



Ombudsman Outlook: News, Resources, and Tips

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National Updates: CMS Guidance Regarding Copies of Transfer/Discharge Notices, WEAAD, and NORC Site Map

CMS Guidance- Copies of Transfer/Discharge Notices to the Ombudsman Program

CMS issued a Survey and Certification memo (17-27-NH) on May 12, 2017 that provides clarification regarding copies of transfer and discharge notices to a representative of the Office of the State Long-Term Care Ombudsman and information regarding the new definition of SQC (substandard quality of care) and implementation of the provisions regarding SQC.

The memo:

- Explains facility-initiated transfers and discharges and resident-initiated transfer and discharges.
- States facilities must provide a copy of facility-initiated discharge notices to the Ombudsman program at the same time the notice is provided to the resident and resident representative.
- Reinforces the requirement that when a nursing facility decides to discharge the resident while the resident is still hospitalized, the facility must send a notice of discharge to the resident and resident representative and send a copy of the discharge notice to a representative of the Office of the State LTC Ombudsman (at the same time they send a notice to the resident and resident representative).
- Clarifies the timing and type of notification to the Ombudsman program for emergency transfers.

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NORC is on Facebook and Twitter!



NORC Featured Resource

NORC Website Site Map

Individual State Ombudsman programs will determine their state policies and procedures for receiving and responding to these notices.

Resources regarding the revised nursing home regulations are available on the NORC [website](#), such as the NORC *Ombudsman References in Revised Nursing Home Regulations* [chart](#), information from CMS, webinars, and resources created by Consumer Voice.

WEAAD

World Elder Abuse Awareness Day ([WEAAD](#)) is June 15th. WEAAD is a time to raise awareness about abuse, neglect and exploitation and to empower individuals to take action.

The USC Center on Elder Mistreatment has a variety of outreach guides and promotional materials [available](#) on their website. This [Outreach Guide](#) provides tips on how to have a successful event, picking a format for the event, and how to find more information on WEAAD.

Share your activities with the Administration for Community Living (ACL), the National Center on Elder Abuse (NCEA), and the wider aging network by submitting your WEAAD event or activity for this [map](#).

[Let us know](#) about your WEAAD activities and we will share them on the NORC website so Ombudsman programs across the country can hear about your work and gain new ideas. Information regarding the role of Ombudsman programs in investigating allegations of abuse, neglect, and exploitation, consumer education resources about abuse, and training materials are available [here](#).

NORC Site Map

In response to feedback provided in the [2017 NORC Planning and Evaluation Questionnaire](#) about making the NORC website easier to navigate we created a [NORC site map](#) and an infographic titled [Tips for Using the NORC Website](#). We hope these two tools will improve the usability of the NORC website. If you need help finding information on our website, [let us know](#).

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New and Updated NORC Resources

NEW! [LTCOP Rule Issue Brief: Considerations for Identifying and Addressing Individual Conflicts of Interest](#)

The purpose of this document is to assist states to identify and remedy or remove conflicts of interest (COI) of individuals designated as the Ombudsman or as representatives of the Office as required by the State Long-

In order to make navigating the website easier for users, we created one page which links to every page on the website and lays out where each page located. To view the site map, click [here](#).

Calendar of Events

June 15, 2017

World Elder Abuse Awareness Day (WEAAD). For more information, click [here](#).



November 5 - 8, 2017

National Consumer Voice for Quality Long-Term Care Annual Conference. 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

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?

Term Care Ombudsman Programs, Final Rule. The Rule requires four steps regarding individual COIs: 1. Establish and implement policies and procedures related to COI, 2. Identify COIs, 3. Avoid appointing or designating individuals with COI, or 4. Remove or Remedy the conflict.

This [brief](#) includes two sections pertinent to the topic: Implementation, Key Points to Consider; and a List of Authorities.

NEW! [Long-Term Care Ombudsman Program Final Rule Webinar Series Materials](#)

The materials for the *Supporting Person-Centered Advocacy – Complaint Investigations and Abuse Reporting* and *Identifying and Addressing Individual Conflicts of Interest* webinars are now available on the NORC website. The materials include a Technical Assistance [Guide](#) on Responding to Allegations of Abuse, a [fact sheet](#) on long-term care ombudsman programs, and more.

UPDATED! [Revised Nursing Home Regulations Page](#)

Several new resources have been posted to the revised nursing home regulations [page](#), including issue briefs on admission, visitation rights, rehabilitation services, return to facility after hospitalization, grievances and resident/family councils, and quality of care. New information from CMS has also been posted to this page, including the CMS S&C Memo Explaining Notice of Transfer-Discharge and the new definition of SQC (substandard quality of care). Click [here](#) to read the memo.

UPDATED! [Resources and Reference Documents Page](#)

This [page](#) has been reorganized to making finding information easier. The page is now divided into sections based on the topic of the document. Some topics include long-term care ombudsman programs, nursing homes, Medicaid and Medicare, and more. If you are still having trouble finding what you are looking for please [contact us](#).

UPDATED! [Medicare and Medicaid Issue Page](#)

Webinar materials on Managed Long-Term Services and Supports ([MLTSS](#)) for State Ombudsmen and Program Representatives have been posted to this [page](#). This webinar was hosted by the National Association of States United for Aging and Disabilities (NASUAD) and was the second in a series on managed care; the first webinar, Medicaid Managed Care 101 for State and Local Ombudsman, was held in January 2017. Building on the groundwork laid in January, this webinar provided an overview of Medicaid managed long-term services and support (MLTSS) programs across the country; explained the new Federal requirements for MLTSS programs to offer managed care ombudsman services to enrollees; discussed opportunities and challenges of operating a managed care ombudsman program within a State LCTO office; and highlighted the work of the Iowa SLTCO in managing both a State Long-term Care Ombudsman Program and a managed care ombudsman program.

Did you receive this issue of the Ombudsman Outlook from a colleague or your LCTO 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 e-newsletter) automatically. If you miss the long-term care news from The Voice [subscribe for free](#) or become a [member](#) to receive this publication.

UPDATED! [Emergency Preparedness Issue Page](#)

A federal guidance section was added to the Emergency Preparedness issue [page](#) and three new resources were added under this section including Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers; CMS Emergency Preparedness Final Rule Crosswalk; and CMS Emergency Preparedness Rule: Resources at Your Fingertips.

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News from the Network...

Volunteer Ombudsman in Maryland Wins a Cruise

Volunteer Ombudsman Arthur Lappen was selected to represent the Washington, D.C. metropolitan area on Cabot's Community Celebrity Cruise in early June. The Alaskan cruise will celebrate more than 60 "Community Celebrities" nationwide whose volunteer work has made a substantial impact on the lives of others. For more than 20 years, Lappen has been a volunteer advocate for the Montgomery County Long-Term Care Ombudsman Program in Maryland, working over 5,000 hours of service and making 2,500 regular visits to residents. To read more about Arthur Lappen and the seventh annual Cabot Community Celebrity Cruise, click [here](#). To read additional messages of appreciation for volunteer ombudsmen, click [here](#).

Ohio State Ombudsman, Beverley Laubert, is Interviewed by News5 about Ohio Nursing Home Quality

News5 Cleveland published an article titled, "How some Ohio nursing homes are putting the lives of society's most vulnerable at risk." The article highlights violations nursing facilities in Ohio have received such as issues with administering medication, failing to prevent falls, and failing to report alleged abuse. Beverley Laubert, the State Long-Term Care Ombudsman, told the station she is frustrated by staffing levels, turnover rate, and employee education at nursing homes. Nursing home complaints to her office increased from 6,700 in 2013 to 8,700 in 2015. "We really have a variety of problems that we see," said Laubert, "I would like to see more focused training. I would like to see greater accountability for staffing numbers." Read the article [here](#). Watch the YouTube link to the video [here](#).

The Oregonian Interviewed Oregon State Long-Term Care Ombudsman, Fred Steele

The Oregonian interviewed Oregon State Long-Term Care Ombudsman Fred Steele on how to find the best nursing home or assisted-living facility for you or your loved one, and how to ensure quality care in these facilities. The news outlet recently released [a report](#) entitled "Kept in the Dark: Oregon hides thousands of cases of shoddy senior care," which found that 60% of complaints filed against long-term care facilities in the state of Oregon were not made public to consumers. In response to this report, Steele stated that seniors and their families have the right to know exactly

what type of care will be provided to them at a facility, and the first way to do this is by understanding the different types of facilities, such as assisted-living facilities versus nursing homes. Steele emphasized the State Long-Term Care Ombudsman Program's duty in advocating for residents, who should reach out to the Program or their local Ombudsman with any questions regarding facility care or rights of residents. Watch the video [here](#).

Rhode Island Long-Term Care Ombudsmen Were Featured in PrimeTime Magazine

The Rhode Island Long-Term Care Ombudsman Program and State Ombudsman Kathleen Heren were featured in an article in PrimeTime magazine. The article highlighted the program's work advocating for Rhode Island's nursing home and assisted living residents. Read the full article [here](#) (page 6).

Illinois State Ombudsman, Jamie Freschi, on Resident Dumping and Two Bills to Protect Residents

Illinois State Ombudsman, Jamie Freschi, was featured in an article on the State Journal Register. In the article Freschi discusses the high number of facilities not readmitting residents after a hospital transfer, e.g. "dumping" and the two bills she is lobbying to get passed. Freschi states that this rapid increase in "dumping" is due to nursing facilities' unwillingness to properly manage difficult behavior. Freschi and State Rep. Emanuel "Chris" Welch are supporting both S.B. 1624 and H.B. 3392. "Both bills would institute new monetary penalties for improper discharges, make it harder for such discharges and understaffing to continue, and give long-term care ombudsmen more authority to advocate on behalf of individuals. The legislation also would give the Illinois Department of Public Health the legal authority to order a resident readmitted to a facility if he or she prevails in a public hearing conducted by the department." Read the full article [here](#).

Maine's Long-Term Care Ombudsmen Were Featured in a News Article

Maine's Long-Term Care Ombudsmen were featured in the Bangor Daily News, the article is titled, "Maine's long-term care ombudsman a tireless advocate." The article highlights the purpose of the Ombudsman program and what they do to help residents and family members from all different backgrounds and needs. "Our office exists to resolve any problem that any elderly person or disabled individual [has] in terms of access to long-term care, payments, quality of care or anything that interferes with their ability to get the care they need," Gallant said. "Our services are free, confidential and statewide." The article also discusses the Older American's Act and how the Ombudsman office may take action on behalf of its clients, read the full article [here](#).

Tennessee State Ombudsman Participates in Panel Discussion on Nashville Public Television About Elder

Abuse

Tennessee State Ombudsman, Lauren Meeker, participates in a panel discussion on "Aging Matters, Nashville Public Television" about the issues behind elder abuse, neglect, and exploitation in long-term care. For more resources and information on abuse, neglect, and exploitation, click [here](#). To watch the panel discussion, click [here](#).

The Kentucky State Ombudsman Program Attended Senior Services Advocacy Day

The Kentucky State Long-Term Care Ombudsman Program joined the Kentucky Association of Gerontology and the Alzheimer's Association for Senior Services Advocacy Day. Consumers and advocates had an opportunity to listen to a panel of legislators and ask questions. Rep Addia Wuchner, Rep Joni L. Jenkins, Sen Julie Raque Adams and Sen Ralph Alvarado served on the panel. Among those asking the panel members questions was State Ombudsman Sherry Culp. Culp asked, "Sexual assault of nursing home residents with Alzheimer's/memory disorders are reportedly on the rise. Research indicates this is in part due to short/insufficient staffing in nursing homes. What can you as a legislator do to help protect residents from isolation and abuse?" In response a panel member mentioned abuse registries and agreed to further look into issues impacting consumers of long-term care. Culp had recently been interviewed about sexual abuse of nursing home residents in a CNN investigative [report](#), *Sick, dying and raped in America's nursing homes*. Kentucky has 15 District Long-Term Care Ombudsmen and many were in attendance and had appointments to meet with their legislators about protecting the rights of nursing home residents through legislation.

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

Access to Resident Records

During a nursing home visit a resident you are familiar with tells you her medications have changed and she wants to know what she is being given. She wants you to check her chart in order to get her current list of medications; however, she doesn't give you permission to speak to staff or let anyone know she is questioning her medications. You inform her that you can't look at her medical chart without her permission and you would have to share her name to access the chart. Needing to review a resident's medical

records without disclosing the resident's name is a challenging situation, what are your next steps?

If a resident gives you permission to investigate her concern and review her medical record, but does not want you to disclose her name, talk with the resident:

- Discuss the reasons the resident does not want her identity revealed. If this will limit your ability to resolve the issue, discuss this with the resident and tell her you will do as much as possible without revealing her identity.
- Explain the resident's right to look at their medical records, to be informed about medications and other medical care being provided,
- Explain the situation,
- Discuss any potential risks involved in the resident being identified.

If you cannot resolve the issue without revealing her identity, tell her what you've done and why you cannot take the case further. If appropriate, encourage the resident to discuss her concern with the Resident Council or:

- Look for supporting evidence during your regular visits.
- Look for supporting evidence when visiting other residents; perhaps several other residents share the same issue and you can proceed on their behalf.
- Inform the resident that you will be available to pursue this issue if she changes her mind. Check back with her regarding this.

What you DON'T want to do:

- Guarantee that retaliation will not occur.
- Ask to see several charts to hide the one you are really wanting to see as you would need permission from each resident to even request their chart.

Oftentimes reviewing medical records may not be the best place to start or may not even be necessary as there are usually other ways to get answers to questions besides, such as:

- Speaking with the charge nurse or DON,
- Addressing the issue during a care plan meeting, or
- Meeting with the doctor.

When possible, participating in conversations with the resident and appropriate staff is often the most effective, resident-centered way to support a resident and ensure their concerns are addressed.

Resources

[The Problem-Solving Process: Investigation, Curriculum Resource Material for Local Long-Term Care Ombudsman.](#)

[OAA and Rule References to Access to Records](#)

[March 2017 NORC Webinar - LTCOP Rule: Supporting Person-Centered Advocacy - Complaint Investigations and Abuse Reporting](#)

[TA Hot Topic: Consent January 2016 Outlook](#)

NORS Corner

"NORS Corner" is a new article that will be in every issue in order to highlight frequently asked questions about NORS, share NORS training materials, and examples of program practices regarding NORS.

NORS Frequently Asked Questions (FAQs)

This [page](#) contains answers to frequently asked questions regarding the coding and recording of Ombudsman activities. The questions are categorized by the NORS Ombudsman Activities to which they pertain. The answers were developed with input from the Administration on Aging/Administration for Community Living. For example:

Q - How should we report Ombudsman program participation in meetings where the purpose is to build relationships that would support advocacy down the road? For example, a community meeting where participants talk about roles and responsibilities of various agencies – maybe around abuse or discharge planning?

A - The best fit is Monitoring/work on laws, regulations, government policies and actions which instructs: Provide, for both state and local levels, a best estimate of the percentage of total paid staff time spent working with other agencies and individuals, both inside and outside of government, on laws, regulations, policies and actions to improve the health, welfare, safety and rights of long-term care residents.

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LTCO Volunteer Management

2017 Ombudsman Program Volunteer Management Questionnaire Responses- Part II

This is the second update regarding the responses to the January 2017 questionnaire about Ombudsman program volunteer management (see the February 2017 Ombudsman Outlook for [Part I](#)). Thirty-eight of the 48 state

Ombudsman programs (81%) that have a volunteer program responded to the questionnaire. The 2017 questionnaire received responses from 24 State Ombudsmen, 13 state staff, and 91 local Ombudsman program representatives.

When asked to prioritize the needs of volunteer managers, the number one issue was recruitment, followed closely by how to retain volunteers and examples of case studies and training outlines for continuing education.

Some examples we received when we asked for respondents to share "one or two ombudsman volunteer management practices that work well for you and your program" were:

- Place flyers to recruit volunteers at the local YMCA café & nearby Starbucks.
 - Scanning Volunteer monthly reports into Ombudsmanager database immediately upon receipt so Regional Ombudsman can view reports without delay.
 - We have a state volunteer task force that meets quarterly to offer advice to the state Ombudsman unit, they also produce a bi-annual electronic newsletter that is shared across state with Ombudsman program representatives.
 - Internship with experienced Ombudsman representative - minimum of 10 hours before certification. Visits to LTC facilities throughout training -- see what it's like in the real world.
 - Making sure the volunteers are kept in the loop with topics (exit surveys, changes in regulations, etc.).
 - Sending a monthly summary/recognition note for program accomplishments.
 - We offer continuing education/professional development sessions for our volunteers once a month. It is a chance for experienced volunteers to share their wisdom and experience with our newer volunteers.
 - We require regular, ongoing oversight of all volunteers by our regional staff. This includes facility visits with each volunteer on a quarterly or biannual basis. Such oversight provides a one-on-one chance for dialogue with the volunteer, as well as an opportunity to ensure all policies and procedures are being followed. This is in addition to continuing education requirements for all volunteers.
 - The local Ombudsman program representative meets personally with the interested volunteer face-to-face at the time of the application and takes the interested volunteer out on two facility visits prior to having them commit to training.
 - I try, as best as possible, to match the volunteers to their assigned facility as this is key to keeping the volunteers for a long period of time.
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Additional information from the questionnaire responses will be available in future Ombudsman Outlook issues.

[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!

Time Management Hacks

The following time management tips are from a webinar titled, "True Independence: Time Management Hacks for Volunteer Managers" by Volunteer Pro. Watch the webinar and view the slides [here](#).

Take a proactive approach to time management by setting priorities. Choose 3-5 priority goals you want to accomplish in day. Determine what will help you reach these goals by distinguishing between important activities, activities that lead to the achievement of one's own goals, and urgent activities, which are generally associated with the achievement of someone else's goals.

Create a to-do list that keeps you focused on finishing your tasks by the end of the day. To-do lists can become overwhelming when they are not goal-oriented or include tasks that cannot realistically be finished in one day. When making to-do lists, volunteer managers should utilize the 1-3-5 technique to alleviate the overwhelming feeling and increase their overall efficiency. The 1-3-5 technique requires that a to-do list must have One Big Thing directly relating to the most important goals of one's job, Three Medium Things, and Five Little Things. It is best to create a to-do list the afternoon before so that it can immediately get started the next day. Also, it is important to analyze your to-do list each day to determine if one's goals are being met.

Minimize interruptions by planning ahead and properly managing them. Eliminate any distractions that can cause one to lose focus on during the work day. This includes turning off phone notifications, email, and text alerts. Sometimes the interruptions one may experience are from co-workers or the work environment itself. In these cases, block out private, mono-task time and seek secluded areas that will allow you to maximize your focus. Be sure to establish communication norms such as thank you emails, cc-s, etc. Also, one should effectively communicate his/her availability by displaying it in a place that is visible to coworkers and making one's calendar public.

Keep track of how much time is used to complete tasks. One will be able to determine if their time is being utilized in the most efficient way possible. The most difficult

tasks should be scheduled during the time of day one has the most energy.

Utilize apps to increase productivity. Smartphone apps are the easiest and most convenient way of making sure that one's work productivity is at its highest level. Below is a list of apps that are sure to help improve time management:

- Trello
- Remember The Milk
- 1-3-5 List
- Toggl
- Rescue Time
- Focus Booster
- Smartphone Timer
- Google Calendar
- You can Book Me
- Dropbox

Residents' Rights Month: October 2017



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, "It's All About Me: My Life, My Care, My Choices." The theme focuses on the respect and dignity of every resident and highlights residents' rights to choose their own schedule and activities, communicate how and with whom they choose, be free from abuse and unsafe environments, and be treated as an individual with unique wants and needs. 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.

Please share any Ombudsman program activities related to Residents' Rights Month with [Consumer Voice](#) and [NORC](#).

Residents' Voice Challenge

Please share information with residents about participating in the Residents' Voice Challenge. Residents can participate by sharing their writing or artistic skills by submitting essays, poems, artwork, drawings, or videos related to this year's theme for Residents' Rights Month "It's

All About Me: My Life, My Care, My Choices." Residents are encouraged to answer one of the following questions:

- 1.) What are the kinds of choices you should be able to make?
- 2.) What factors contribute to the quality of life in your facility or at home?
- 3.) What do you think it will take to bring about good quality care in nursing homes & other facilities?

Submissions are due **September 1, 2017**. For guidelines and more information about this year's Resident's Voice Challenge, click [here](#).

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