



# Ombudsman Outlook: News, Resources, and Tips

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Friday, June 28, 2019  
Volume 5, Issue 4

## End of Grant Year Wrap-Up

July 2018 – June 2019 was the second 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 operate the National Long-Term Care Ombudsman Resource Center (NORC). As we finish the second year, we would like to thank all the State Ombudsmen and representatives of the Office that have helped provide information, resources, and input to NORC. Below are highlights of resources and activities completed by NORC over the past year.

- We responded to **311 requests for Technical Assistance (TA)**. The top TA requests from Ombudsman programs were about nursing facility-initiated transfer/discharge, complaint handling, LTCOP training, and funding.
- NORC hosted **10 webinars**, including a five-part webinar series on the National Ombudsman Reporting System (NORS). View the recordings and webinar materials [here](#).
- NORC conducted **26 presentations as part of the NORC training bureau**. Visit this [page](#) to learn more about what training NORC can provide.
- This year NORC **launched an app!** for Ombudsman programs. This app was designed to give Ombudsman programs access to key resources while working in the field. To download the app search, "LTC Ombudsman Resource Center" in the Apple or Google Play Store.

Several new and updated resources were produced this grant year, including:

**NEW - [Revised NORS Webinar Series and Training Materials](#)** – The purpose of the webinar series and training

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**NORC is on Facebook and Twitter!**



## NORC Featured Resource

### New NORC App for Ombudsman Programs!

This app was designed to help Long-Term Care Ombudsman programs (LTCOPs) access key resources while working in the field. In this app users can find consumer fact sheets, information on federal laws and

materials is to introduce the new training materials to help programs prepare for the transition to new NORS codes, definitions, and activities on October 1, 2019.

**NEW** - [Individual Conflict of Interest Screening Template](#) -

This document contains information based on the LTCOP Rule, §1324.21(d), Conflicts of Interest. The template is intended for use as a guide when Ombudsman programs develop or revise individual conflict of interest screening tools.

**NEW** - [Button to Quickly Access Key NORC Resources](#) -

The new button on the NORC website homepage serves as a shortcut to access key NORC resources quickly.

**UPDATED** - [Online NORC Curriculum Format](#) - This training translates the *NORC curriculum, Equipping Long-Term Care Ombudsmen for Effective Advocacy: A Basic Curriculum* into an online form. The online format was recently updated for a fresher, more user-friendly appearance. The curriculum content will be updated in the future.

**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](#) - This resource provides information about CMS' Hand in Hand training for caring for individuals with dementia and preventing abuse and tips for Ombudsman program use.

**NEW** - [Training Materials on Transfer/Discharge and the Revised Nursing Home Regulations](#) - Consumer Voice and NORC 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 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.

[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. This year topics included:

- [Ombudsman Program Advocacy Regarding Abuse in Long-Term Care Facilities](#)
- [Financial Exploitation in Long-Term Care Facilities](#)
- [Volunteer Management](#)
- [Navigating the National Ombudsman Resource Center \(NORC\) Website](#)
- [Advocating for Residents with Mental Health Needs](#)

regulations, resources on long-term care issues, materials related to the National Ombudsman Reporting System (NORS), and contact information for Ombudsman programs around the nation. The app provides key information from the NORC website in an easy to access format. To download the app search, "LTC Ombudsman Resource Center" in the Apple or Google Play Store.

### **Calendar of Events**

**September 24, 2019 3:00-4:30 ET**

Revised NORS FAQ Webinar

### **October 2019**

Residents' Rights Month

### **November 3 - 6, 2019**

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

### **Do you want to receive the Ombudsman Outlook?**

Sign up to receive NORC emails [here!](#)

- [Training Tips for the Ombudsman Program: Getting Back to the Basics](#)
- [40th Anniversary of the LTCOP](#)
- [NORS Training, Resources, and FAQs](#)
- [Residents' Rights Resources](#)
- [Training Materials on Transfer/Discharge and the Revised Nursing Home Regulations](#)
- [Resources help Ombudsman programs prepare for Residents' Rights Month](#)
- [Emergency Preparedness](#)

**UPDATED - [Fact Sheet on Residents' Rights and the LGBT Community](#)** - This fact sheet provides an overview of residents' rights for LGBT elders living in long-term care.

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## New and Updated NORC Resources

### **NEW! [NORC App for Ombudsman Programs](#)**

This app was designed in collaboration with State Ombudsmen, representatives of the Office, and stakeholder feedback to help Long-Term Care Ombudsman programs (LTCOPs) access key resources while working in the field. In this app users can find consumer fact sheets, information on federal laws and regulations, resources on long-term care issues, materials related to the National Ombudsman Reporting System (NORS), and contact information for Ombudsman programs around the nation. To download the app search, "LTC Ombudsman Resource Center" in the Apple or Google Play Store. If you have any questions, email [ombudcenter@theconsumervoice.org](mailto:ombudcenter@theconsumervoice.org).

### **NEW! [Trauma Informed Care Webinar Materials](#)**

The slides and recording from the webinar *Trauma-Informed Care: Nursing Home Responsibilities and Ombudsman Program Advocacy* are now [available](#). Ensuring that residents who are trauma survivors receive culturally competent, trauma-informed care is one of several new federal requirements which will go into effect when Phase 3 of the revised federal nursing home regulations are implemented November 28, 2019. Attendees learned about trauma-informed care, the new federal requirement, how trauma-informed care relates to resident-centered care, and what this means for Ombudsman program advocacy and communication. Presenters included Nancy Kusmaul, Assistant Professor at the University of Maryland Baltimore County, and Patricia Hunter, Washington State LTC Ombudsman.

### **NEW! [Navigating the National Ombudsman Resource Center Website Webinar Materials](#)**

The National Ombudsman Resource Center (NORC) [website](#) is filled with information, resources, and news from Ombudsman programs to support and inform programs across the country. This presentation walks through the NORC website and new [On-Demand Training Center](#). The presentation shows how resources and

information is organized on the website and where to go if you need help. Watch this short [video](#) as an introduction to the NORC website and read the [March NORC](#) Notes to learn more about the NORC website and recent updates. View the slides as a [PDF](#).

### **NEW! April, May, and June 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 [April issue](#) was on volunteer management, the [May issue](#) highlighted resources for Ombudsmen to assist residents experiencing financial exploitation, and the [June issue](#) reviewed Ombudsman program advocacy regarding abuse in long-term care facilities. If you would like to sign-up to receive the NORC Notes, [email NORC](#).

### **UPDATED! State LTC Ombudsman Program: 2019 Revised Primer for State Agencies**

*The State Long-Term Care Ombudsman Program: 2019 Revised Primer for State Agencies* is now available. The primer was prepared by the National Association of States United for Aging and Disabilities (NASUAD). It is intended to support State Agency Directors to understand the unique role of the State Long-Term Care Ombudsman Program.

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## News from the Network

### ***Ohio State LTC Ombudsman, Beverley Laubert, Quoted in Article on Recent List of Under-Performing Nursing Homes***

Ohio State Long-Term Care Ombudsman, Beverley Laubert, was quoted in an [article from ABC6 in Ohio](#) about the recent list of under-performing nursing homes released to the public for the first time by the Centers for Medicare and Medicaid Services (CMS). Following an inquiry by US Senators Bob Casey and Pat Toomey, [CMS made public](#) the previously unreleased list of hundreds of poorly performing nursing homes. The ABC6 article highlighted the eight facilities in Central Ohio named for "persistent poor care." "Market forces really are a factor in quality improvement. Consumers need the information to make decisions and if people don't go to poor-quality facilities, maybe those poor-quality facilities will work a little harder to be better," Beverley Laubert said in the article.

### ***Oklahoma Governor Signs Two Bills into Law that will Increase the Quality of Care in LTC Facilities***

The Oklahoma Office of the State Long Term Care Ombudsman applauds Oklahoma Governor Kevin Stitt for signing two significant bills into law that will increase the quality of care provided to residents in Oklahoma's long-term care facilities. SB280, initiated and negotiated by a broad-based coalition, including the for-profit and not-for-profits sectors, will improve a resident's stay in a long-term

care facility. [SB280](#) establishes a pay-for performance program, which includes quality measures; increases direct care staffing; increases the personal needs allowance; increases the mandatory Alzheimer's/Dementia training; increases the number of Long-Term Care Ombudsmen; and ensures provider accountability and transparency. [SB142](#) prohibits a long-term care facility resident from being prescribed or administered an antipsychotic drug, except in case of emergency, which was not already prescribed prior to admission, unless certain conditions are met. The resident must have been examined and diagnosed with a psychitric condition; nonpharmacological care options must have been unsuccessful; the resident or representative must have provided informed consent; and, in the case of emergency, the minimum dosage and duration that is prudent must be prescribed. Additional information is available [here](#).

### ***Michigan State Long-Term Care Ombudsman, Salli Pung, Advocates for the Rights of Residents***

State Long-Term Care Ombudsman Salli Pung is interviewed by TV5 and advocates for resident rights and the use of cameras in long-term care facilities. "I believe they should have access to the best quality of care. So, if cameras can help with those things, we certainly would be supportive of it," Pung explained. But, she adds, there would need to be strict guidelines; since patients would be recorded in very personal settings. Often times with roommates. Pung says cameras could not only prevent abuse but help hold nursing homes and staff more accountable. "We have to take a little more time and provide good care. If they had more staff available to do that, then hopefully it would reduce some abuse and staff wouldn't be so frustrated and feel like they have to run from one task to another," Pung said. Watch the video [here](#).

### ***Minnesota Governor Signs Bill Establishing Protections for Seniors and Vulnerable Adults***

On May 22, Minnesota Governor Walz signed H.F. 90, a package of reforms aimed at providing greater protection for older and vulnerable adults residing in assisted living facilities. Among other provisions, the Bill includes funding to support additional staff for the Office of Ombudsman for Long-Term Care. A collection of organizations and state agencies were instrumental in achieving agreement on the language passed. They include the MN Ombudsman for Long-Term Care Office, Elder Voices (family advocacy group), the MN Elder Justice Center, AARP, the Alzheimer's Association, Legal Aid, the MN Department of Health, the MN Department of Human Services, and provider organizations. Congratulations to the Minnesota LTCO and all the other organizations that worked together to make this happen. [Read H.F. 90](#).

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### ***Michigan Ombudsman, Jerry Stevens, is Quoted in an Article on the Ombudsman Program***

Michigan long-term care Ombudsman program representative, Jerry Stevens, discusses the Ombudsman program in an article published by the Herald Palladium. As a part of that systems-level work, Stevens serves on Michigan Attorney General Dana Nessel's Elder Abuse Task Force and works to address systemic issues and craft policy solutions. Read the full article [here](#).

### ***Ohio Long-Term Care Ombudsmen Comment on Staffing Issues in Nursing Homes***

Beverly Baltes, Volunteer Coordinator in Ohio, discusses being mediators and advocates for residents in a video published by the Dayton Daily News. In this article Chip Wilkins, Dayton Long-Term Care Ombudsman program director, who advocates for the rights of nursing home residents, said his office frequently has to respond to low staffing complaints. "I've already had three calls this morning about facilities that did not have adequate staffing over the weekend," Wilkins said Monday morning. "One facility only had two aides working on Saturday and Sunday for a 90-plus bed facility because everyone called off." View the article and video [here](#).

### ***Connecticut State Ombudsman Quoted in Article on Elder Abuse***

State investigations of elder abuse, ranging from neglect to emotional abuse to physical abuse, more than doubled in Connecticut between 2011 and 2017, from 3,529 to 7,196. Complaints about abuse in Connecticut nursing homes, residential care homes and assisted living facilities rose by nearly 15 percent between 2015 and 2017, said Mairead Painter, the state Long Term Care Ombudsman. Read the full article [here](#).

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## **TA Hot Topic**

### **Supporting a Resident That Experiences Abuse**

Despite efforts to prevent abuse and federal and state requirements to protect residents from mistreatment, abuse in long-term care facilities continues to occur. Perpetrators include long-term care staff, other residents, family members, and other visitors. Since the Ombudsman program's primary goal is to resolve complaints to the satisfaction of the resident, the program's role is not to substantiate a complaint by gathering evidence to determine whether abuse occurred. Therefore, the Ombudsman program has an important and unique role in investigating allegations of abuse and supporting residents.

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Sadly, there have been recent stories of facility-wide lockdowns due to violent incidents in or around the facility, including individuals bringing firearms into long-term care facilities with the intent to harm a resident or staff member. A State Ombudsman shared with NORC staff that they learned a resident had been a victim of domestic violence for years after her husband brought a firearm into her facility. The State Ombudsman requested information to share with representatives of the Office and facility staff regarding advocating for residents' rights, ensuring resident safety, and how to support individuals that experience violence.

### **Resources and Guidance for Ombudsman Programs**

Residents should be informed of their rights to restrict visitation and of the facility's responsibility to **ensure their safety and protect their rights to choose who visits**. The Ombudsman program can provide information and training for residents, families, and staff and perhaps hold a facilitated discussion with all three groups to ensure that there is good communication and an openness to ensure the residents' wishes are known and granted.

While Ombudsman programs would follow the standard complaint investigation protocol for all complaints, including allegations of abuse, representatives of the Office may need training on domestic violence. There are local resources in most communities.

Washington State LTCOP has developed [resources](#) and training for LTCO regarding victims of crime.

Massachusetts state law requires administrators and other licensed professionals to attend domestic violence training.

- [An Act Relative to Domestic Violence](#)
- [Supplemental Materials](#)
- [Chapter 260 Narrative](#)

The following Information is from the CMS State Operations Manual, Appendix PP, Guidance to Surveyors for Long-Term Care Facilities.

#### ***DEFINITIONS §483.10(f)(4)(ii)-(v)***

***“Reasonable clinical and safety restrictions”*** include a facility's policies, procedures or practices that protect the health and security of all residents and staff. These may include, but are not be limited to:

- *Restrictions placed to prevent community-associated infection or communicable disease transmission to the resident. A resident's risk factors for infection (e.g., immunocompromised condition) or current health state (e.g., end-of-life care) should be considered when restricting visitors. In general, visitors with signs and*

*symptoms of a transmissible infection (e.g., a visitor is febrile and exhibiting signs and symptoms of an influenza-like illness) should defer visitation until he or she is no longer potentially infectious (e.g., 24 hours after resolution of fever without antipyretic medication). If deferral cannot occur such as the case of end-of-life, the visitor should follow respiratory hygiene/cough etiquette as well as other infection prevention and control practices such as appropriate hand hygiene.*

- *Keeping the facility locked or secured at night with a system in place for allowing visitors approved by the resident;*
- *Denying access or providing limited and supervised access to an individual if that individual is suspected of abusing, exploiting, or coercing a resident until an investigation into the allegation has been completed or has been found to be abusing, exploiting, or coercing a resident;*
- *Denying access to individuals who have been found to have been committing criminal acts such as theft; or*
- *Denying access to individuals who are inebriated or disruptive.*

#### **Visitor to Resident Abuse of Any Type**

*Allegations of abuse have been reported between spouses, or residents and their parents or children, in addition to visitors who are not members of a resident's immediate family. The surveyor may obtain information from the resident's social history, to the extent possible that identifies concerns or issues regarding relationships between the resident and relatives, friends, and/or visitors. The surveyor should interview the social worker and review the resident's assessment and care plan to determine whether the facility identified and provided interventions on how to address the concerns. (Also see F745-Medically Related Social Services).*

*In addition, the survey team must review whether the facility has developed and implemented policies and procedures related to visitor access. This would include safety restrictions, such as denying access or providing limited and supervised access to a visitor who has been found to be abusing, exploiting, or coercing a resident or who is suspected of abusing, exploiting, or coercing a resident until an investigation into the allegation has been completed. Any such restriction should be discussed with the resident or resident representative first. Also, the resident maintains the right to deny visitation according to his/her preferences. See guidance at F563- Visitation Rights and F564- Resident Right to Visitors.*

**§483.70(i)(2) The facility must keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is—**

**(i) To the individual, or their resident representative**



**where permitted by applicable law;**

**(ii) Required by Law;**

**(iii) For treatment, payment, or health care operations, as permitted by and in compliance with 45 CFR 164.506;**

**(iv) For public health activities, reporting of abuse, neglect, or domestic violence, health oversight activities, judicial and administrative proceedings, law enforcement purposes, organ donation purposes, research purposes, or to coroners, medical examiners, funeral directors, and to avert a serious threat to health or safety as permitted by and in compliance with 45 CFR 164.512.**

### **Resources for Providers**

- Sample [active shooter policy](#) from AHCA – includes information about domestic violence
- [The Hebrew Home at Riverdale](#) started one of the first temporary shelters for elders experiencing abuse and now they have the Weinberg Center for Elder Justice.
- [National Clearinghouse for Abuse in Later Life \(NCALL\)](#)
  - [Abuse in Later Life Resources for Healthcare Providers](#)
  - [Domestic Violence in Later Life: An Overview for Healthcare Providers](#)

### **Additional Resources**

- Watch the recent webinar “[Trauma-Informed Care: Nursing-Home Responsibilities and Ombudsman Program Advocacy](#)”
- Another thing to consider is training for facility staff regarding trauma-informed care, especially if they know the resident was a victim of domestic violence or another traumatic situation.
  - [Trauma-Informed Care in Behavioral Health Services](#)
  - [Trauma-Informed Care](#)
- [Domestic Violence in Later Life: A Guide to the Aging Network for Domestic Violence and Victim Service Programs](#)
- [Domestic Violence: Older Women Can Be Victims Too](#)

## **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](mailto:ombudcenter@theconsumervoice.org).

## **Revised National Ombudsman Reporting System (NORS) Webinar Series and Training Materials**

This training is a five-part webinar series on the revised National Ombudsman Reporting System (NORS) training materials created by NORC. State Ombudsman programs submit data regarding program activities to the Administration for Community Living (ACL)/Administration on Aging (AoA), using the codes, definitions, and activities outlined in the instructions for the National Ombudsman Reporting Systems (NORS). The data has been collected since 1996 and this is the first comprehensive revision. **The revised NORS data collection is effective October 1, 2019.**

NORC has updated the four-part NORS training materials to reflect the updated codes, definitions, and activities and instruct programs on how to record the work they do. States are to continue to use the current approved NORS [codes](#) and [instructions](#) and [training materials](#) to ensure consistent reporting until the updated data collection is effective on October 1, 2019.

The purpose of this webinar series is to introduce the new [training materials](#) to help programs prepare for the transition to new codes, definitions, and activities on October 1, 2019. The first webinar introduced the revised new NORS data collection and the following four webinars cover each part of the revised four-part training.

The recording and materials from the five webinars are available [here](#).

1. *Introduction to the revised National Ombudsman Reporting System (NORS)*
2. *Part I: Case, Complaint, Complainant, and Information and Assistance*
3. *Part II: Complaint Coding*
4. *Part III: Verification, Disposition, Referral, and Closing Cases*
5. *Part IV: Ombudsman Program Activities*

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## **LTCOP Volunteer Management**

### **Volunteer Appreciation and the Search for More Volunteers**

National Volunteer Week was in April and several programs across the country shared with NORC their appreciation for the individuals who have stepped up to become

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Ombudsman volunteers. Here are a couple of the messages received:

**Idaho:** *"Our ombudsman program in North Idaho is strong with 20 volunteer assistant ombudsmen. Managing all the facility visits and advocating for the many residents we serve would be a challenge without them. We are so grateful for their heart-centered dedication. Thank you!"* – Jan Young, Regional Ombudsman—Roseanna Lewis, Associate Ombudsman and Volunteer Mentor-- Jan Noyes, Associate Ombudsmen and Volunteer Coordinator

**Minnesota:** *"I would love to publicly recognize the wonderful work of the Minnesota Certified Ombudsman Volunteers. [Here is a brief message](#) to be shared highlighting some of their work."* - Dana Manteufel, Volunteer Coordinator, Minnesota Office of Ombudsman for Long-Term Care

Read additional messages [here](#).

### Recruiting and Retaining Volunteers

As programs look for new ways to find and retain volunteers, NORC held a webinar on June 10th **"Using Technology to Recruit, Train, and Keep Volunteers in the Loop."** The presentations shared how to incorporate technology into many aspects of volunteer management. Speakers included: Mitzi E. McFatrigh, Executive Director of Kansas Advocates for Better Care; Gregory K. Shelley, Managing Local Ombudsman of the Harris County LTCOP in Houston, Texas; Betsy McAllister, Florida LTCOP State Training Administrator; and Kerri Tanner and Kathryn Curry, Alaska LTCOP State Office. [Using Technology webinar and slides](#).

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## Quick Tips!

### Tips for Residents' Rights Month Activities



October is "Residents' Rights Month," an annual event designated by Consumer Voice to honor residents living in all long-term care facilities. It is an opportunity to focus on and celebrate awareness of dignity, respect and the rights of each resident. The federal Nursing Home Reform Law guarantees residents' rights and places a strong emphasis

on individual dignity, choice, and self-determination. The law also requires nursing homes to “promote and protect the rights of each resident.”

This year's theme, "Stand for Quality," emphasizes the importance of quality in all aspects of residents' experiences – quality care, quality of life, quality services, and quality choices – to name a few. Residents' Rights Month is an opportunity for staff, families, ombudsmen, residents and other advocates to work together to stand for and promote quality.

Encouraging residents to participate in Residents' Rights Month activities is one way to stand for quality. Below is a list of activity suggestions for residents.

1. [Do it Yourself Doorhangers](#) – Many adults find coloring to be a very relaxing activity that increases mindfulness and positivity. This residents' rights activity combines the fun creative release of decorating door hangers with an opportunity to discuss this year's theme.
2. ["I Stand for Quality" sign](#) – Fill in the sign or create your own finishing the sentence “I stand for quality” and explaining how or why you stand for quality and take a photo with your sign and share it on social media or within the facility.
3. [The Resident's Voice Challenge](#) – Encourage residents to display their writing or artistic skills by submitting essays, poems, artwork, drawings, or videos related to the theme and then mail the submissions to Consumer Voice.
4. [Residents' Rights Month Activity Calendar](#) – The Activity Calendar provides ideas for events and activities throughout the month of October. Events and activities provide an opportunity for education, discussion, and community-building for residents, staff, and family members.

For additional activity tips and ideas visit the Consumer Voice website's [activity suggestion list](#).

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