



**DISABILITY LAW**  
COLORADO™

## **2020 ANNUAL REPORT**

### **Older Americans Act Programs**

Colorado Long-Term Care Ombudsman Program  
Colorado PACE Ombudsman Program  
Legal Assistance Developer Program

## A Thank You Note to Mary Dwyer



*We would like to express our sincerest thanks for the work and career of Mary Dwyer who retired this year. Mary had a long and distinguished career in government service. Mary oversaw the*

*Legal Assistance Developer Program and the ombudsman programs at the State Unit on Aging for over 10 years. Prior to that she worked with the Home and Community Based Service Programs at the Department of Health Care Policy and Financing and with the single-entry point in Adams County. We will remember Mary for her support of the programs and dedication to program integrity. We will also remember Mary as a friend.*

*Congratulations on your retirement and thank you for all you have done for these programs, and for all Coloradans.*

## Who Is Disability Law Colorado?

Disability Law Colorado protects and promotes the rights of people with disabilities and older people in Colorado through direct legal representation, advocacy, education and legislative analysis. Similar P&A organizations exist in every state and territory as part of the National Disability Rights Network.

**Mary Anne Harvey**  
Executive Director

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## What Are Colorado's Older Americans Act Programs?

The Colorado Long-Term Care Ombudsman Program and Legal Assistance Developer program were created by the federal Older Americans Act. These programs are administered by Disability Law Colorado under a contract with the Colorado Department of Human Services, Division of Aging and Adult Services. They operate in conjunction with the 16 Area Agencies on Aging (AAA) to coordinate services statewide, promoting and protecting the rights of Colorado's older adults and improving their quality of life.

## What Do Ombudsmen Do?

Ombudsmen are resident-directed advocates for people who reside in nursing homes and assisted living communities. Ombudsmen promote and protect rights, quality of care, and quality of life for older adults. Colorado's ombudsmen investigate and resolve complaints on behalf of residents. Ombudsmen provide information and education to residents, families, staff and community professionals on the rights of people living in long-term care settings and PACE (Program of All-Inclusive Care for the Elderly). Colorado ombudsmen also work on advocating for systemic changes to improve quality of care and life for older adults throughout our state.



State Office Long-Term Care Ombudsman Team: Pictured (right to left) Leah McMahon, Jeremy Bell, Vinni Ferrara, Shelbie Engelking

## What Do Legal Assistance Providers Do?

Legal assistance providers are attorneys who contract with each of Colorado's 16 Area Agencies on Aging (AAAs) to coordinate the delivery of free civil legal services for older adults (defined as 60 and older). These services are targeted toward older adults with the greatest social and/or economic need. Legal assistance providers help older adults with a variety of issues: they represent older Coloradans who are in danger of losing their housing; they provide protection against financial exploitation and consumer fraud; they help elders maintain public benefits; and they also address sensitive domestic issues.



Kelsey Lesco, Legal Assistance Developer for Elders, presents information on supported decision making

# Colorado PACE Ombudsman Program and Success in Advocacy

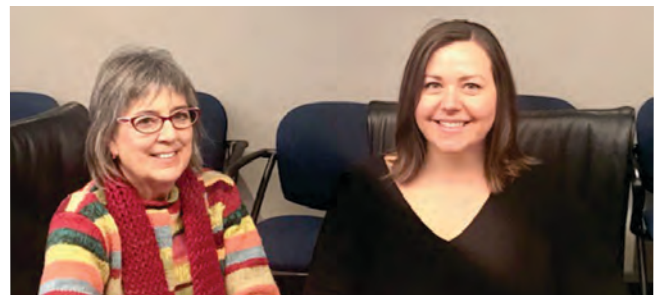
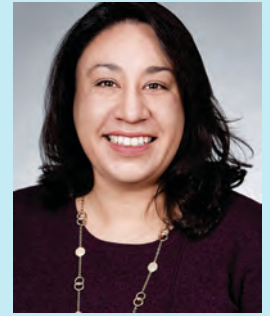
PACE (Program of All-Inclusive Care for the Elderly) offers comprehensive medical care and social services to approximately 5,000 participants across Colorado who are 55 years of age and older and who meet the nursing home level of care. The program is designed to maintain people's independence in their home or community of choice. The Colorado PACE Ombudsman Program provides free independent, participant-directed advocacy to help PACE participants and their families navigate the complex delivery system and understand their right to quality care.

The Colorado PACE Ombudsman Program was created by the legislature when the PACE provider InnovAge converted its legal status from a nonprofit to a for-profit corporation in October 2015. Those conversion proceeds established the NextFifty Foundation, which has funded the startup of the Colorado PACE Ombudsman Program through June 2021. Funding for the Colorado PACE Ombudsman position has been requested in the state budget and the program will continue to work on funding goals to increase the number of local PACE ombudsmen needed to serve the growing number of participants across a very large geographic area. Additional local PACE ombudsmen are needed in rural areas to improve advocacy for the many vulnerable adults enrolled in PACE.

In March 2020, the COVID-19 pandemic shut down the PACE day centers. The pandemic has negatively impacted participant care in many ways: limiting access to services, causing delays in communication, and affecting the overall quality of care that participants receive. PACE participants have also faced increased isolation and depression during the pandemic. PACE ombudsmen continue to provide outreach and advocacy to ensure that participant's needs are met and their rights are honored.

The PACE Ombudsman Program continues to collect and present statewide complaint data from across the four PACE organizations. Data collected from participants informs future focus areas for the program. The top five areas of concerns expressed by PACE participants are care coordination, access to services, enrollment and disenrollment, timeliness of service delivery requests, and the appeals and grievance process.

Colorado PACE Ombudsman Shelbie Engelking has completed a successful first year and continues to bring the voices of PACE participants forward to address systemic patterns of concern with PACE organizations.

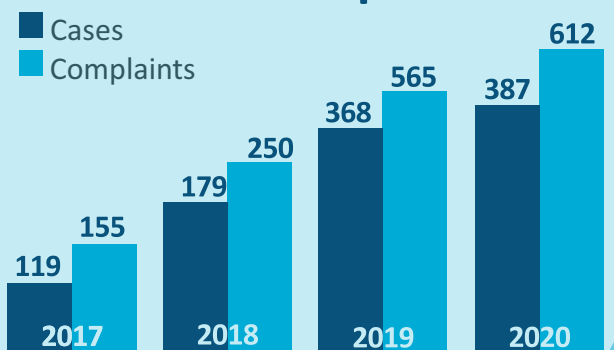


Pictured (left to right) local Denver PACE Ombudsmen Cindy Webb and Kyra Lanphier



PACE Ombudsman provides program information to PACE participants

## Cases and Complaints



# Colorado State Long-Term Care Ombudsman

The Office of the State Long-Term Care Ombudsman Program is comprised of three staff dedicated to amplifying the voice of the residents. Vinni Ferrara, Program Manager, has been a team member of the State Long-Term Care Ombudsman Program for over 13 years and an area of strength includes technical assistance to local ombudsmen, families and residents. Jeremy Bell, Deputy State Long-Term Care Ombudsman, joined the office over a year ago and has utilized his areas of strengths to enhance internal operations and the regulations, policies and procedures of the Long-Term Care Ombudsman Program. Lastly, Leah McMahon, State Long-Term Care Ombudsman, has been in this position for over a year. She is grateful to be surrounded by dynamic a team who uphold residents' rights and support the statewide team of long-term care ombudsmen.



Sandy Walker, Regional Long-Term Care Ombudsman

Colorado has **230** nursing homes with a total of **20,784** beds and **695** assisted living homes with a total of **25,637** beds. The Long-Term Care Ombudsman Program operates at the local level through a network of approximately **72** paid staff and volunteers combined advocating for residents throughout Colorado.

The Long-Term Care Ombudsman Program worked diligently throughout the pandemic to resolve complaints about quality of life and care. Residents and family members expressed concerns about care needs not being met due to lower staffing ratios and difficulties with exerting their rights regarding choice due to higher levels of restrictions that were established in facilities because of the pandemic. Residents and their family members faced many challenges this last year including moving between levels of care and discharge situations that created incredible hardships for residents. The pandemic is not over and the Long-Term Care Ombudsman Program is charged with highlighting the experiences the residents faced throughout this past year. The residents' voice informs systemic advocacy and compels us to take an inquisitive look at facility standards, emergency preparedness, and the need to prioritize residents staying connected to friends and families.

Colorado State Long-Term Care Ombudsman Leah McMahon continues to empower and equip ombudsmen to advocate for and protect the rights of residents in nursing homes and long-term care residences throughout Colorado.



For Fiscal Year 2020, across Colorado, local ombudsmen:

- investigated **4,263** complaints with **3,256** partially or fully resolved;
- provided **5,341** consultations to staff or administrators of nursing and assisted living homes and **10,815** consultations to residents and family member or to the community on a wide range of long-term care issues and concerns; and
- attended **1,428** resident council meetings; and conducted **226** community education sessions for people who work in long-term care settings.

## Top Five Complaints in Nursing Homes and Assisted Living Residences



1. Quality of Care (1,018)



2. Autonomy, Choice, Rights (769)



3. Admission, Transfer, Discharge, Eviction (458)



4. Environment (406)



5. Dietary (267)

# Legal Assistance Developer for Elders Program



As Legal Assistance Developer, Kelsey Lesco is charged with advocating for the rights and well-being of older Coloradans and for administering the Colorado Legal Assistance Program. Kelsey provides oversight, training and assistance to the legal assistance providers, and training and

assistance to professionals and the public. Kelsey also focuses extensively on advocating for public policies that advance the dignity, respect, and well-being of older adults. In 2020, Kelsey :

- responded to **655** requests for technical assistance from legal providers, ombudsmen, and others;
- provided training to over **300** participants on such topics as Supported Decision Making, Guardianship, and held the Colorado Legal Assistance Developer Conference;
- tracked and advocated for numerous pieces of legislation that impact older adults;
- served as chair of the Office of Public Guardianship Commission; and as a board member of Colorado Senior Lobby;
- provided feedback and recommendations to government officials on the Crisis Standards of Care, COVID-19 vaccine distribution and other COVID-related issues.

**COVID-19 Response:** The pandemic has impacted almost every aspect of the work of legal assistance providers. Offices were forced to close to the public and attorneys had to rely on technology and mail to meet and communicate with clients. The lack of in-person contact made it more difficult for attorneys to establish rapport and trust with clients, particularly important when a client's case touches upon deeply personal issues.

Technology limitations of clients, such as unreliable internet access, made remote casework even more difficult. However, while providers had to change how they work with clients, they provided an even higher level of service during this difficult year. The pandemic has created new and more extreme needs and, in the next year, continued protections and increased resources are needed to prevent the worst possible outcomes of the pandemic:

- There has been a surge in demand for assistance with housing issues. **Continued protections against eviction are urgently needed.** The increased need for assistance with housing issues may only be a preview of an eviction crisis facing older adults.
- Domestic violence cases have increased in volume and severity as COVID restrictions aggravated tensions and made it difficult to escape abusive situations. **As the pandemic recedes, we must be ready to assist the many vulnerable older adults who could not seek help in 2020.**
- Mental health issues for older adults have been exacerbated by the social isolation, and **they need improved information about, and access to mental health care.**
- Loss of income has given rise to more aggressive collections actions. As temporary protections terminate, **older adults need safeguards against the effects of income loss.** This includes unemployment assistance, Medicaid benefits and protection from utility cut-off due to an inability to pay.
- **The work of the legal assistance providers has been critical during the pandemic and in 2021 this program will be even more important.**

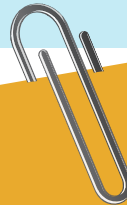
In 2020, the Legal Assistance Developer Program served **6,136** older Coloradans, requiring **12,140** hours of legal services and **2,803** pro bono hours. The most urgent legal needs were for housing issues, consumer issues, public benefits, Medicaid eligibility, and Social Security/SSI cases.

REGION	NUMBER OF CLIENTS SERVED	HOURS OF SERVICE	PRO BONO UNIT	NUMBER UNABLE TO SERVE
1	105	87	0	0
2A	394	568	0	87
2B	136	599	0	87
3A	3,036	5,879	1,576	403
3B	171	501	16	0
4	270	527	595	0
5	6	11	0	0
6	225	322	174	0
7	139	1,321	85	15
8	5	9	26	0
9	165	137	6	0
10	95	260	0	2
11	1,195	1,532	151	2
12	109	63	21	2
13	78	299	142	0
14	7	25	11	0
<b>TOTAL</b>	<b>6,136</b>	<b>12,140</b>	<b>2,803</b>	<b>518</b>

# Stories of Impact from the Field

## Creative Advocacy by a Legal Assistance Provider Prevents Eviction

Hoarding is a problem that attorneys are seeing more often as older adults are threatened with eviction if a hoarding issue is not addressed. In one case, a single woman in her seventies had lived in her apartment for several years and had many items blocking her and others from safely entering or exiting her home. Management had tried to work with her for several months, but an underlying mental health issue prevented any progress. Eviction was imminent and the client had no other housing options. To address the issue, this legal assistance provider went the extra mile and found a woman who specializes in helping older adults with hoarding issues and a private donor to pay her fee. She worked closely with the client and this allowed the provider to negotiate with management who, seeing progress, agreed to drop the eviction. This case illustrates the holistic and complex work of the legal assistance program. In addition to providing high level legal expertise, providers navigate social services and other supports to best advocate for clients.



## Long-Term Care Ombudsman Advocacy on the Front Line

When the pandemic swept across the nation, residents, family members and ombudsmen worried about the impact on long-term care residents. What stood out most was the isolation and loneliness the residents suffered, due to the lack of visits with family members and loved ones. Life in a nursing home or assisted living home could be lonely before COVID-19, but the impact has been much greater during the pandemic. Many people lost friends, family, independence, choice, autonomy and faced further declines in health. But the experience also sparked creativity and perseverance during the toughest and darkest of times. Colorado local ombudsmen across the state advocated for creative ways to connect residents with their loved ones. One of these local long-term care ombudsmen was Eliza Piesman in Fort Collins who helped residents visit with friends and family through the construction of a hug tunnel.

The pandemic has had an unimaginable impact on residents. The complaint trends identified during the COVID-19 period have highlighted the need to improve quality of life and care for residents who have been living in isolation, hopelessness and despair. We can take the opportunity now to reflect back on what we have learned from this time period and apply it to the future. We can intensify the residents' voice to inform improvements for a better quality of life and care, and demonstrate what life in long-term care should look like from the perspective of the residents. There is light at the end of the tunnel. *(Front cover photo is a "Hug Tunnel")*

## Education and Advocacy from PACE Ombudsman Program

The PACE Ombudsman program provided education and advocacy to a dear friend of mine as she struggled with complex medical issues and the onset of dementia. My friend enrolled in PACE a few years ago knowing that she needed more assistance with her medical needs, and she really liked the idea of all services being in one place. Initially my friend was able to manage with little assistance, but then I began to notice more forgetfulness regarding taking medications and also hearing about trips to the emergency room. While I tried to assist as much as I could, I was not able to fully take on this responsibility and my friend had many questions. Together we contacted the PACE ombudsman who provided us with information on the ombudsman's role as an advocate as well as participant rights.

The PACE ombudsman advocated for increased care coordination with PACE to meet my friend's changing needs. My friend now has routine interaction with her social worker and timely medical appointments. Her needs are being met and she is able to stay in her home. So thankful for the PACE ombudsman's assistance.

**[A note from someone whose friend is a PACE program participant.]**



# DISABILITY LAW COLORADO™

Protecting and promoting the rights of Colorado's older adults and improving their quality of life.

## 2021 RESOURCE DIRECTORY

Colorado Long-Term Care Ombudsmen  
Colorado PACE Ombudsmen  
Legal Assistance Providers



REGION	REGIONAL OMBUDSMEN	LEGAL ASSISTANCE PROVIDERS	PACE OMBUDSMEN
<b>1</b> Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	<b>Marlene Miller</b> 970.848.2277 mmilleraaa@yahoo.com	<b>Mark Earnhart, Esq.</b> 970.522.4135 mark@earnhartlaw.com	N/A
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<b>3A</b> Adams, Arapahoe, Denver, Jefferson, Broomfield, Clear Creek, Gilpin, Douglas	<b>Shannon Gimbel</b> 303.480.5621 sgimbel@drcog.org	<b>Claire Dickson, Esq.</b> 303.837.1313   303.866.9346 cdickson@colegalserv.org	<b>Shannon Gimbel</b> 303.480.5621 sgimbel@drcog.org
<b>3B</b> Boulder	<b>Erica Corson</b> 303.441.1170 ecorson@bouldercounty.org	<b>Brett Landis</b>   303.449.7575 blandis@colegalserv.org <b>Michael Anderson</b>   720.242.8642 mike@rmlegal.org	<b>Shelbie Engelking</b> 720.830.7022 sengelking@disabilitylawco.org
<b>4</b> El Paso, Park, Teller	<b>Lori McGinnis</b> 719.471.7080 Ext. 132 lmcginnis@ppacg.org	<b>Sarah Lipka, Esq.</b> 719.471.0380 slipka@colegalserv.org	<b>Shelbie Engelking</b> 720.830.7022 sengelking@disabilitylawco.org
<b>5</b> Cheyenne, Elbert, Kit Carson, Lincoln	<b>Debby Conrads</b> 719.348.5562 dconrads@prairiedevelopment.com	<b>Randa Davis-Tice, Esq.</b> 719.336.8286 davisticelaw@centurytel.net	N/A
<b>6</b> Baca, Bent, Crowley, Kiowa, Otero, Prowers	<b>Michelle Jaramillo</b> 719.383.3142 michelle.jaramillo@state.co.us	<b>Randa Davis-Tice, Esq.</b> 719.336.8286 davisticelaw@centurytel.net	N/A
<b>7</b> Pueblo	<b>Henrietta Hardison</b> 719.250.0110 hhardison@srda.org	<b>Bob Keating, Esq.</b> 719.545.6708 rkeating@colegalserv.org	<b>Shelbie Engelking</b> 720.830.7022 sengelking@disabilitylawco.org

2021 Directory continued on the other side

### State Office Staff Listing

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Legal Assistance Developer for Elders

**Leah McMahon**  
State Long-Term Care Ombudsman

**Shelbie Engelking**  
State PACE Ombudsman

**Jeremy Bell**  
Deputy State Long-Term Care Ombudsman

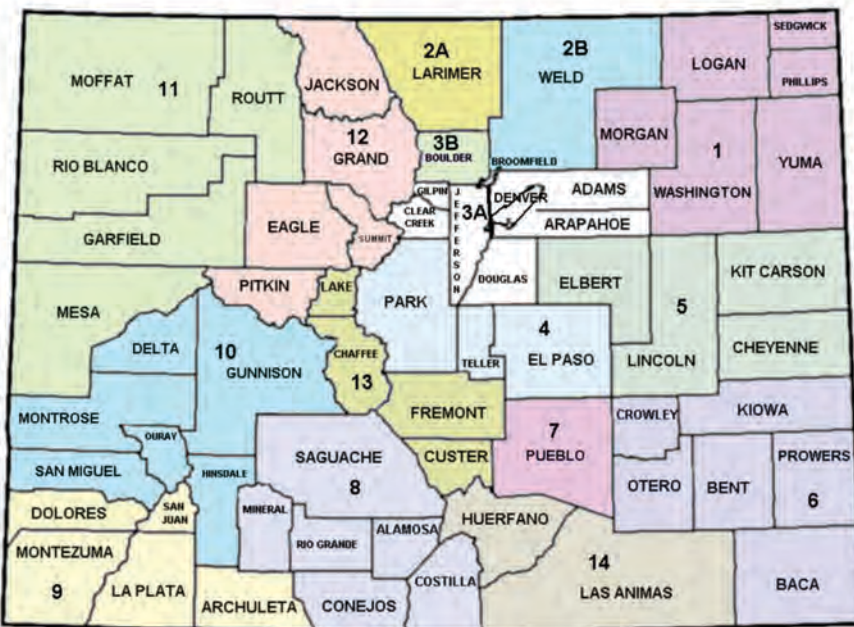
**Vinni Ferrara**  
Ombudsman Program Manager

[www.COombudsman.org](http://www.COombudsman.org)  
[www.DisabilityLawCO.org/LegalAssistance](http://www.DisabilityLawCO.org/LegalAssistance)

REGION	REGIONAL OMBUDSMEN	LEGAL ASSISTANCE PROVIDERS	PACE OMBUDSMEN
<b>8</b> Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache	<b>TBD</b> 719.298.8001 ombudsman_reg8@qwestoffice.net	<b>Tamara Sullivan, Esq.</b> 719.589.4993 tsullivan@colegalserv.org	N/A
<b>9</b> Archuleta, Dolores, La Plata, Montezuma, San Juan	<b>Kay Kaylor</b> 970.264.0501 ext. 2 regionalombudsman@sjbaaa.org	<b>Daniel Fiedler, Esq.</b> 970.507.8528 DanielFiedler@gmail.com	N/A
<b>10</b> Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	<b>Sandy Walker</b> 970.765.3131 sandy@region10.net	<b>TBD</b>	<b>Shelbie Engelking</b> 720.830.7022 sengelking@disabilitylawco.org
<b>11</b> Garfield, Mesa, Moffat, Routt, Rio Blanco	<b>Heather Jones</b> 970.248.2717 heather.jones@mesacounty.us	<b>Jennifer Wherry, Executive Director</b> 970.945.8858 jennifer@alpinelegalservices.org  <b>Daniella Shively, Esq.</b> 970.243.7940 dshively@colegalserv.org  <b>Sandra Hershisier, Coord.</b> 970.276.2161 shershisier@colegalserv.org	N/A
<b>12</b> Eagle, Grand, Jackson, Pitkin, Summit	<b>Tina Strang</b> 970.468.0295 Ext. 122 tstrang@nwccog.org	<b>Patricia Craig, Coord.</b> 970.668.9612 pcraig@colegalserv.org	N/A
<b>13</b> Chaffee, Custer, Fremont, Lake	<b>Terri Gerstmeyer</b> 719.539.3341 theresa.gerstmeyer@uaacog.com	<b>Jeanna Baitlon, Esq.</b>   719.539.4251 jbaitlon@colegalserv.org <b>Sarah Lipka, Esq.</b>   719.471.0380 slipka@colegalserv.org	N/A
<b>14</b> Huerfano, Las Animas	<b>Elizabeth Kelly</b> 719.859.5755 (cell) ombudsman@sccog.net	<b>TBD</b>	N/A

## STATE OF COLORADO

### 16 Regions of Area Agencies on Aging (AAA)



### Contact Information

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Call 303.722.0300

**State Long-Term Care Ombudsman at Disability Law Colorado**  
Call 303.862.3524

**State PACE Ombudsman at Disability Law Colorado**  
Call 720.830.7022

**State Unit on Aging at the Colorado Department of Human Services**  
Call 303.866.2800

The Colorado Long-Term Care Ombudsman and Legal Assistance Developer programs were created by the federal Older Americans Act and are administered by Disability Law Colorado under a contract with the Colorado Department of Human Services, Division of Aging and Adult Services. [Learn more at www.disabilitylawco.org](http://www.disabilitylawco.org)