim Hurtt

Hal Johnson

Faye Jones

Walt Kaiser

Rusty Leifheit

Forrest Lewis

Marjorie Malina

Bonnie McQuirt

George Miller

Marvin Mulford

Mary Nelson

Mary Parlin

James Pennington

Martha Rice

Ralph Russell, Sr.

Linda Stichweh

Margaret VanGundy

Ron Wilson

Jennifer Wright

Dottie Young

A photograph of two women in an office setting. They are both smiling and looking towards the camera. In front of them is a very large, thick stack of white papers that covers the lower half of the frame. Behind them, there is a desk with a computer monitor, a printer, and a vase of purple and white flowers. The background shows a window with blinds and some office furniture.

Case closed!

Joint Office of Citizen Complaints
15 East Fourth Street, Suite 208
Dayton, Ohio 45402
937-223-4613
800-395-8267
ombudsman@dayton-ombudsman.org