



NEW MEXICO Long-Term Care Ombudsman Program

RESTRAINT-FREE CARE

New Mexico's initiative to become the first physical restraint-free state is well underway. The Ombudsman program is pleased to collaborate with the New Mexico Health Care Association (NMHCA) and New Mexico's Quality Improvement Organization, HealthInsight New Mexico on the first statewide physical restraint-free effort.

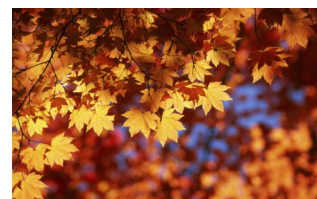
As most of you know, a physical restraint is defined as any physical or mechanical device or material attached to a resident's body such that he or she cannot remove the item easily. A restraint restricts freedom of movement or normal access to one's body. Ombudsmen join interested long-term care industry representatives in designing a process to acknowledge nursing homes that have completed their journey toward restraint-free care.

Because of our statewide presence in long-term care facilities, we are in a position to offer on-site verification. At the invitation of a

nursing home that desires recognition as a physical restraint-free facility, Ombudsman staff and volunteers will conduct a Validation Site Visit. The facility will have at least 14 days notice of the site visit to allow scheduling of a resident council meeting, family council, if one exists, and for posting a notice announcing the facility's intent to seek recognition as a "physical restraint-free center". The notice will also include an invitation for anyone with information about restraint-free status to make this known to the NMHCA.

The Ombudsman site visit team will interview direct care staff and residents, will meet with the resident council, and the administrator and director of nursing. Findings of the Ombudsman site visit will be submitted to the NMHCA for the determination of the facility's restraint-free status recognition.

NMHCA staff will present the



facility's application, findings from the Ombudsman site visit, and any public comments received to a statewide restraint-free task force. The task force will base its recommendations on how well the facility meets the restraint-free criteria.

This is a voluntary effort on the part of the nursing home. If you notice that the nursing home you visit is free of physical restraints, please encourage facility leadership to apply for recognition through the Restraint Free State Initiative. This is an exciting opportunity for Ombudsmen to work in concert with the long term care industry on an effort to improve quality of care and quality of life for residents.

By Sondra Everhart

Changes and New Faces

The Ombudsman program is delighted to welcome new staff and bids a fond farewell to a team member.

First, we wish the best to Assistant General Counsel Jane Yee. Jane provided legal counsel for the Ombudsman program over the past 5 years as a tireless advocate and dedicated team member. We wish Jane much success in her new role at the Office of the State Engineer.

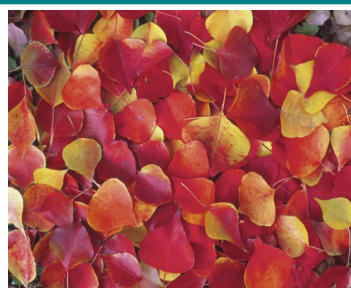
We are pleased to welcome

Jacqueline "Jackie" Berg, as our new Assistant General Counsel assigned to the LTCOP. Jackie hails from the East Coast and has lived in New Mexico for the past 13 years. Before becoming a lawyer she studied and worked in the art field as an art appraiser, writer and in the sales arena.

Prior to coming to ALTSD, Jackie served as Assistant General Counsel at the NM Dept. of Health for 6 years and

worked in numerous areas, including: facilities issues and patient rights, mental health commitments and treatment guardianships, tuberculosis cases, developmental disabilities commitments, HIPAA, IPRA, and for the many programs of the Department, such as the Immunization Program, Family Planning, Children's Medical Services, Office of School and Adolescent Health, Midwifery, HIV, and Epidemiology.

Continued pg 2...



Inside this issue:

Statewide Recap	2
Changes & New Faces, Continued	2
National Resident Rights Month	3
Local Resident Promotes Rights	3
My Vote, My Voice, My Right	4

Special points of interest:

- *Save the Date, May 2013 Statewide Training*
- *Resident Rights Month, October 2012*
- *Staff Changes*

Ombudsman Statewide Volunteer Training Recap

The Ombudsman Statewide Volunteer training was held May 21-22, in Albuquerque. Approximately 100 volunteers and family members joined staff to celebrate our program's efforts.

The theme was, "Are We Ready". Highlighted topics were emergency preparedness, Ombudsman's role in care planning, use of observations to improve resident care, issues and resources for residents with developmental disabilities, working effectively with guardians and building resident councils.

Carlos Moya, Division Director of the Aging and Disability Resource Center welcomed attendees with a comprehensive overview of the ADRC's many resources and services which help our constituents navigate their care needs.

Tina Sanchez, SE Regional Coordinator and Certified Volunteer Jude Sadel presented on clinical care issues which can often be identified and addressed by ombudsmen. Though both presenters have extensive experience in the nursing field, their message was "you don't have to be a nurse", to detect and resolve these care problems.

Michael Weigand, owner of "In Your Home" care, led a lively discussion of the value of planning for an unexpected change or an emergency. Michael obtained this knowledge personally, through assisting family and loved ones, and also through work in crisis situations in another state. Joining him was Sondra Everhart, who clarified the Ombudsman role in a facility closure caused by a natural or other

emergency.

Ingrid Nelson, Program Manager of UNM's Continuum of Care Project (and former Omb. Education & Outreach Coordinator) shared information on services provided by their program for individuals with developmental disabilities. Additionally, she listed clinical care team members who may interface with Ombudsmen should a client be placed in a long-term care facility.

New this year was some much needed afternoon stretching and exercise, led by Terri Tobey, Certified Volunteer Ombudsman and 'EnhanceFitness' instructor.

Gail Trotter, NE Regional Coordinator led an activity on the Ombudsman role when attending a care plan meeting, allowing attendees to explore the roles and responsibilities of staff, family members and Ombudsmen during these meetings. Gail also provided handouts with practical tips for Ombudsmen.

Frank Fajardo, Manager of the Developmental Disabilities Planning Council Office of Guardianship discussed steps in the guardianship process, alternatives which can allow individuals to assign a decision-maker, and resources available through the Office of Guardianship.

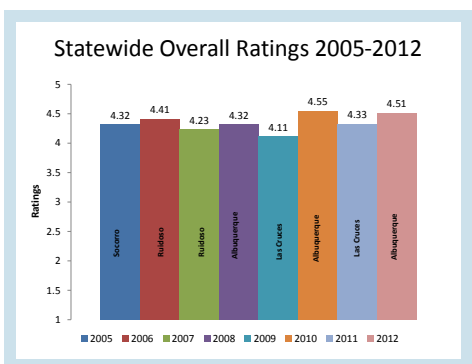
Lastly, CT State Ombudsman Nancy Shaffer led a presentation and roundtable discussion on building effective Resident Councils. Connecticut has been a leader in supporting resident councils both locally and via legislative advocacy.



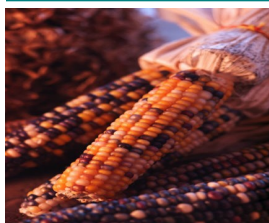
We encourage you to keep May, 2013 in mind as we head to Las Cruces for our next statewide gathering. If you've never attended a Statewide training before, it is a great way to network with other Ombudsmen, learn some tricks of the trade and have fun! Here were just a few remarks from your Ombudsman colleagues:

- "Lot's of great expertise"
- "Conference was well done, educational, and definitely worth coming to"
- "This was the best of the 4 I've been to"
- "Informative and fun"

Hope to see you next year!



Changes (Continued from Pg. 1)



Jackie is excited to be at ALTSD and is always available to assist in legal matters pertaining to our advocacy efforts.

Mollie Wallsteadt, longtime Ombudsman Coordinator of the SW region, has assumed the role of Ombudsman Transition Specialist for that region. We are thrilled to have Mollie's expertise in this new role.

Rosa Torres joins our team as the new SW Regional Coordinator. Rosa has been a Certified Volunteer Ombudsman in Las Cruces for many years, and as a former Benefits Counselor with Aging and Long-Term Services, brings a wealth of knowledge on Medicare, benefits, and navigating the healthcare system. As a State Health Insurance (SHiP) Counselor, she helped seniors and people with disabilities comprehend the maze of Medicare and Prescription Drug options, and obtain resources to ensure access to more affordable care.

Rosa has an extensive background in outreach and education, grass roots organizing and advocacy. This includes community outreach work, assisting migrant and seasonal farm worker communities with obtaining needed services, re-integrating youth with problems into the community, and as Activity Director in various nursing homes in California and Illinois. Born to older parents, Rosa quickly learned the process for finding benefits for her parents, which she maintains was "in-service" training for her career.

October 2012: National Long-Term Care Resident Rights Month

“MY VOTE, MY VOICE, MY RIGHT”

This Fall, Ombudsmen can help to protect one of the most basic and important rights an individual can exercise—his or her right to vote. Many citizens residing in long-term care facilities lose their voice during election time due to limited access to polling locations or inability to cast an absentee ballot on their own.

Prior to the general election, Ombudsmen will ask Activity Coordinators and Social Service Directors what the facility’s plan is for ensuring that those who wish to vote may do so. Most counties in New Mexico offer individuals the opportunity to cast their votes early, thereby reducing the likelihood of standing in long lines on Election Day. Ombudsmen can

recommend that the facility post announcements of when and where the early voting polling will happen in their respective counties in order to enlist the assistance of residents’ families and friends. Legal representatives and facility staff can also be helpful in locating an individual’s personal identification which will be required to cast one’s vote.

Voters may apply for and cast absentee ballots in advance of an election. An organization or voter may request the New Mexico Absentee Ballot Application by mail, telephone or in person. This year the Ombudsman program is working with non-partisan groups, such as local League of Women voters, to establish resources to aide voters in participating in the election process. Ombudsmen should not go from

room to room to inquire about a resident’s voting status, nor assist residents in casting their votes—this is a responsibility that belongs to the facility or to the residents’ families.

Additionally, **Ombudsmen may not hand-deliver absentee ballots to a county clerk’s office** and should not be asked to do so. Individuals with certain disabilities may be eligible for assistance with casting their ballot at polling locations.



Esther Burch, resident at Retirement Ranch in Clovis, NM.

Resident Rights for individuals in nursing homes, assisted living facilities and residential care homes maintain rights they have always had and gain special rights under federal and state laws. Such rights include fairness, freedom, choice and privacy. Some examples are: being treated with respect, having the decision whether or not to accept or refuse medical treatment, being served appetizing and nutritious meals, given help when needed, managing finances or being informed about them when others manage them, and the right to keep and use personal belongings without loss or damage.

Local resident of Retirement Ranch, Esther Burch, has celebrated her 95th birthday and exemplifies a zest for life. She is proud of her nickname “Joker”, at Retirement Ranch where she has resided for six years. She

Local Resident in Long Term Care Facility Promotes Resident Rights

by Tina Sanchez, SE Regional Coordinator

serves as the Resident Council president and described the council as a monthly meeting to “air grievances and make suggestions”. Mrs. Burch said that this process works for the many residents at the long term care facility.

Mrs. Burch identified the city of Clovis and Retirement Ranch as her home that she considers her “community.” She shared her favorite memory of growing up in the Clovis community as spending time with neighbors, her involvement in church, and her big birthday celebration last year that many attended from the community. Mrs. Burch often speaks of her love of family that includes two children, five grand-children, eleven great grandchildren and five great, great grandchildren! She would like to thank her family and friends for all their support and love.

Mrs. Burch described her favorite community events as playing the piano at the facility for others and being the “welcome wagon” for new residents. She stated that it was important that people from Clovis come to the facility to bring the “outside in” to include

residents in the community as a whole. She enjoys it when local singing groups and church organizations of various denominations come to share their talents and services. It reminds her that the residents are not forgotten. Mrs. Burch also talked about outings in the community such as going out to eat, trips to see Christmas lights, and monthly shopping trips as part of what she and other residents enjoy about Clovis and the local people whom she clearly appreciates as family and friends.

Mrs. Burch’s love of people is evident in her smile, humor, and enthusiasm. She described her proudest achievements as “Being a Christian since I was six years old and my family.” She often spoke of her love for people and how she helped several residents find their spiritual path at the facility.

Mrs. Burch stated that she feels a part of the Retirement Ranch community because “she feels welcome and it was her home as near as she can make it.” Mrs. Burch’s room is very homelike with her personal belongings and family mementos. She encourages everyone to get involved and share their time with the residents at any nursing facility in the community.

October 2012 is National Long-Term Care Resident Rights Month: "My Voice, My Vote, My Right!"

Residents' Rights Month is observed annually in October to honor residents living in all long-term care facilities, including nursing homes, assisted living, board and care and retirement communities. Across the country, residents of nursing homes and other long-term care facilities along with family members, long-term care ombudsmen, citizen advocates, facility staff and others will commemorate the rights of long-term care residents. It is a time for celebration and recognition offering an opportunity for every facility and community to focus on awareness of dignity, respect and the value of each individual resident.

The theme for Residents' Rights Month 2012 is, "My Voice, My Vote, My Right", highlighting the importance of including residents in the voting process.

The Nursing Home Reform Law, passed in 1987, guarantees nursing home residents individual rights. Residents who have made their home in all types of long-term care facilities maintain their rights as U.S.

Citizens, and gain additional rights. These include, but are not limited to: individualized care, respect, dignity, the right to visitation, the right to privacy, the right to complain, and the right to make independent choices. Residents' Rights Month raises awareness about these rights and pays tribute to the unique contributions of long-term care residents.

Residents' Rights Month also is an opportunity to recognize Ombudsman volunteers who work to promote residents' rights, assist residents with complaints and provide a voice to elders and adults with disabilities who would otherwise go unheard. In New Mexico, there are 130 Certified Volunteer Ombudsmen who dedicate their time to serve more than 12,000 long-term care residents in 340 licensed and unlicensed facilities statewide. These Ombudsmen resolve thousands of complaints, offer more than 11,000 hours of service each year and ensure that our most vulnerable citizens never lose their voice.

GOVERNOR SUSANA MARTINEZ DECLARES OCTOBER TO BE LONG-TERM CARE RESIDENT RIGHTS MONTH



Full text available at:

<http://www.governor.state.nm.us/uploads/PressRelease/1e7113c4c8ce434a93e25bdc5f6055e/2012.LT.CARE.MONTH.PDF>

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*Safeguarding the Rights of others is the most noble
and beautiful end of a human being*

Khalil Gibran

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