

2016

ANNUAL REPORT



Aging and Disability Services Division
Office of the State Long Term Care Ombudsman



Nevada Long Term Care Ombudsman Program

Annual Report

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State Long Term Care Ombudsman

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The mission of the Nevada Long Term Care Ombudsman Program is to advocate for and on behalf of the residents we serve to improve the quality of life and quality of care in long term care settings.

Long Term Care Ombudsman

- ❖ **Advocates** for increased consumer protections in state and federal laws and regulations.
- ❖ **Educates** residents about their rights.
- ❖ **Empowers and supports** residents and families to discuss concerns with facility staff.
- ❖ **Identifies and seeks to remedy** gaps in facility, government, or community services.
- ❖ **Protects** the health, safety, welfare, and rights of individuals living in nursing homes and assisted living facilities.
- ❖ **Provides information and assistance** regarding long-term services and supports.
- ❖ **Receives and investigates complaints**, and assists residents to resolve problems.
- ❖ **Represents** residents' interests before governmental agencies.
- ❖ **Respects** the privacy and confidentiality of residents and complainants

Highlights

October 2015 through September 2016

Long Term Care Ombudsmen

- Opened 1,233 cases and investigated 2,194 complaints on behalf of Nevada's Long Term Care residents;
- Responded to complaints from concerns about exercising preference and civil rights to involuntary discharges;
- Resolved, or partially resolved, 84% of nursing home complaints and 80% of group home/assisted living complaints.

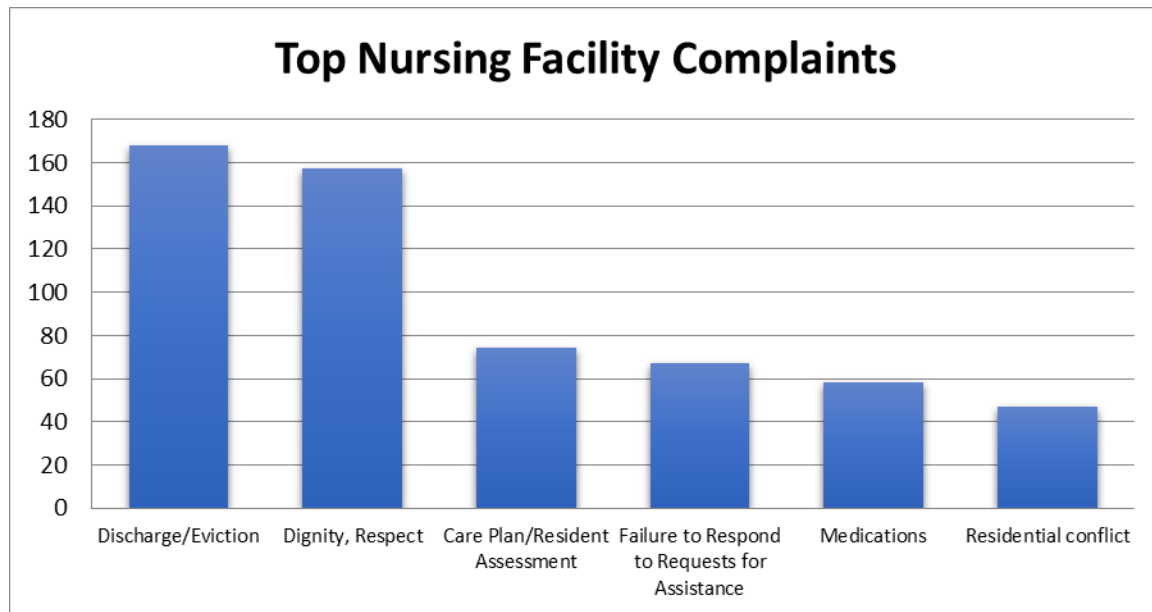
Ombudsmen Activities

- Facility Visits – 1913 visits;
- Information and assistance to facility residents and family –21,785 consultations;
- Consultation to facility providers – 4,361 consultations;
- Council Support – attended 182 resident council meetings and 2 family council meetings.

Statistics

- 9.5 Full-Time Equivalent (FTE) Ombudsman staff;
- 8 Volunteers at the close of Federal Fiscal Year (FFY) 2016 – who provide residents with education about the Long Term Care Ombudsman program and resident rights;
- 548 Licensed Long Term Care Facilities;
- 14,390 licensed beds = 1514 beds per Ombudsman.

Ombudsmen in Nursing Facilities

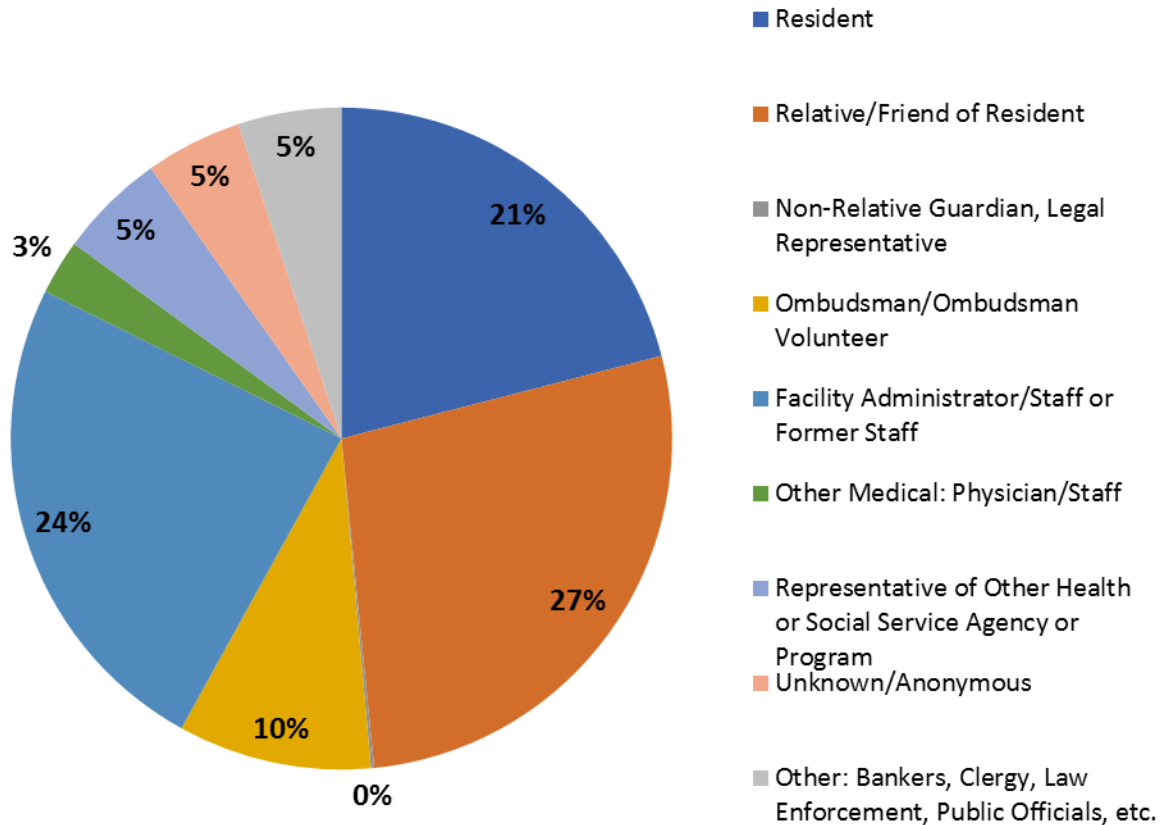


Discussion:

Ombudsmen investigated a total of 1,236 complaints regarding nursing facility residents during FFY 2016. The top six complaints were as follows; 1) Discharge and Eviction concerns; 2) Dignity and Respect concerns; 3) Care Plan/ Resident Assessment; 4) Failure to Respond to Requests for Assistance; 5) Medications; 6) Resident Conflict.

Of the top six complaints reported to the Long Term Care Ombudsman Program in FFY 2016, four of the complaints are in the Resident Care category specific to facility staff. **Sufficient, well-trained, and well-supervised staff is critical to quality care in a nursing facility.**

Nursing Facility Closed Cases by Complainants

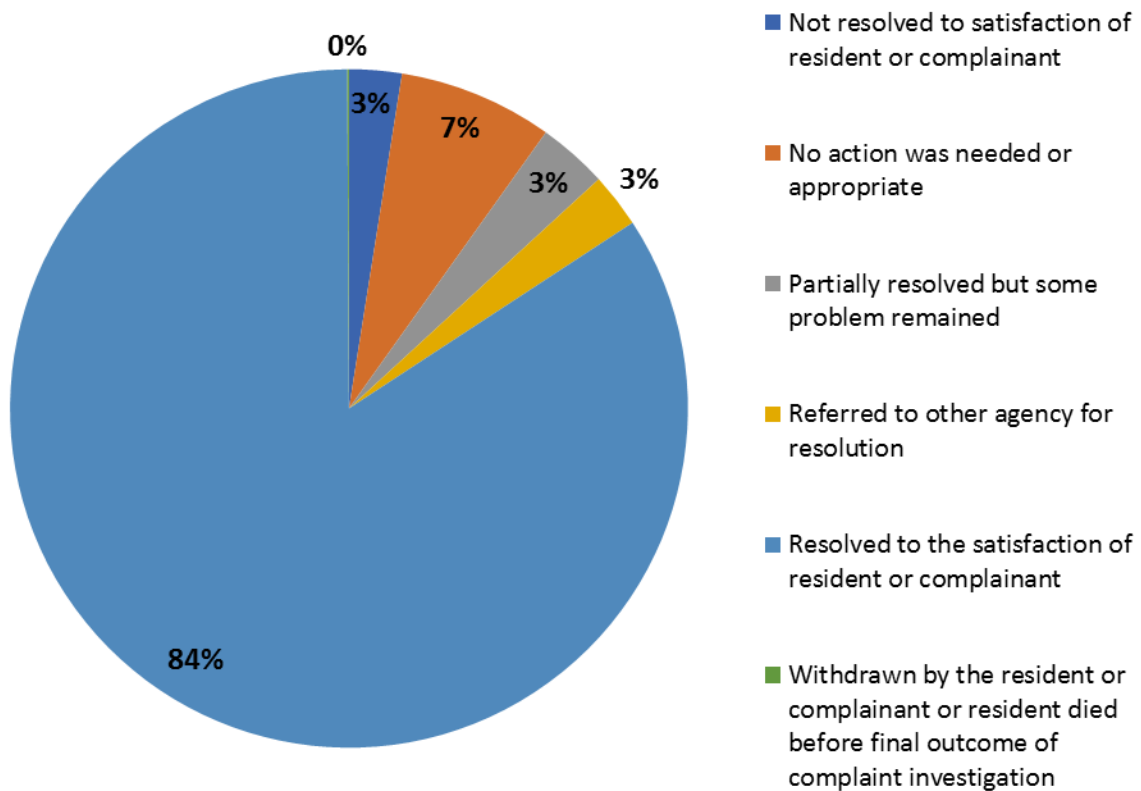


Complainants

Complainants to the Ombudsman Program vary in relationship to the resident. In FFY 2016, the top three complainants in Nursing Facilities were as follows, 1) Relative/Friend of the Resident; 2) Facility Administrator/Staff or Former Staff; 3) Resident.

The Ombudsman Program will make every reasonable effort to assist, advocate and intervene on behalf of the resident. When investigating complaints, the program will respect the resident and the complainant's confidentiality and will focus complaint resolution on the resident's wishes.

Nursing Facility Case Dispositions

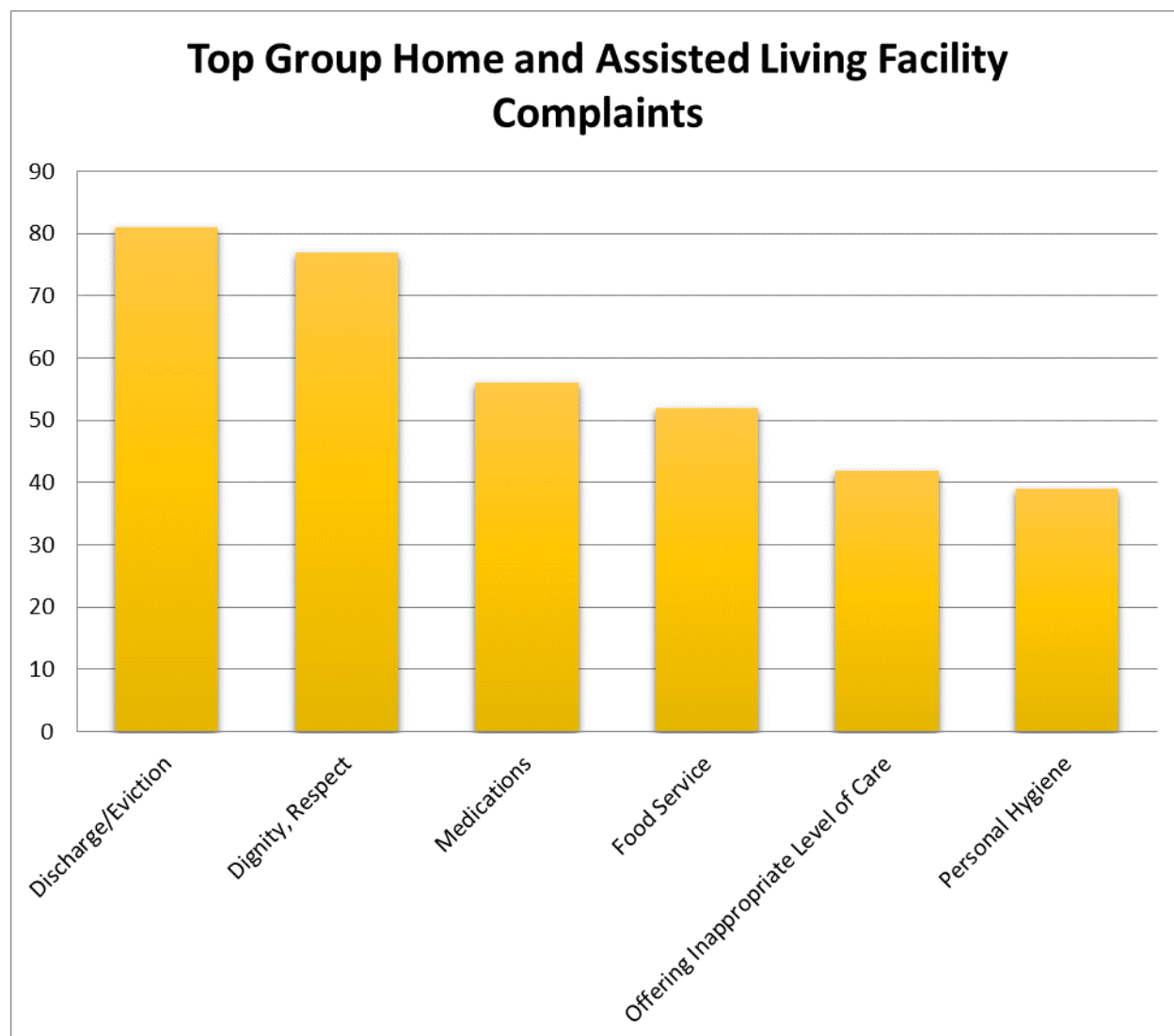


Verification of complaints

Verification is determined by an Ombudsman through observation, interviews, and/or record inspection. Verification signifies that the circumstances described in the complaint existed and were generally accurate.

In FFY 2016, the Long Term Care Ombudsman Program resolved 84 percent of Nursing Facility complaints to the resident's satisfaction. Not all complaints can be resolved to the satisfaction of a resident; for example, some complaints are referred to another agency for resolution and others do not require any action to be taken.

Ombudsmen in Group Homes/Assisted Living

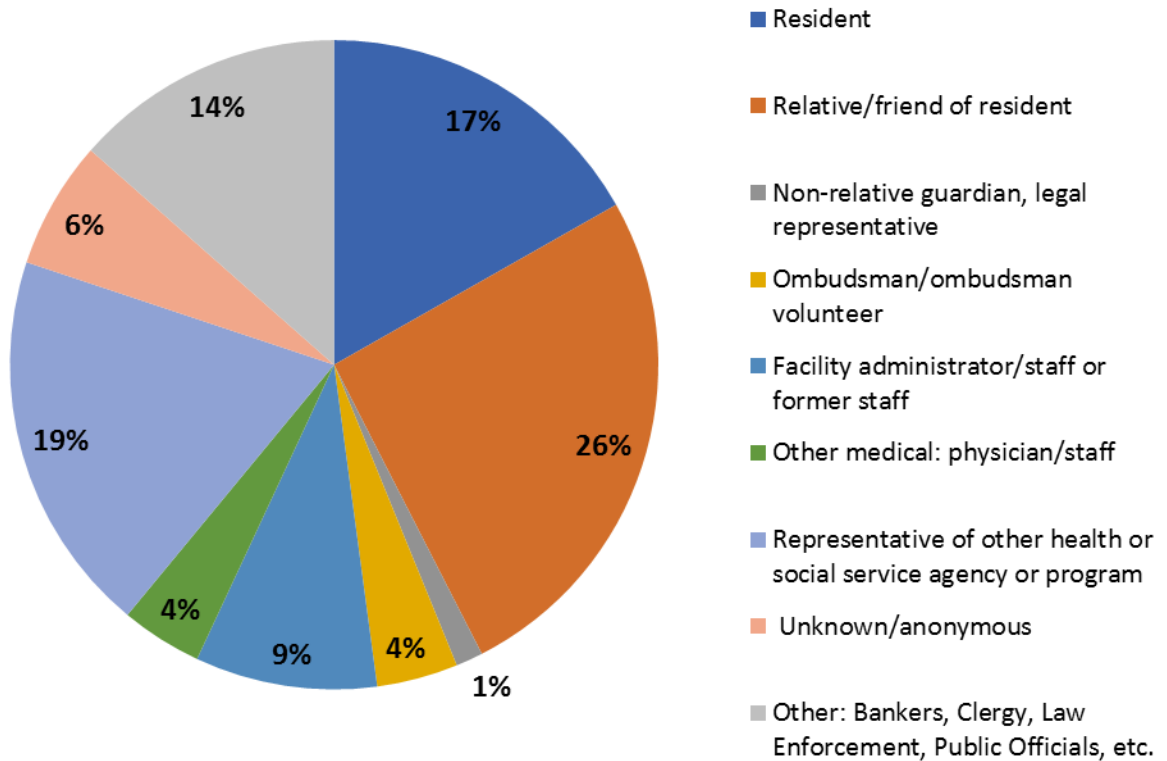


Discussion

The category of Group Home/Assisted Living includes Homes for Individual Residential Care (HIRCs) homes that are licensed to provide care to no more than two residents. Ombudsmen investigated a total of 952 complaints regarding Group Home residents.. The top six complaints were as follows: 1) Discharge/Eviction; 2) Dignity and Respect concerns; 3) Medication Issues; 4) Food Service; 5) Offering Inappropriate Level of Care and 6) Personal Hygiene

The complaints in the Group Home and Assisted Living settings contain concerns about resident care, food service, discharge and eviction, and resident rights. As compared to the Nursing Facility setting, the Group Homes and Assisted Living facilities have fewer training requirements for staff.

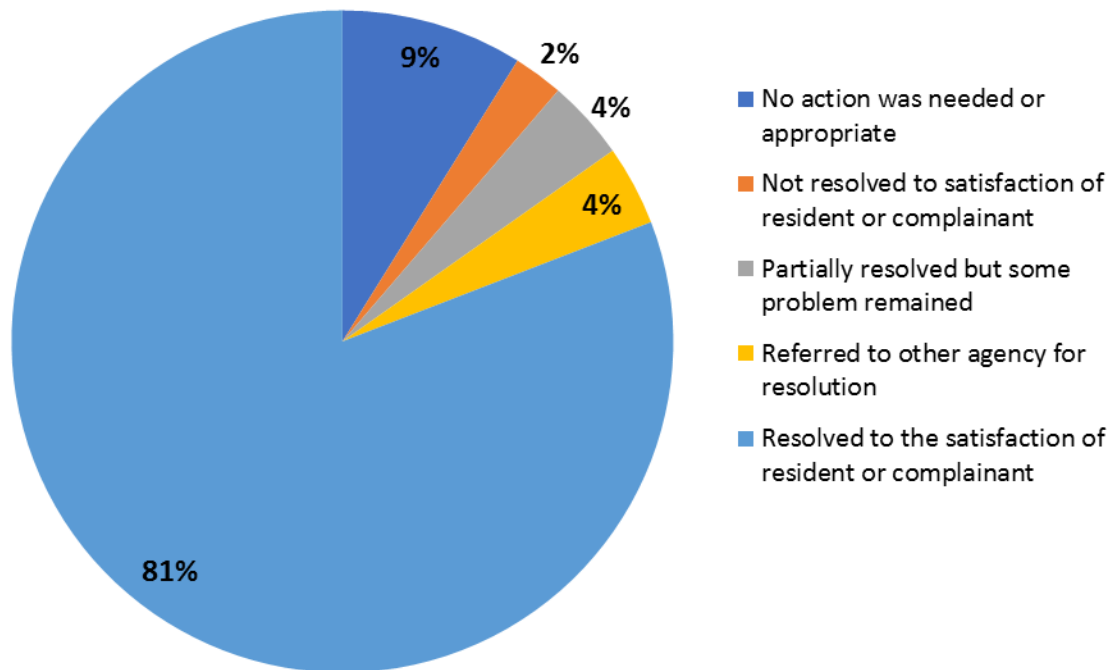
Group Home and Assisted Living Facility - Closed Cases by Complainants



Complainants

Complainants to the Ombudsman Program vary in relationship to the resident. In FFY 2016, the top three complainants for Group Homes and Assisted Living Facilities were as follows, 1) Representative of Other Health or Social Service Agency or Program; 2) Relative/Friend of Resident; 3) Other: Bankers, Clergy, Law Enforcement, Public Officials, etc. The Ombudsman Program will make every reasonable effort to assist, advocate and intervene on behalf of the resident. When investigating complaints, the program will respect the resident and the complainant's confidentiality and will focus complaint resolution on the resident's wishes.

Group Home and Assisted Living Facility Case Dispositions



Verification of complaints

Verification is determined by an Ombudsman through observation, interviews, and/or record inspection. Verification signifies that the circumstances described in the complaint existed and were generally accurate.

In FFY 2016, the Long Term Care Ombudsman Program resolved 81 percent of Group Home/ Assisted Living Facility complaints to the resident's satisfaction. Not all complaints can be resolved to the satisfaction of a resident as some complaints are referred to another agency for resolution and others do not require any action to be taken.

Consultations and Training

Consultation to Residents and Family

Ombudsmen spend their time resolving complaints for residents and providing residents, their families and friends with information related to resident rights. Ombudsmen answer questions, research and interpret regulations, and provide empowerment tools to residents and their loved ones. Often the Ombudsmen advise families and friends on how to select a Skilled Nursing Facility or Group Home/Assisted Living Facility. In FFY 2016, the Ombudsman Program provided a total of 21,785 consultations to residents and families.

In-Service Training to Facility Staff

Most staff employed by long term care facilities receive required trainings where they work. Ombudsmen are asked to provide training on site on the topics of Dignity and Respect, Customer Service, Resident Rights, Elder Abuse and Mandated Reporting, and Person Centered Care. Ombudsmen provided 26 trainings to facility staff. The top three topics of these trainings were 1) Elder Abuse, 2) Resident Rights, and 3) Resident Rights.

Consultation to Facility Staff

Ombudsmen have worked diligently to establish sound working relationships with facility staff. Ombudsmen are resources for facility staff, particularly management, when they encounter complex problems. Consultation involves any subject that affects a resident's life in a facility. Common consultation subjects include care planning, resident rights, appropriate discharge procedures and planning, culture change, power of attorney, guardianship authority, challenging resident behaviors, and family conflict. Ombudsmen provided a total of 4,361 consultations to facility staff in FFY 2016.



Program Outcomes

The data from the past five (5) National Ombudsman Reporting System (NORS) annual reports show that the Nevada State Long Term Care Ombudsman Program (LTCOP) investigated autonomy, choice, rights and privacy, and care issues which are amongst the top three complaints. Issues related to these complaints range from dignity and respect, resident choice and concerns with overall care.

Nevada residents who live in Skilled Nursing Facilities (SNFs) are afforded resident rights, quality of life and quality of care under the Code of Federal Regulations 483.10, 483.15 and 483.25 and Nevada Administrative Code 449.74445 (patient rights) & 449.74469 (standards of care). These rights allow a resident (or their designee) to voice their opinions regarding care, to live a life at the most attainable physical, psychosocial and mental well being and be a part of the individualized care plan process.

The Nevada State LTCOP recognizes when residents are not treated with dignity and respect, are not included in their care plan and do not have the opportunity to express their choice; the quality of life for the resident is decreased. Since 2011, the LTCOP began to focus efforts on person centered care.

In the summer of 2013, the LTCOP sent two LTCO and two SNF facility administrators to attend person centered training in Kansas, the Grow with Evergreen Resources for Transforming Innovations (GERTI). With this training, the LTCOP received access to four presentations to provide to facility staff members in the state. These training presentations included person centered care basic, dining practices, consistent staffing and activities.

In the 2015 legislative session, the Silver Haired Legislative Forum drafted a bill requiring the Nevada State Long-Term Care Ombudsman to develop certain training to be made available to officers, directors and employees of a facility for long-term care. In addition, the bill required the LTCOP to provide certain training to advocates who assist the LTCO in providing services to the residents of a facility. The bill was passed and the LTCOP set up quarterly trainings for facilities, including board and care. In addition, the facilities can contact the LTCOP to set up specific trainings for their staff. The quarterly trainings are successful and continuing educations credits were offered for long term care administrators for the person centered training basics presentation.

As advocates of long term care residents, the LTCOP provides, and will continue to provide, routine and on-going training to staff on the importance of person centered care to ensure residents receive the care they require with the dignity, respect and individual choice.

With the Reauthorization of the Older Americans Act in 2016, much of the focus of the State Long Term Care Ombudsman in Federal Fiscal Year 2016 was to ensure the program was in compliance with Federal Rule Change. The State Long Term Care Ombudsman worked with consultants from the National Ombudsman Resource Center to update processes and policies. Each state's program was reviewed by the Administration for Community Living who provided feedback and determined whether or not the program met the intent of the federal law. The State Long Term Care Ombudsman worked with the Elder Rights Attorney with the Aging and Disability Service Division to create a bill draft request to present during the 2017 Legislative Session. The bill is sponsored by Senator Julia Ratti and is under consideration by the Legislature. The bill, if passed, puts the Nevada Long Term Care Ombudsman Program in compliance with the Federal law by changing the current Nevada Revised Statutes to meet the requirements of the Federal rule changes of the Older Americans Act. The proposed changes include:

- Revises the provision to authorize the Ombudsman to independently analyze, monitor and provide recommendations for federal, state and local governmental actions and policies relating to facilities of long-term care.
- The requirements in the rule list more specific actions that are the responsibility of the Ombudsman related to systems advocacy such as commenting on, recommend changes, and take positions or communicate without pre-approval.
- Transfers to the Ombudsman the authority to: (1) appoint advocates; and (2) create and administer a volunteer advocacy program which is a function and responsibility of the State LTCO per the rule change.
- Requires the Ombudsman and his or her advocates to comply with certain federal regulations relating to consent before inspecting the medical and personal financial records of the resident. More specifically, informed consent may be obtained orally, visually, in writing or through the use of auxiliary aids.
- Exempts the Ombudsman, advocates and volunteers from acting as mandated reporters.
- Removes the NRS 427A.136. The Ombudsman program advocates for all individuals of long-term care regardless of age.