



# Ombudsman Outlook: News, Resources, and Tips

Brought to you by:  The National Long-Term Care  
Ombudsman Resource Center

Monday, December 22, 2014

Volume 1, Issue 2

## NORC Receives Supplemental Grant

We're excited to share with you that the National LTC Ombudsman Resource Center received a **supplemental grant** from the Administration for Community Living (ACL) to work on 3 specific projects over the next year:

Project 1 will identify best practices and barriers to collaboration between LTCOPs and Legal Services Developers and Legal Services Programs, and resources will be developed to support coordinated work.

Project 2 will provide focused technical assistance to SLTCOPs seeking to strengthen their preparation for and response to emergency/disaster situations. NORC will be accepting proposals from State LTC Ombudsman Programs that would like us to come on-site and help them develop policies and collaborative plans to address specific needs that arise for elders in LTCFs during emergency situations.

Project 3 will build on an earlier project NORC worked on with the National Disability Rights Network around collaboration between LTCOPs and Protection and Advocacy Programs, and will include development of a toolkit containing resources to assist with LTCOP/P&A collaborative efforts.

NORC staff and consultants working on these projects will be reaching out to state and local ombudsmen to gather information, identify best practices, and solicit feedback on each of the projects. If you have questions, don't hesitate to contact NORC Director, [Lori Smetanka](#).

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### NORC Featured Resource

#### Working with Individuals with Mental Health Conditions

This [quick reference guide](#) provides an overview of the topic, foundation points for ombudsman practice, and key resources for more in-depth knowledge and to improve ombudsman skills.

The foundation points could be used to start a dialogue with LTCO staff and volunteers about

## New and Updated NORC Resources

A brief overview of new and/or updated resources that have recently been added to the NORC [website](#) is below.

### **[NEW! Introduction to LGBT Aging: What You Need to Know about Lesbian, Gay, Bisexual and Transgender Older Adults](#)**

Tim Johnston, PhD, Manager of Education and Training for SAGE (Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders), provides an introduction to LGBT aging discussing the culture, needs and concerns of LGBT older adults, why LGBT older adults are less likely to access health and social services and sharing best practices and tools for helping LGBT older adults to feel more included. Click [here](#) for more resources for LGBT elders.

### **[NEW! Long-Term Care Ombudsman Services in Indian Country](#)**

The LTCOP was included on the agenda of the 2014 National Title VI Training & Technical Assistance Conference in DC. This session provided information about the LTCOP, how services can be accessed, and explored opportunities for the LTCOP to increase and improve culturally competent services to Native Americans in facilities. Click [here](#) for more resources on Ombudsman Program Management.

### **[UPDATED! Infection Prevention - Flu, Viruses, and Other Health Issues](#)**

Ombudsmen, residents and their families can stay up to date with the latest health recommendations for long-term care facilities through published items on this issue page - including updated information and resources for nursing home residents on the 2014-15 flu season.

### **[UPDATED! Program Promotion](#)**

This page has been updated to include additional samples of resources programs across the country utilize for program promotion. These include annual reports, YouTube videos and brochures and posters.

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## CMS Guidance and Proposed Regulations Providing Equal Treatment for Same-Sex Spouses

CMS has issued [guidance](#) and [proposed regulatory revisions](#) that provide equal treatment to all spouses, regardless of sex, of a valid marriage, even if the state where the individual lives or receives services does not recognize same sex marriage. Both

working with LTC consumers with mental health conditions. This guide and other resources regarding mental illness are available [here](#).

### Consumer Voice Featured Resource



The **38th Annual Consumer Voice Conference** was November 15-18 in Arlington, VA. Attendees heard from national experts and had the opportunity to connect with LTCO, consumers, advocates, family members, and others dedicated to improving the long-term care system. Materials from the conference are available on the [Consumer Voice website](#).

### Calendar of Events

**February, 11, 2015:** *Involuntary Transfer and Discharge from Nursing Homes: Prevention, Advocacy, and Appeals.* 2-3 ET. Free webinar. Registration information forthcoming.

the proposed rules and revised language for the [State Operations Manual, Appendix PP](#) – Guidance to Surveyors for Long-Term Care Facilities were issued December 12, 2014. Comments on the proposed rule are due **February 10, 2015**. An advanced copy of the revisions to Appendix PP was issued in a Letter from CMS to State Survey Agency Directors ([S&C: 15-13-ALL](#)) and is effective immediately.

What does this mean for Ombudsman Practice? As part of your advocacy promoting and protecting the rights of residents, Ombudsmen can:

- Educate residents, family members, and staff about resident and spousal rights
- Support same-sex spouses in asserting their rights
- Advocate for residents and same-sex spouses whose rights are being violated
- Discuss guidance during facility in-service trainings regarding residents' rights
- Add information from the revised guidance to residents' rights training for initial certification and continuing education for LTCO
- Create and distribute a fact sheet regarding rights of same-sex spouses in LTC facilities
- Communicate with state and local licensing and survey staff regarding the guidance
- Review the proposed rule and submit comments by February 10, 2015

For more information about this issue, visit the NORC [website](#). More information and a fact sheet on Residents' Rights and the LGBT Community is available [here](#).

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## News from the Network...

*Examples of Collaboration for Individual and Systems Advocacy*

### **Arkansas**

Kathie Gately, Arkansas State LTC Ombudsman, received a call from Martha Deaver, President of the Arkansas Advocates for Nursing Home Residents (AANHR) seeking assistance for a resident that recently transferred from a nursing home in Louisiana to a nursing home in Arkansas to be closer to his family. The resident is quadriplegic and when he moved his customized, motorized wheelchair was too large to fit in the ambulance and he didn't have the finances or contacts to bring the chair to him.

**February 19, 2015:** *LGBT Affirming Intake: Asking Questions about Sexual Orientation and Gender Identity.* 3-4 ET. Free webinar. Registration information forthcoming.

### Questions or Ideas?

Do you have any questions or challenges related to LTCO advocacy and program management you want addressed in a future newsletter?

Do you have any suggestions for articles or feedback about this issue? If so, please [let us know](#).

### Save and Share

We encourage you to share this newsletter with your LTCO program. You can forward this email or save and share the PDF version saved on our [website](#).

### Want to receive the Ombudsman Outlook directly?

Did you receive this issue of the Ombudsman Outlook from a colleague or your LTCO supervisor? [Let us know](#) if you want to subscribe and receive our newsletter directly.

As a member of the Arkansas Order of the Eastern Star (OES), Ms. Gately sent an email requesting assistance and several members responded offering their help. A regional LTCO, Elvin Smith, obtained permission from the resident to transport his wheelchair and to work with both facilities. An OES member drove to the Louisiana facility to retrieve the wheelchair and discovered that several other belongings were also left behind (including a refrigerator and television). All of his belongings were loaded in her truck and she drove to an OES event to meet other members that volunteered to transport his belongings to the nursing home in West Memphis, Arkansas. OES members, facility staff, and five West Memphis firemen unloaded the resident's wheelchair and other belongings. After delivering the wheelchair the husband of an OES member said, "I did not know how important to his daily life this wheelchair meant to [the resident] until I met him...his wheelchair is his life and I am so glad we were able to give it back to him."

### **Minnesota**

The Minnesota Elder Justice Center recently opened with a mission shared by ombudsmen across the country, "mobilizing communities to prevent and alleviate abuse, neglect, and financial exploitation of elders and vulnerable adults." As a new entity, the organizational history and achievements of the Minnesota Elder Justice Center are the sum profile of its antecedents: the Vulnerable Adult Justice Project (VAJPF) and MN S.A.F.E. Elders Initiative. Both the VAJP and S.A.F.E. were known for broad-based stakeholder involvement, including health services, social services, law enforcement, legal advocacy, elder and disability advocates, public agencies and private associations.

Minnesota's state and regional ombudsmen have been partners in this work from the beginning, particularly in the arena of public policy, where the VAJP has built a six-year track record of consensus-based public policy recommendations and initiatives. Minnesota's Ombudsman for Long-Term Care, Deb Holtz, is an active participant in the work, bringing issues to the agenda, advocating for solutions, and working to build consensus across the many disciplines and perspectives in the room. "It isn't always pretty," she says, "but the results have been phenomenal. Lawmakers are becoming accustomed to seeing us all in agreement, and they respond positively to our recommendations."

An overview of the center, its mission and goals is available in this [announcement](#). The center [website](#) (available soon) will provide resources for many professional disciplines and the general public.

### **Montgomery County, Maryland**

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After a couple of unsuccessful attempts to form a multi-disciplinary elder abuse team, the stakeholders decided to focus on forensics, both physical and financial, capturing the attention and interest of law enforcement, prosecution, and regulatory entities leading to the formation of the Elder & Vulnerable Abuse Task Force (E/VAATF) in Montgomery County, MD. Members of the task force includes representatives from the State's Attorney's Office, law enforcement, adult protective services (APS), county attorney office, licensing and regulatory, and the LTCO. The task force meets monthly to discuss potential criminal cases as the State Attorney's Office reviews the APS intake reports daily and law enforcement sends response reports to key staff in each member program/agency. In addition to understanding the role and responsibilities of each member, the task force has developed Memorandums of Understanding, confidentiality guidance, and addressed other legal considerations.

In recognition of the 2014 World Elder Abuse Awareness Day (WEAAD), the E/VAATF brought together local, state, and federal experts, including Kathy Greenlee, Administrator, Administration on Community Living (ACL), Assistant Secretary, Administration on Aging (AoA), for an event to discuss senior safety initiatives. Also, E/VAATF members recently presented at the 2014 NAPSA (National Adult Protective Services Association) Conference in Portland, OR (detailed information and materials are available on the NAPSA [website](#)). For additional information and discussion about how to get your LTCO program involved in a similar task force, contact [Eileen Bennett](#).

*This "News from the Network" article will appear in every issue in order to highlight your work and news. We invite and encourage you to [send](#) your advocacy successes, best practices, program management examples, and resources so we can learn from you and share your experience with your peers.*

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## LTCO Volunteer Management

### **NEW! LTCO Training Video and Materials (No Cost!)**

A new video produced by the Texas LTCO program titled, **Long-Term Care Ombudsman Casework: Advocacy and Communication Skills** and training materials are available for LTCO staff and volunteer training. The video reviews LTCO complaint investigation procedures and demonstrates resident-directed advocacy and effective communication skills during complaint intake, investigation and resolution that are applicable to all aspects of LTCO work. The video is intended to be used

with the accompanying trainee guide during classroom training for new LTCO; however, trainers can also use these materials to help experienced LTCO refresh their skills by applying the techniques and procedures discussed in the video to different scenarios. For additional information and links to the training materials and the free YouTube version of the video click [here](#). Visit the [store](#) to purchase the DVD.

### **Volunteer Recruitment and Program Promotion**

Earlier this year the Ohio SLTCO program had a six week ad campaign for volunteer recruitment. Videos and other materials for the Ohio "Step Up for Consumer Rights Campaign" are available on their [website](#), two of their videos and other program promotion tips and examples are available on the NORC [website](#).

*[Join](#) the LTCO Volunteer Management Network today to connect with your peers, exchange ideas, share resources and talk about LTCO volunteer management.*

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## **Technical Assistance Hot Topic: Guardianship**

As some LTCO have experienced, occasionally the decisions of a guardian may conflict with those of the resident or a guardian may not be acting in the best interest of the resident. How does a LTCO support residents with guardians in these situations?

Even residents with guardians should be given the opportunity to make decisions and express preferences to the extent possible and LTCO would assist residents with guardians in asserting their rights. According to the Older Americans Act, LTCO are responsible for identifying, investigating, and resolving complaints, including those regarding the "welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees" [[Section 712 \(a\)\(3\)\(A\)\(ii\)](#)]. Additionally, the State shall ensure LTCO access to records related to investigating a complaint in which the guardian refuses access, the LTCO "has reasonable cause" to believe the guardian is not acting in the best interest of the resident, and gains approval from the State LTCO [[Section 712 \(b\)\(1\)\(B\)\(ii\)](#)].

*What Can A LTCO Do?*

- After identifying the resident's wishes and/or needs (if possible), check for the legal documentation outlining the guardianship, as some individuals may present themselves as a guardian without actually being

- appointed.
- Consult with your LTCO supervisor and State LTCO
  - Emphasize the importance of resident-centered decision making. Becoming familiar with the National Guardianship Association (NGA) [Standards of Practice](#) will help during discussions with guardians, residents, facility staff, and others. The standards include guidelines for the guardian to make decisions based on informed consent (when possible) and decisions that are the least restrictive on the person's independence and self-determination, as well as supporting relationships and social connections consistent with the person under guardianship's preferences.
  - Gain an understanding about guardianship in your region and state. For example, is there a state and/or regional guardianship program, is there a multi-disciplinary task force to discuss guardianship issues (e.g. [WINGS](#)), are there state long-term care facility regulations regarding guardianship and residents' rights?
  - Develop relationships with and educate the probate court and/or public guardianship program about residents' rights and the role of the LTCO program.
  - Review resources regarding guardianship and the role of LTCO on the NORC [website](#) and discuss these issues with your LTCO staff and volunteers (e.g. Making Guardianship Work for Vulnerable Elders, Guardianship: Challenges, Opportunities, and Advocacy, Informational Brief on Unbefriended Elders).

[Share](#) any tips, challenges, and resources you have regarding guardianship and LTCO advocacy.

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## Quick Tips!

The start of a new year provides an opportunity to evaluate your work, both how you work individually and the operation of your program. Below you will find tips for time management and program evaluation.

### **Stop Multitasking and Improve Your Productivity**

Multitasking is something nearly everyone does daily and is defined as "performing two or more tasks that require some degree of attention at the same time, or switching between attention-demanding tasks in rapid succession" ([ValuED](#)).

#### ***Reasons Not to Multitask include:***

- Learning without distraction increases your "cognitive

flexibility," meaning you are better able to retain and apply what you learned.

- Multitasking negatively impacts your "working memory"- your ability to retain information short-term (e.g. remembering a phone number long enough to add it to your contacts).
- Multitasking decreases your productivity as you have to "switch gears" between tasks making each one take longer and decreases your brain's ability to concentrate on one task at a time.

### ***What Can You Do Instead?***

- Practice focusing on one task for 25 minutes before taking a brief break (search for the Pomodoro Technique for more detail).
- Check and respond to email at designated times during the day and turn off new message notifications as those alerts can be a constant distraction.
- Multitasking with different types of media about unrelated topics reduces your ability to focus (e.g. listening to a podcast while writing a report), so limit media distractions.

Source: [ValuED blog](#) by Lani Steffens

### **Self-Evaluation of LTCO Programs**

Take advantage of the start of a new year and perform a self-assessment of your program using NORC's [Self-Evaluation and Continuous Quality Improvement Tool for State and Local Ombudsman Programs](#). Use this tool to conduct a self-assessment of your program in order to identify strengths and areas for improvement. The tool is divided into 13 components critical for an effective LTCO program (e.g. program access, volunteer management, conflict of interest) and LTCO can use the tool to assess one area at a time or address all components at once. An instructional brief and recorded webinar is available to explain the tool, as well as a mini-tool to assist LTCO in quickly identifying aspects of their program to address first.

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*This newsletter is a product of the National Long-Term Care Ombudsman Resource Center (NORC) and is supported in part by a grant from the Administration on Aging (AoA), Administration for Community Living (ACL). Grantees carrying out projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging or ACL policy.*



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