



Ombudsman Outlook: News, Resources, and Tips

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40 Years of the Ombudsman Program



It has been 40 years since the 1978 Amendments to the Older Americans Act required every state to have an Ombudsman Program and specifically defined Ombudsman functions and responsibilities.

In 1972, the Long-Term Care Ombudsman Program started out as a public health service demonstration project to meet the needs of residents facing problems in nursing homes. Today, the Long-Term Care Ombudsman Program consists of 53 state programs and their statewide networks of over 500 local Ombudsman entities. Read the full list of the Long-Term Care Ombudsman Program's milestones from 1972 to 2016 as a PDF [here](#) and on the NORC website [here](#).

In recognition of the anniversary we shared program data and promotional materials in the December NORC Notes and invited the network to share stories and pictures of their time with the program. You can view the NORC Notes [here](#) and the stories from the network [here](#).

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NORC is on Facebook and Twitter!



NORC Featured Resource

On-Demand Online Training

In 2018 NORC created a new [online training center](#). This on-demand education platform is a learning center for all individuals interested in

Thank you for your continued advocacy and dedication to achieving quality long-term care for the past 40 years.

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New and Updated NORC Resources

NEW! [Webinar Materials on Advocating for Residents with Mental Health Needs: What to do When a Resident Threatens to Harm Themselves](#)

This webinar discussed Ombudsman program advocacy for residents with mental health needs and how to respond when residents threaten to harm themselves. Dr. Patrick Arbore, a nationally recognized expert in the field of elderly suicide prevention and grief services, shared warning signs, ways to promote better-informed and healthier communities, and resources and supports for Ombudsman programs and residents suffering from inner loneliness, sorrow, stress, and anxiety. Jamie Freschi, Illinois State Long-Term Care Ombudsman, shared her program's policies, procedures, and tool that guides the program in responding to residents that talk about committing suicide. The webinar concluded with a presentation from Natasha Belli, an Illinois Ombudsman program representative, who shared her experience working with a resident that has threatened suicide and the steps she took to support him.

NEW! [October, November, and December 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 [October issue](#) shared Residents' Rights resources, the [November issue](#) reviewed NORC training, resources, and FAQs, and the [December issue](#) highlighted the 40th anniversary of the long-term care ombudsman program. If you would like to sign-up to receive the NORC Notes, [email NORC](#).

UPDATED! [Reference Guide: Working with Individuals with Mental Health Conditions](#)

This reference guide provides an overview of the topic, foundation points for Ombudsman program practices, key resources for more in-depth knowledge and to improve ombudsman skills.

UPDATED! [Hand in Hand Tips for Ombudsman Program Training](#)

Long-Term Care Ombudsman programs can benefit from Hand in Hand, a resource on caring for individuals with dementia and preventing abuse. This tip sheet provides information about this resource and ideas for Ombudsman program use.

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News from the Network...

Senator Margert O'Brien Works with the Michigan Ombudsman Program on Involuntary Transfer

achieving quality long-term care and is available through your computer or mobile device.

The training center allows you to delve into important topics through online courses. Courses are available for consumers, representatives of long-term care Ombudsman program, advocates, and family members.

So far, we have reached 357 users. Create an account today to continue your long-term care education. If you have any questions, [email NORC](#).
[Calendar of Events](#)

November 3 - 6, 2019

The 2019 Consumer Voice Annual Conference will be held at the [Crystal Gateway Marriott](#) in Arlington, Virginia.

The Michigan Long-Term Care Ombudsman Program successfully fought against discharges in Kalamazoo, Michigan earlier this year. Their advocacy included educating and coordinating with the offices of Senator Margaret O'Brien and Representative Jon Hoadley, as well as the Attorney General's office, CMS, Medicaid, and the state survey agency. The facility involved was cited and fined due to the inappropriate discharges.

This [advertisement from Senator O'Brien](#) ran in the Kalamazoo area and the issue of involuntary transfers was included in Senator O'Brien's re-election campaign.

Hawaii State Ombudsman, John McDermott, Wrote an Article About Adult Care Home Inspections

In an article published in the Honolulu Civil Beat titled, "Problems with Hawaii's Care Homes Must Be Fixed Now," John McDermott discusses the importance of unannounced annual inspections in long-term care facilities. Read the full article [here](#).

Kentucky State Long-Term Care Ombudsman, Sherry Culp, Wrote an Op-Ed About Nursing Home Staffing

In the article, "Legislature must beef up staffing at nursing homes," Sherry Culp emphasizes the importance of reaching the government's recommendation of an "expected staffing" level that provides residents more than one hour of care from registered nurses and two hours and 45 minutes from nurse's aides every day. Read the full op-ed [here](#).

Midland, Texas Area Agency on Aging of the Permian Basin Ombudsmen held a Residents' Rights Gala

The event featured a performance by the Permian High School Satin Strings, local comedian Adrienne Green, UTPB's Ballet Folklorico, and live music from Espresso Charlie. The event included cake, barbecue lunch, and goody bags for the residents provided by Home Hospice, Odessa Regional Medical Center and various facilities. Throughout the event, residents were asked to state a resident right and explain how they would speak up if they felt a right was not being observed; they were awarded a gift card for answering. Also, facility staff and residents would improv various common issues in the facilities like bathing times, refusal of medications and complaints regarding food and staff. As these scenarios were acted out, residents pointed out the concerns and staff provided better ways of approaching these issues with person centered care responses. See a video photo collage from the event [here](#).

Michigan Ombudsman Program Provided Door Hangers to Residents of Nursing Homes in Celebration of Residents' Rights Months

The Michigan Ombudsman program celebrated Residents' Rights Month by distributing these [door hangers](#) to residents. One ombudsman reported that a resident said, "I can close my door?" The Ombudsman program was excited for her to learn of this right. The Ombudsman program is also handing these hangers out at resident and family council meetings to spark discussions about residents' right month.

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.

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TA Hot Topic

Visitation Rights and Information for Families and Friends

Whether someone is visiting during the holidays or any other time of the year, the following tips and information may be helpful in assuring that the rights of residents are followed. The resources below address visitation rights, bringing food in, signs of abuse/neglect and financial exploitation, gift ideas, and activity ideas for visitors. LTCOPs may use this information in training and/or educating staff, residents, and family members.

A Closer Look at the Revised Nursing Facility Regulations

Visitation Rights

The revised nursing facility regulations state that the resident "has a right to receive visitors of his or her choosing at the time of his or her choosing, subject to the resident's right to deny visitation when applicable, and in a manner that does not impose on the rights of another resident." In effect, nursing facilities are prohibited from imposing "visitation hours" on any residents.

The revised regulations require the facility to have a written visitation policy and inform residents of their visitation rights, the facility policy, any restrictions, the reasons for the restrictions, and to whom the restrictions apply. To ensure residents' rights are honored, LTCOPs are encouraged to be familiar with facility visitation policies and procedures of those they visit. Read more about visitation rights [here](#).

Bringing in Food to a Resident

The [CMS State Operations Manual \(SOM\), Appendix PP, Guidance to Surveyors for Long-Term Care Facilities](#), provides interpretive guidance regarding the federal requirements for long-term care facilities. The SOM is a

useful resource in Ombudsman program advocacy as it provides further information about the requirements for facilities. The SOM says the following about visitors bringing in food for residents:

- “NOTE: The food procurement requirements for facilities are not intended to restrict resident choice. All residents have the right to accept food brought to them by family or visitor(s).” [F 812, page 591]
- “The facility must have a policy regarding food brought to residents by family and other visitors. The policy must also include ensuring facility staff assists the resident in accessing and consuming the food, if the resident is not able to do so on his or her own. The facility also is responsible for storing food brought in by family or visitors in a way that is either separate or easily distinguishable from facility food. [F 813, page 606]

Tips for Family, Friends, and other Visitors

The holidays are often filled with opportunities for family and friends to connect to share traditions and quality time, but it can also be a time of loneliness, sadness, and/or stress. Family members, friends, and other visitors can bring a lot of joy to residents as well as provide an extra set of eyes to observe any signs of poor care or abuse. The following resources provides tips for visitors to make visits as meaningful for residents as possible and how to identify signs of potential abuse.

[Tips for Visiting Residents](#) (Consumer Voice Fact Sheet)

[Home for the Holidays](#) (NCEA Fact Sheet)

[The Michigan Elder Justice Initiative: Fighting Financial Abuse During the Holidays](#)

[Family Focused Approach to the Holidays](#)

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.

Looking for Answers? Check out NORS Data!

Wonder where your state aligns with other Long-Term Care Ombudsman Programs? The National Ombudsman Reporting System (NORS) has the answers! The 2016 data is available on the [NORC website](#).

These reports contain a lot of important information from your program that can be used to set goals, improve resident access to the program, and show program success and areas in need of improvement. Programs have successfully used this information to demonstrate the need for more funding to support more staff, volunteers, and/or travel, show why policies and procedures need to be followed, or encourage more consistent reporting. Here are two examples of what the data shows on a national basis:

Paid Program Staff per Facility Beds

The 1995 Institute of Medicine [study](#), *Real People Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act* recommended that states have a paid representative of the Office (e.g., local or regional ombudsman) for every 2,000 beds. In 2016, twenty-eight states have achieved that goal. See the 2016 Selected Information by State and by Region [chart](#) available on this [page](#).

Percentage of Nursing Facilities Visited At Least Quarterly

In 2016, twenty-eight states visited 80% or more of their nursing homes on a quarterly basis. This same comparison can be done for visitation of Board and Care (Assisted Living, etc.) by looking at the number of facilities in the state and the number visited. See the 2016 Other Ombudsman Activities [chart](#) on this [page](#).

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

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LTCOP Volunteer Management

Is It Time to Go Back to The Basics?

No matter how many years of experience representatives of the Office, both staff and volunteers, benefit from going back to the basics to ensure their work is grounded in resident-directed advocacy and Ombudsman program practices.

As a checkpoint to start a new year, consider encouraging your program to take the quiz regarding investigation in the problem-solving process and discussing the results at a

future in-person or virtual training as a group or one-on-one.

Link to quiz: [Quiz on Problem Solving Process](#)

Hard copy: [Printable copy of quiz](#)

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Quick Tips!

Residents' Rights and the LGBT Community

The federal 1987 Nursing Home Reform Law requires nursing homes to “protect and promote the rights of each resident” emphasizing individual dignity and self-determination in the provision of long-term care. Every nursing home accepting Medicare and/or Medicaid must meet federal requirements, including those regarding residents' rights.

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.

Know Their Rights

Individuals living in nursing homes have the same rights to be free from discrimination and harassment as individuals living in the larger community. The federal nursing home regulations provide the following resident rights and facility requirements that may be of particular importance to lesbian, gay, bisexual or transgender individuals living in a nursing home.

- **Right to be free from abuse** - Resident mistreatment includes all types of abuse; such as verbal, sexual, mental and physical abuse, neglect and financial exploitation. For example, facility staff cannot refuse to provide care due to a resident's sexual orientation nor can staff harass a resident due to his/her gender identity.
- **Right to privacy** - Residents have the right to private and unrestricted communication with anyone they choose and privacy regarding their medical, personal and financial affairs. Residents also have the right to privacy regarding their bodies.
- **Right to receive visitors** - Facilities must “inform each resident of the right, subject to his or her consent, to receive the visitors whom he or she

designates, including, but not limited to, a spouse (including a same-sex spouse), a domestic partner (including a same-sex domestic partner), another family member, or a friend, and his or her right to withdraw or deny such consent at any time.”

- **Right to participate in activities** - Residents have the right to participate in (or choose not to participate in) social, religious, and community activities both inside and outside of the facility. For example, you have the right to participate in and promote an event, training or resource regarding LGBT equality (e.g., PRIDE parade, PFLAG support group meeting) without fear of discrimination or abuse.
- **Right to be treated with respect** - For example, all residents have the right to be addressed how they want to be addressed (e.g., using a resident’s preferred pronoun) and the right to clothing and grooming consistent with their gender identity.
- **Right to participate in your own care** - State laws, such as health care power of attorney and guardianship laws, govern how someone (including same-sex partners or spouses or other family of choice) can make decisions on your behalf. Per federal requirements, “if a resident’s representative is a same-sex spouse, he or she must be treated the same as an opposite-sex spouse with regard to exercising the resident’s rights.”
- **Right to be fully informed** - The federal government states that Medicare Advantage enrollees are entitled to equal access to services in the same skilled nursing facility their spouse resides in, regardless of sexual orientation. Specifically stating that, “this guarantee of coverage applies equally to couples who are in a legally recognized same-sex marriage, regardless of where they live.”
- **Right to choose** - "Residents have the right to share a room with whomever they wish, as long as both residents are in agreement. These arrangements could include opposite-sex and same-sex married couples or domestic partners, siblings, or friends.”
- **Right to remain in the home** - Residents cannot be transferred or discharged due to their sexual orientation or gender identity.

Read tips for residents to advocate for their rights, as well as additional resources on LGBT elder rights, in the fact sheet, “Residents’ Rights and the LGBT Community: Know YOUR Rights as a Nursing Home Resident” [here](#). Find additional materials on LGBT elders on the NORC website [here](#).

Ombudsman Program Training Needs and NORC Evaluation



We invite you to respond to this brief questionnaire and share your thoughts on what training you need, what you find useful from NORC, and areas we could improve in the following aspects of NORC work: NORC Website; Training; Technical Assistance; and NORC Resources and Activities.

There are 12 questions and it should take approximately 5-10 minutes to complete. Your responses help NORC better understand your training needs, evaluate the success of NORC activities and materials, and provide NORC staff with key information in planning for future tasks. **Please complete the [questionnaire](#) by Friday, January 11, 2019.** If you have any questions, contact us at ombudcenter@theconsumervoice.org. Thank you in advance for your feedback!

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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.

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