



Ombudsman Outlook: News, Resources, and Tips

Brought to you by:



Friday, September 28, 2018
Volume 5, Issue 1

Emergency Preparedness: Resources and Advocacy for LTCO

As advocates, Ombudsman programs need to be informed of the requirements regarding emergency preparedness for assisted living facilities (state laws/regulations) and nursing homes (federal and state laws/regulations).

NORC recently hosted a webinar "*Emergency Preparedness: Ombudsman Program Advocacy and Facility Responsibilities*" (view the slides as a [PDF](#), or view the [webinar recording](#)). During the webinar, presenters shared their experience before, during, and after a natural disaster. Also, attendees learned about the Center for Medicare and Medicaid Service (CMS) emergency preparedness rule, model policies and procedures for Ombudsman programs by the Administration for Community Living (ACL), and tips to help prepare personally and professionally.

The [Emergency Preparedness and Response: Model Policies and Procedures for State Long-Term Ombudsman Programs](#) by the Administration for Community Living (ACL) were discussed during the webinar. The model policies include topics such as: definitions, functions, training, continuity of operations, coordination with other entities, and Ombudsman Program services related to emergencies.

Although Ombudsman programs are not first responders, they can play an important role in emergency planning and response. As always, the program remains focused on the rights of each resident and provides resident-centered advocacy.

One of the model policies suggested relates to the continuation of services during emergencies:

- **Policy:** The Ombudsman program assists residents, their families and other resident representatives, and facilities in preparing for and responding to emergencies. It continues

In This Issue

- [Emergency Preparedness: Resources and Advocacy for LTCO](#)
- [New and Updated Resources](#)
- [News from the Network](#)
- [TA Hot Topic: Nursing Facility Discharge Notices](#)
- [NORS Corner](#)
- [LTCO Volunteer Management](#)
- [Quick Tips!](#)
- [October is Residents' Rights Month!](#)

NORC is on Facebook and Twitter!



NORC Featured Resource

Residents' Rights Month Materials

Each year, the Consumer Voice develops a packet to help you plan your Residents' Rights events. The packet is completely downloadable and features

to provide resident-centered ombudsman services to the extent possible despite, and in response to, an emergency.

Some suggested procedures include:

- **Adjustments in Response to Emergencies**
 - a) The Ombudsman assesses Ombudsman program procedures and standards applicable to the delivery of services under normal operating conditions and determines if there is a need to make adjustments in response to emergencies.
 - Access by representatives of the Office to residents, and ability to provide ombudsman services, in non-facility settings to which residents may have been relocated, such as emergency shelters, FEMA's Individual Assistance programs and Disaster Recovery Centers;
 - suspension of some Ombudsman program services, such as presentations to resident or family councils, or community education, except as those activities support emergency response efforts.
- **Complaint processing**
 - The complaint process during emergencies shall continue to reflect the primacy of the resident's goals, wishes and determination of satisfaction with the resolution, as required by 45 CFR 1327.19(b).
 - The Ombudsman program maintains complaint processing practices regarding disclosure of resident or complainant identifying information, as required by 45 CFR 1327.19(b). Informed consent is obtained to the greatest extent possible with consideration of the specific circumstances of each emergency.
 - The Ombudsman shall provide training and technical assistance to assure the competency of representatives of the Office to process complaints frequently associated with emergency response and recovery, such as:
 - i. relocation and evacuation with accessible transportation;
 - ii. wishes related to returning to the facility or to move to other settings;
 - iii. quality of care;
 - iv. access to medications; etc.
- **Providing Access to the Ombudsman Program**
 - Coordinating among local Ombudsman entities, where applicable, and/or other states' Ombudsman programs, when residents must evacuate out of the state or to a different part of the state.
 - Providing alternative means of providing access (e.g., telephone, e-mail) when visits are impractical or impossible (such as due to impassable roads or other safety hazards).
- **Education and Outreach to Residents, Families and Other Resident Representatives**

ready-to-use items, including promotional materials, activities to celebrate Residents' Rights Month, training tools and resources. The packet includes an [activity calendar](#) with event and activity ideas for each day in October. View the packet on Consumer's Voice's [website](#) and view additional materials related to Residents' Rights on the NORC [website](#).
Calendar of Events

October 2018

Residents' Rights Month. More information [here](#).

October 22 - 24, 2018 The 2018 Consumer Voice Annual Conference will be held at the Crowne Plaza in Alexandria, VA. More information [here](#).

- Representatives of the Office shall support resident and/or family councils in emergency preparedness by:
 - developing goals to conduct outreach to resident and family councils annually;
 - providing a ready-made presentation, recommended materials, other talking points and a mechanism to track which councils/facilities have received this training;
 - encouraging and facilitating councils' involvement in facility emergency preparations and exercises (e.g. evacuate, shelter-in-place, point of distribution, etc.); and,
 - providing assistance or referrals when requested.
- **Information and Consultation to Facility Providers**
 - Informing facility providers of the responsibilities of the Ombudsman program in responding to emergencies.

Per the CMS final rule [Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers](#) nursing homes are required to prepare for the unexpected. The regulation went into effect on November 16, 2016 and nursing homes had one year to comply and implement all regulations. The rule requires facilities to update their emergency plan annually; develop emergency preparedness policies and procedures and update them annually; have a communication plan; create and implement an emergency preparedness training plan; initial and annual training for staff; and have access to emergency and stand-by power systems. Frequently asked questions and other information about the requirements is available on the CMS Emergency Preparedness Rule [page](#).

On September 17th of this year, CMS issued a [proposed rule](#) impacting a wide range of Medicare providers that includes revisions to the new emergency preparedness regulations. CMS welcomes comments before November 19, 2018, regarding this proposed rule. Among the proposed changes are a reduction in the frequency of training every year to every 2 years.

For additional information visit the NORC Emergency Preparedness [webpage](#).

[Back to top](#)

New and Updated NORC Resources

NEW! [Training Materials on Transfer/Discharge and the Revised Nursing Home Regulations](#)

Consumer Voice and NORC have created several new training materials on the topic of transfer and discharge from a nursing home. The materials are based on the revised nursing home regulations. The new materials can be used together as an educational toolkit for training by and for Ombudsman program

representatives, for members of resident and family councils, and community education. View the materials [here](#).

NEW! [Printable Ombudsman Program Infographic](#)

This infographic has been created to give a brief overview of the work Ombudsman Programs do and the impact they have around the nation. This infographic can be used for volunteer recruitment or program promotion. View and download the printable infographic [here](#).

NEW! [Training Topics Provided by NORC](#)

Have you heard about the training topics the Ombudsman Resource Center can provide? Do you need a presenter for your state conference or training via webinar for your Ombudsman program representatives? Contact NORC! We can provide training on select topics to Ombudsman programs. 2018 – 2019 Training Topics include: *Systems Advocacy: It's More than Legislative Work*; *LTCOP Rule: Supporting Person-Centered Advocacy - Complaint Investigations and Abuse Reporting*; *How NORC Supports Your Work: Exploring the Website, Resources, and Discovering New Tools*; *LTCOP Advocacy: Supporting LGBT Older Adults in Long-Term Care Facilities*; *Revised NH Regulations and LTCOP Advocacy*; *Volunteer Management: Recruitment, Screening, and Risk Management*.

NEW! [End of Grant Year Wrap-Up Email](#)

July 2017 – June 2018 was the first year of a three-year grant provided by the Administration for Community Living/Administration on Aging (ACL/AoA) to the National Consumer Voice for Quality Long-Term Care (CV) to house the National Long-Term Care Ombudsman Resource Center (NORC). [Here](#) are highlights of resources and activities completed by NORC during the first grant year.

NEW! [July, August, and September NORC Notes](#)

NORC Notes is a monthly email reminder of available resources on the NORC website and tips for how your program can use them. The [July issue](#) was on Emergency Preparedness. The [August issue](#) was on Resources help Ombudsman programs prepare for Residents' Rights Month. The [September issue](#) was on Training Materials on Transfer/Discharge and the Revised Nursing Home Regulations.

UPDATED! [Fact Sheet on Residents' Rights and the LGBT Community](#)

Current estimates state that 10.1 million Americans identify as lesbian, gay, bisexual or transgender (LGBT), with 3.8% aged 52 and older individuals identifying as LGBT. One study found that 27% of LGBT baby boomers had significant concerns about discrimination as they age and there are reports that LGBT older adults encounter violations of their rights when seeking long-term care services and supports. This fact sheet provides an overview of residents' rights for LGBT elders living in long-term care. View the fact sheet [here](#).

UPDATED! [My Personal Direction for Quality Living Forms](#)

This form can be used by consumers to record their personal preferences and information about themselves in case they need long-term care services in their home or in a long-term care community in the future. The information in this form may provide some help in understanding residents and help when providing their care.

[Back to top](#)

News from the Network...

Ombudsmen from Texas Produce a Volunteer Recruitment Video

Jerrett Morris, Volunteer Ombudsman, Suzanna Sulfstede, Managing Local Ombudsman, and The Senior Source, the local ombudsman entity for Dallas County put together a video encouraging others to become long-term care ombudsman volunteers. Watch the video [here](#).

Dallas County Texas Long-Term Care Ombudsman, Karen Magruder, was the Lead Author of the Journal Article, "Sizing Up Assisted Living: An Examination of Long-Term Care Ombudsman Complaint Data"

Long-term care ombudsmen are resident advocates who receive, investigate, and resolve complaints relating to quality of care and violations of resident rights in assisted living (AL). More research is needed to understand systemic differences in source, type, and number of ombudsman complaints in AL. Ombudsman complaint data (n = 5,705 complaints) in small, medium, and large ALs in Dallas, Texas were analyzed using proportion Z tests. Findings suggest that all facilities had a high number of environmental complaints. Compared to larger facilities, small ALs have a disproportionately high number of complaints, a significantly higher number of complaints related to access to information, visitors, and ombudsmen, lower number of complaints related to care and staffing, family are less likely to complain, and residents are least likely to voice concerns. The article recommends strategies for ombudsmen and AL providers to better meet residents' needs. The article concludes with a call to action underscoring the importance of the role of the ombudsman in AL. More information is available [here](#).

Illinois Ombudsman Program Created Training Materials on Suicide

The Illinois Ombudsman Program developed several training materials Ombudsman program representatives can use when a resident mentions committing suicide. The materials include their [Policies and Procedures Manual](#), a [guide](#), [PowerPoint](#), and a [tri-fold](#) program representatives can take with them while doing facility visits titled *When Residents Threaten to Harm Themselves: A Guide for Long-Term Care Ombudsmen*. These materials are located on the [Mental Health/Mental Illness issue page](#).

California Ombudsman Program Created Training Materials regarding Cultural Competency and Sensitivity related to serving LGBT Elders

This training curriculum was developed by the California Long-Term Care Ombudsman Program for Ombudsman Coordinators. The materials include the resource [Equipping California Long-Term Care Ombudsman Representatives for Effective Advocacy: A Basic Curriculum](#) along with the [teaching notes](#). This curriculum also includes a [PowerPoint](#). Additional LGBT resources can be found [here](#).

Kentucky Ombudsman, Natalie Brown-Radtke, Writes an Article on Restoring Dignity and Ensuring Well-Being

Kentucky District Long-Term Care Ombudsman, Natalie Brown-Radtke, wrote an article featured in *The Record*, "There is no such thing as a straight path on our journey. Right when you think you have it all figured out, you receive a curveball that takes you where you least expect it. In my role as director of the long-term care ombudsman Program at Catholic Charities of Louisville, it's my job to help residents of long-term care facilities deal with these curveballs. As ombudsmen, we support these residents when they are most vulnerable. We listen to their stories and remind them they are not forgotten. Whenever possible, we strive to fill their days with joy, but above all else, we make sure their voices are heard." Read the full article [here](#).

This "News from the Network" article appears in every issue to highlight your work. We encourage you to [send](#) your advocacy successes, program management examples, and resources so we can learn from you.

[Back to top](#)

TA Hot Topic

Nursing Facility Discharge Notices: Changes to the Notice

If there is a significant change to the discharge notice, does that restart the 30-day notice period?

Per the federal nursing facility regulations (see below for regulations and guidance), if the information in the notice changes, the facility must notify the recipients of the notice as soon as possible. The guidance for surveyors in the State Operations Manual states that "for significant changes, such as a change in the destination, a new notice must be given that clearly describes the change(s) and resets the transfer or discharge date, in order to provide 30 day advance notification."

§483.15(c)(6) Changes to the notice.

If the information in the notice changes prior to effecting the transfer or discharge, the facility must update the recipients of the notice as soon as practicable once the updated information becomes available.

Changes to the Notice

If information in the notice changes, the facility must update the recipients of the notice as soon as practicable with the new information to ensure that residents and their representatives are aware of and can respond appropriately. For significant changes, **such as a change in the destination**, a new notice must be given that clearly describes the change(s) and resets the transfer or discharge date, in order to provide 30 day advance notification.

NORS Corner

Reminder: Ombudsman programs will start using the revised NORS data collection on October 1, 2019. Links to an introduction to the NORS revisions, tables, and crosswalks are below and on the [NORC](#) and [ACL](#) websites. In the meantime, programs are to continue using the current approved NORS form and instructions to ensure consistent reporting. Prior to implementation NORC will share new training materials for the revised NORS data tables. For more information visit the [NORS FAQs](#) or email ombudcenter@theconsumervoice.org.

NEW NORS FAQs are available on the NORC [website](#).

Q: When an ombudsman is preparing for community education, facility training, or volunteer training does the preparation time for the presenter (e.g., copying, developing the PowerPoint, creating materials) count in the total number of hours in the activity category?

For example, an ombudsman provided a 1 hour training for facility staff regarding elder abuse and had 2 hours of preparation prior to the training for a total of 3 hours. Can the 2 hours of preparation for the training be counted as “Training for Facility Staff” or another activity such as “Technical Assistance?”

A: NORS does not ask for hours associated to community education; just the instance (or event). There is the NORS requirement to report an estimated percent of technical assistance to local programs and volunteers but it is an estimated percent. As far as reporting technical assistance, an educated guess is acceptable. For NORS you don't have to track this time, but your state program may have additional requirements for tracking this time.

The 2 hours would not count as technical assistance to Ombudsman program staff/volunteers. However, you can count the extra two hours toward training facility staff. It is not a NORS requirement to report the hours, so you would have one instance and 3 hours, but NORS only collects the one instance.

Additional information about NORS can be found [here](#).

LTCOP Volunteer Management

Volunteer Management Survey: Volunteer Coordinators

This summer, 26 State Ombudsmen responded to a NORC questionnaire regarding their volunteer program. The following highlights responses to the questionnaire.

- 6 respondents said they have a full-time statewide volunteer coordinator and 5 have a part-time statewide volunteer coordinator.
- Two states do not have a volunteer program.

Respondents shared the following volunteer management successes:

- We received an AmeriCorps grant to bring 11 new members on board. One of their primary duties will be to help recruit and coordinate volunteers.
- We tripled our recruitment by posting to community Facebook pages and other local Facebook pages where we think people might respond.
- In July one of our volunteers (Community advisory committee member) was on a talk show.
- We have increased the number of volunteers over the last 5 years and revamped our training program and hired a state-wide trainer. We also established a strong Criminal History Background Check program that now includes fingerprinting.
- We are in the process of revitalizing the volunteer ombudsman program. And are finalizing the new training process and have approximately 10 volunteers ready to begin the training.

For more details about these program successes or to share yours, please contact cscott@theconsumervoice.org.

Quick Tips!

Training Materials on Transfer/Discharge and the Revised Nursing Home Regulations

NORC and Consumer Voice recently published new consumer education materials regarding nursing home transfer/discharge. Ombudsman programs can use these materials as a training toolkit for: community education; training for resident and family councils; and initial training for Ombudsman program staff and volunteers.

Prezi - A Prezi is a visual storytelling alternative to a PowerPoint presentation. The Transfer/Discharge Prezi uses the map-like

layout to provide information on protections against inappropriate discharges, your rights if you're being discharged, and how to get help and take action. The Prezi is available as a [video with a voiceover](#) or as a [clickable presentation without the voiceover](#) to be used with this [script](#).

PowerPoint - This [PowerPoint](#) can be used for training purposes.

Fact Sheet - This [fact sheet](#) was developed for long-term care consumers to inform them about their rights regarding involuntary discharges.

Online Training Center Course on Transfer/Discharge - Learn about transfers and discharges in the new e-course. Share this course with residents, their family members, and other advocates. Go to consumervoice.mrooms.net to access the course (you must create an account or sign in to see the courses).

All materials are available on the Consumer Voice website [here](#) and on the NORC website [here](#). Additional transfer/discharge materials can be found [here](#) and FAQs related to transfer/discharge can be found [here](#).

October is Residents' Rights Month!



October is "[Residents' Rights Month](#)," an annual event designated by Consumer Voice to honor residents living in all long-term care facilities. The theme for this year's Residents' Rights Month is, "Speak Up: Know Your Rights and How to Use Them." The theme emphasizes the importance of residents being informed about their rights; being engaged partners in achieving quality care and quality of life; and feeling confident in speaking up about what is important to them. Residents' Rights Month is a time for residents, families, Ombudsman programs, other advocates, and staff to focus on resident-directed care and emphasize the self-determination, choice, and quality of life of each resident.

Residents' Rights Poster Series and Bookmarks Available in the Consumer Voice Online Store

In celebration of 2018 Residents' Rights Month, Consumer Voice has created several new residents' rights-related products. These products are great as volunteer gifts and as giveaways during Residents' Rights Month and can also be used year-round to raise awareness for residents' rights. The new residents' rights poster series features five residents' rights demonstrated by an image and

quote from a resident describing why this right is important. These posters can be displayed throughout a facility, office or resident room as a reminder and illustration of residents' rights. The posters are 11"x17" and printed on sturdy, glossy paper. To purchase these materials, visit the Consumer Voice [online store](#).



YOU HAVE THE RIGHT TO:

- Be fully informed and participate in your own care
- Voice your concerns
- Privacy and confidentiality
- Make your own choices
- Dignity and respect!

YOU HAVE RIGHTS!

GET HELP
For more information or to locate your ombudsman program representative, visit www.theconsumervoice.org

YOU HAVE THE RIGHT To dignity and respect!

For more information about Residents' Rights Month and activity ideas, visit the [Consumer Voice website](#).

[Back to top](#)

State and local long-term care ombudsmen receive this email. If you do not want to receive this e-mail update, [unsubscribe here](#).

Clicking the unsubscribe link will remove you from all Consumer Voice and NORC email lists.

The National Consumer Voice for Quality Long-Term Care - 1001 Connecticut Avenue, NW, Suite 632 - Washington, DC 20036 - telephone: (202) 332-2275 - fax: (202) 403-3473 - info@theconsumervoice.org