

# KANSAS LONG-TERM CARE OMBUDSMAN ANNUAL REPORT



**State Fiscal  
Year 2020**





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# Overview of Accomplishments

In SFY 2020, the Kansas Long-Term Care Ombudsman Program:

- Investigated 1,111 complaints made by or on behalf of long-term care facility residents.
- Resolved or partially resolved 83 percent of these complaints to the satisfaction of the resident.
- Made 1,968 facility visits to adult care homes to meet with residents and to be available to assist residents before COVID-19 ended ombudsman visits on March 13, 2020.
- Assisted 115 impacted by involuntary discharges/evictions.
- Supported resident and family self-advocacy by attending and providing support to 107 resident and family council meetings.
- Provided 1,813 consultations to consumers on topics such as residents rights, resident care, how to choose a facility, and regulations
- Provided 1,240 consultations to facility staff on topics such as residents rights, resident care, family conflict, power of attorney, and the role and responsibilities of the Ombudsman program.
- Conducted 14 training sessions for facility staff on topics such as resident rights, elder abuse prevention, communication, and the role of the Ombudsman in adult care homes.
- Participated in 132 facility surveys conducted by the State licensing agency (KDADS) to provide information to surveyors and advocate for residents.
- Provided 17 community education sessions on long-term care issues at senior care events, health fairs, and in other public settings.



# What is an Ombudsman?

An ombudsman is an independent consumer advocate. Ombudsmen investigate complaints concerning the health, safety, welfare and rights of long-term care consumers; and work to resolve these complaints to the satisfaction of the residents of long-term care services.

Ombudsmen also offer information and consultation about the rights residents and the regulations pertaining to nursing home, assisted living, home plus, residential health care facilities and boarding care home. Additionally, ombudsmen work with providers of long-term care services to promote a culture of person-centered living and respect for resident rights.

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

## Authority

The Kansas Long-Term Care Ombudsman Program is authorized by the federal Older Americans Act (OAA) of 1975; 42 U.S. Code, Section 3058g and the Kansas Long-Term Care Ombudsman Act K.S.A. 73-7301 *et seq.*

## Mission

The mission of the office of the Long-Term Care Ombudsman is to enhance the quality of life and the quality of services for long-term care residents living in Kansas’s adult care homes through advocacy, education, and empowerment. The office promotes person-directed living which respects individual values and preserves individual rights.

Kansas’s Long-Term Care Ombudsman program is responsible, through federal and state law, for advocating for residents of long-term care facilities, including nursing homes, assisted living facilities, home pluses, residential care facilities, and boarding care homes. The Office strives to fulfill this responsibility every day by working to resolve complaints that impact the health, safety, and welfare of residents, as well as informing residents of their rights.

## Our Responsibilities

Federal and state law sets forth the responsibilities of the Office and ombudsmen. Among the responsibilities are to:

- Identify, investigate and resolve complaints made by, or on behalf, of individuals receiving long-term care in a facility.
- Provide services to individuals receiving long-term care to assist in protecting the health, safety, welfare and rights of those individuals.
- Represent the interest of individuals before governmental agencies and seek administrative, legal and other remedies to protect the health, safety, welfare and rights of those individuals.
- Provide information to the public regarding problems and concerns of individuals receiving long-term Care, including recommendations related to such problems and concerns.
- Analyze, comment on, and monitor the development and implementation of laws, regulations or policies pertaining to the health, safety, welfare and rights of individuals receiving long-term care services.

## Structure

Kansas's Long-Term Care Ombudsman program is responsible, through federal and state law, for advocating for residents of long-term care facilities, including nursing homes, assisted living facilities, home pluses, residential care facilities, and boarding care homes. The Office strives to fulfill this responsibility every day by working to resolve complaints that impact the health, safety, and welfare of residents, as well as informing residents of their rights.

The Office of the State Long-Term Care Ombudsman operates as a separate agency within the Kansas Department of Administration. Appointed by the governor, the State Ombudsman coordinates ombudsman services provided by the office across the state. A Senior Administrative Assistant provides administrative support to the program. Additionally, there are seven Regional Long-Term Care Ombudsmen in offices across the state: Wichita, South Hutchinson, Topeka, Hays, Overland Park, Parsons, and Dodge City. From these locations, the regional ombudsmen visit all long-term care facilities in Kansas, and investigate and work to resolve complaints. In addition, the staff also provides support and guidance to certified ombudsmen volunteers, consults with facility staff, provides community education and conducts in-service training for facility staff.



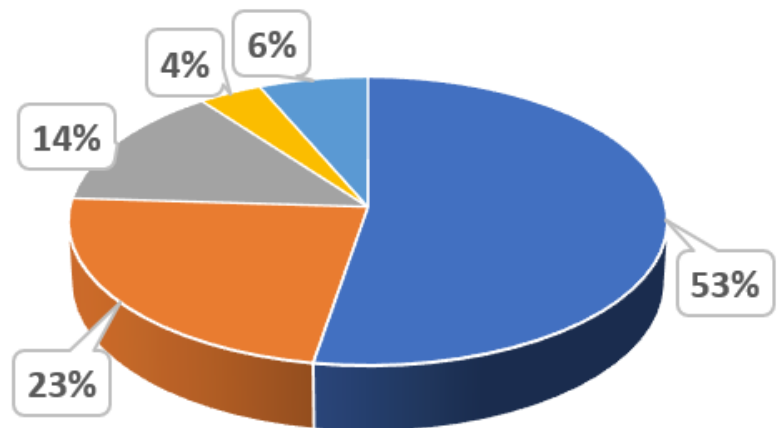
# Complaint Investigation

Ombudsmen across Kansas investigate complaints about violations of resident rights or quality of care on behalf of residents of adult care homes. Ombudsmen work directly with the resident to identify solutions and implement needed changes for their care, rights, or quality of life.

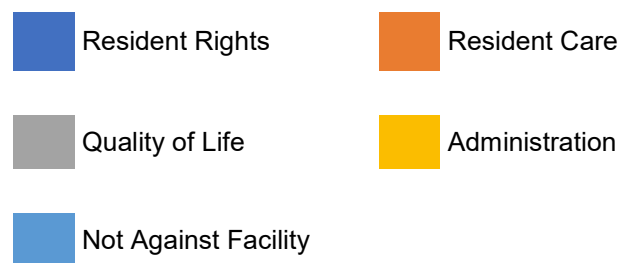
The goal of the ombudsman’s work is to resolve the concern to the satisfaction of the resident. Ombudsmen protect the confidentiality of the resident's information and do not take action on behalf of the resident without permission from the resident. Ombudsmen investigation focuses on fully identifying the problem and developing potential solutions. With the resident’s permission, the Ombudsman will review medical records, gather information from all parties, and observe the long-term care environment.

Following an investigation, the ombudsman meets with the resident to discuss the results of the investigation and to develop viable solutions to the resident’s concerns. The ombudsman works collaboratively with residents, family, and providers to reach a productive resolution for all parties whenever possible, but is at all times an advocate for the resident.

In SFY 2020, Kansas Office of the Long-Term Care Ombudsman received and handled 1,111 complaints. Ombudsmen are trained to handle many different types of complaints in long-term care settings, from the right to refuse medication to the right to be served by well trained, competent staff. The Ombudsman program defines 59 types of complaints grouped into five categories: Resident Rights, Resident Care, Quality of Life, Administration and Problems outside of Facility.



The chart to the right shows these five categories and the percentage of each to the total number of complaints handled in SFY 2020. The largest number of complaints handled during this reporting year concerned resident rights (53%) and the smallest number were complaints about administration (4%).



The table on the following page shows a detailed breakdown of complaints investigated by the ombudsman program by each major category.

## Numbers of Complaints Investigated by Category and Type of Complaint

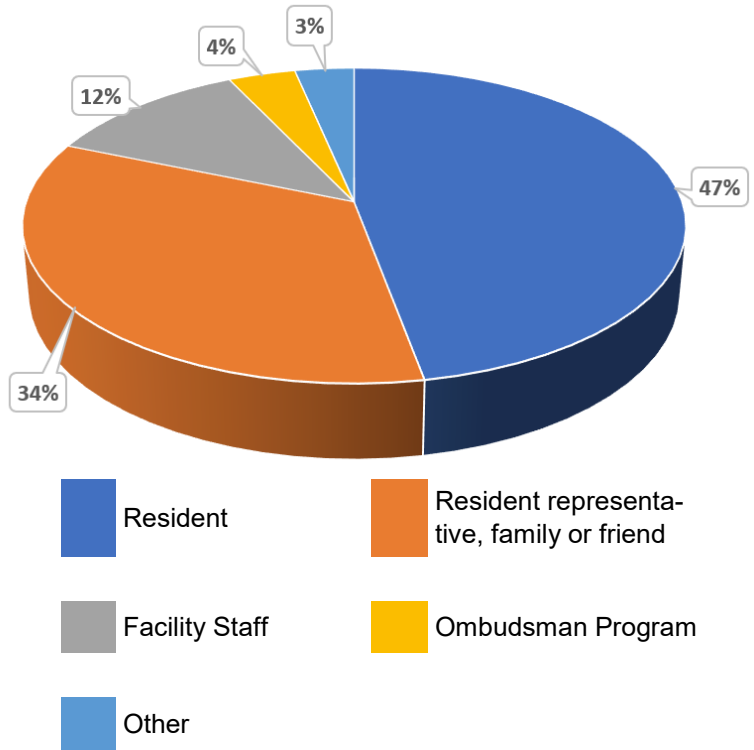
Category and type of complaint	Number of complaints
Resident Rights: Abuse, neglect, exploitation	66
Resident Rights: Access to information	51
Resident Rights: Admission, transfer, discharge, eviction	115
Resident Rights: Autonomy, choice, rights, privacy	283
Resident Rights: Financial, property	70
<b>Total Resident Rights Complaints</b>	<b>585</b>
Resident Care: Care	245
Resident Care: Rehabilitation, Maintenance of Function	12
Resident Care: Restraints	2
<b>Total Resident Care Complaints</b>	<b>259</b>
Quality of Life: Activities and Social Services	50
Quality of Life: Dietary	57
Quality of Life: Environment	46
<b>Total Quality of Life Complaints</b>	<b>153</b>
Administration: Oversight, fiscal management	22
Administration: Staffing	20
<b>Total Administration Complaints</b>	<b>42</b>
Not Against Facility: Outside agencies	9
Not Against Facility: Others	63
<b>Total Non- Facility Complaints</b>	<b>72</b>
<b>Total Complaints all Categories</b>	<b>1384</b>



## Who are the complainants

Most complaints are made by residents themselves or their friends or relatives. However, many providers contact us because they recognize that residents need an independent advocate to make sure their concerns are heard and addressed. No matter who initiates the complaint, the program will respect the resident and the complainant’s confidentiality and will focus complaint resolution on the resident’s wishes.

The chart to the right shows who made the complaints for all cases that were opened.

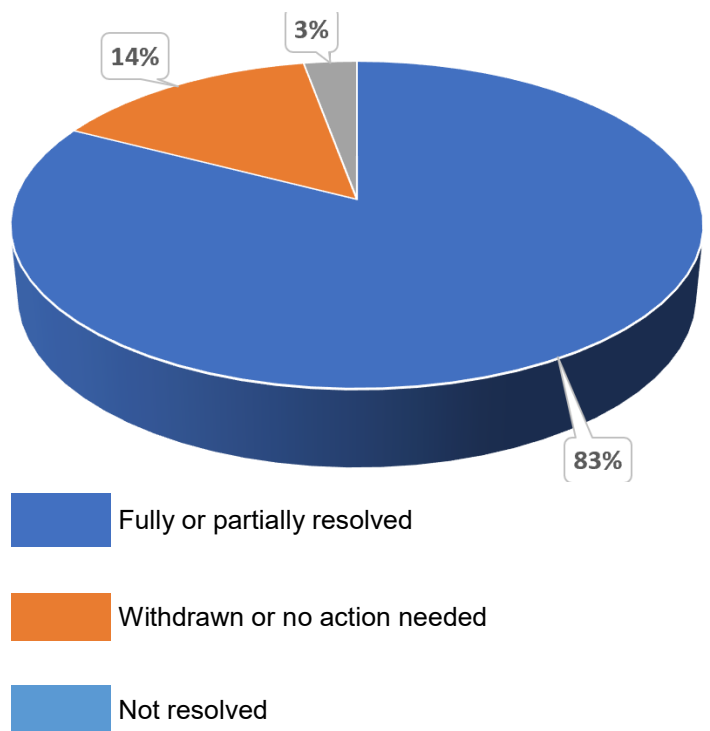


## Complaint Resolution

A complaint is closed when there is no further action needed on the part of the ombudsman. Each complaint is then assigned a disposition. A complaint is resolved when the complaint/problem is addressed to the satisfaction of the resident, or if the resident is not able to make their wishes known, the resident’s representative or the complainant .

In SFY 2020, the Long Term Care Ombudsman Program resolved 88 percent of complaints to the resident’s satisfaction. Not all complaints can be resolved to the satisfaction of a resident; for example, some complaints are referred to another agency for resolution and others do not require any action to be taken.

The chart to the right shows what types of disposition codes were assigned to closed cases during the year.



# Other Ombudsman Activities

## Consultation

The Long-Term Care Ombudsman’s Office provides information to residents, facilities, and providers. Requests for information are most frequently related to resident rights; choosing a nursing home; interpreting regulations; the abuse, neglect or exploitation of a resident; and admission and discharge procedures. Consultation does not involve investigating or working to resolve a complaint.

In SFY 2020, representatives of the Office **consulted with 1,813 consumers and 1,240 facilities or providers** about long-term care issues.

## Resident and Family Councils

The Long-Term Care Ombudsman’s Office assist resident and family councils by attending meetings upon request, and by providing assistance in the development and continuation of resident and family councils. Resident and family councils are meetings that give residents and their families opportunities to discuss issues, care needs, and frustrations as well as to receive support and encouragement.

In SFY 2020, representatives of the Office **worked with 102 resident councils and 5 family councils** across the state.

## Community Outreach and Education

The Long-Term Care Ombudsman’s Office conducts community outreach throughout the state through 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, how to advocate on behalf of or empower residents, the services of the ombudsman program, resident care practices, and elder abuse.

In SFY 2020, representatives of the Office **provided 17 community education sessions** about issues pertaining to long-term care across the state.

## Survey Participation

The Long-Term Care Ombudsman’s Office participates in surveys conducted by the Department for Aging and Disability Services, which serves as the regulatory agency for long-term care facilities in Kansas to ensure their compliance with federal and state laws. The role of the Office is to provide comment; share concerns on behalf of residents, and family members; and to ensure the residents’ voices are heard. Participation by the Office may include pre-survey briefings and attending resident interviews or the exit interview.

In SFY 2020, representatives of the Office **participated in 132 facility surveys** across the state.

# The Volunteer Program



Our agency relies on volunteers to help us with all our activities. Sixty-six volunteers actively served in the Long-Term Care Ombudsman program during SFY 2020 and contributed 3,051 hours to our program.

After they have completed training, each Certified Ombudsman is assigned to one facility near his or her home. We ask these volunteers visit the facility once a week to meet with residents. Every ombudsman encourages self-advocacy and interaction among residents, staff and community. The Certified Ombudsman works to ensure that the legal rights of the residents are being honored; and receives, investigates, and resolves concern made by or on behalf of residents.

In 2020,  
Ombudsman  
Volunteers provided  
3,051 hours of  
service worth over  
\$94,000 to our  
agency.

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 newly certified Ombudsman volunteer and the regional staff match the Certified Ombudsman with a facility. Following placement, regional staff provide ongoing support and training.



The volunteers extend the reach of the program by being a regular presence in assigned facilities. Ombudsmen Volunteers build relationships and trust with the consumers. They identify issues and assist with problems. Ombudsmen Volunteers work closely with their Regional Ombudsmen and report what is happening in facilities on a monthly basis. They enhance the work of the Regional Ombudsmen — the work they do it vital to the program.

# Regional Offices and Staff

## CAMILLE RUSSELL

State Long-Term Care Ombudsman

## TANYA TURNER

Senior Administrative Assistant

### KERI DUREE

Region 1 Long-term Care Ombudsman

600 Andrew Avenue

South Hutchinson, KS 67505

Central Kansas: Barton, Dickenson, Ellsworth, Harvey, Marion, McPherson, Ottawa, Reno, Rice & Saline Counties

### SUE SCHUSTER

Region 2 Long-Term Care Ombudsman

900 SW Jackson, Suite 1041

Topeka, KS 66612

Northeast Kansas: Atchison, Brown, Chase, Clay, Doniphan, Douglas, Geary, Jackson, Jefferson, Lyon, Marshall, Morris, Nemaha, Osage, Pottawatomie, Riley, Shawnee, Wabaunsee, & Washington Counties

### CHRISTINE MOZINGO

Region 3 Long-term Care Ombudsman

8915 Lenexa Drive

Overland Park, KS 66214

Kansas City Area: Johnson, Wyandotte, & Leavenworth Counties

### MARILYN RANDA

Region 4 Long-term Care Ombudsman

300 W. Douglas; Suite 202

Wichita, KS 67202

South Central Kansas: Butler, Cowley, Harper, Kingman, Sedgwick, & Sumner

### OPEN

Region 5 Long-term Care Ombudsman

1509 Avenue P

Dodge City, KS 67801

Southwest Kansas: Barber, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Greeley, Hamilton, Haskell, Hodgemen, Kearney, Kiowa, Lane, Meade, Morton, Ness, Pawnee, Pratt, Scott, Seward, Stafford, Stanton, Stevens, & Wichita Counties

### VELVET UNREIN

Region 6 Long-term Care Ombudsman

P.O. Box 1812

Hays, KS 67601

Northwest Kansas: Cheyenne, Cloud, Decatur, Ellis, Gove, Graham, Jewell, Lincoln, Logan, Mitchell, Norton, Osborne, Phillips, Rawlings, Republic, Rooks, Rush & Russell Counties

### OPEN

Region 7 Long-term Care Ombudsman

1500 W. 7th Street

Chanute, KS 66720

Southeast Kansas: Allen, Anderson, Bourbon, Chautaugua, Cherokee, Coffey, Crawford, Elk, Franklin, Greenwood Labette, Linn, Wilson, & Woodson Counties



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

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