



Ombudsman Outlook: News, Resources, and Tips

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New Resources: Revised Nursing Home Regulations

NORC created a new [webpage](#) for information and resources regarding the federal nursing home regulations that the Centers for Medicare & Medicaid Services (CMS) issued on September 28, 2016. The final regulations were published in the [Federal Register](#) on October 4, 2016 and long-term care facilities must meet the new requirements in order to participate in the Medicare and Medicaid programs. The regulations were effective on November 28, 2016 and will be implemented in three phases (more information is available in the November 2016 [issue](#) of the Ombudsman Outlook and on the NORC [website](#)).

CMS is in the process of developing interpretative guidance for the revised regulations.

NORC recently posted several new resources regarding the regulations. The new [webpage](#) includes links to the final regulations, information from CMS, resources created by NORC, and materials from Consumer Voice, Justice in Aging, and Centers for Medicare Advocacy, for example:

- **Copies of Transfer/Discharge Notices to the Ombudsman Program: Frequently Asked Questions** NORC developed this [document](#) in response to the most common requests for technical assistance about the new requirement for nursing homes to send a copy of transfer and discharges notices to a representative of the Office of the State Long-Term Care Ombudsman. This resource includes Ombudsman program considerations and the language for the revised and previous regulations regarding transfer and discharge (see the [TA Hot Topic](#) below for the questions and answers).

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NORC is on Facebook and Twitter!



NORC Featured Resource

Nursing Home Regulations Page

On October 4, 2016, the final regulations for nursing homes participating in the Medicare and/or Medicaid

- **Side-by-Side Comparison of Revised and Previous Federal Nursing Home Regulations**
Consumer Voice created a [side-by-side comparison](#) that shows each provision of the revised federal nursing home regulations and the provisions from the previous regulations.
- **Three New Issue Briefs on Transfer/Discharge, Unnecessary Medications, and Nursing Services**
Consumer Voice, along with Justice in Aging and Center for Medicare Advocacy, released new issue briefs as part of the series entitled, “A Closer Look at the Revised Nursing Facility Regulations.” The briefs were created to help residents, family members and advocates better understand the regulations. The new briefs cover [Involuntary Transfer and Discharge](#), [Unnecessary Drugs and Antipsychotic Medications](#), and [Nursing Services](#).
- **Summary of Key Changes in Revised Federal Nursing Home Regulations – Part II**
This summary, created by Consumer Voice, presents an overview of key changes in the revised federal nursing home regulations for the sections on Resident Assessment (§483.20) – Training Requirements (§483.95). The document highlights what is different between the prior rule and the final rule and includes only those parts of the rule that went into effect in Phase 1 on November 28, 2016. [Part II](#), combined with [Part I](#), cover all sections of the regulations.

We will continue to update the materials and information regarding the regulations, so check the [webpage](#) frequently and [let us know](#) if you have any questions, resources, or experiences to share.

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New and Updated NORC Resources

NEW! [Personal Safety Considerations \(Program to Practice: LTCOP Advocacy in Assisted Living Facilities\)](#)

This tip sheet is part of the [LTCOP Advocacy in Assisted Living Compendium](#) and provides personal safety considerations for Ombudsman program representatives during visits. Although most long-term care facilities are safe there may be circumstances where the Ombudsman program needs to take precautions when visiting (e.g., visits to facilities or areas that the Ombudsman program representative is not familiar with, facilities with limited regulatory oversight). This resource was created to assist Ombudsman programs in discussing personal safety and minimizing risk when visiting these types of settings.

NEW! [Long-Term Care Ombudsman Programs and Protection & Advocacy Agencies Collaboration Toolkit](#)

Persons with disabilities receiving or in need of long-term services and supports have available nationally at least two

programs were published in the Federal Register. The regulations are effective on November 28, 2016 and will be implemented in three phases. Click [here](#) to view the implementation timeframe chart. Additional information regarding the revised regulations will be posted on this page in the coming months.

Click [here](#) to view the page.
[Calendar of Events](#)

March 29, 2017 Save the Date! LTCOP Rule:

Supporting Person-Centered Advocacy-Complaint Investigations and Abuse Reporting. 3-4:15 ET. Free webinar. Registration information forthcoming.

April 23 - 29, 2017

National Volunteer Week. For more information, click [here](#).

April 25, 2017 Save the Date! LTCOP Rule:

Individual Conflicts of Interest. 3-4:15 ET. Free webinar. Registration information forthcoming.

May 2017

Older American's Month. For more information, click [here](#).

Questions or Ideas?

Do you have any questions or challenges related to LTCO advocacy and program management you want addressed in a future newsletter? Do you have any suggestions for articles or feedback about this issue? If so, [please let us know](#).

Save and Share

advocacy organizations – Protection and Advocacy (P&A) and the Long-Term Care Ombudsman program (LTCOP). Individuals residing in long-term care facilities may encounter challenges and opportunities for which they need an advocate. This new toolkit includes eight tip sheets/briefs, examples of collaboration and advocacy, and information about developing a written partnership agreement (e.g., Memorandum of Understanding)

NEW! [NORC Evaluation Email Series](#)

In May 2016, NORC sent a planning and evaluation questionnaire to all State Ombudsmen and program representatives and we received over 100 responses. The responses help NORC evaluate the success of its activities and materials and provide NORC staff with key information in planning for future tasks. Earlier this month, NORC sent the first email that is part of an email series sharing the results of this questionnaire. The emails include links to trainings, resources, webinars and more. The emails are archived on the [website](#) and are broken down into categories based on topic.

NEW! [Webinar Materials: Medicaid Managed Care 101 for Ombudsman Programs](#)

On January 11, 2017, the National Association of States United for Aging and Disabilities (NASUAD) hosted a webinar on Medicaid managed care for State Ombudsmen and Ombudsman program representatives. This webinar covered basic information about the current status of state Medicaid Managed LTSS programs; key policy and operational considerations for professionals working with older adults enrolled in these programs; and future directions for these programs. The webinar was presented by Damon Terzaghi, NASUAD's Senior Director for Medicaid Policy and Planning.

UPDATED! [NORS Frequently Asked Questions Page](#)

The question on the NORS FAQ [page](#) asking, *"if a complaint arises during a regular/routine visit in a facility, can the representative of the Office open a case during that visit and still count the visit as a regular visit to that facility?"* has been updated. The answer to this question is "yes, that would still be a routine visit because the purpose of the visit was to provide residents with access to ombudsman services. The visit was not initiated in response to a complaint, to provide further investigation on an existing complaint, or to provide follow-up. Also, a program is not prohibited from counting a visit as a "routine visit" when making a visit in response to a complaint IF there is a protocol for what is included in a routine visit; i.e. visit with a percentage of residents, spend a certain amount of time, etc. We understand the need to be efficient with travel time."

UPDATED! [Data and Software Management Page](#)

The 2015 NORS Data has been posted to the data and software management page. You can also find the data, along with NORS training material, [here](#).

We encourage you to share this newsletter with your LTCO program. You can forward this email or save and share the PDF version saved on our [website](#).

Want to receive the Ombudsman Outlook directly?

Did you receive this issue of the Ombudsman Outlook from a colleague or your LTCO supervisor? [Let us know](#) if you want to subscribe and receive our newsletter directly.

Do You Miss The Voice?

LTCOPs no longer receive The Voice (the Consumer Voice weekly enewsletter) automatically. If you miss the long-term care news from The Voice [subscribe for free](#) or become a [member](#) to receive this publication.

UPDATED! Revised Nursing Home Regulations Page

Several new resources have been posted to the revised nursing home regulations page, including a side-by-side comparison of the revised and previous regulations; three new fact issue briefs on transfer/discharge, unnecessary medications, and nursing services; a summary of key changes in the rule – part II; and a webinar.

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News from the Network...

Guide from Iowa "Sexual Expression Policy Development: A Guide for Long-Term Care Facilities and Assisted Living Programs"

In an effort to promote awareness, acceptance, and respect of the sexual rights of older adults and individuals with disabilities, the Iowa Office of the State Long-Term Care Ombudsman, in collaboration with Disability Rights Iowa, has created a set of [guidelines](#) for developing policies that address sexual expression in long-term care environments. The material is intended to guide meaningful dialogue and contribute to effective policies and procedures for addressing sexual relationships among long-term care (LTC) residents and assisted living program (ALP) tenants. For additional resources on sexuality and intimacy, click [here](#).

Texas Ombudsman Program Promotes Resident Self-Advocacy with CMP Grant

The Texas State Long-term Care Ombudsman Program was awarded a Civil Monetary Penalties (CMP) grant for a 24 month project to recruit, train, and support nursing home residents to self-advocate. The project is called "Our Lives, Our Voices" to describe the project's goal of helping residents inform their local, state, and federal governments and state agencies about issues that matter to residents. With CMP funds, a full-time contractor will develop a training curriculum, recruit and train residents from nursing homes in the Austin area, and support residents to meet with elected and state officials. The Ombudsman Program hopes to identify residents who will serve on statewide councils and workgroups. They also hope the project will be replicated in other parts of the state and the country.

The project includes funding for residents' transportation to training and local government offices. A work plan and evaluation tools were developed to measure the project's effectiveness. For more information on the project, including a copy of the CMP application, contact Alexa Schoeman, Nursing Facility Policy Specialist with the State Long-term Care Ombudsman Program at alexa.schoeman@dads.state.tx.us.

Philadelphia Ombudsman Program Volunteer Ombudsman Recruitment Video

View this volunteer recruitment [video](#) from the Philadelphia Long-Term Care Ombudsman Program at Center in the

Park. For more information, resources, and recruitment video examples from other states, click [here](#).

Georgia Ombudsman Program Visits Kennesaw State University

The Office of the State Long-Term Care Ombudsman presented information about the Long-Term Care Ombudsman Program at Kennesaw State University on January 10, 2017. Dr. Lois Ricci, Nurse Professor introduced Melanie McNeil, Georgia State Ombudsman, and Lin Chao to the students in the gerontology class. The class is made up of professionals in different fields, including nursing, social work, para-legal, aging services, and others interested in a career change.

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

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TA Hot Topic: Transfer Discharge Notices FAQs

What do the new regulations say about sending a copy of transfer or discharge notices to the Ombudsman program?

As of November 28, 2016, according to section 483.15(c)(3)(i) of the new regulations, a facility must send a copy of the written transfer or discharge notification to the representative of the Office of the State Long-Term Care Ombudsman before a resident is transferred or discharged. It is mandated in section 483.15(c)(4)(i) that a facility must send the notification of transfer or discharge at least 30 days prior to a resident being transferred or discharged. This new requirement is part of the [Requirements for Participation](#) published in the Federal Register on October 4, 2016, by the Centers for Medicare & Medicaid Services (CMS).

Does this new requirement mean nursing homes have to send a copy of all transfer/discharges notices, including transfer or discharge initiated by a resident?

Per section 483.15(c)(3), prior to the transfer or discharge nursing homes must provide written notification to the resident and the resident's representative(s), and send a copy of the notice to a representative of the Office of the State Long-Term Care Ombudsman ("Office"). Residents can only be discharged due to one of the reasons included in 483.15(c)(1)(i). The regulations do not address transfers or discharges initiated by a resident. However, in response to comments about this requirement, CMS states in the preamble that this requirement "will apply primarily to

residents who are involuntarily discharged from the facility and does not include residents who request the transfer or who are transferred on an emergency basis to an acute care facility.”

CMS is in the process of developing interpretative guidance for the revised regulations and until that guidance is provided it is our understanding that copies of all transfer or discharges notices are to be sent to a representative of the Office.

Do the new regulations require nursing homes to give residents written notice prior to room changes? If so, do nursing homes have to send a copy of those notices to a representative of the Ombudsman program?

Section 483.10(e)(6) states that residents have the right to receive written notice, including the reason for the change, before the resident’s room or roommate in the facility is changed. In the definitions for the new regulations, “transfer and discharge” includes the movement of a resident outside the certified facility whether that bed is in the same physical plant or not; it does not refer to the movement of a resident to a bed within the same certified facility (483.5). By this definition, a room change is not considered “transfer or discharge” as long as the resident is moving between rooms in the same certified facility. Due to room changes not being classified as “transfers or discharges,” the facility is not required to send a copy of the room change notification to a representative of the Ombudsman program.

Read the entire FAQ document [here](#). NORC also included Ombudsman program considerations regarding receiving and responding to transfer and discharges notices in the November [issue](#) of the Ombudsman Outlook and additional information regarding the revised regulations is available on the revised nursing home regulations [page](#).

Update Regarding LTCOP Evaluation

In September of 2015, the Administration for Community Living/Administration on Aging (ACL/AoA) contracted with [NORC at the University of Chicago](#) and its partners to conduct a comprehensive evaluation of the Long-Term Care Ombudsman Program (LTCOP). Under the contract timeline that was originally funded by ACL, data collection was scheduled to begin in early 2017.

However, there have been delays in receiving clearance from the Federal Office of Management and Budget to start the data collection. All data collection sponsored by Federal agencies are required to obtain this clearance. Currently, the start date for the LTCOP evaluation data collection is still unknown. We appreciate your patience and

continued commitment to the evaluation, and we will share updates with you as soon they become available to us.

In the meantime, please feel free to reach out to Kim Nguyen, the project director for the LTCOP evaluation, at NORC. Her email is nguyen-kim@norc.org.

For more information about the LTCOP Evaluation visit this [page](#) for a webinar with presenters from NORC Chicago discussing the evaluation study design and click [here](#) for their final report on evaluation study designs.

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LTCO Volunteer Management

2017 Ombudsman Program Volunteer Management Questionnaire

In January 2017, NORC distributed a questionnaire to State Ombudsmen and program representatives regarding their volunteer programs. Thirty-eight of the 48 states/district/territories (81%) who have a volunteer program responded*. NORC conducted a similar survey in 2012, and in those intervening years, two states have begun a volunteer program. The 2017 survey received responses from 24 State Ombudsman, 13 state staff, and 91 local representatives. Eighty percent (80%) of respondents reported their volunteer program was over ten years old.

Why is it important to learn about volunteer management? According to the NORS data (located at the bottom of this [page](#)), there were 7,734 certified volunteer Ombudsman program representatives across in the country in 2015. The Independent Sector determined the estimated value of a volunteer hour in 2015 was \$23.56**. For the Ombudsman program, that is over \$16 million of assets due to volunteer service! Due to the dedicated service of these volunteers, resident access to the Ombudsman program is enhanced significantly and thousands of residents receive information about their rights and have assistance and support in resolving their concerns.

Highlights of Questionnaire Responses

- 92% of the respondents use a volunteer certification curriculum/manual created by their state office.
 - Approximately 30% responded that the training was done by state level staff and 60% do the training at the regional/local level.
 - Several respondents shared that local Ombudsman entities provide some initial training and orientation prior to volunteers attending the state training, as well as,
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hands-on training (e.g., shadowing during visits).

- 93.5% said they require facility visits as part of the volunteer certification process, which is up from the 88% reported in 2012.
- 90% use mentoring (job shadowing) during the volunteer training process.
- 31% of state level staff and 11% of regional/local staff said they have a volunteer program manager that does not have other Ombudsman program duties.
- 32% of respondents said they have different levels or tiers of volunteers.

Training Tip

Some respondents requested an updated version of the Advocates for Residents' Rights video (featuring Mary and Mrs. Woods) that is used in the online curriculum and available on the NORC [website](#). The Texas Ombudsman program recently created a video that addresses many of the training concepts provided in the Advocates for Residents' Rights video and NORC worked with the Texas program to develop the trainer and trainee guides. The materials are available for free on the NORC website and for purchase as a training kit (see below).

Long-Term Care Ombudsman Casework: Advocacy and Communication 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. The video is intended to be used with the accompanying trainee guide during classroom training for new LTCO; however, trainers can also use these materials to help experienced LTCO refresh their skills by applying the techniques and procedures discussed in the video to different scenarios. Available below for free and on the training page of the [website](#) or you can [buy](#) the DVD and a set of training materials in the [store](#) for \$15.

[Long-Term Care Ombudsman Casework: Advocacy and Communication Skills video](#) (YouTube)

[Trainer Guide](#)

[Trainee Guide](#)

[Trainer Guide](#) - with answers

Resources for Volunteer Managers

Approximately a third of the respondents were not familiar with and therefore are not using the training resources on the NORC website. Visit the NORC website to view the variety of volunteer management [resources](#), such as the NORC [curriculum](#) that many programs incorporate into their initial training (available as an on-line training or PDF

documents) and other training examples provided by state and local programs.

Many respondents were also not aware of the Ombudsman Compendium on Recruitment, Training, and Retention, which can be found [here](#) and under NORC Resources on the Volunteer Ombudsman Program Management [page](#).

If you manage volunteers and are not part of the listserv, please contact Carol Scott at cscott@theconsumervoice.org.

Look for more information from this survey in the future!

**There are four states/territories who don't have volunteer programs (per 2015 NORC data)*

***<http://philanthropynewsdigest.org/news/value-of-volunteer-time-up-49-cents-in-2015>*

[Join](#) the LTCO Volunteer Management Network today to connect with your peers, exchange ideas, share resources and talk about LTCO volunteer management.

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Quick Tips!

Learning Mnemonics

Being a better learner takes time and practice. The tips below are a few simple ways to remind yourself and others that learning is fundamental. These tips can be used when you are learning about an unfamiliar subject area, facing a problem you haven't dealt with before, and can be shared with new ombudsmen and volunteers.

Relax, don't rush learning. Have you ever found yourself tuning out while listening to a webinar, attending a workshop, or reading something forwarded to you by a coworker? Your short attention span might be short-circuiting your capacity to learn if you become anxious when the lesson isn't immediately obvious. With the pace of today's world, we might be conditioned to think that slow learning is the enemy of achievement. Yet many skills and concepts worth learning can take months or years to truly grasp and apply. Invest in your learning by giving yourself time to soak up all the tidbits you can. Read slowly and take notes when dissecting a new topic. Do not be afraid to ask questions if you do not understand.

Be patient with others. As a leader, remember Plato's advice to "never discourage anyone who continually makes progress, no matter how slow." Never extinguish someone's fire for learning simply because you are impatient with the results.

Look for learning in a variety of places. If you're limiting your learning horizon to only long-term care publications you're missing the opportunity to be a voracious learner. It is important to read publications from all aspects of the health care industry in order to understand different perspectives.

Learn from experiences. Take every opportunity to meet someone with whom you share common or uncommon interests, their experiences can teach you how to deal with a situation you may not have handled yet. Also learn from the experiences that test your skills and abilities, such as a challenging case, presenting new material for the first time, learning new advocacy strategies, or changing practices to adapt to new program policies and procedures. Ultimately, it's up to you to decide whether and how to grow from these experiential learning opportunities.

Take a new route. Learning is often a great challenge--one that can sometimes be so daunting that a person might choose to quit before achieving his or her learning goals. To learn something new, you might be forced to alter or unlearn a skill or belief you have held for many years. Do not be afraid to take a new path or try out someone else's way. Before closing the door on learning a new way, look at the challenge with optimistic eyes. Opportunities arise for those who envision them.

Learning takes patience and we must accept our mistakes because our capacity to learn and grow is limitless.

These tips are from an article titled, "Live and Learn" written by Melanie Lockwood Herman, Executive Director of the Nonprofit Risk Management Center. Read the full article [here](#).

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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](#).

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