



OFFICE OF THE STATE

Long-Term Care Ombudsman

2012

ANNUAL REPORT



*Reaching Out  
for Quality Care*

Office of the State Long-Term Care  
Ombudsman  
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Barbara J. Hickert, State Ombudsman

Sam Brownback, Governor

December 2012

The Honorable Sam Brownback, Governor

Members of the Legislature and Fellow Kansans

The Office of the State Long-Term Care Ombudsman is pleased to submit the 2012 Annual Report.

This report provides a snapshot of the Kansas Long-Term Care Ombudsman program. It contains not only the statistics gathered by the Ombudsman, but it also contains information about the program, and its purpose. The Kansas Long-Term Care Ombudsman is part of a national program, funded by state and federal funds, which works toward ensuring that long-term care residents are afforded their rights and that their quality of life is the best it can be.

The Office of the State Long-Term Care Ombudsman Program performs a vital resident advocacy and empowerment role. Speaking out for resident rights, forming partnerships, and our grassroots reliance on volunteers assures our program a unique niche among government agencies. This past year, our staff and our over one hundred volunteers in the program have answered thousands of questions, provided consultations to hundreds of people and made a difference in the lives of countless residents.

We hope this report will be informative and helpful to you as we work together to improve the quality of life for our fellow Kansans. I look forward to our future service and your support.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Hickert".

Barbara J. Hickert

State Long-Term Care Ombudsman



# Purpose & Organization

## Program Overview

The Mission of the Long-Term Care Ombudsman Program is to advocate for the well-being, safety and rights of residents of Kansas long-term care facilities, by assisting them in attaining the highest possible quality of life

Kansas's Long-Term Care Ombudsman Program is a volunteer-based organization seeking to improve the quality of life of vulnerable elders who live in long-term care facilities, including nursing homes, assisted living facilities, adult day care, boarding care homes, residential care homes and long term-care units of hospitals.

The primary purpose of the program is to investigate and resolve complaints on behalf of residents of long-term care facilities. Certified ombudsman staff and volunteers investigate and work to resolve complaints made by or on behalf of residents. Ombudsmen regularly visit long-term care facilities to be accessible to residents and monitor conditions.

In addition, ombudsmen provide education regarding long-term care issues, for residents, facility staff and the community; identify long-term care concerns, and advocate for needed change.

## Program History

The Long-Term Care Ombudsman Program is authorized by the federal Older American's Act and the Kansas Long-Term Care Ombudsman statute 75-7301 through 75-7314.

Long-Term Care Ombudsman programs were created in the mid-1970's to advocate for the rights and needs of the Long Term Care Residents. The program operates in all fifty states and two U.S. territories as required by the Older Americans Act. Every state has a Long-Term Care Ombudsman Office which guides efforts to improve the lives of residents in Long-Term Care Facilities.

The Kansas Long-Term Care Ombudsman Program was implemented in 1975 upon receiving federal grant funding from the Administration on Aging. The program was located within the Division of Aging.

The Certified Volunteer Ombudsman program was created in August of 1996. The volunteer program started as a pilot program in Shawnee and Johnson Counties.

Legislation in 1998 moved the Ombudsman program out of the Department of Aging and made it an independent agency attached to the Department of Administration.

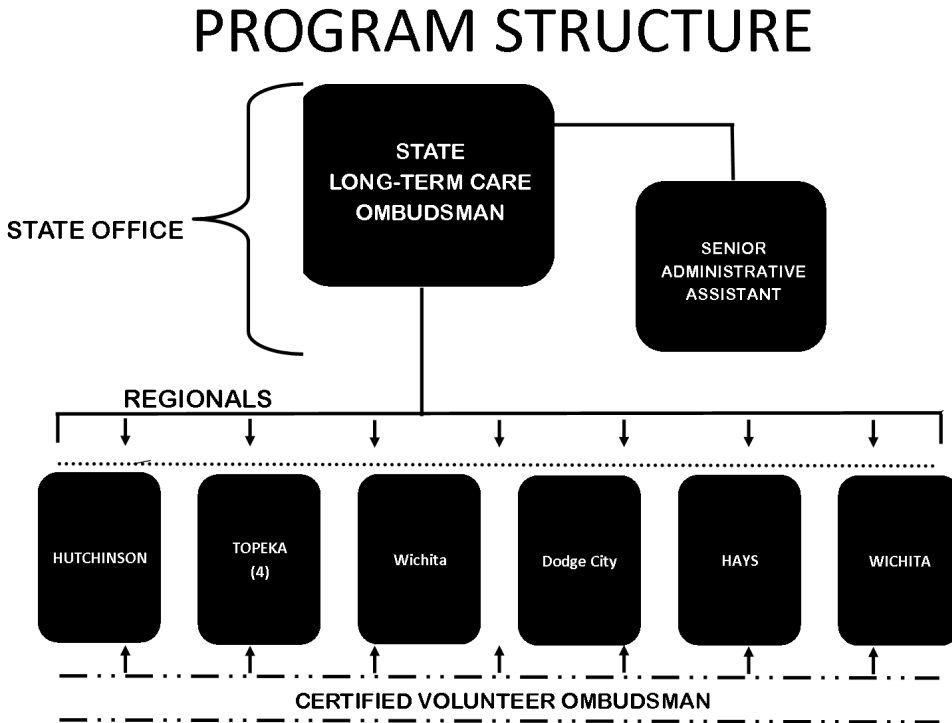
### *What is an Ombudsman?*

*The word "ombudsman" is Swedish and means "one who speaks on behalf of another. The Ombudsman is an advocate for resident of long-term care facilities*

# Structure

The Office of the State long-term Care Ombudsman operates as a separate agency within Kansas Department of Administration. The State Ombudsman is appointed by the governor and confirmed by the Senate. The program is supported by a Senior Administrative Assistant. Additionally there are 9 Regional Long-Term Care Ombudsman in offices across

the state, in Wichita, South Hutchinson, Topeka, Hays, and Dodge City. From these locations, the regional ombudsman investigate, handle complaints and visit all long-term care facilities in Kansas. In addition, the staff also provides support and guidance to certified volunteer ombudsman, consult with facility staff, and conduct in-service training. One of the programs most valued resource is the 112 Certified Volunteer ombudsman throughout the state. During this reporting period, volunteers provided 7,164 hours of services to our program.



## Certified Volunteer Ombudsman

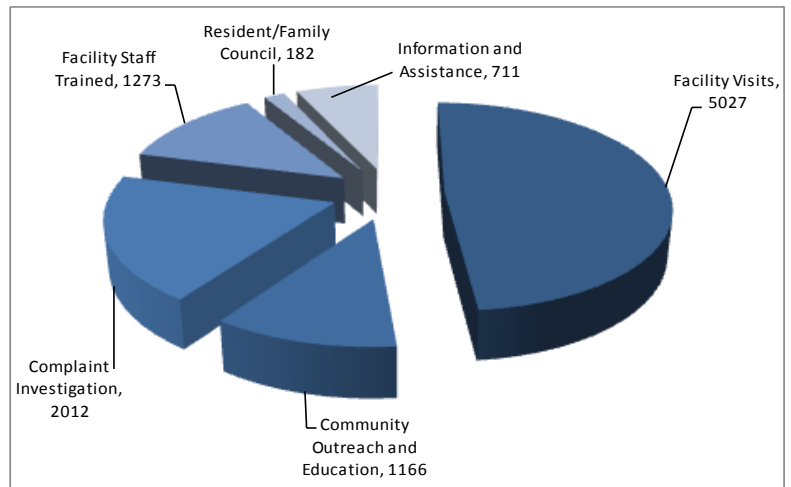
Volunteer ombudsmen are the heart of our program. We believe every Kansas long-term care resident deserves to have access to the services of a volunteer ombudsman. With 660 long-term care facilities and 112 volunteers, we see plenty of opportunity for growth of our volunteer corps.

Each volunteer ombudsman is assigned to one facility near his or her home. We ask that volunteers visit the facility once a week with the purpose of meeting with residents. Every Volunteer encourages self-advocacy and interaction among residents, staff and community. The volunteer ensures that the legal rights of the residents are being honored and receives, investigates and resolves concern made by or on behalf of residents.

We provide new volunteers with 30 hours of classroom and on-site training regarding elder rights, the regulatory process, plans of care, advocacy, the aging process, communication, problem solving and facility staff structure. Once a volunteer has successfully completed training, the volunteer and the regional staff match the volunteer to a facility. Following placement, regional staff provide ongoing support and training for the volunteer. Our goal is to help each volunteer to be a successful advocate for residents.

## Overview of Accomplishments

- Received and worked to resolve 2,012 complaints on behalf of long-term care facility residents.
- Made 5,027 facility visits to long-term care facilities.
- Promoted quality improvement in long-term care facilities through participation in Advancing Excellence in America's Nursing Home Campaign.
- Member of Kansas Culture Change Coalition Board of Directors.
- Volunteers donated 7,164 hours of services, valued at over \$290,000 dollars.



- Attended 182 resident and family council meetings.
- Provided community education to 1,166 persons.
- Provided in-service training to 1,273 facility staff.
- Achieved positive outcomes for 96% of complaints overall.
- Facilitated new family councils in nursing homes.
- Provided education, quarterly to the Kansas Adult Care Executive's Administrator in Training class.
- Provided education, quarterly to the Kansas Healthcare Association/Kansas Center of Assisted Living's Operators Course.
- Provided information and assistance to 453 individuals, and to 258 long-term care facilities.
- Organized annual volunteer conference.
- Member of Adult Protective Services Advisory Committee.
- Achieved positive outcomes for 96% of complaints overall.

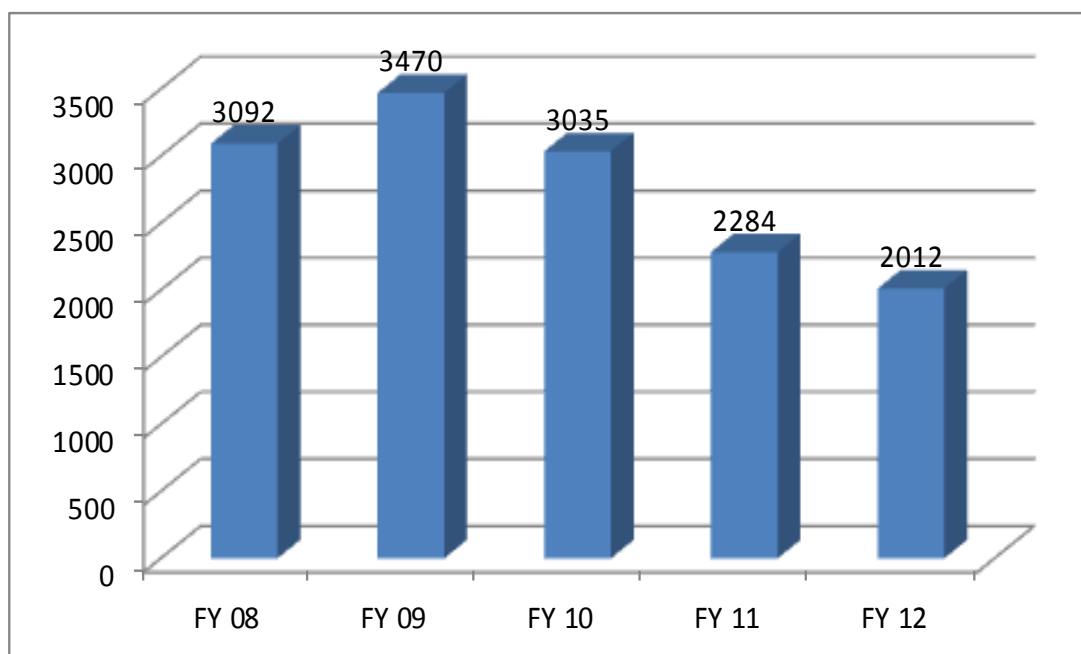
## 2,010 Complaints Handled in FY12

Complaint: a concern brought to, or initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to the health safety, welfare or rights of a resident

A principal function of the ombudsman program is to investigate and work to resolve complaints made by or on behalf of residents of long-term care facilities. In handling complaints, Ombudsmen respect resident and complainant confidentially, encourage resident empowerment, and focus complaint resolutions on the resident's wishes.

Ombudsmen completed a total of 2,010 complaint investigation in FY12. Often, a single complaint may affect more than one resident; in fact, a group or even the entire population of a long-term care facility may be affected. For example, a complaint regarding the quality of food served at a facility may affect the entire resident population.

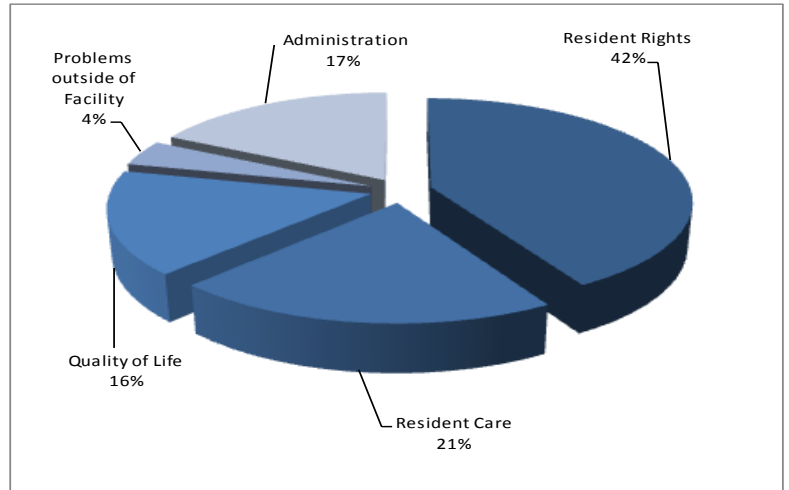
### Total Nursing Facility Complaints for FY08 through FY12



# Complaint Groups

Ombudsmen investigate a wide variety of complaints each year. Complaints regarding a long-term care facility, its employees, providers of long-term care services, public or private agencies, guardians, representative payees and other agencies or persons who are in a position of ensuring residents' rights may be investigated. Specific complaints range from privacy, dignity and care issues to improper medication administration and discharge planning procedures.

The Administration on Aging defines 133 types of complaints that are grouped into five categories: Resident Rights, Resident Care, Quality of Life, Administration and Problems outside of Facility. The graph to the right shows these five categories and the percent of each to the total number of complaint handled in FY12. The large number of complaints handled during this report year concerned resident rights (42%) and the smallest number were complaints about problems outside of the facility (4%). The following two pages have more detailed information on each of these five categories.



The graph below list the top ten complaints handled by ombudsmen in FY12 across all categories.

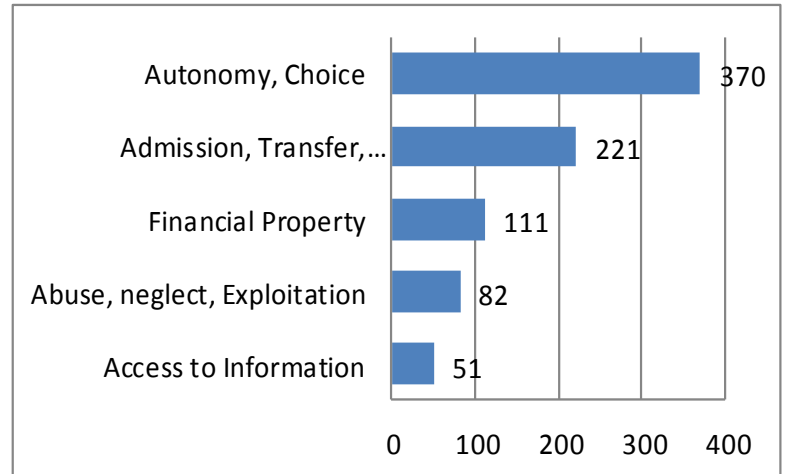
## Most Frequent Types of Complaints in FY12

Type of Complaint	Number of Complaints	Percentage of all Complaints
Discharge, Eviction—Planning, Notice	186	9%
Family Conflict; interference	128	6%
Dignity, Respect — Staff Attitudes	122	6%
Legal — Guardianship, conservatorship, Power of Attorney	96	5%
Medications—Administration, organization	74	4%
Failure to Respond to Requests for Assistance	70	4%
Food Service - Quantity, Quality, Choice, Menu	66	3%
Resident Conflict, including roommates	54	3%
Billing/Charges—Notice, Approval, Accounting	51	3%

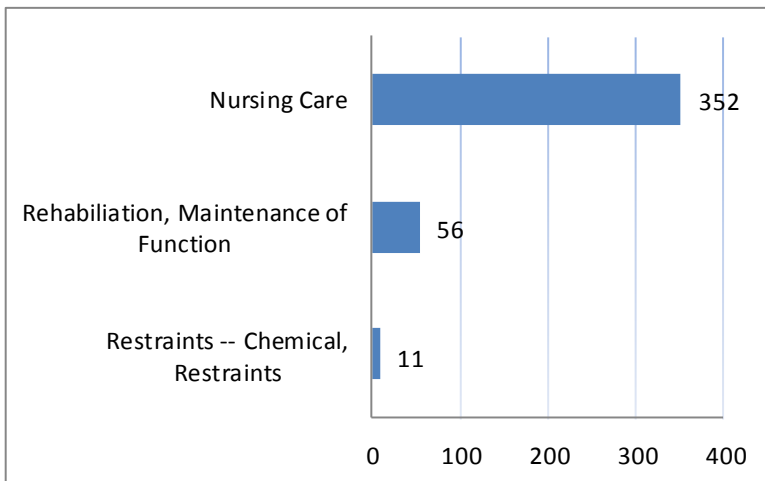
## Resident Rights-835 Complaints

The majority of resident rights complaints fall under discharge/eviction, and preference/choice. The right to choose when to get up in the morning, when to take a bath and what to eat are examples of choices we take for granted but are sometimes denied residents in long-term care.

The area of involuntary discharge is the overall highest number of complaints that ombudsmen work each year. Ombudsmen assist residents and legal representatives by informing them of their right to appeal these notices, often with positive results.



## Resident Care-419 Complaints



Resident care issues range from call lights not being answered timely to medications not being given properly. Ombudsmen work with facility staff providing education and awareness to facilitate prompt corrections and a better understanding by all involved on these care issues.

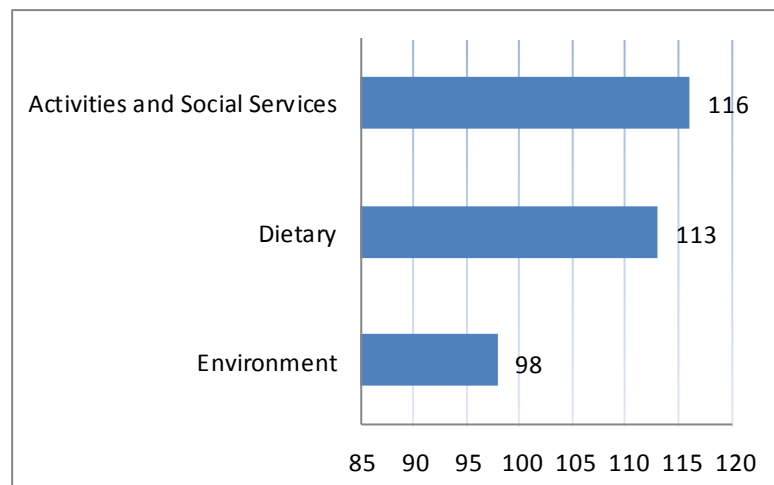
Maintaining and regaining the ability to function at one's highest possible level of independence is important to all involved in long-term care. Ombudsmen follow up with residents and staff to ensure appropriate services are being provided.

## Quality of Life-327 Complaints

Long-term care residents have the right to psycho-social services, as well as individual choice of daily activities. The largest number of complaints about activities and social services dealt with resident conflict, a significant number of which concerned roommate issues.

A number of homes in Kansas have enhanced their dining services to include expanded meal service hours and menus. However, we still receive complaints surrounding food quality, quantity, and choices.

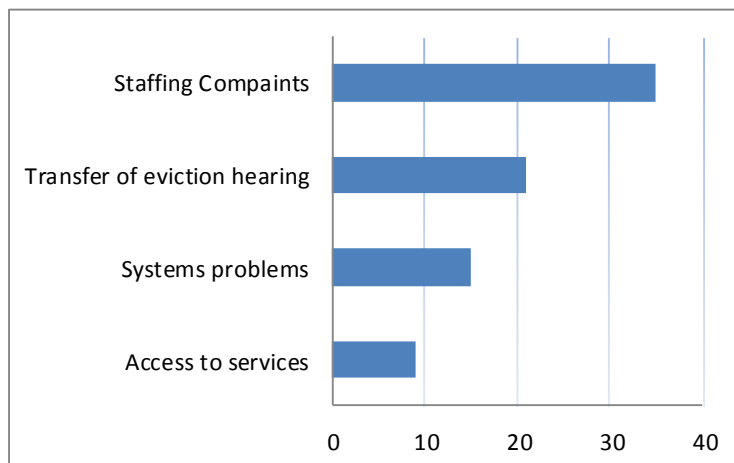
Environmental concerns range from temperature issues to lost laundry. The large number of environment concerns in FY12 dealt with problems of cleanliness and housekeeping.



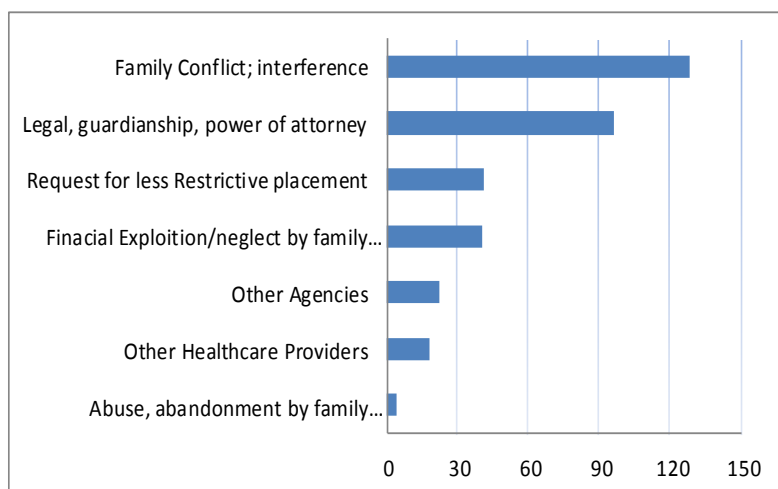


## Administrative-80 Complaints

Ombudsmen received 80 complaints about administrative concerns, the largest number of which were about staffing problems. Having a sufficient numbers of staff that is well trained, and who know the residents in their care is one of the most important keys to providing quality care. Consistent staff assignments rather than rotating assessments are also shown to improve the quality of care and life for residents. Consistent assignment occurs when residents are consistently cared for by the same caregivers, particularly CNAs and nurses. Consistent assignment has been shown to increase caregivers' familiarity with residents and to strengthen relationships between caregivers and both residents and their family members.



## Outside of the Facility-349 Complaints

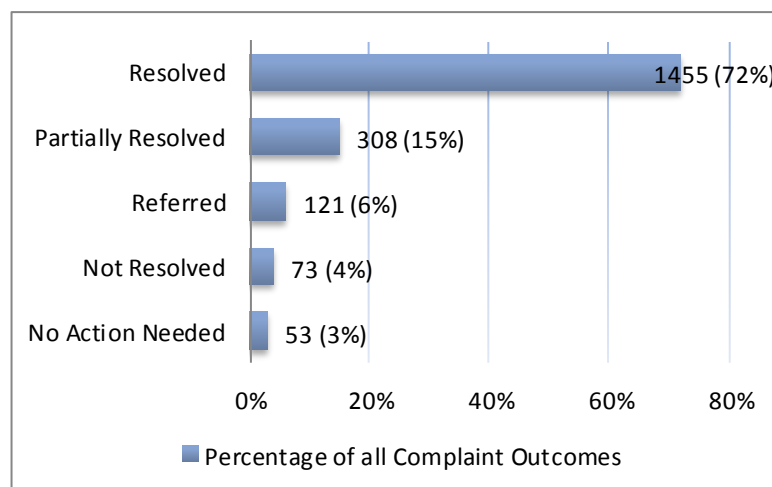


Kansas Ombudsmen received 128 complaints about family conflict or interference, the second largest overall complaint. Ombudsmen encourage family member to be active in the daily activities of their loved one, but at times family dynamics are such that they may be perceived as a barrier to providing care. Ombudsmen listen to both sides in these cases and play a key role and reaching resolution on behalf of the resident.

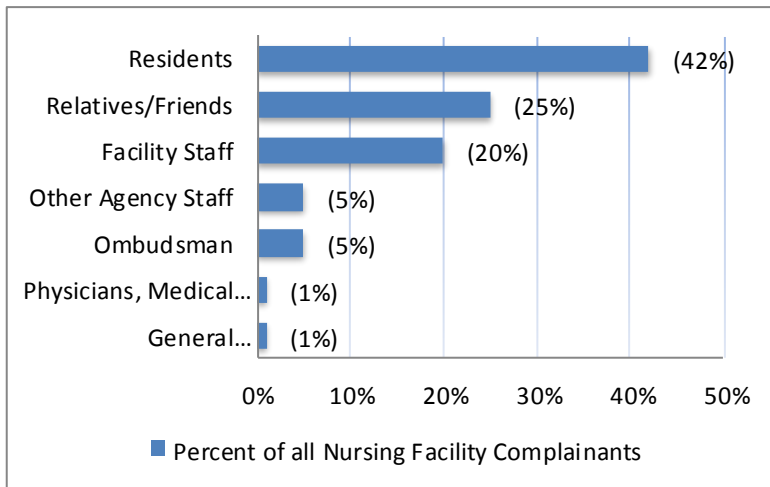
## Complaint Resolution

Complaint investigations may result in any number of outcomes, including recommendations to resolve the issue, notifying another agency when appropriate or making recommendations on policy changes to appropriate agencies. Ombudsmen continually strive for the highest level of resolution possible keeping in mind that residents' rights are the foundation of the program.

A complaint is "resolved" when the complaint/problem is addressed to the satisfaction of the resident or complainant



# Origin of Complaints



Complaints may be made by any person or group concerned about the rights, care and treatment of long-term care facility residents and, in fact, are received from many sources.

Most complaints in FY12 were received from the residents themselves (42%) concerns were also reported by relatives and friends (25%); and from facility staff (20%). Medical personnel, other agency staff, and even ombudsmen also filed complaints.

## Other Services

### Ombudsmen Provide In-service Education to Facility Staff

Through in-service trainings and presentation, ombudsman staff trained facility staff on topics such as residents' rights, abuse neglect and exploitation, the ombudsman program and other relevant issues affecting the health, safety and well being of Kansas's long-term care residents. In FY12, ombudsmen made 41 presentations to 1,273 facility staff.

### Ombudsmen Provide Information

Ombudsmen provided 258 consultations to long-term care facility staff during FY12, and answered 453 requests for information from consumers, and to the friends and family who care for them. Ombudsmen provided information regarding residents' rights, care issues admission and discharge procedures, abuse and neglect, and many other long-term care issues.

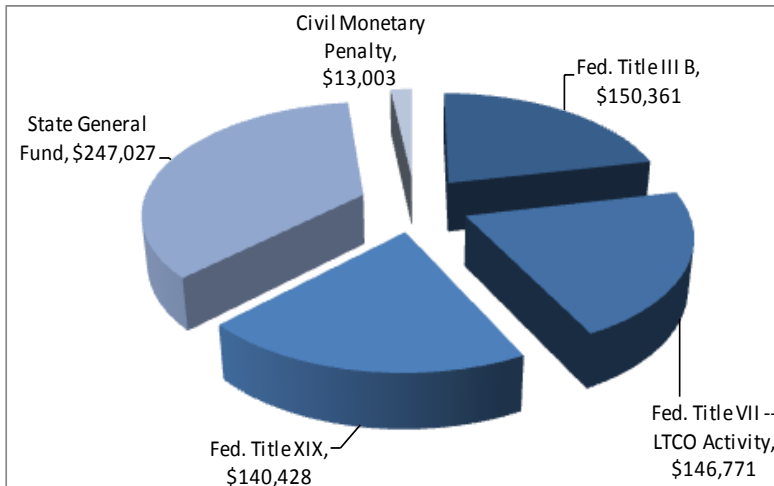
### Ombudsmen Assist with Resident & Family Councils

Ombudsmen participated in 163 resident council meetings, and in 19 family council meetings, on behalf of residents and family members in all facility settings. Ombudsmen also work to promote and support the formation of both family and resident councils in facilities.

### Ombudsmen provide Community Outreach and Education

Ombudsmen conducted community outreach throughout the state through participation in health fairs and festivals, presentations at local senior centers, church and civic groups and involvement in various community events. Ombudsmen provided education at these events on the rights of residents, the services of the ombudsman program, resident care practices, and elder abuse. In FY12, ombudsman provided 55 educational and other outreach activities.

# Funding for FY12



The chart to the left shows a breakdown of the total funding for the Ombudsman program in FY12. Funds supporting the Ombudsman Program were comprised of federal (63%), and state (37%) Funds.

## Recommendations

**Culture Change:** A nursing home is a place residents call "home." A place where someone lives and calls home should nurture the human spirit as well as meet medical needs. Culture change is a movement that seeks to create an environment for residents, which follows the residents' routines rather than those imposed by the facility; encourages appropriate assignments of staff with a team focus; allows residents to make their own decisions; allows spontaneous activity opportunities; and encourages and allows residents to be treated as individuals. The State of Kansas should do everything possible to embrace culture change and support facilities who embrace changes. The Office of the State Long-Term Care Ombudsman embraces culture change and will assist in this effort in every way possible

**Program growth:** We need to increase the number of volunteer ombudsman. Recruiting, training, and supporting volunteers requires tremendous effort. Our ultimate goal is to place one volunteer in every long-term care facility in Kansas. There are currently 660 facilities served by 112 volunteers. The ombudsman program must have sufficient resources to maintain and grow the volunteer corps. One way our program has provided on-going education, support and recognition has been through our annual volunteer conference. This two day event has been funded through a grant from the Civil Monetary Penalty fund, which we are no longer able to access. This funding needs to be replaced. We need to increase the number of paid program staff. We currently have nine program staff, one of which is part-time. As the volunteer base grows, we will need to take steps to increase the number of program staff in order to provide sufficient guidance, support and oversight of volunteers.

**Visibility:** We need to increase our visibility to consumers, family and the overall community in order to grow our program. We need to make certain that every group involved in the long-term care arena is aware of our program and knows how to make referrals to or access our services. We also need to increase our community outreach and education.

**Public Policy Development:** We need to become more involved with public policy makers at every level. The state ombudsman and our regional staff are underutilized in public policy discussions.

*For more information, or to secure the  
services of an Ombudsman,*

*Call or write*

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