



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

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)

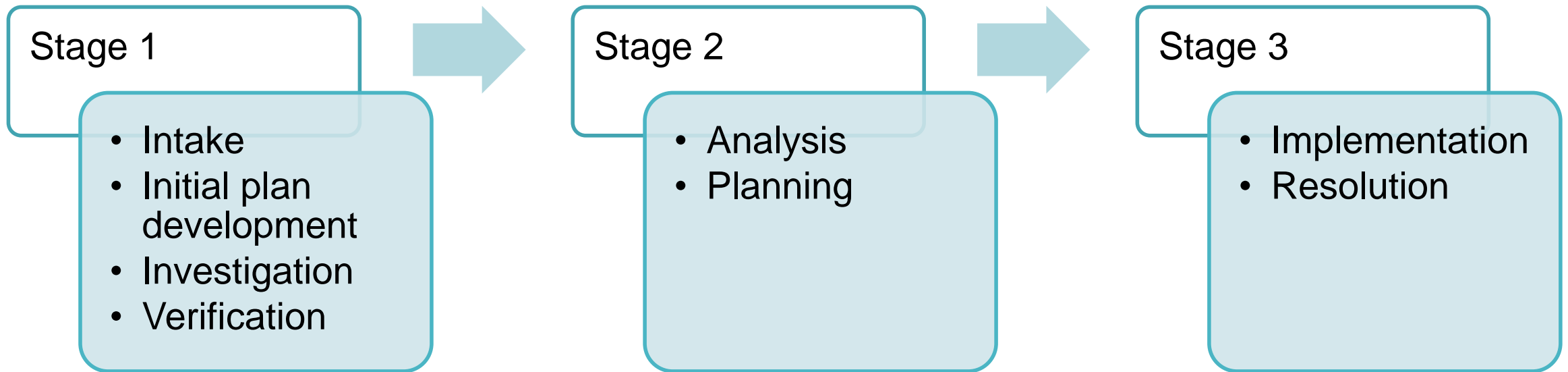
Module 8 Learning Objectives

- 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



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

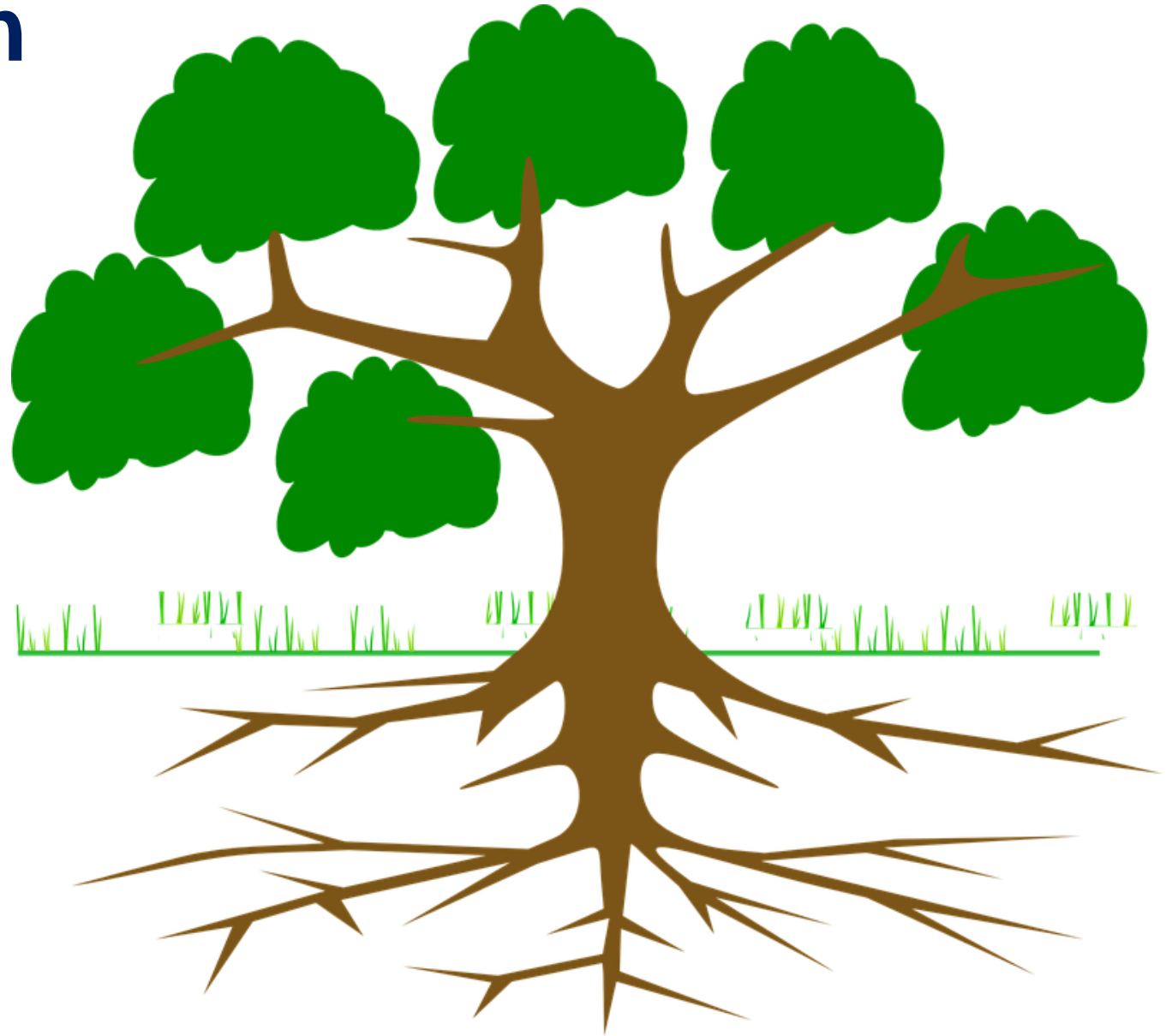
- Once the problem is identified, consider the causes.

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.



Jessica



Why did the Problem Occur?

Possible
causes

Oversight by staff

Deliberate retaliation

Policies and procedures

Poor communication

Trust issues

Short staffed

Possible causes

Necessary time spent to address needs of resident

Level of care needed and provided

Quality of care related to method of payment

Other residents

Family members

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

“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.”

Potential
Solutions

Potential
Barriers

Suggestions

“I can’t get the wrapping off of my meal when it is left on my bedside table.”

Potential
Solutions

Potential
Barriers

Suggestions

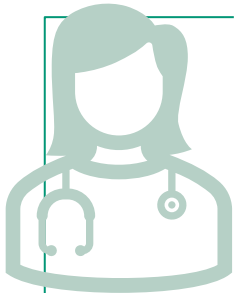
Identify Alternative Strategies



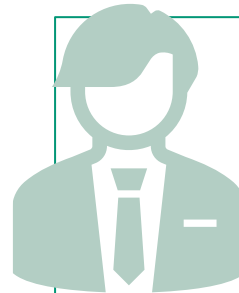
Involve different
staff members



Involve other family
or friends of the
resident



Seek input of the
resident's physician



Refer the complaint
to another entity



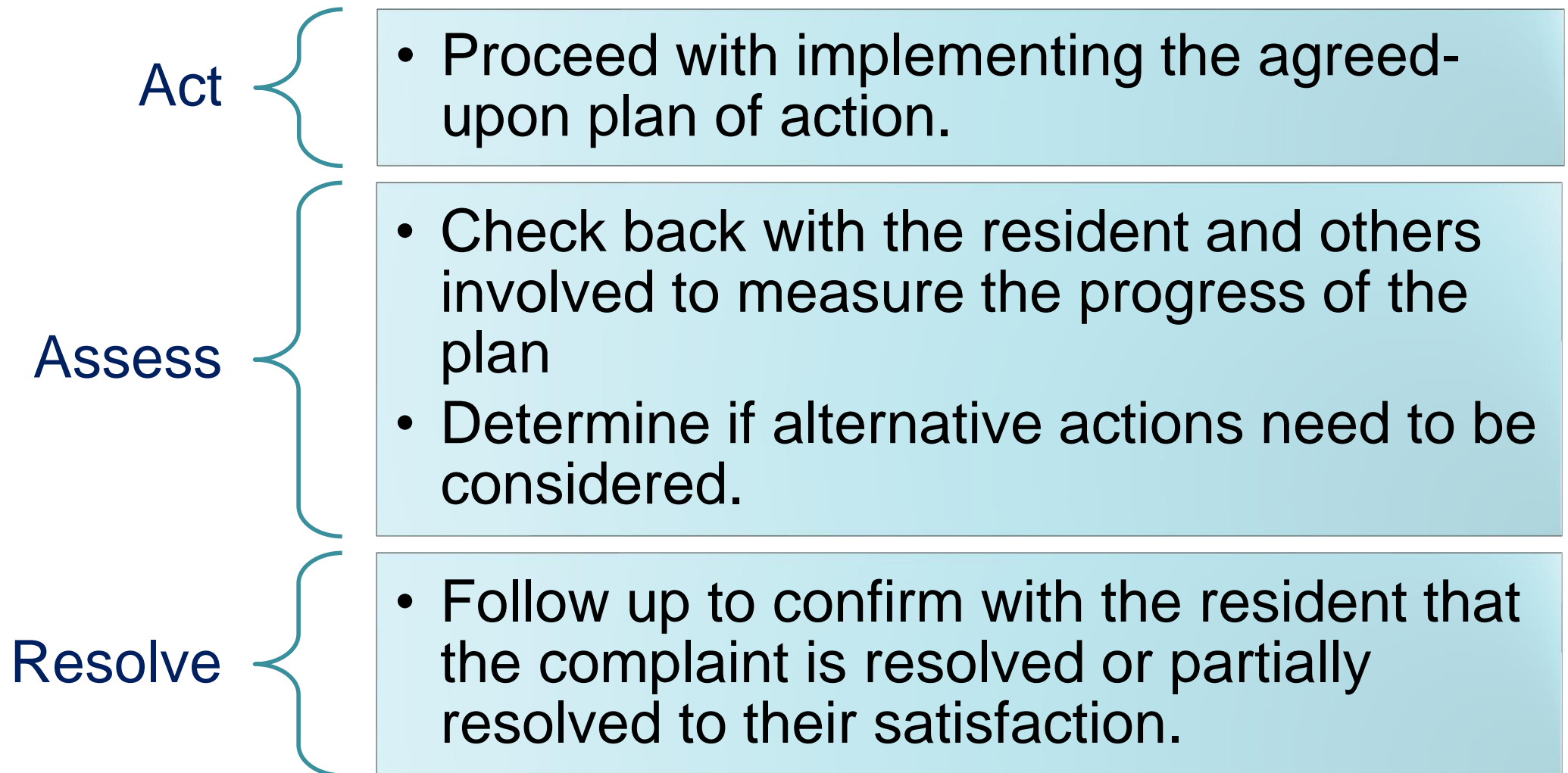
Anne Walker – Analysis and Planning

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?

IMPLEMENTATION AND RESOLUTION

Section 3

Stage 3 Implementation and Resolution



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

Options

No action needed

Self-advocacy

Direct advocacy

Negotiation

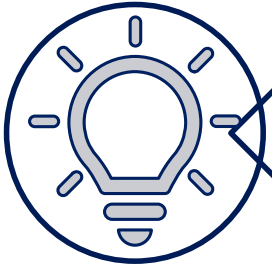
Mediation

Represent the resident in an appeal hearing

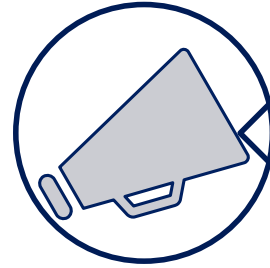
Referrals

Systems advocacy

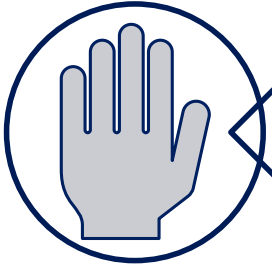
Self-Advocacy



Educate residents on residents' rights.



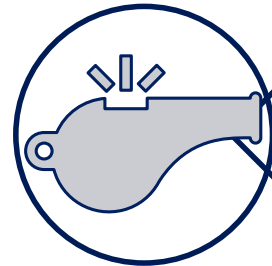
Encourage residents to take their complaint to the resident council.



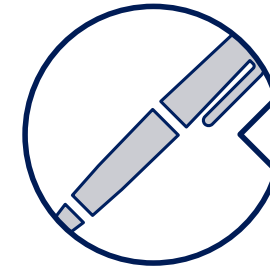
Support resident participation in their care and care plan.



Bring residents with similar concerns together to work on the problem.



Coach residents in ways to negotiate with facility staff.



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



[This Photo](#) by Unknown Author is licensed under [CC BY](#)

- 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

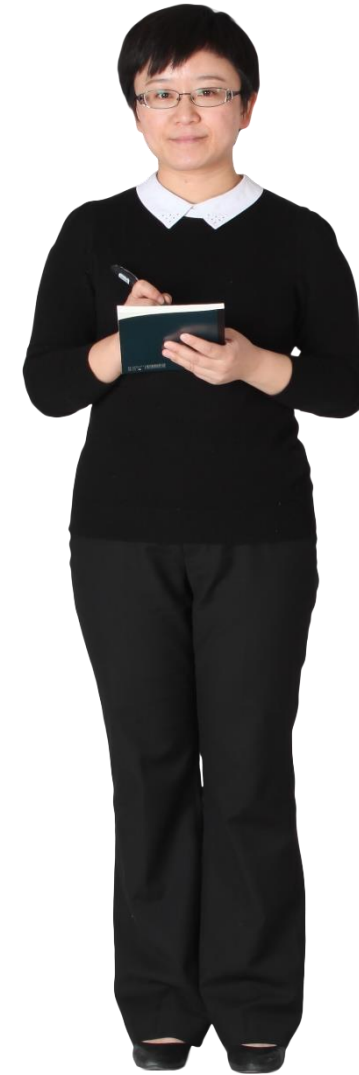
Repeat the process

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



The National Long-Term Care Ombudsman Resource Center

Connect with us:

www.ltcombudsman.org

ombudcenter@theconsumervoice.org



The National LTC Ombudsman Resource Center



@LTCombudcenter



Get our app! Search for "LTC Ombudsman Resource Center" in the Apple Store or Google Play

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.