



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

INITIAL CERTIFICATION TRAINING CURRICULUM FOR LONG-TERM CARE OMBUDSMAN PROGRAMS

Module 7: Long-Term Care Ombudsman Program
Complaint Processing: Intake And Investigation

January 2025



Welcome and Introduction

Section 1

Welcome

- Your name
- Where you are from
- One thing you learned from Module 6
- What you hope to learn since the last module



ANY
QUESTIONS
?

Today's Agenda

Section 1: Welcome and Introduction (15 minutes)

Section 2: Introduction to Long-Term Care Complaint Processing (30 minutes)

Section 3: Complaint Intake and Initial Plan Development (30 minutes)

-----BREAK----- (15 minutes)

Section 4: Complaint Investigation (45 minutes)

Section 5: Verification (5 minutes)

Section 6: Common Complaints (20 minutes)

Section 7: Conclusion (20 minutes)

Module 7 Learning Objectives

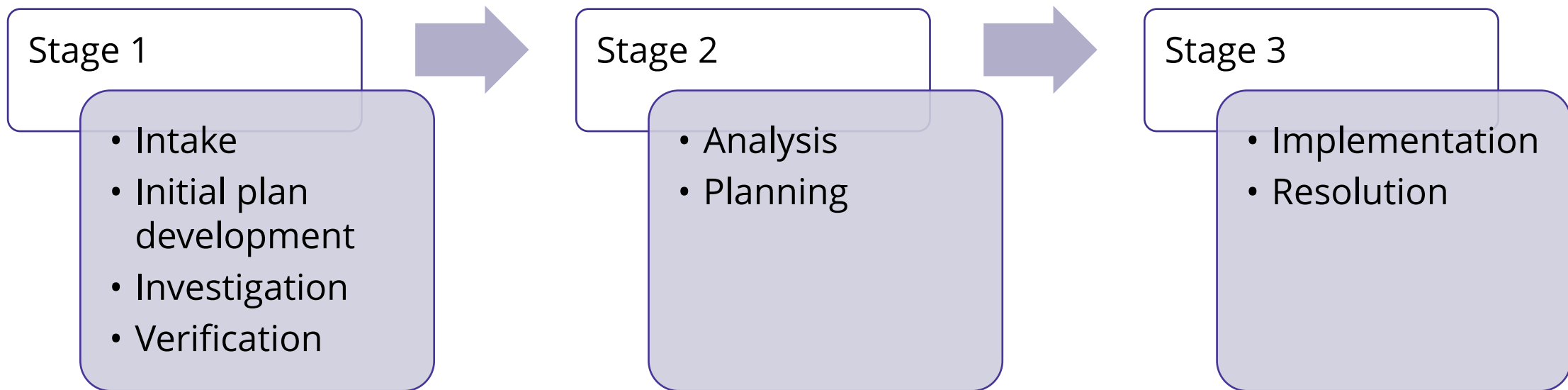
- ▶ Long-Term Care Ombudsman program complaint processing
- ▶ How to gather information during intake and investigation
- ▶ Effective interviewing techniques



Introduction to Long-Term Care Ombudsman Program Complaint Processing

Section 2

The Stages of the Ombudsman Program Problem-Solving Process





How you handle the problem-solving process directly impacts:

- ▶ Your relationship with residents and staff
- ▶ Your ability to achieve the desired outcome
- ▶ Future relationships with residents, families, and staff
- ▶ The reputation of the Ombudsman program

Long-Term Care Ombudsman Program Approach

Respectful

Persistent

Assertive

Professional



Complaint Intake and Initial Plan Development

Section 3

Recognizing and Receiving Complaints



Resident Consent

Health, Safety,
Welfare, or Rights

LTCOP Action

Concern or Complaint?

Lunch tastes terrible!



Is there anyone I can talk with about your concerns?

Is there anything I can help you with today?

Is this something you would like my help with?

Is there anything I can do to help your situation?

Complaint

- ▶ Will you help me get more therapy?
- ▶ The facility is going to kick me out, can you do something about it?
- ▶ I want to be able to use the phone in private, is there anyone you can talk to about it for me?

Not a Complaint

- ▶ One aide is rude to me, but I don't want you to say anything.
- ▶ I don't want to get up so early in the morning, but it takes me so long to get ready. I've learned to accept it.
- ▶ **My kids put me in this home, and I wish I didn't have to live here.**

Where do Complaints come from?

- ▶ Facility visits
- ▶ Phone calls
- ▶ Emails
- ▶ Resident council meetings
- ▶ Family council meetings



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Who are the Complainants?

- ▶ Residents
- ▶ Family members/friends of residents
- ▶ Facility staff
- ▶ Hospital staff
- ▶ Community members
- ▶ Clergy
- ▶ Legislators
- ▶ Representatives of the Office
- ▶ Anonymous
- ▶ Anyone

► Unvoiced Concerns



→ **Complaint Intake Process**

- ▶ **What** is occurring or has occurred?
- ▶ **When** the problem occurred and whether it is ongoing
- ▶ **Where** the problem occurs or occurred.
- ▶ **Who** was or is involved?
- ▶ **How** resident(s) are affected.



► **Why** the problem is occurring or has occurred.

► **What** steps have been taken to resolve the problem?

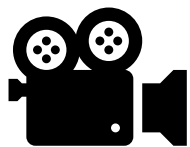
► **Who** has been contacted about the concern?

► **What** the facility has done in response to the problem.

► **What** is the resident's perspective of the problem?

► **What** the resident's wishes are regarding complaint resolution.





How to Obtain Consent (Long-Term Care Ombudsman) Part 1

LONG-TERM CARE OMBUDSMAN

HOW TO OBTAIN **CONSENT**

1. What does the narrator mean when he says to “set the resident up for success”?
2. What does the narrator say about obtaining consent from residents who experience dementia?
3. What is the LTCOP’s objective?

Resident Consent

What if the resident refuses to consent?

- Determine why.
- Explain the resident's options for addressing the complaint.
- Do not proceed with opening a complaint investigation.
- Provide your contact information.
- Determine if the concern is systemic.

What if the resident withdraws consent?

- Determine why.
- If the problem is recurring, provide other options for the resident to consider.
- Stop all advocacy efforts.
- Provide your contact information.
- Determine if the concern is systemic.

Initial Plan Development



Complaint Intake Dilemmas

A family member complains about a resident's care, but the resident says everything is fine and asks you not to proceed.

The resident complains and wants your help, but a family member urges you "not to rock the boat."

Relatives want you to investigate their complaint, but do not want the resident to know what you are doing.

A resident is unable to communicate informed consent and asks the LTCOP to help with a concern.

A resident will not give you permission to reveal her identity but wants your assistance.

A complainant, other than a resident, insists on remaining anonymous and will not give you any identifying information.



Video: [Anne Walker – Intake and Initial Plan](#)





Questions?

Complaint Investigation

1.

Separate the problems

2.

Categorize the complaint and identify laws or regulations

3.

Consider potential cause(s)

4.

Identify all participants

5.

Identify all steps already taken

6.

Clarify the outcome the resident is seeking

7.

Identify all relevant agencies

Case Study: Mr. Richards

Mr. Richards has been in a nursing facility for several months when his wife starts to notice a change in his health.

During a visit, Mrs. Richards tells you, “He became chronically sleepy, started losing weight, and the facility has done nothing about it.” She believes that her husband was placed on an improper diet. “How could he be given an appropriate diet when the doctor never sees him? He loves milk, but it’s always warm. I am still trying to get them to replace the hearing aid they lost two months ago! Can you help me?”

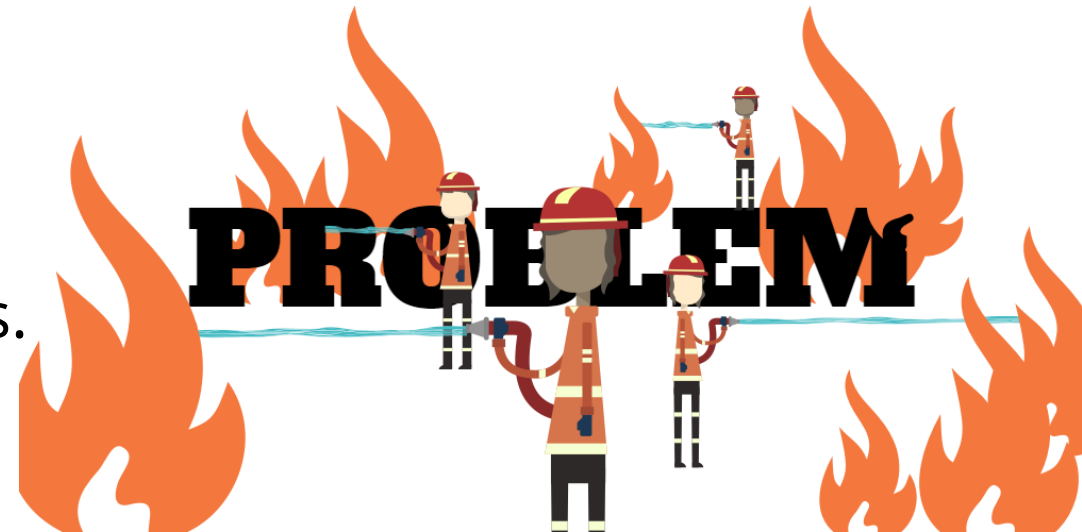
Every time you attempt to visit Mr. Richards, you observe that he is sleeping. Mrs. Richards is his agent under a power of attorney. You ask additional questions to determine the facts of the complaint.





Separate the problems

- Mr. Richards became chronically sleepy about one week ago.
- Mr. Richards lost 10 pounds in three weeks.
- The facility did not address the sleepiness or the weight loss in the care plan.
- The last time Mr. Richards was seen by a doctor was three months ago.
- Mr. Richards' hearing aid is missing.
- Mr. Richards' milk is always warm at all meals.



2.

Categorize the complaint and identify laws or regulations

Care Planning. The facility is required to assess Mr. Richards and modify his care plan based on his current symptoms.



3.

Consider potential cause(s)

- The facility is not aware of the new medical conditions.
- Some staff are aware of the concerns but have not communicated the concerns.
- The facility does not regularly weigh Mr. Richards.
- The facility does not have consistent staff assignments.
- Mr. and Mrs. Richards are not aware of his right to request a care plan and do not understand the purpose of a care plan.
- The facility views Mrs. Richards as a frequent complainer and ignores her concerns.
- An assessment was completed, and a care plan conference was held but the Richards were not informed.

4.

Identify all participants

- Mr. Richards
- Mrs. Richards
- Care Plan Coordinator
- Director of Nursing
- Charge Nurse
- Certified Nursing Assistants (CNAs) who cared for Mr. Richards two months ago
- CNAs who currently care for Mr. Richards
- Mr. Richards' physician



5.

Identify steps already taken

- Who did she talk to at the facility? - What was their response?
- Has Mrs. Richards spoken with Mr. Richards' physician? - What was their response?
- When was the last care plan conference held?
- Is the facility following the current care plan?
- What changes does she believe need to be made to the care plan?

6.

Clarify the outcome the resident is seeking

- A comprehensive assessment
- A care plan meeting that includes Mr. Richard's physician
- Consistent staffing for Mr. Richards
- To be listened to when expressing concerns



7.

Identify all relevant agencies

- The regulatory agency may be called to investigate the facility's compliance with state and federal regulations.



Interviewing

Conversational

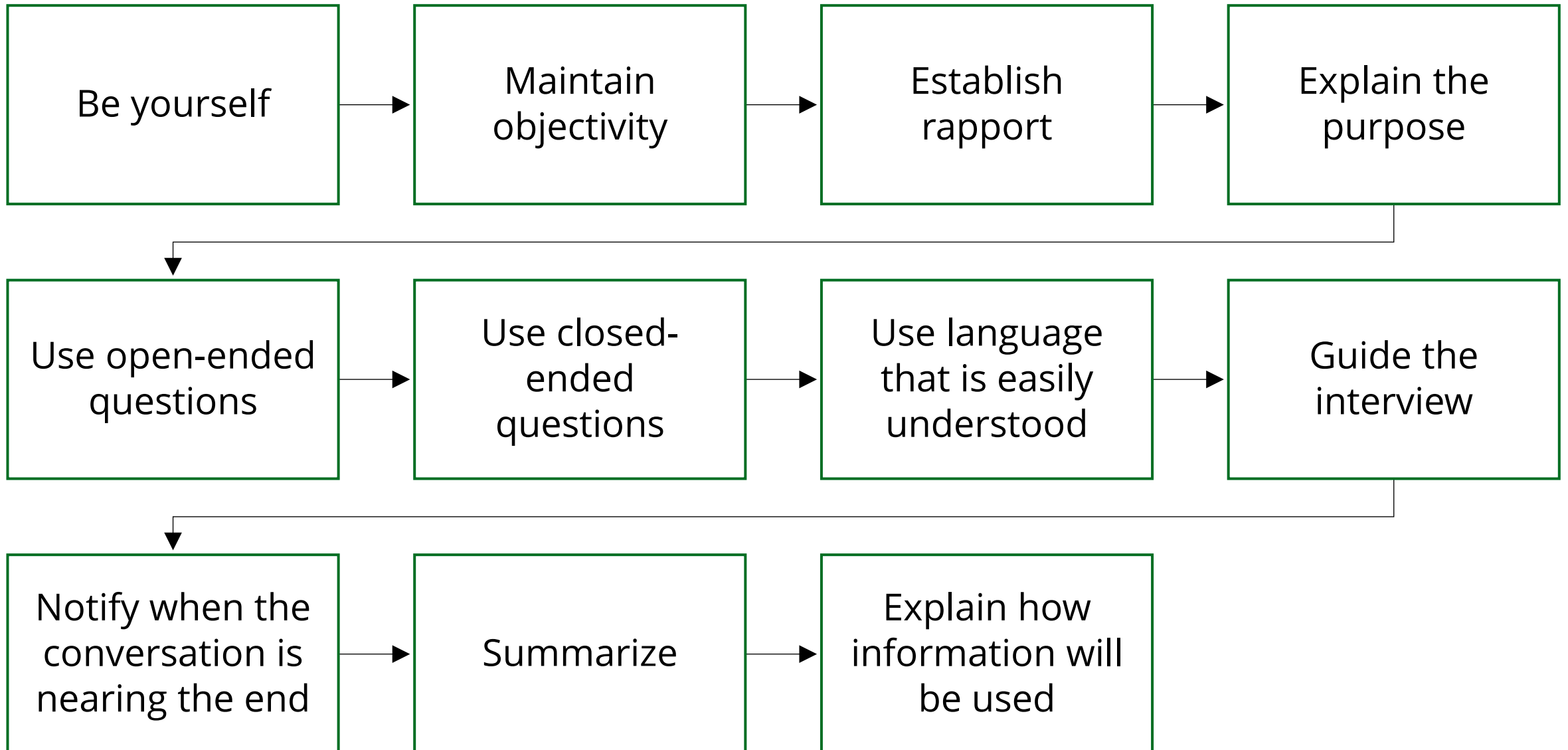


Purposeful



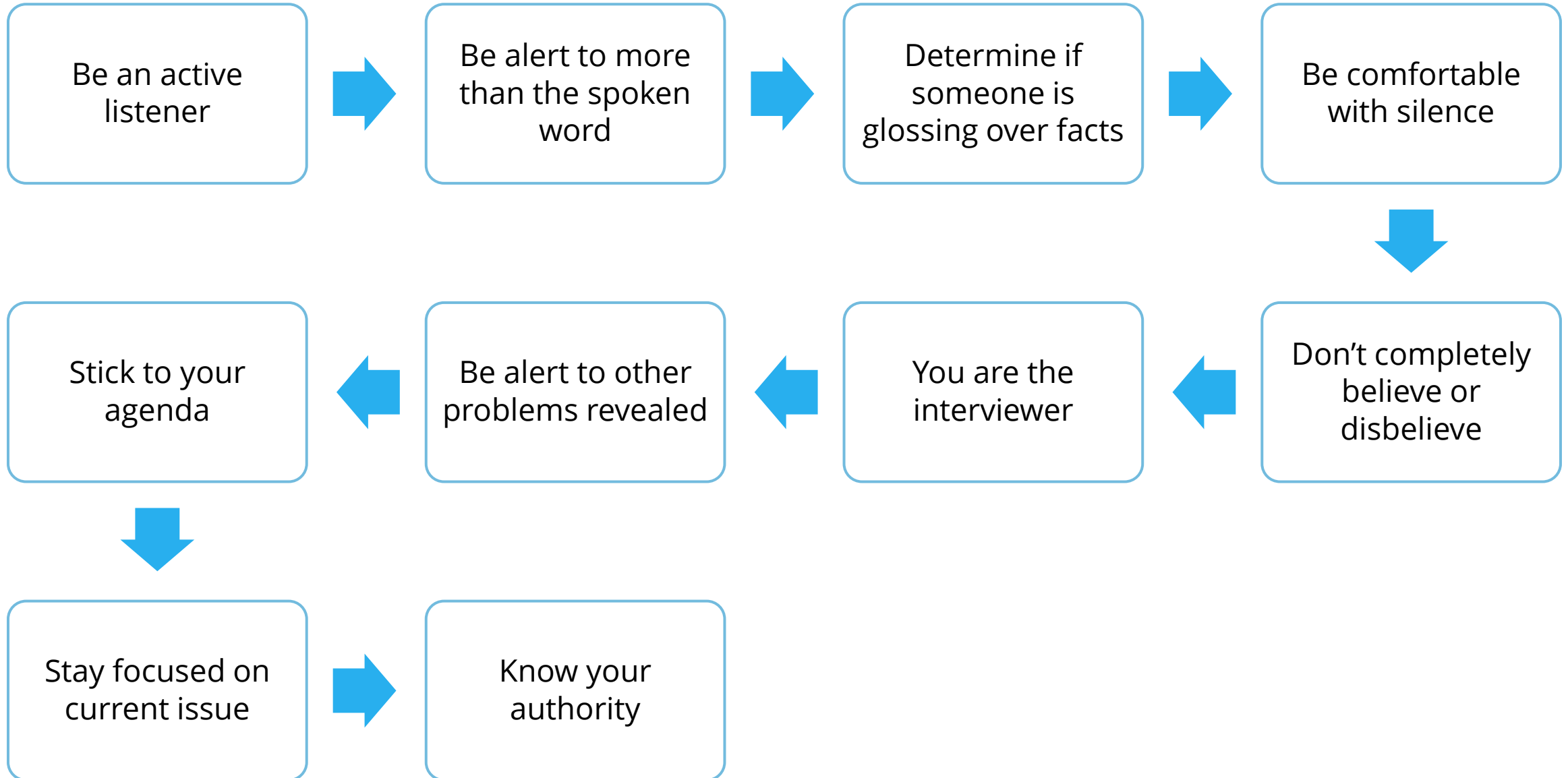
Listening, Questioning, Notetaking

Guidelines for Investigative Interviews





Guidelines for Effective Listening During Interviews



Questioning

Help me
understand
why...

What would
happen if...

How do you
feel about...

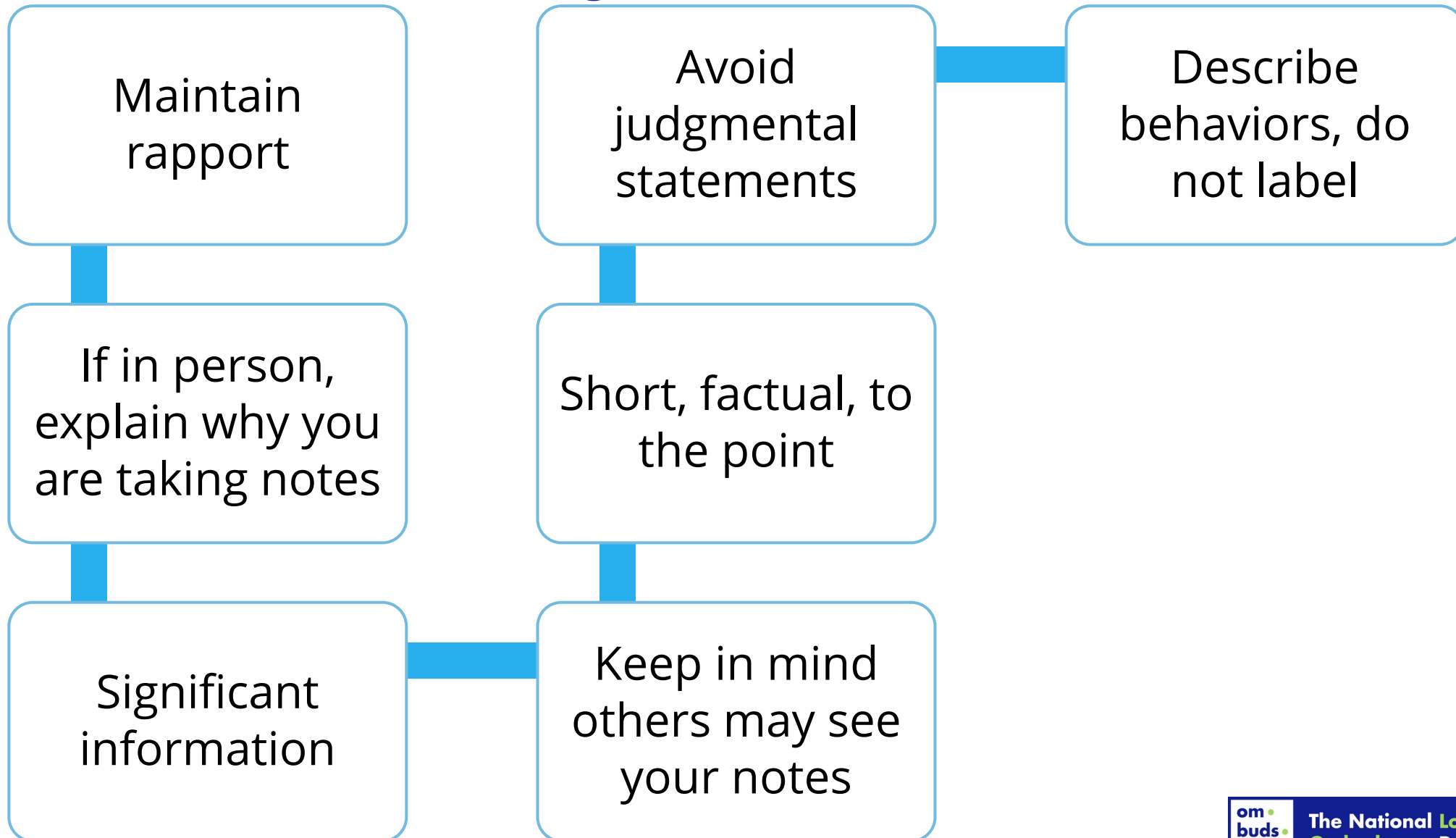
What do
you think
about...

What can you
tell me about...

Why do you
think...

Are you saying...

Effective Note Taking



Observation During an Investigation

Approach with an open mind

Be impartial

Document as soon as possible

→ **State Policies and Procedures on Accessing Records**

▶ Accessing Resident Records

- ▶ A resident wants to know information in their records.
- ▶ You receive conflicting or vague information from staff.
- ▶ You need to verify the information you have received regarding the resident's complaint.
- ▶ You need facts from the record.

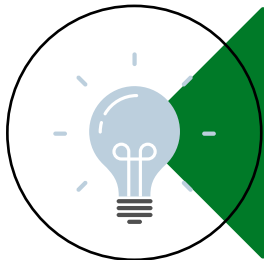
Preparing to Access Resident Records



A firm knowledge of the legal basis for your request



The appropriate, completed consent to release records form



What you will say if there is resistance to your request

Accessing Records

Resident is Able to Communicate Informed Consent



Exercise good judgement on resident's ability to provide informed consent



Obtain and document consent from the resident
Written, verbal or through another means



Document consent according to policies and procedures.

Resident is Unable to Communicate Informed Consent and has a resident representative



Confirm resident representative has authority to grant access



Obtain and document consent from the resident representative
Written, verbal or through another means



Document consent according to policies and procedures

Resident is unable to communicate informed consent, and the resident representative refuses to consent to the access and the resident representative is not acting in the best interests of the resident or the resident representative cannot be located despite a reasonable effort.



Notify your supervisor.



Document why you believe the resident cannot communicate informed consent.



Follow program policies and procedures regarding consent from the State Ombudsman to access records and document the permission.



Resident is not able to
communicate informed consent
and does not have a resident
representative



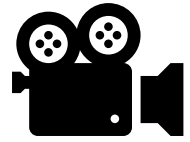
Notify your supervisor



Document why you believe
the resident cannot
communicate informed
consent.



Follow program policies and procedures regarding
consent from the State Ombudsman to access
records and document the permission.



Case Study: Anne Walker – Investigation





Verification

Section 5

Verified

Confirmation that most or all facts alleged by the complainant are likely to be true.

What if the complaint cannot be verified but the resident's perception of the problem still exists?

Not Verified

The circumstances of the complaint are found to be untrue.

What if a family member complains that the resident is not getting good care, but the resident is satisfied with the care received?



Common Complaints

Section 6



→ **State Data**

→ **Discharges**

Discharge



Receives a discharge notice and does not want to leave

Is discharged without notice or due process

Is transferred to the hospital and not advised of the facility's bed hold policy

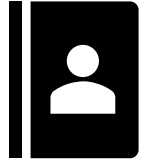
Is not readmitted post hospitalization

Is discharged to an unsuitable setting

► Other Challenges

- The facility fails to provide a written notice of discharge
- The notice is incomplete or incorrect
- The reason for the discharge is not in compliance with federal and/or state regulations

Conclusion



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!

-  ltcombudsman.org
-  ombudcenter@theconsumervoice.org
-  The National LTC Ombudsman Resource Center
-  @LTCombudcenter

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