

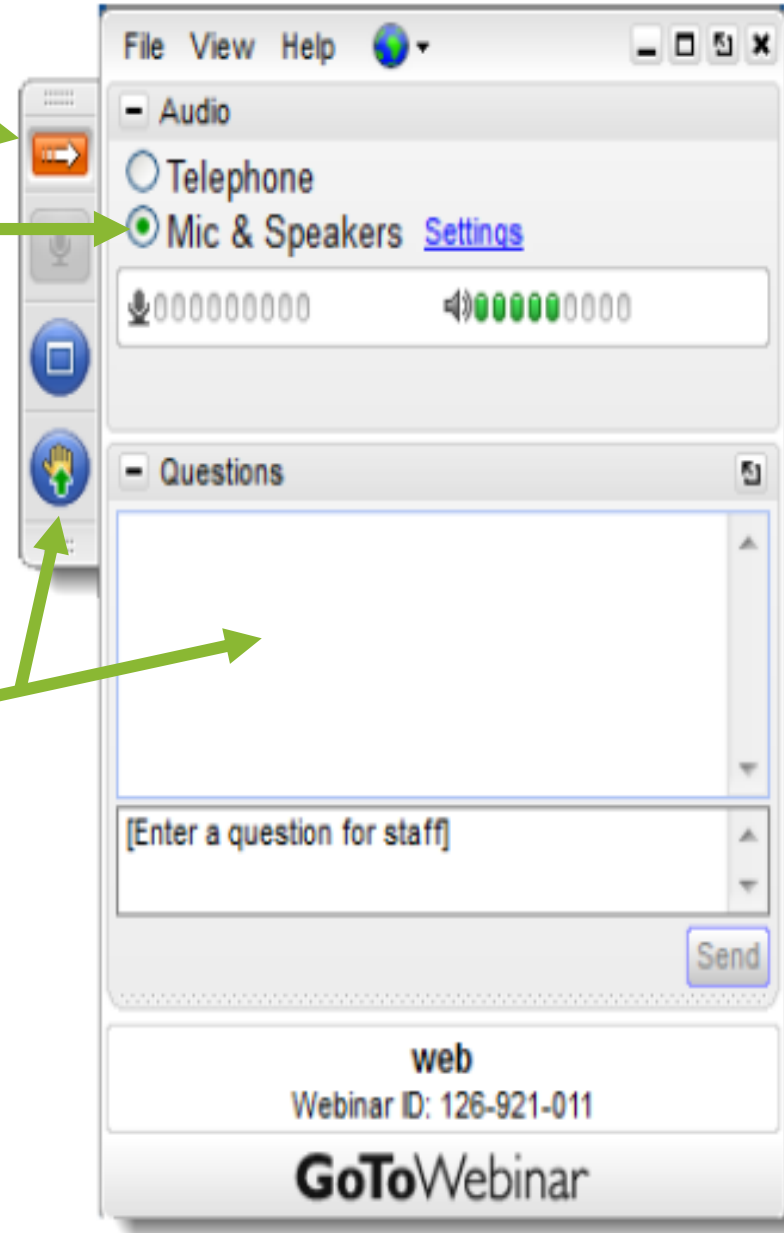


**The National Long-Term Care
Ombudsman Resource Center**

THE WHO, WHAT, WHERE, WHY, AND HOW OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

*Amity Overall-Laib
Director, NORC*

- Use the **Red Arrow** to expand or collapse your control panel.
- **Audio:** Select Mic & Speakers to use your speakers for audio or call-in using your phone. Choose the telephone option to see the call-in information.
- **Mute:** All lines are muted.
- **Questions:** Enter questions in this box and we will respond during the Q&A following the presentation or click the **hand icon** and we will unmute your line.
- **Recording:** The webinar recording will be available on our website. We will send a link to the recording and materials in a follow-up email soon.



What is NORC?

- **Funded by the Administration on Aging/Administration for Community Living grant**
- **Operated by the National Consumer Voice for Quality Long-Term Care (Consumer Voice) in cooperation with the National Association of States United for Aging and Disabilities (NASUAD)**
- **Provides support, technical assistance, and training for state long-term care ombudsman programs and their program representatives:**
 - Information, consultation, and referral for Ombudsman programs
 - Training and resources for state ombudsman programs and program representatives
 - Promotes awareness of the role of the Ombudsman program
 - Works to improve ombudsman skills, knowledge, and effectiveness in both program management and advocacy

What is the Long-Term Care Ombudsman Program (LTCOP)?

- LTCOP representatives are resident-directed advocates.
- LTCOPs advocate for quality of care and quality of life of residents in long-term care (nursing homes, board and care/assisted living, other similar adult care facilities).
- LTCOP provisions in the Older Americans Act (OAA) include:
 - Investigate and resolve complaints
 - Provide information to residents, families, staff (e.g. residents' rights)
 - Advocate for systemic changes to improve residents' care and quality of life.

History of the LTCOP

1972

- Five Nursing Home Ombudsman Demonstration programs established to focus on nursing home resident complaint resolution

1978

- Older Americans Act (OAA) amendments **required all states** to establish an Ombudsman Program
- Program designed to be a **local, community program** utilizing volunteers

1981

- Duties expanded to board and care homes (e.g., Assisted Living Facilities)
- Name changed from Nursing Home Ombudsman to Long-Term Care Ombudsman (LTCO)

1987

- LTCO access to resident records (with resident consent)
- States must prohibit willful interference of official LTCO duties and/or retaliation against a LTCO, resident or other individual related to LTCOP duties

2015

- Final Regulations for the LTCOP were published in the Federal Register on **February 11, 2015**

2016

- LTCOP Rule was effective **July 1, 2016**
- Older Americans Act was reauthorized

What Does the LTCOP Do?

- Identify, investigate, and resolve complaints made by or on behalf of residents.
- Provide information to residents about long-term care services.
- Provide technical support for the development of resident and family councils.
- Advocate for changes to improve residents' quality of life and care.
- Represent resident interests before governmental agencies.
- Seek legal, administrative, and other remedies to protect residents.
- Ensure residents have regular and timely access to the LTCOP.

Role of the LTCOP: Long-Term Care Ombudsman Program Representatives

<u>Do not</u> conduct licensing and regulatory inspections or investigations	<ul style="list-style-type: none">• LTCO are knowledgeable of federal and state regulations and will refer to relevant regulations as they advocate for the highest quality of care and life for residents.• If necessary, with resident consent, LTCO will file a complaint with licensing and regulatory.
<u>Are not</u> Adult Protective Services (APS) investigators	<ul style="list-style-type: none">• LTCO provide information regarding preventing and reporting abuse, neglect, and exploitation.• LTCOPs do not have the same standard of evidence requirement as APS and are not the “official finder of fact.” LTCOPs attempt to resolve complaints to the residents’ satisfaction (including those regarding abuse), not gather evidence to substantiate that abuse occurred.• If necessary, with resident consent or permission of the State LTCO if the resident can’t consent and does not have a legal representative, the LTCO will file a complaint about alleged abuse.
<u>Do not</u> provide direct care for residents	<ul style="list-style-type: none">• LTCO share information about quality care practices and ways to enhance the quality of life for residents.• LTCO are a resource for staff training and provide information for community resources.

Who Does the LTCOP Serve?

- Individuals, regardless of age, living in long-term care facilities (e.g., nursing homes, assisted living/board and care, similar adult care facilities).
 - In accordance with federal law, facilities must provide the LTCOP with access to residents.
 - In a small number of states, LTCOPs also visit individuals that receive long-term care services in their own home.
- **As resident advocates:**
 - The resident guides LTCOP action.
 - The LTCOP needs resident consent prior to taking any action on a complaint or sharing resident information.
 - The LTCOP seeks to resolve complaints to the residents' satisfaction.
 - The LTCOP represents residents' interests, both individually and systemically.
 - The LTCOP empowers residents and promotes self-advocacy.

**If the resident cannot provide consent, the LTCOP will work with the resident's legal representative or follow their state procedure if the resident doesn't have a legal representative.*

Who Represents the LTCOP?*



- **53 State Long-Term Care Ombudsman Programs**
 - Each state, Guam, Puerto Rico, and Washington D.C.
 - Program structure varies (e.g., centralized, decentralized)
- **552 local Ombudsman entities**
- **1,300 full-time staff**
- **7,734 certified volunteers donated 708,323 hours of service**
 - All designated representatives of the Office receive training, including volunteers
 - Not all programs utilize volunteers

LTCOP Activity Highlights (2015)



Visited **27,559** long-term care facilities at least quarterly



Attended **22,281** Resident Council Meetings and **2,073** Family Council Meetings



10,821 community education sessions



5,054 trainings for LTC facility staff



122,213 consultations to LTC facility staff



398,057 information and consultation to individuals (residents, family members, others)

LTCOP Complaint Investigations

- **LTCOP representatives:**
 - Investigate individual complaints and address concerns that impact several or all residents in a facility.
 - Can address general concerns they personally observe during a visit (e.g. odors, concerns about the environment, staff not knocking on resident doors before entering).
 - Cannot share information without resident consent.
 - Investigate to gather the facts, but the main goal is to resolve the issue to the residents' satisfaction.
 - Call upon others to fulfill their responsibilities to residents.
 - Represent resident needs by working for legislative and regulatory changes (e.g., coordinated systems advocacy lead by the State Ombudsman).

National Ombudsman Reporting System (NORS)

Complaint Data (2015)

- Nationwide, in 2015 the LTCOP investigated and worked to resolve **199,238 complaints**.
- LTCOPs handle a variety of complaints about quality of life and care.
- Not all complaints are about the care provided by a facility, some complaints are about outside agencies, services, or individuals.
- LTCO can receive and respond to complaints from individuals other than the resident (e.g., family member), but LTCO still need resident permission to investigate or share information.*

**If the resident cannot provide consent, the LTCO will work with the resident's legal representative or follow their state procedure if the resident doesn't have a legal representative.*

Top 10 Nursing Home Complaints (2015)	
1	Discharge/eviction-planning, notice, procedure, implementation, including abandonment
2	Failure to respond to requests for assistance
3	Dignity, respect - staff attitudes
4	Medications - administration, organization
5	Resident conflict, including roommates
6	Care plan/resident assessment - inadequate, failure to follow plan or physician orders
7	Food service - quantity, quality, variation, choice, condiments, utensils, menu
8	Personal hygiene (includes nail care and oral hygiene) and adequacy of dressing & grooming
9	Accident or injury of unknown origin, falls, improper handling
10	Exercise preference/choice and/or civil/religious rights

Top 10 Board & Care/Assisted Living Complaints (2015)

1	Medications - administration, organization
2	Food service - quantity, quality, variation, choice, condiments, utensils, menu
3	Discharge/eviction-planning, notice, procedure, implementation, including abandonment
4	Dignity, respect - staff attitudes
5	Equipment/building - disrepair, hazard, poor lighting, fire safety, not secure
6	Resident conflict, including roommates
7	Cleanliness, pests, general housekeeping
8	Accident or injury of unknown origin, falls, improper handling
9	Personal property lost, stolen, used by others, destroyed, withheld
10	Care plan/resident assessment - inadequate, failure to follow plan or physician orders

Get to Know the LTCOP

- Contact the LTCOP if you know a resident that may benefit from a visit with a LTCO.
- Contact the LTCOP if you, or someone you know, needs information about long-term care services and supports.
- Share information about the LTCOP with residents, family members, and your colleagues.
- Visit the NORC website for information to share with residents.

Working with the LTCOP

- **Systems Advocacy and Community Education**

- LTCOPs collaborate with other organizations for systems advocacy and/or community education on topics of shared interest.

- **Individual Advocacy**

- Federal law grants LTCOP access to resident information (with resident permission) and LTCOP are required to keep that information confidential.
- Respect the residents' right to complain and their right to contact the LTCOP.
- LTCOPs cannot share resident information without their consent. Some residents may choose to remain anonymous during the complaint process.

How to Contact the LTCOP

- Nursing homes are required to post contact information for the LTCOP and some states require assisted living facilities/board and care facilities to post information about the LTCOP.
- Visit the NORC website to locate your local or state LTCO:
<http://www.ltcombudsman.org/>

Locate an Ombudsman

Find an Ombudsman, Citizen Advocacy Group (CAG), or other long-term care resources in your state or territory. Citizen Advocacy Groups are concerned citizens who advocate for quality long-term care, services and supports and quality of life for residents and consumers in their locality, state or region.

[Learn more about ombudsmen →](#)



RESOURCES

How NORC Supports LTCOPs...


- **Resource Center**

- Training (webinars, in-person)
- Resources (quarterly Ombudsman Outlook)
- Clearinghouse
- Technical assistance (TA) – **NEW** TA FAQ page http://ltcombudsman.org/omb_support/ta
- Information to share with consumers (e.g., facts sheets regarding financial exploitation, resident-to-resident mistreatment)


- **Work with LTCOP Associations**

- **Information, not advocacy**

- Information regarding policy, regulations and requirements



Ombudsman Outlook: News, Resources, and Tips

Brought to you by:  The National Long-Term Care
Ombudsman Resource Center

Friday, September 15, 2017
Volume 4, Issue 1

When Disaster Strikes: Emergency Preparedness and Long-Term Care

Recent natural disasters have significantly impacted several states, including consumers of long-term care services and supports, and like the rest of the country, we have been extremely concerned about all those affected.

These disasters always act as a reminder about the importance of emergency preparedness, both professionally and personally.

In September 2016, CMS published a [final rule](#) regarding emergency preparedness for Medicare and Medicaid participating providers and suppliers.


The final rule applies to all 17 provider and supplier types and requires long-term care providers to:

- (1) create coordinated emergency plans and policies;
- (2) install and maintain emergency power systems; and
- (3) create plans regarding missing residents in the wake of an emergency.

In This Issue

- [When Disaster Strikes](#)
- [New and Updated Resources](#)
- [News from the Network](#)
- [TA Hot Topic: Technical Assistance FAQs](#)
- [NORS Corner](#)
- [LTCO Volunteer Management: Volunteer Retention](#)
- [Quick Tips!](#)
- [Residents' Rights Month 2017](#)

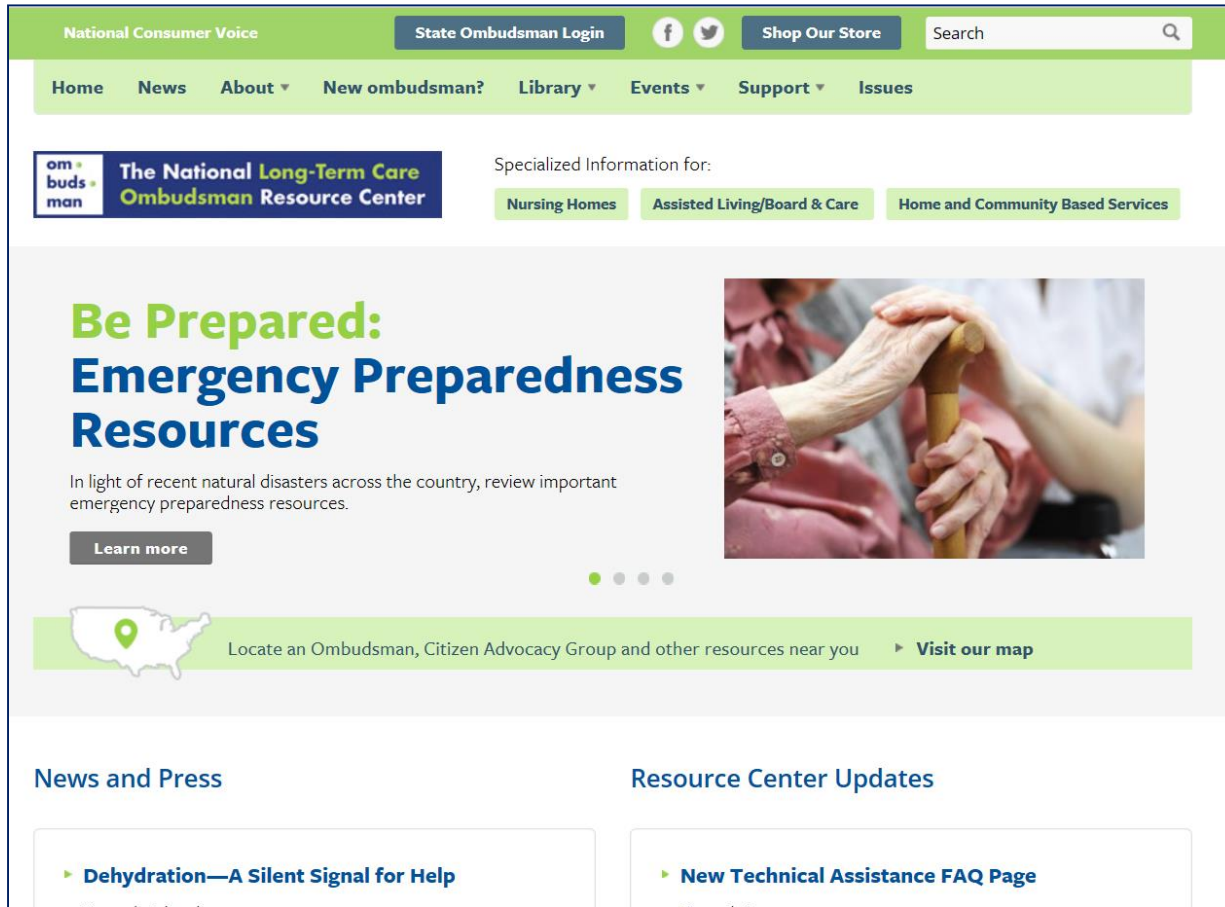
NORC is on Facebook and Twitter!



"like" us on
facebook

NORC Website

www.ltcombudsman.org



New ombudsman?

Library

- Government Reports
- Federal Laws and Regulations
- LTCOP Rule

Events

Support

- Program Management
- Program Promotion
- Training
- Systemic Advocacy
- Volunteer Management
- TA FAQs

Issues

- More than 20 issue pages (e.g., abuse, antipsychotic medications, dementia care, emergency preparedness)

Site Map: <http://ltcombudsman.org/about/site-map>

NATIONAL CONSUMER VOICE FOR QUALITY LONG-TERM CARE (CONSUMER VOICE)

Consumer Voice

www.theconsumervoice.org

- **Information for:**
 - Long-Term Care Consumers (individuals living in nursing homes, assisted living, and home and community based services consumers)
 - Family Members
 - Citizen Advocates
- **News & Updates**
- **Policy & Advocacy**



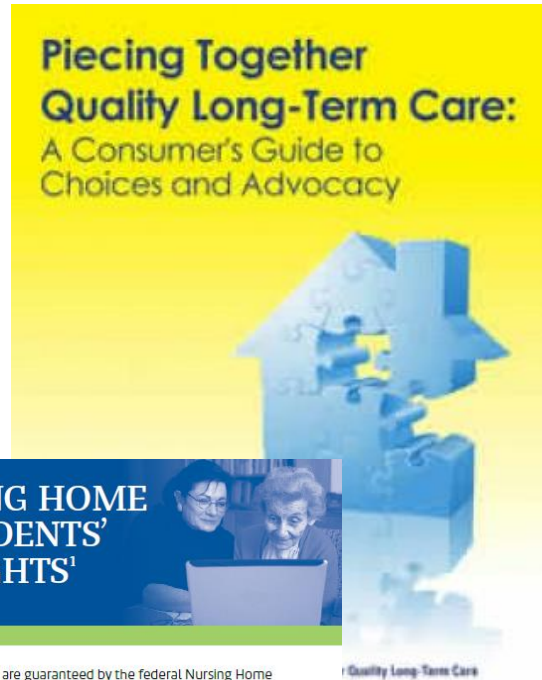


Resources for Long-Term Care Consumers



Please click on the links below or to the left to find additional resources for consumers on how to achieve quality long-term care.

- [Nursing Home Residents](#)
- [Assisted Living Residents](#)
- [Consumers of Home and Community-Based Services](#)
- [Policy Resources and Information](#)
- [Consumer Stories and Engagement](#)



Residents of nursing homes have rights that are guaranteed by the federal Nursing Home Reform Law. The law requires nursing homes to "promote and protect the rights of each resident" and stresses individual dignity and self-determination. Many states also include residents' rights in state law or regulation.

Right to a Dignified Existence

- Be treated with consideration, respect, and dignity, recognizing each resident's individuality
- Freedom from abuse, neglect, exploitation, and misappropriation of property
- Freedom from physical or chemical restraints
- Quality of life is maintained or improved
- Exercise rights without interference, coercion, discrimination, or reprisal
- A homelike environment, and use of personal belongings when possible
- Equal access to quality care
- Security of possessions

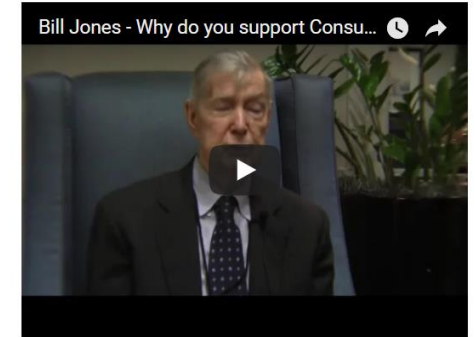
Right to Self-Determination

- Choice of activities, schedules, health care, and providers, including attending physician
- Reasonable accommodation of needs and preferences
- Participate in developing and implementing a person-centered plan of care that incorporates personal and cultural preferences
- Choice about designating a representative to exercise his or her rights
- Organize and participate in resident and family groups
- Request, refuse, and/or discontinue treatment

Right to be Fully Informed of

- The type of care to be provided, and risks and benefits of proposed treatments
- Changes to the plan of care, or in medical or health status
- Rules and regulations, including a written copy of residents' rights
- Contact information for the long-term care ombudsman program and the state survey agency
- State survey reports and the nursing facility's plan of correction
- Written notice before a change in room or roommate
- Notices and information in a language or manner he or she understands (Spanish, Braille, etc.)

Resources for Advocates



Please click on the links below or to the left to find resources to assist individuals and/or groups in advocating for quality long-term care.

- [Policy Resources and Information](#)
- [Advocacy Toolkit](#)
- [Citizen Advocacy Groups](#)
- [Resident-Directed Care](#)
- [Fact Sheets](#)
- [The Resident Advocate Newsletter](#)

Resources For Family Members



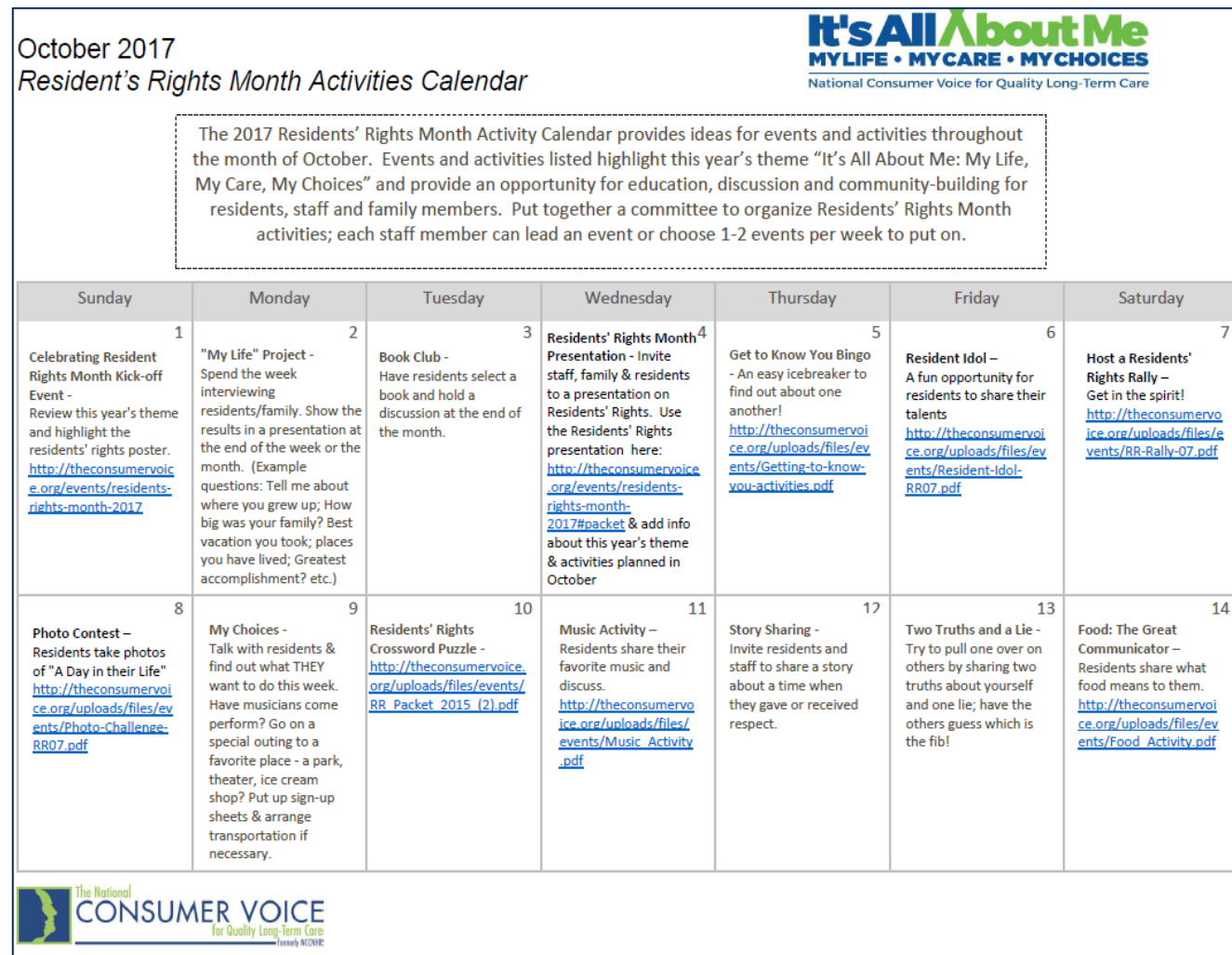
Please click on the links below or to the left to find resources to assist family members and loved ones of long-term care consumers in advocating for quality care.

- [Getting Help](#)
- [Getting Quality Care](#)
- [Family Council Center](#)
- [Fact Sheets](#)
- [Policy Resources and Information](#)

<http://theconsumervoice.org/events/residents-rights-month-2017>

- Fact Sheets
- Promotional Materials (e.g., logo, letter to the editor, press release)
- RRM Activity Calendar

- Buttons
- Residents' Rights Posters



2017 RRM- Resident's Voice Challenge

<http://theconsumervoice.org/misc/2017-rv-entries>

- Videos
- Poems
- Artwork
- Stories

Residents Survey for 2017

's All About Me: My Life, My Care, My Choices

Question 1 – Kinds of Choices

For the most part "choices" are somewhat limited by the scope of one's ability to do for themselves. Certainly, one wants a choice of their doctor. In a private home, they can choose what programs they can watch on television or listen to on the radio, or chat with a friend.

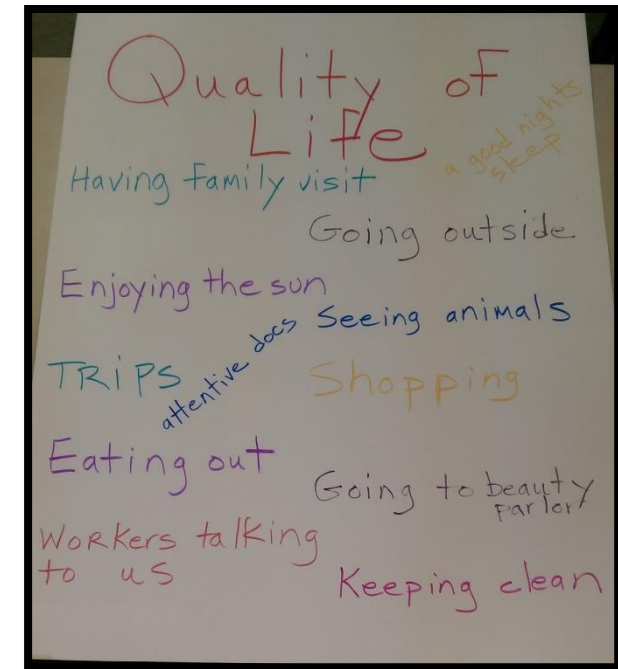
Question 2 – Quality of Life at My facility

The quality of life here at Pineville is exceptional, considering it is smaller than some of the other facilities in which I have stayed. There is weekly hair care, weekly manicures and periodic toenail care, doctor visits, pre-arranged visits from dentists and eye doctors and Physicians Assistants on call.

Question 3 – How to Bring About Quality Care in Nursing Homes

The answer to this can be wrapped up quite simply in a couple of factors – each centered around the very important role that CNAs must play in the overall day to day operation.

It has been my observation that all CNAs are not trained with the same motivational instinct to be self-starters. Some have a negative attitude that rubs off on others and they need to display more leadership qualities. One should not have to tell the CNA the next step toward completing the goal they should not say, "straighten the sheets, fluff the pillows, straighten the bedspread or pick up ivy shoes from the middle of the floor."



Don't worry, we're happy!

NEW-The Resident Advocate newsletter

FREE, quarterly newsletter for residents of long-term care facilities featuring:

- Information on residents' rights and care issues
- News and updates on national policy
- Self-advocacy tips for obtaining person-centered, quality care

Residents can join the mailing list by emailing: info@theconsumervoice.org.

LTCOPs can download PDF version or order hard copies in a bulk subscription: <http://theconsumervoice.org/product/resident-advocate-newsletter-subscription>

Issues available for download here: <http://theconsumervoice.org/issues/recipients/nursing-home-residents/resident-advocate>



Upcoming Events

September
National Preparedness Month
National Grandparents Day

October
Residents' Rights Month
National Bullying Prevention Month

THE RESIDENT ADVOCATE

Welcome to the first issue of The Resident Advocate, a newsletter for residents of long-term care facilities. It provides news and information on rights and care issues, plus updates on national policy. The newsletter is a product of the Consumer Voice, the leading national organization representing individuals receiving long-term care and services. Please share with your neighbor when you've finished reading this issue!

Revised Federal Nursing Home Regulations

For the first time since 1991, the federal rules governing the care and services in nursing facilities have been revised. New rules were published by the Centers for Medicare and Medicaid Services (CMS) on October 4, 2016 to incorporate modern-day language, technological advances, and best practices. The revised regulations contain important consumer protections that were not included in the previous regulations. Examples include:

- Greater focus on residents' individual needs and preferences
- More comprehensive care requirements, including pain management, oral care, and behavioral health services
- Improved training for all staff
- Protections against evictions
- Improved protections against abuse and neglect
- Better protection of resident property
- Increased visitation rights

DID YOU KNOW



- Just over 1.4 million people live in nursing homes in the U.S.
- The average age of a nursing home resident is 79.2 years old.
 - 15% are under 65
 - 8% are over 95
- Nearly two-thirds of nursing home residents are women



Don't Wait, Hydrate!

Dehydration occurs when there is not enough fluid in the body. It can lead to serious health problems if it is not addressed immediately. Common signs of dehydration include less frequent urination, constipation, extreme thirst, confusion, dry and sticky mouth, cracked lips, and feeling tired and weak.

Stay hydrated in your nursing home by following these tips:

- Tell staff if you have any dehydration symptoms
- Drink liquids before and with meals, as well as throughout the day
- Ask for help if you need fresh water or if you can't reach the water in your room
- During your care plan meeting talk about how to make sure you get enough to drink
- Ask staff and family to bring your favorite beverages

Vol 1 | Issue 1 July 2017



The National CONSUMER VOICE
for Quality Long-Term Care
Nancy McIVER

QUESTIONS?



The National Long-Term Care Ombudsman Resource Center

The National Long-Term Care Ombudsman Resource Center (NORC)

www.ltcombudsman.org

Connect with us:



The National LTC Ombudsman Resource Center



@LTCombudcenter

This project was supported, in part, by grant number 90OMRC0001-01-00, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.