

**Sam Brownback,
Governor**

**Belinda Vierthaler MSW
State LTC Ombudsman**



OFFICE OF THE STATE OF
Kansas Long-Term Care Ombudsman

Annual Report

2011



December 27, 2011

The Honorable Sam Brownback, Governor
Members of the Legislature and Fellow Kansans

The Office of the State Long-Term Care (LTC) Ombudsman is pleased to submit the 2011 Annual Advocacy Report. This report provides a comprehensive evaluation of the Kansas State LTC Ombudsman Program, emphasizing efforts made to promote the well-being and advocate for the rights of adult care home residents in Kansas.

This report encompasses the program's mission and purpose, program history, structure, 2012-2013 recommendations, categories and complaints, Certified Volunteer Ombudsman information, program funding and Ombudsman contact information. The data used can be found in the National Ombudsman Reporting System (NORS), generated for the Administration on Aging.

During the past year, the Ombudsman program continued advocacy efforts through several programs:

- Continued the "OMBUDDY" program, which is an abuse, neglect, exploitation prevention program that trains residents, family members and nursing home staff.
- Trained long-term care professionals to embrace culture change/creating home in their communities and continued our work with the Kansas Culture Change Coalition.
- Continued support with the national quality initiative in Advancing Excellence in America's Nursing Homes.

In closing, these initiatives along with new ones will continue to improve the quality of life for residents of adult care homes in Kansas.

Respectfully submitted,

Belinda Vierthaler, MSW
State Long-Term Care Ombudsman

State Long-Term Care Ombudsman Report Fiscal Year 2010

Mission & Purpose

The Kansas Office of the State Long-Term Care Ombudsman is a program mandated by the Federal Older Americans Act and the Kansas Long-Term Care Ombudsman statute 75-7301 through 75-7314. The mission of the 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.

The primary purpose of the program is to investigate and resolve complaints on behalf of residents of long-term care facilities. The State Ombudsman, Regionals and Certified Volunteer Ombudsman also develop continuing education programs for residents, facility staff and the community, analyze and monitor federal, state and local government laws with respect to long-term care facilities, provide training for Regionals and volunteers, provide the Governor and the State Legislature with an annual report, provide program information to media representatives, public agencies and other advocacy agencies.

Program History

Long-Term Care (LTC) Ombudsman Programs were created in the mid-1970's to advocate for the rights and needs of LTC residents. The program operates in all 50 states and two U.S. territories, as required by the Older Americans Act. The Kansas LTC Ombudsman program was established in 1980.

Structure

There are 9 Regional LTC Ombudsmen in 5 field offices across the state, in Stilwell, Topeka, Wichita, South Hutchinson, and Dodge City. The state office includes the State Long-Term Care Ombudsman and a Senior Administrative Assistant.

One of the Ombudsman program's most valued resource is the 126 Certified Volunteer Ombudsmen throughout the state. During the reporting period, volunteers provided 7,453 hours of their time.

2012-2013 Recommendations

In order to effectively advocate for residents in LTC facilities, the Office of the State LTC Ombudsman Program recommends the following:

- Increase commitment to promote culture change/creating home to communities through educational opportunities.
- Two additional Regional Ombudsmen to fulfill the Institute of Medicine's recommendation of one Ombudsman for every 2,000 residents.
- One Veteran Ombudsman to serve all Veterans and the two Veteran LTC communities in Fort Dodge and Winfield.
- Continued volunteer recruitment efforts.

Accomplishments of the Office of the State Long-Term Care Ombudsman for Fiscal Year 2011

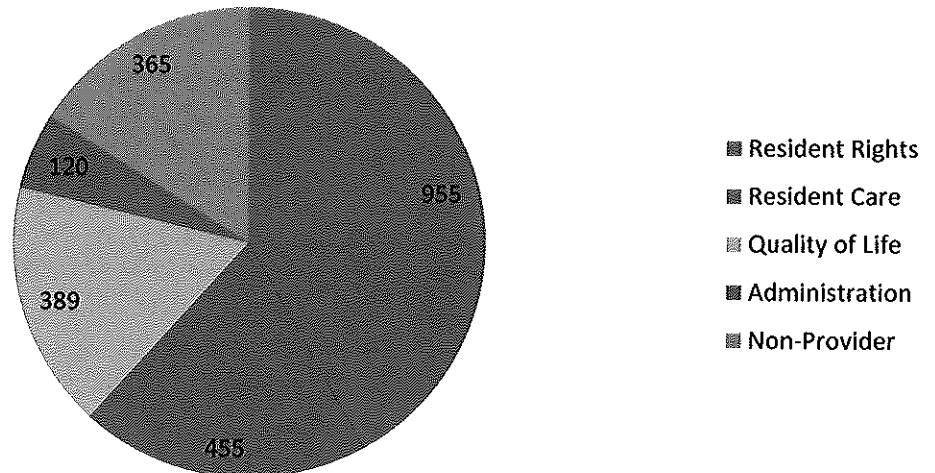
- Promoted quality improvement in long-term care facilities. This was achieved by participating in Advancing Excellence in America's Nursing Home Campaign, Board member of the Kansas Culture Change Coalition, and collaborated with Kansas Advocated for Better Care to educate 13 facilities across the state about culture change
- Commented on State and Federal Legislation affecting long-term care residents
- Attended and assisted in one Senior Olympics
- Facilitated several new family councils in nursing homes
- Provided training to Certified Medication Aide and Certified Nurse Aide classes across the state
- Provided education, quarterly, to the Kansas Adult Care Homes Executives Administrator in Training class
- Provided education, quarterly, to the Kansas Healthcare Association/Kansas Center for Assisted Living Operators Course
- Invited guest of Kansas Department on Aging Senior Advisory Council
- Speaker at the 2011 Dietary Manager's Association conference
- Speaker at the Kansas Healthcare Association Winter conference
- Member of the Elder Abuse Coalition and the Oral Health Coalition
- Worked with the Alzheimer's Association- Memory Walk and support group facilitator
- Multiple presentations to senior centers, civic groups and community organizations
- Participated in multiple senior fairs and health fairs across the state
- Second Annual Volunteer Recruitment Blitz
- Participated in Kansas Department on Aging (KDOA) PEAK 2.0 sub workgroup
- Participated in KDOA report card workgroup
- Collaborated with Area Agencies on Aging, RSVP(Retired Senior Volunteer Program), and Kansas Guardianship Program
- Provided information to county commissioners in western Kansas regarding nursing homes and family councils
- Appeared in local newspapers and radio spots across the state to promote program
- Assisted in smooth transition for residents from a nursing home that closed
- Produced bi-monthly volunteer newsletter
- Consulted on 612 individual cases and 396 facility consultations
- Attended 16 family council meetings and 137 resident council meetings
- Provided education to staff and residents of LTC communities across the state
- Coordinated annual volunteer conference
- Volunteers donated 7,453 hours, more than \$55,897

Categories and Number of Complaints

The Administration of Aging defines 133 types of complaints that are grouped into five main categories:

- Resident Rights
- Resident Care
- Quality of Life
- Administration
- Non-Provider

2011 Complaints Total = 2,284



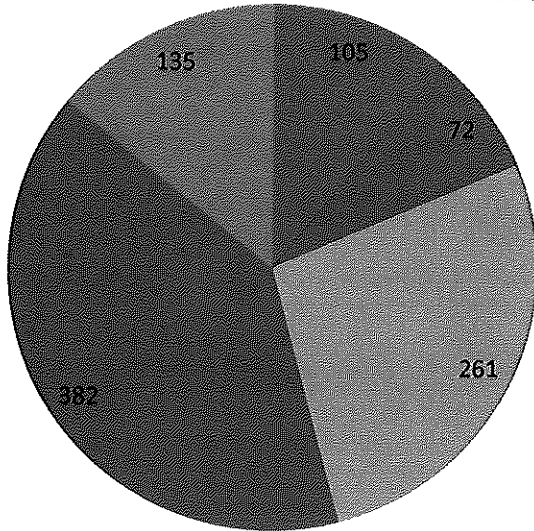
Ombudsman advocacy takes two forms:

- Receiving and resolving individual complaints and concerns by or on behalf of residents; and
- Pursuing resident advocacy in the long-term care system, its laws, policies, regulations and administration through public education and collaboration.

Ombudsmen closed 1,837 cases. Of these cases, the top three types of complaints were: 1) discharge/eviction- planning, notice, 2) family conflict/interference by family, 3) dignity, respect-staff attitudes.

Resident Rights

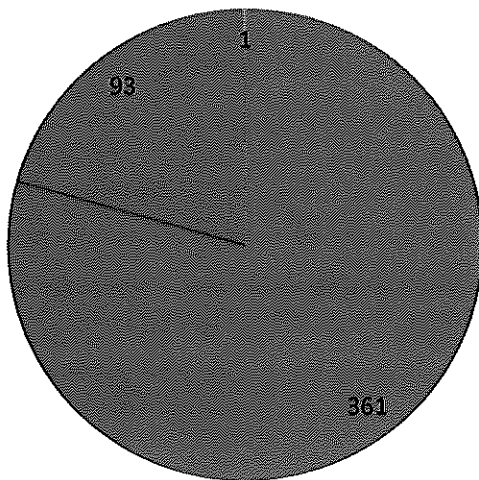
Total = 955



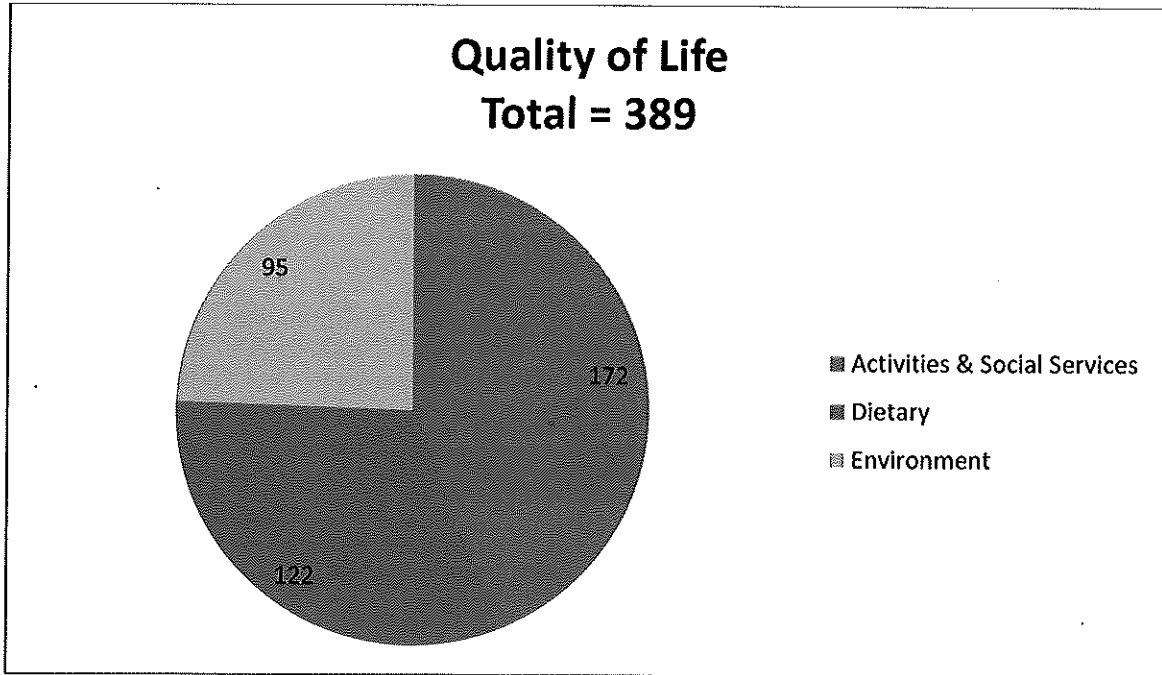
- Abuse, Neglect, Exploitation
- Access to Information
- Admission, Transfer, Discharge
- Autonomy, Choice
- Financial, Property

Resident Care

Total = 455



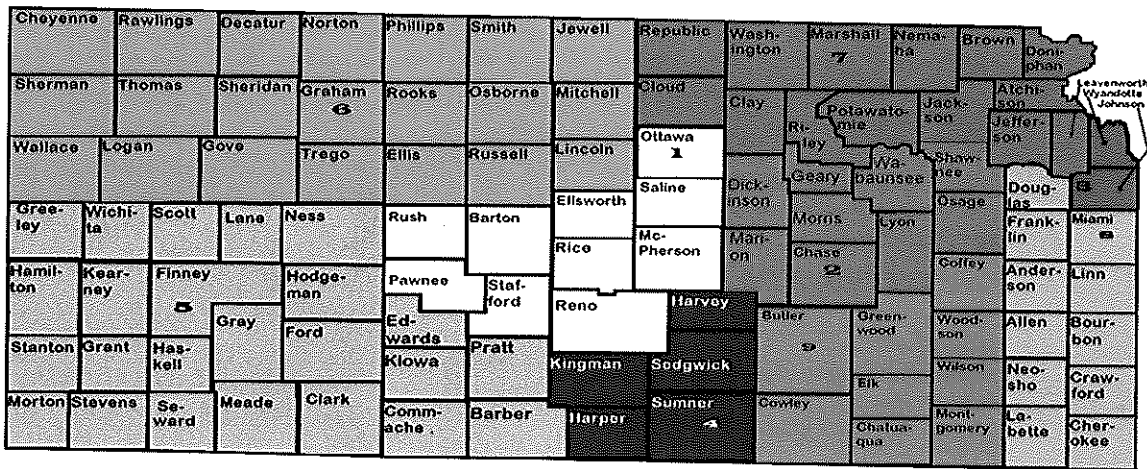
- Care
- Rehabilitation or Maintenance Function
- Restraints- Chemical or Physical



Program Funding

Fiscal Year 2011

Older Americans Act	Title IIIB:	FY 2011	\$150,390
Older American Act	Title VII:	FY 2011	\$147,368
Medicaid Match	Title XIX:	FY 2011	\$127,380
State General Fund		FY 2011	\$261,886
Civil Monetary Penalty		FY 2011	\$11,042
		Total \$	698,066.00



Lori Myers

Region 2- Cynthia Bailey

Region 3- Phylis Tumberlin

Region 4- Gloria Simpson

Region 5- Jan Scoggins

Region 6- Velvet Unrein

Region 7- James Grooms

Region 8- Gina Elliott

Region 9- Mary Blake