

NORS TRAINING: PART III

Verification, Disposition and Closing Cases

Disposition: Provide, for *cases closed* during the reporting period, the total number of *complaints*, by type of facility or setting, for each disposition category; only one disposition is required for each complaint, whether the complaint is verified or not. Where there are two possible choices, the ombudsman must choose the *one* category which *best* describes the outcome of the complaint

DIRECTIONS: For each scenario, indicate the following:

- a. The complainant in the case, for example, “resident.”
- b. The complaint code(s) that best match the case description.
- c. Whether the complaint(s) should be verified.
- d. The disposition code

Answer Sheet

1. A nursing home resident complains the facility is keeping her money. “They’re ripping me off,” she states emphatically. You talk with the business office manager who tells you that the resident asked to have her own phone in her room. She agreed to pay for the phone out of her Personal Needs Allowance (PNA). She uses the balance of her PNA to have her hair done and purchase a few personal items. You report back to the resident. She forgot that she was paying for the phone out of her PNA. She’s glad you straightened things out. She really likes having the phone because she can keep in touch with her children and her friends.

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| a. | Complainant | <u>Resident</u> |
| b. | Complaint code? | <u>E-37 (Personal Funds mismanaged, access)</u> |
| c. | Should the complaint(s) be verified? | Yes _____ No <u>X</u> |
| d. | Disposition? | <u>Resolved</u> |

The facts alleged in the complaint are not accurate; therefore, the complaint is not verified. But, even though the complaint is not verified, it still required action on the part of the ombudsman. After investigating the complaint, the ombudsman discovered that the facility is not keeping the resident’s money. They are paying for the phone that the

resident requested. The case can be closed because there is nothing more for the ombudsman to do.

2. Ms. Douglas's daughter Karen complains that the nursing home is refusing to take her mother to the dining room for the noon meal. She tells you that she has talked to the facility several times, but when she calls at noon her mother is always in her room eating her meal. You visit Ms. Douglas and explain the call received from her daughter. She tells you that she likes to eat lunch in her room because it is quiet. It is the only time she gets to be alone. The aides always try to take her to the dining room at noon, but she tells them "no." She reports eating her evening meal in the dining room.

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| a. | Complainant? | <u>Relative</u> |
| b. | Complaint code? | <u>D-27 (Exercise preference/choice)</u> |
| c. | Should the complaint(s) be verified? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| d. | Disposition? | <u>No action needed</u> |

The facility is not refusing to take Ms. Douglas to the dining room. She wants to eat in her room; therefore, the circumstances described by the daughter are not accurate and the complaint should not be verified. There is nothing more for the ombudsman to do because the resident does not think there is a problem.

3. You observe roaches in the nursing home. This is the fourth complaint that you have opened concerning roaches in this facility in the past year. Each time, you report to management and the corporate office. The facility has addressed the problem temporarily. However, the roaches return even though the facility has shown documentation of the regular inspections as well as pesticide records. This time, after notifying management and corporate, you decide to refer the case to the state licensing and certification agency. The licensing agency does not find any roaches the day they inspect the facility so they do not substantiate the complaint.

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| a. | Complainant? | <u>Ombudsman</u> |
| b. | Complaint code? | <u>K-78 (Cleanliness, pests, housekeeping)</u> |
| c. | Should the complaint(s) be verified? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| d. | Disposition? | <u>Referred and not substantiated</u> |

You referred this case to another agency for resolution, but the other agency failed to substantiate the complaint.

4. A resident tells you that an aide stole his family Bible. You speak to the aide and she explains that she put it in his top dresser drawer. It has a leather and gold cover and she put it away for safe keeping. You tell the resident the Bible is in the dresser drawer. He explains that he still cannot get it because he is unable walk across the room and he would like to read it every

morning. You address the matter of the location of the Bible with the staff and the resident now has easy access to his Bible.

- a. Complainant Resident
- b. Complaint code? E-38 (Personal property lost, stolen) and D-27 (Exercise preference/choice)
- c. Should the complaint(s) be verified? Yes, D-27 No, E-38
- d. Disposition? Resolved

The aide did not steal the Bible. The circumstances that the resident describes (that his Bible was stolen) are not accurate, so the complaint E38 is not verified. However, the staff are not considering the resident’s preferences and functional limitations with regards to having his Bible close by; the ombudsman addressed this concern as well. Complaint D27 is also closed as resolved.

5. A daughter calls complaining that her mother, a nursing home resident, needs to be moved to a room closer to the nurse’s station because she feels isolated at the end of the hall. The daughter has a health care power of attorney for her mother. The mother agrees that she would feel safer in one of the two rooms near the nurses. You investigate and find that there are no empty beds in either of those rooms. The daughter insists that they move one of the other residents to make room for her mother. You visit the resident twice and she tells you she wants to forget the whole thing. Her current room is fine and all the commotion about moving is upsetting her.

- a. Complainant? Relative
- b. Complaint code? C-22 (Room assignment/room change)
- c. Should the complaint(s) be verified? Yes X No
- d. Disposition? Withdrawn

The complaint is verified, both the resident and complainant agree that the resident prefers a room closer to the nurse’s station. However, the resident directs the ombudsman to stop action on her daughter’s complaint. Even though the daughter is the mother’s legal representative, the ombudsman has received clear direction from the resident.

6. During a visit at a nursing home, several residents tell you the food is often cold. You observe meal service and visit a few other residents who are also report the food is cold, so you open a case on behalf of the group of residents. You speak with dietary staff about the problem. Initially, the mealtime is adjusted to accommodate residents who are engaged in activities, but a few other residents still complain the food is cold. You continue to work on the case. The Director of Food Services agrees that new heating lamps need to be purchased and orders them and also agrees to increase staffing during peak dining times. The management follows through on ordering the equipment but there is not additional staff. You check in with residents a few weeks later and all but one is satisfied with the improvements made.

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| a. | Complainant: | <u>Residents</u> |
| b. | Complaint code? | <u>J-73 (Temperature of food, beverages)</u> |
| c. | Should the complaint(s) be verified? | Yes <u>X</u> No <u> </u> |
| d. | Disposition? | <u>Partially resolved</u> |

The ombudsman can verify this complaint since several residents confirm that the food is cold. The Ombudsman is able to confirm that all but one resident is pleased with the food temperature. The facility did not follow through on additional staffing but it appears that the heat lamps are helping to keep the food at an adequate temperature.

7. The president of the residents council complains about the amount of the Personal Needs Allowance (PNA) for residents receiving Medicaid. You meet with the residents council and explain that the PNA is determined by the state legislature. The council asks for your assistance in presenting the issue to an advocacy organization that lobbies the legislature on behalf of long-term care residents. You and the State LTC Ombudsman meet with a representative from the advocacy organization and the organization agrees to lobby for an increase in the PNA during the next legislative session.

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| a. | Complainant? | <u>Residents</u> |
| b. | Complaint code? | <u>O-114 (Personal Needs Allowance)</u> |
| c. | Should the complaint(s) be verified? | Yes <u>X</u> No <u> </u> |
| d. | Disposition? | <u>Legislative action required</u> |

A change in the personal needs allowance requires a change in the law. Legislative action will be needed to ultimately resolve this complaint to the satisfaction of the resident. The case should be closed because the ombudsman has taken appropriate action to attempt to resolve the problem. Identifying which complaints need legislative action will help the State Ombudsman to develop a legislative agenda

8. A personal care home resident complains that the home provider will not let her go to the activity center each day as she has in the past. You investigate the complaint and discover that the activity center has reduced the number of days it is open each week. The resident was not aware the schedule was changed and is now attending the center each day it is open. The provider said that she told the resident about the schedule change but she must have forgotten. You discuss with the provider techniques to remind the resident such as keeping a calendar in her room with her activity center schedule and discuss other services in the community as that the resident may be able to utilize. The resident agrees to talk to the home provider and her case worker about what she can do on the days the center is closed. You check back the next month

and the resident reports that she is also attending a vocational program one day a week. She is happy with the new schedule.

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| a. | Complainant: | <u>Resident</u> |
| b. | Complaint code? | <u>I-65 (Community interaction)</u> |
| c. | Should the complaint(s) be verified? | Yes <u> </u> No <u>X</u> |
| d. | Disposition? | <u>Resolved</u> |

This investigation revealed the complaint was not accurate. The provider was not restricting the resident’s access to the center. The LTC Ombudsman was able to work with the resident and the provider to establish improved communication and the resident was happy with the outcome.

9. A nursing home resident who is receiving hospice services complains that he is in a lot of pain. He says the facility refused to contact his doctor about changing his pain medication. You ask the Director of Nursing to consult with the doctor. She agrees and calls you the next day to report the doctor made a minor change in the medication dosage. You visit the resident, but he is asleep. The nurse on duty relates that the resident has been much more comfortable during the day, but he has been calling out during the night. Three days later you visit the facility to see the resident again. The Director of Nursing tells you the resident died the night before.

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| a. | Complainant: | <u>Resident</u> |
| b. | Complaint code? | <u>F-46 (Physician services), F-48 (Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition)</u> |
| c. | Should the complaint(s) be verified? | Yes <u>X</u> No <u> </u> |
| d. | Disposition? | <u>46- Resolved, 48- Partially resolved</u> |

In this example, complaint code 46 is resolved and 48 is partially resolved. The facility initially refused to contact the resident’s physician. At the ombudsman’s request, they contacted the doctor and the resident’s medication was adjusted resolving that complaint. A staff person reports the resident appears more comfortable during the day and the ombudsman observes him sleeping. However, the ombudsman does not have enough information about the resident’s pain during the night to determine full resolution. In general, if a resident dies before a complaint is resolved the complaint should be coded as withdrawn. If the complaint is fully resolved before the resident’s death, code as resolved. If some part of the case was resolved prior to the resident’s death, then it is coded as partially resolved.

10. A daughter calls complaining that her mother is not bathed as often as she should be, she does not go to the senior center very often, and she has to share a room at the adult family home.

You visit the resident and observe that her skin is very dry and she reports that she dislikes being bathed more than a few times a month. She has little interest in going to the senior center. She likes gardening and is outside in the garden when the weather is nice. She enjoys having a roommate. She is happy at the adult family home but is aware her daughter is not satisfied with her care.

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| a. | Complainant? | Relative |
| b. | Complaint code? | <u>F45 (Personal hygiene) and I65 (Community interaction)</u> |
| c. | Should the complaint(s) be verified? | Yes <u> </u> No <u>X</u> |
| d. | Disposition? | <u>No action needed</u> |

The daughter makes several complaints. After talking with the resident, the ombudsman finds that there is no basis for the complaints. The resident can give direction and she does not share her daughter's concerns about bathing, the senior center or her roommate. It is clear that no action is needed or appropriate.

11. A son is unhappy with his father's dining experience at the nursing home. On a visit you observe all residents eating at cafeteria style tables and using plastic utensils. No one helps the son's father cut his food or open his milk carton. The resident cannot give you direction. You and the son work with the facility to resolve the problem. The facility purchases round tables and different utensils. They schedule several in-services that focus on improving the dining experience for residents. The son is happy with these changes. Unfortunately the resident dies before all changes are implemented.

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| a. | Complainant: | Relative |
| b. | Complaint code? | <u>J-69 (Assistance in eating) and J71 (Food service, quantity, quality, utensils)</u> |
| c. | Should the complaint(s) be verified? | Yes <u>X</u> No <u> </u> |
| d. | Disposition? | <u>Both are resolved</u> |

Unlike example 9, this resident cannot give the ombudsman direction; therefore, when closing the complaint, the ombudsman takes direction from the complainant. Even though the resident died before all the changes were implemented, the son was satisfied with the outcome. Both complaints are resolved and the case is closed.

12. A nursing home resident complains that only one alternative meal is offered at dinner. He would like at least two. He would also like a big screen TV in the lounge closest to his room. The facility refuses to purchase a TV with a larger screen. They maintain that the lounge near his room is too small a space and there is a big screen TV in another lounge area. The home

agrees to have two alternative meals during the week, but it cannot offer two on weekends. The resident is satisfied with alternative meals during the week, but, he is not happy about the TV.

- a. Complainant? Resident
- b. Complaint code? J71 (Food service, variation, choice, menu) and I64 (Activities, choice and appropriateness)
- c. Should the complaint(s) be verified? Yes X No __
- d. Disposition? J71 (meals) Resolved
I64 (TV) Not resolved

There are two complaints in this example. The facility addresses the meal complaint by adding a second alternative dinner during the week and the resident is satisfied. The facility will not take any corrective action concerning the TV complaint and the resident is dissatisfied.

13. You notice a bad smell when visiting a board and care home. The home had plumbing problems in the past and the owner was slow to resolve them. The owner is on the phone so you cannot talk to him. The residents express being upset with the smell and tell you that a toilet may have backed up again. The staff person you talk with does not know what is causing the odor. You open a complaint against the facility. Returning the next day, you learn that the city was repairing a gas line behind the home and ruptured a sewer pipe. You do not smell any odors. After speaking with residents and staff, none report a problem with the plumbing the day before and are relieved that the smell is gone. You conclude the broken sewer line was the cause of the problem and close the complaint.

- a. Complainant? Residents
- b. Complaint code? K83 (Odors)
- c. Should the complaint be verified? Yes __ No X
- d. Disposition? No action needed

Residents complained about the smell and the ombudsman noticed the smell upon entering the home. The ombudsman verified there was an odor in the facility, but the odor was not the fault of the facility operator so the complaint was not a verified complaint against the facility. Complaint codes A – M are for complaints against the facility. The problem resolved itself and no further action was warranted.

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