



## Long-Term Care Ombudsman Casework: Advocacy and Communication Skills Trainer Guide-Answers

**PURPOSE:** Effective communication and a resident-directed approach are the most critical skills for Long-Term Care Ombudsmen (LTCO) advocacy. Even the most knowledgeable LTCO with in-depth understanding of residents’ rights and facility responsibilities cannot be effective advocates without good communication, investigation and resolution skills. This 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.

**OBJECTIVES:**

- Define resident-directed advocacy
- Describe LTCO procedures for complaint investigation and resolution
- Introduction of relevant policies and procedures related to access, visits and disclosure of resident and Ombudsman records.
- Identify effective communication skills

**INSTRUCTIONS:** During and/or after viewing the video, please respond to the following questions and be prepared to discuss your responses and additional questions with your LTCO trainer. This guide addresses complaint investigation and resolution strategies specific to each scenario separately first and then asks questions regarding communication skills and LTCO responsibilities identified in both scenarios.

*Note: Some of the questions in this guide seek specific examples from the scenarios (e.g. the chart on page 3) so it may be helpful to review the questions before watching the video to understand what you will be asked to identify.*

### **Scenario #1: Anne Walker**

#### **Complaint Investigation and Resolution Strategies**

A LTCO investigation should be timely, thorough and objective.

LTCO collect information during an investigation through observation, interview and record review.

**How did Gloria use her senses to gather evidence during her visit and complaint investigation related to Ms. Walker’s concerns?**

She looked in the showers for evidence of use and observed residents and staff during her early morning visit.

**Why did Gloria visit during the morning shower time?**

She visited during the morning shower time in order to observe the shower process. Visiting at that time of day can show the ombudsman the early morning experience, including staffing, from a resident’s perspective.

- **What challenges might an ombudsman encounter when visiting early mornings, nights or weekends?**  
Staff may pay more attention to Gloria during her visit to see where she goes and which residents she visits and ask questions about why she is visiting at that time. Or the facility may be short staffed making it difficult to enter the facility if the front door is locked or to find staff to respond to questions. Finding managerial staff outside of weekday, daytime shifts may be a challenge or delay the problem-solving process. Communication with facility decision-makers may not occur face-to-face unless the ombudsman also visits during weekday, daytime hours.
- **Identify other ways Gloria could approach the investigation of this complaint.**  
Gloria could have interviewed other residents about their showering experience and reviewed the shower schedule first then visited during the morning shower time if necessary.

**When Ms. Walker expressed her concern about not wanting to be identified with the complaint and said residents have been discharged due to sharing their concerns, what else could Gloria have said in response to her statement?**  
Gloria assured Ms. Walker that she wouldn't reveal her name without her consent. Additionally, Gloria could have informed Ms. Walker that she has the right to make a complaint, is protected from retaliation and has rights related to discharge.

- **What does Gloria do to protect Ms. Walker's confidentiality, and what are some other things she could do to ensure Ms. Walker isn't identified as the complainant unless she is ready?**  
Gloria visits with residents other than Ms. Walker and when asking them about the bathing schedule and their experience, she does not disclose that a complaint was made or by whom. Gloria does not look at Ms. Walker's medical records.

**What concerns did you hear Ms. Walker expressing in this scenario? Were all of them addressed?**  
Her shower time is too early in the morning. She feels the staff are not listening to her and respecting her preferences. She said staff rush her out of bed in the morning and rushed her during and after her shower. Staff have not answered her questions about the shower schedule and one aide treats her like a child. Yes, her concerns were resolved to her satisfaction.

**TRAINER TIP:** Have resources regarding residents' rights and nursing home requirements available for reference.

**Why didn't Gloria review Ms. Walker's care plan to check her preferences about showers?**  
In addition to the fact that Ms. Walker's identity would be revealed if Gloria asked for her records, Gloria would need Ms. Walker's permission prior to reviewing her care plan and other records. Since Ms. Walker did not want Gloria to disclose her identity during the initial investigation, she used other strategies such as interviewing other residents and reviewing the shower schedule to gather information.

**TRAINER TIP:** Discuss the Older Americans' Act requirements regarding disclosure of LTCO records, access to resident records and relevant LTCO program policies and procedures regarding LTCO access to resident records and the confidentiality of LTCO program records (e.g. how to document cases, what to do with case notes, copies of resident records, and what is considered part of LTCO program records).

**Do you think Gloria was effective in facilitating the conversation between Ms. Walker and the DON, Ms. Lee? Explain your answer.**

Yes, Gloria waits until Ms. Walker gives her a nonverbal cue to share her concerns and then provides an overview of Ms. Walker's concerns. Once Ms. Walker feels comfortable speaking she shares her perspective with Gloria's support. Gloria

makes sure all of Ms. Walker's points are addressed, stresses her rights and guides the conversation to a resolution Ms. Walker appreciates.

**Is there anything you would have done differently in this scenario?**

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**TRAINER TIP:** Highlight how Gloria focused her advocacy on Ms. Walker's preferences and empowered Ms. Walker to share her experience as she facilitated the meeting between Ms. Walker and Ms. Lee. Gloria's decision to advocate for the changes Ms. Walker wanted instead of focusing on the written care plan is an effective strategy as it may be less threatening to staff to hear directly from the resident. Gloria focused on what was most important in this situation: the current shower situation, Ms. Walker's wishes, how the aides interact with Ms. Walker and how to ensure that her bathing preferences are upheld in the future.

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## ***Scenario #2: Brian Brashear***

### **Complaint Investigation and Resolution Strategies**

**What concerns did you hear Mr. Brashear's expressing in this scenario? Were all of them addressed?**

Mr. Brashear wants his friends to be able to visit him at any time and he feared being discharged from the facility since the Administrator, Jack Cook, told him he may want to consider moving. He also said that some nurses were ignoring him.

**What is the PEP method?** Point \_\_\_\_\_, Evidence \_\_\_\_\_, Repeat Point \_\_\_\_\_.

**How did Gloria address Mr. Brashear's concerns in relation to his rights and the other residents' rights when speaking with Mr. Cook? Was that effective? Explain your answer.**

Gloria was very clear about Mr. Brashear's right to visitors and asserted that Mr. Brasher and his guests understood that they should not interfere with his roommate and other residents' rights. She also recognized, however, that Mr. Brashear's roommate indicated that he also enjoyed the visits by Mr. Brashear's friends. Yes, it was effective as she demonstrated that Mr. Brashear and his visitors were respecting the rights of others, yet Mr. Brashear's rights to visitors was not supported by the staff.

**How did Gloria ensure her complaint investigation was resident-directed while reminding Mr. Cook of the need for resident-directed care and quality of life? How did this impact her credibility with Mr. Brashear? With Mr. Cook?**

Gloria informed Mr. Brashear of how she wanted to proceed and asked for his permission before speaking with the Administrator. She invited Mr. Brashear to come with her to talk to Mr. Cook. She encouraged Mr. Cook to speak directly with Mr. Brashear to assure him he wasn't being discharged. Her ability to remain objective and resident-directed enhanced her credibility with both Mr. Brashear and Mr. Cook.

**As it states in the video, LTCO need to remain "calm, objective and in control" at all times, especially when a situation has escalated. When speaking with Mr. Cook, what techniques did Gloria use, both verbal and nonverbal, to maintain her professionalism and remain calm, but assertive?**

Gloria kept her hands in her lap and looked relaxed. She did not raise her voice or interrupt the Administrator. She was professional and courteous, but directly stated Mr. Brashear's concerns, his rights and her concerns with the facility response. She acknowledged the challenges Mr. Cook deals with in running a long-term care facility and that they both have the same goal, to meet the needs of residents.

**In the follow-up conversation with Mr. Brashear and Mr. Cook, how did Gloria demonstrate her support of Mr. Brashear when facilitating that conversation? Why was that important?**

To open the follow-up conversation, Gloria clearly stated Mr. Brashear’s concerns and paraphrased her previous conversation with Mr. Cook. After Mr. Brashear shared his perspective, Gloria reiterated that she shared his concern about Mr. Cook’s suggestion about moving out and persisted until Mr. Cook assured him that he would not be discharged and his rights to visitors would be supported. Gloria’s obvious support was important since the LTCO is the resident advocate and her support encouraged Mr. Brashear to share his perspective.

**Is there anything you would have done differently in this scenario?**

In addition to discussing the other concerns, I would have asked more questions about the night nurse that ignored Mr. Brashear to see if that happened often and if other staff did the same thing in order to address the attitude of staff members towards Mr. Brashear.

**What are your “take away” points from this segment?**

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**TRAINER TIP:** Emphasize how critical it is for LTCO to “do their homework and build their case” before moving to resolution. Remind the trainee that LTCO staff are available to support them when they need assistance (e.g. consultation regarding a case before meeting with residents, family members or staff). Prior to speaking with Mr. Cook, Gloria made sure she had the information she needed. She understood the residents’ rights and facility requirements involved in this situation and based on Mr. Brashear’s direction she knew what she wanted to accomplish during the meeting. Due to her preparation, she was confident, stayed on track during the meeting and was an effective advocate.

**Effective Communication Skills**

Gloria used both open-ended and closed-ended questions during her complaint intake, investigation and resolution process. Use the chart below to identify some of the open-ended and closed-ended questions you heard Gloria ask during both scenarios and describe what information she was trying to obtain with those questions.

QUESTION	TYPE OF QUESTION (OPEN-ENDED OR CLOSED-ENDED)	INFORMATION GAINED
What time do they come to your room?	Closed-ended	What time the aides arrive to take Ms. Walker to the shower.
Why do you think they started coming so early?	Open-ended	Gather more information about the changes in shower time and Ms. Walker’s understanding of the changes
When you’re in the showers is there anyone else in the area?	Closed-ended	To see if anyone else is in the shower and if so, identify other potential residents to speak with regarding the shower schedule.
I don’t see how this situation warrants discharge, do you?	Closed-ended	Demonstrate that Gloria feels threatening a discharge in this situation is not appropriate and seek a yes or no answer from the Administrator.

**TRAINER TIP:** Discuss how open-ended questions provide an opportunity for residents (and others) to share their opinions, personal experience and perspective in addition to the facts of the situation.

**Identify communication techniques Gloria used when speaking with Ms. Walker and Mr. Brashear, both verbal and non-verbal. What did she do and why are these techniques important?**

She paraphrased what Ms. Walker and Mr. Brashear said in order to show she was listening and make sure she had the correct information. She asked open-ended and closed-ended questions to gain essential information that was factual and also enabled them to share their views. She informed the residents about their rights during the complaint intake and investigation. She did not make any promises about what she could do, but did explain the role of the LTCO and say she would try to help. She made eye contact.

**How did Ms. Walker and Mr. Brashear respond to Gloria?**

They both appeared to trust Gloria, were happy she was there to help them and they were open with their concerns.

**Was there anything Gloria could have improved or that you would have done differently?**

She could have asked permission to take notes before writing anything down and explain why she was doing so as some residents or other complainants may become nervous if a LTCO takes notes without asking.

**What communication tips did you pick up from watching Gloria in this scenario?**

She was relaxed but professional, made eye contact, and had open, receptive body language by nodding while the residents spoke. She paraphrased what they said showing she was listening and understood their needs. She respected their privacy by knocking on the door and waiting to be invited in. Additionally, Gloria sat down when invited to do, which is important since she is a visitor in the residents' home.

## LTCO Skills and Responsibilities

**Resident-directed advocacy means the LTCO should:**

Ask for resident permission before taking any action related to a complaint, identify what is important to the resident regarding their quality of care and life, find out the resident's goals related to a complaint, keep the resident informed during the complaint investigation process, and involve the resident in the complaint resolution process as much as the resident wants to participate.

**The Older Americans' Act requires representatives of the LTCOP to gain consent from the resident or complainant, or legal representative of the resident or complainant, before disclosing the identity of the resident or complainant.**

**List examples of how Gloria used a resident-directed approach when working with Ms. Walker and Mr. Brashear during complaint intake, investigation and resolution.**

She knocked on the door and asked to be invited in. She sought permission to ask questions regarding their concerns. She informed them of their rights and asked about their preferences. She asked permission to investigate their concerns and whether she could share their name. She gave them an update after her investigation and asked them how they wanted to proceed and how they wanted to be involved in the resolution process.

**How did Gloria model resident-directed advocacy and communication when speaking with the facility staff?**

When facilitating the conversation between the facility staff and residents, Gloria deferred to the residents before speaking and brought the conversation back to residents' rights and their individual preferences.

**What did Gloria do (and not do) when notifying the facility staff of her arrival? Why is this important?**

Gloria wore her badge. She introduced herself to the woman at the reception desk, but she did not sign in on the facility visitor log. It is important to announce your visits in order to maintain a professional relationship and have open communication with the facility staff.

**TRAINER TIP:** Discuss relevant LTCO program policies and procedures regarding LTCO communication with facility staff (e.g. notification of arrival, a primary contact person, signing facility visitor log).

**Why was it important for Gloria to contact her supervisor, Diane, after speaking with Ms. Walker?**

She was considering visiting at an unusually early hour in order to observe the showering schedule and speak with residents, so she needed to consult her supervisor before her next visit. In speaking with her supervisor, Gloria received additional advocacy tips and Diane’s support of her advocacy strategy. Also, since Gloria’s informed Diane that she wanted to visit at an unusual time Diane will be prepared in case the facility staff contacted her with a complaint about Gloria’s visit.

**TRAINER TIP:** Discuss relevant LTCO program policies and procedures regarding LTCO communication and consultation with LTCO supervisors (e.g. required consultation in cases involving abuse, neglect or exploitation or in situations when the LTCO may need to take action outside of routine LTCO procedures).

**The federal nursing home regulations state that residents have “the right and the facility must provide immediate access to any resident” to representatives of the State long-term care ombudsman.**

**TRAINER TIP:** Highlight requirements in the Older Americans Act and federal and state regulations regarding LTCOP authority to visit residents, resident access to the LTCO program, LTCO access to resident records and disclosure of Ombudsman records.



**What did you see or hear in the video that Gloria did not address? What questions would you ask in order to gather information about those issues?**

There was a bed rail in Ms. Walker’s room, I would ask her how she uses the bed rail and discuss alternatives to the bed rail. Gloria may have identified a problem with the facility’s admission procedure and how or if residents are asked about their preferences. She could follow-up on that issue and determine if this is a facility-wide problem, or a single instance.

**Did you learn anything from this video that was contrary to the expectations you had regarding LTCO complaint investigation and advocacy prior to viewing this video? If so, what?**

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