INITIAL CERTIFICATION TRAINING CURRICULUM FOR LONG-TERM CARE OMBUDSMAN PROGRAMS

Module 8: Long-Term Care Ombudsman Program Complaint Processing: Analysis, Planning, Implementation, and Resolution
WELCOME AND INTRODUCTION

Section 1
Welcome

- Your name
- Where you are from
- One thing you learned from Module 7
- What you hope to learn since the last module
Any questions?
Today’s Agenda

Section 1: Welcome and Introduction (15 minutes)
Section 2: Analysis and Planning (60 minutes)
------BREAK------ (15 minutes)
Section 3: Implementation and Resolution (60 minutes)
Section 4: Conclusion (20 minutes)
Module 8 Learning Objectives

• The analysis and planning stage of LTCOP Complaint Processing
• The implementation and resolution stage of LTCOP Complaint Processing
ANALYSIS AND PLANNING
Section 2
The Stages of Long-Term Care Ombudsman Program Complaint Processing

Stage 1
- Intake
- Initial plan development
- Investigation
- Verification

Stage 2
- Analysis
- Planning

Stage 3
- Implementation
- Resolution
Mrs. Bronner’s Purse

- Permission from Mrs. Bronner
- Purse is a brown handbag containing a wallet and special pictures
- Keeps the purse on the chair, next to her bed
- Purse is not in Mrs. Bronner’s room
- Mrs. Bronner often misplaces her purse
- No one has located it
Stage 2 Analysis and Planning

Analysis

• Once the problem is identified, consider the causes.

Revisit the Plan with the resident

• Review desired outcome and possible solutions.
• Determine if any changes need to be made to the plan of action.
• Anticipate barriers.
• Identify alternative strategies.
Analyze the Situation

Determining the root cause of the problem is essential to finding a lasting solution.
<table>
<thead>
<tr>
<th>Possible causes</th>
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<tbody>
<tr>
<td>Oversight by staff</td>
<td>Deliberate retaliation</td>
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<tr>
<td>Policies and procedures</td>
<td>Poor communication</td>
</tr>
<tr>
<td>Trust issues</td>
<td>Short staffed</td>
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<tr>
<td>Possible causes</td>
<td></td>
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<tr>
<td>-------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
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<tr>
<td>Necessary time spent to address needs of resident</td>
<td>Level of care needed and provided</td>
</tr>
<tr>
<td>Quality of care related to method of payment</td>
<td>Other residents</td>
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<tr>
<td>Family members</td>
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</table>
Facility Explanations

- There is no problem.

- The problem is due to a “difficult” resident or family member.

- The facility’s action is based on medical/professional judgment.

- The care is as good as it can be considering the low rate of reimbursement.

- The facility meets regulations and has good inspection reports.
Who or What is Responsible?

- Facility staff/policies
- Regulations
- Third-party reimbursement
- Independent professionals
- Resident
- Family members
- Resident representative
Revisit the Plan of Action

✓ Has the resident’s desired outcome changed?

✓ Are there new or different concerns?

✓ Has the resident’s desire to participate in actions related to resolving the problem changed?

✓ Does anyone else need to be involved?

✓ What possible solutions does the resident want to try first?

✓ What barriers might be encountered?
Identify Barriers

Potential Solutions

Potential Barriers

Suggestions

“I have to keep telling staff not to wake me before 9 a.m.”

“Staff keeps repositioning me in my wheelchair by pulling me up by my waistband/belt loops which rips my pants.”
“I can’t get the wrapping off of my meal when it is left on my bedside table.”
Identify Alternative Strategies

- Involve different staff members
- Involve other family or friends of the resident
- Seek input of the resident’s physician
- Refer the complaint to another entity
1. What options does Gloria give to Anne Walker to work towards resolution?

2. Is Gloria effective in facilitating the conversation between Ms. Walker and the Director of Nursing (DON), Ms. Lee? Why or why not?

3. How does Gloria respond to the DON’s pushback on changing the bathing schedule?

4. Is there anything you would do differently in this scenario?
## Stage 3 Implementation and Resolution

<table>
<thead>
<tr>
<th>Act</th>
<th>Assess</th>
<th>Resolve</th>
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<tbody>
<tr>
<td>• Proceed with implementing the agreed-</td>
<td>• Check back with the resident and others involved to measure the</td>
<td>• Follow up to confirm with</td>
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<tr>
<td>upon plan of action.</td>
<td>progress of the plan</td>
<td>the resident that the</td>
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<td></td>
<td>• Determine if alternative actions need to be considered.</td>
<td>complaint is resolved or</td>
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<td>partially resolved to their</td>
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<td>satisfaction.</td>
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Check-in with the Resident

- Share information gathered.
- Be sure the resident still wants your help.
- Determine the level of involvement from the resident & others.
- Confirm permissions granted.
- Confirm the plan of action.
- Explain all potential outcomes of the plan of action.
- Verify the outcome the resident is seeking.
# Implementation

<table>
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<tr>
<th>Options</th>
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<tbody>
<tr>
<td>No action needed</td>
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<tr>
<td>Self-advocacy</td>
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<tr>
<td>Direct advocacy</td>
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<tr>
<td>Negotiation</td>
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<tr>
<td>Mediation</td>
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<tr>
<td>Represent the resident in an appeal hearing</td>
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<tr>
<td>Referrals</td>
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<tr>
<td>Systems advocacy</td>
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Self-Advocacy

- Educate residents on residents’ rights.
- Support resident participation in their care and care plan.
- Coach residents in ways to negotiate with facility staff.
- Encourage residents to take their complaint to the resident council.
- Bring residents with similar concerns together to work on the problem.
- Encourage residents to use the facility grievance process.
Negotiation

Focus on interests, not positions
- Determine each party’s interests
- Find similarities
- Avoid ultimatums

Separate the person from the problem
- Focus on the problem
- Be aware of others’ different perspectives
- Don’t react to emotional outbursts
- Phrase ideas in terms of problem-solving, not what someone should do
Look for options with mutual gain

- Develop potential options to test
- Look for solutions that allow both sides to gain
- Be open to different solutions
- Try to develop a win-win situation

Use objective criteria

- Base your points on laws, regulations, and experts
- Apply logic, establish, and verify facts
Putting Your Negotiation Skills to the Test
Tips for Addressing Complaints with Facility Staff

• Stick to the outcome that the resident wants

• Assume the other person has good intentions

• Consider your words, voice tone, and nonverbal communication

• Be assertive

• Know the applicable laws or regulations
• Be uncompromising on points that clearly violate laws or regulations

• Be prepared with examples of other facilities

• Show how the changes will benefit staff and residents.

• Offer staff clear reasons to change their minds

• Allow staff to contribute
Listen carefully to what is being said

Restate to clarify, show understanding

Have a plan in mind

Persist in seeking resolution

Set a time for follow-up to see if the resolution achieved the desired outcome
• Don’t lose sight of the goal you are seeking on behalf of the resident.

• Don’t negotiate away any resident’s rights

• Don’t evaluate, make judgments, or accuse

• Don’t become defensive or take things personally
• Don’t appear negative in your posture or facial expressions

• Don’t be demanding, threatening, intimidating, or aggressive

• Don’t overlook the facility’s responsibilities to maintain compliance with the law or regulations

• Don’t bluff or develop your own interpretation of a law or regulation
Case Study: Brian Brashear
PEP Method: Point, Evidence, Repeat Point

- Get your message across
- Receive feedback
- Repeat the process
- Formulate an action plan
- Monitor the implementation of the action plan
Assessment

• A problem will go away and then reappear
• Only part of a complaint is resolved
• The resident/complainant is not fully satisfied with the resolution
• The problem can’t be fully resolved
• The resident/complainant is satisfied with the situation, but you want to pursue the matter further – you must stop all advocacy efforts
Resolution

- Partially or fully resolved
- No Action Needed or Withdrawn
- Not resolved
Case Study: Anne Walker - Resolution

- What are some reasons to revisit a resident to ensure the resolution lasts?
CONCLUSION

Section 4
Case Study: Mrs. Bronner’s Purse
QUESTIONS?
ADDITIONAL RESOURCES

Refer to your trainee manual for other sources of information related to topics discussed in this module.
Contact Information

- INSERT PRESENTER CONTACT INFORMATION