

Kansas Long-Term Care Ombudsman

Reaching out for Quality Care



Annual Report

Fiscal Year 2015



A Long-Term Care Ombudsman:

Advocates for increased consumer protections in state and federal laws and regulations.

Educates residents about their rights.

Empowers and supports resident and families to discuss concerns with facility staff.

Identifies and seeks to remedy gaps in facility, government or community services.

Protects the health, safety, welfare and rights of residents of nursing homes and other adult care homes.

Provides information and assistance about Long-Term care services and supports.

Receives and investigates complaints, and helps residents resolve problems.

Represents residents interest before governmental agencies.

Respects the privacy and confidentiality of residents and complainants.

December 2015

Dear Friends of Kansas Long-Term Care Residents:

The Office of the State Long-Term Care Ombudsman is pleased to provide our 2015 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.

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 who need long term care. I look forward to our future service and your support.

Respectfully submitted,



Barbara J. Hickert

State Long-Term Care Ombudsman

Regional Offices & Staff

BARBARA J. HICKERT
State Long-Term Care Ombudsman

TANYA TURNER
Senior Administrative Assistant

LORI MYERS

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

GINA ELLIOTT

Region 3 Long-term Care Ombudsman
8915 Lenexa Drive
Overland Park, KS 66214

Kansas City Area: Johnson, Wyandotte, & Leavenworth Counties

GLORIA SIMPSON

Region 4 Long-term Care Ombudsman
300 W. Douglas; Suite 202
Wichita, KS 67202

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

JAN SCOGGINS

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
332 E. 8th Street
Hays, KS 67601

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

CAMILLE RUSSELL

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

Overview of Accomplishments

- Received and worked to resolve 1,505 complaints on behalf of long-term care facility residents.
- Made 4,553 facility visits to long-term care facilities.
- Assisted residents impacted by involuntary discharges/evictions and facility closures.
- Recruited, screened trained and certified 31 new volunteers, resulting in a 13% increase in the total number of volunteers. Volunteers donated 7,390 hours of service to our program.
- Assisted residents and their families through the participation in and development of 232 resident and family council meetings.
- Promoted quality improvement in long-term care facilities through participation in Advancing Excellence in America's Nursing Home Campaign; as a co-convenor of the Local Area Networks of Excellence; as a member of the Kansas Partnership for Better Dementia Care; and as a Member of Kansas Culture Change Coalition Board of Directors.
- Began hosting monthly training webinars for ombudsman volunteers..
- Provide support to the PEAK program by participating in 10 site visits to nursing facilities across the state.
- Provided 26 in-service training sessions to 675 facility staff members.
- Provided input to KDADS surveyors prior to or during 24 surveys.
- Provided information and technical assistance to 579 individuals, and to 437 long-term care facilities.
- Resolved or partially resolved 86 percent of complaints received.
- Provided community education on long-term care issues to 52 organizations, reaching over 1,500 persons.
- Launched a new updated, user friendly website.



In 2015, the Office of the State Long-Term Care Ombudsman **made 54,672 residents contacts during over 4,500 visits** to ensure timely access to ombudsmen services.

Mission & Structure

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 consumers 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.

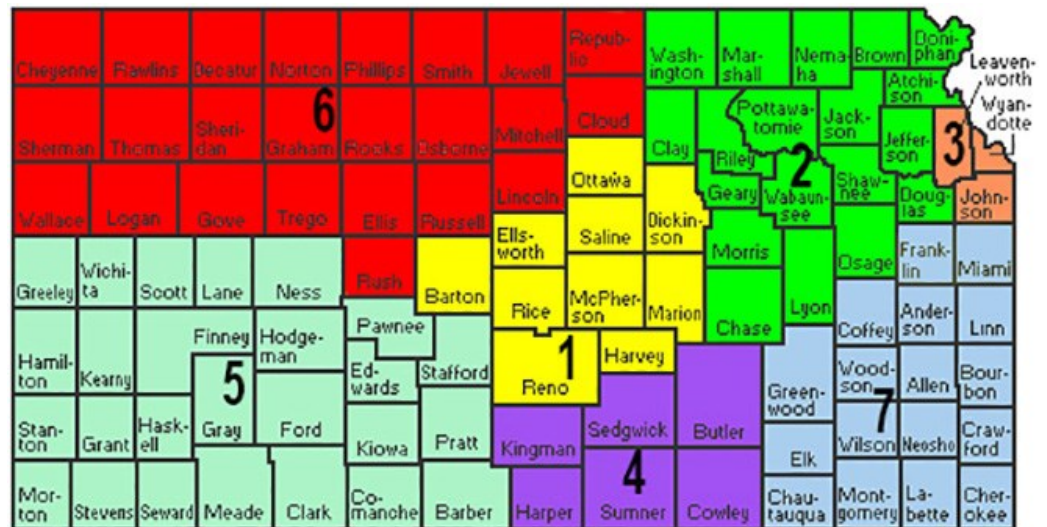
Kansas's Long-Term Care Ombudsman program is responsible, through federal and state law, for advocating for residents of long-term care facilities, including nursing homes, assisted living facilities, home pluses, residential care facilities, and boarding care homes. The Office strives to fulfill this 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.

What is an Ombudsman?
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

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 coordinates ombudsman services provided by the office across the state. The program is supported by a Senior Administrative Assistant.

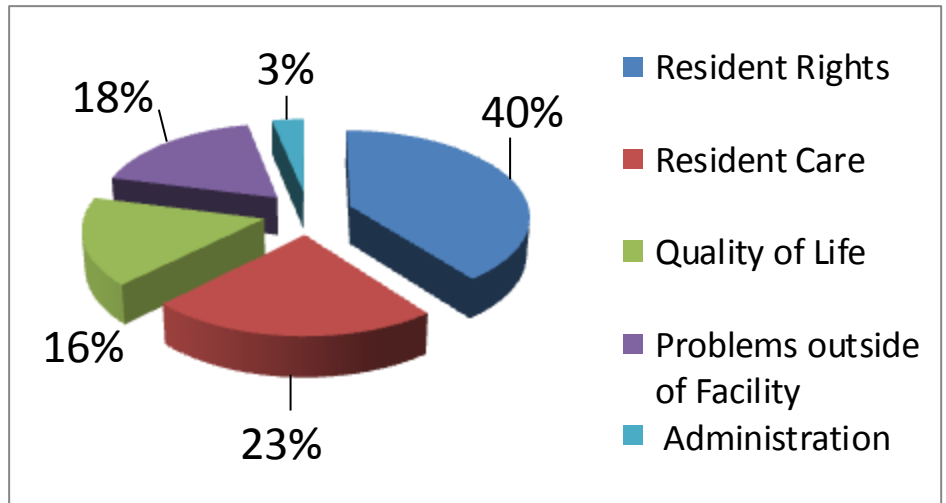
Additionally there are seven Regional Long-Term Care Ombudsmen in offices across the state: Wichita, South Hutchinson, Topeka, Hays, Overland Park, Chanute and Dodge City. From these locations, the regional ombudsmen investigate and work to resolve complaints and visit all long-term care facilities in Kansas. 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.



Cases & Complaints

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 Long-Term Care Ombudsman program defines 133 types of complaints 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 percentage of each to the total number of complaints handled in FY15. The largest number of complaints handled during this report year concerned resident rights (40%) and the smallest number were complaints about administration (3%). The following pages have more detailed information on each of these five categories.



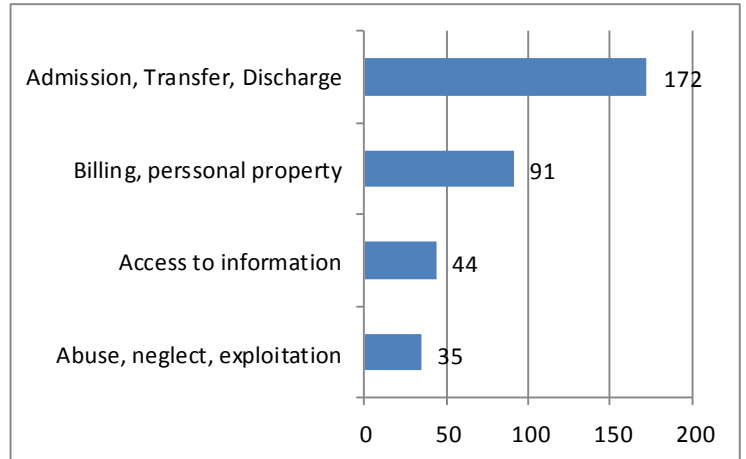
Most frequent Complaints Received by the Office of the State Long-term Care Ombudsman in FY 2015

| Complaint | Number of Complaints |
|--|----------------------|
| Discharge, Eviction—Planning, Notice | 160 |
| Family Conflict; interference | 98 |
| Dignity, Respect — Staff Attitudes | 78 |
| Resident Conflict, including roommates | 63 |
| Exercise preference/choice | 61 |
| Medications—Administration, organization | 61 |

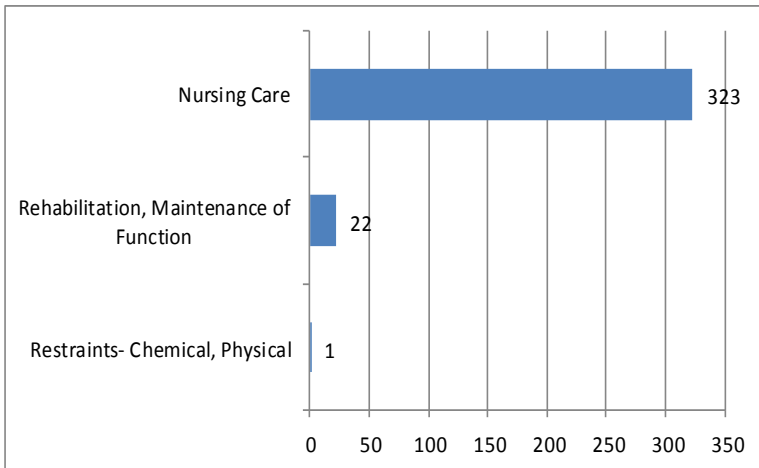
In FY 2015, representatives of the Office **handled 1,508 new complaints and opened 1,262 cases** on behalf of residents.

Resident Rights-597 Complaints

Involuntary Discharge continues to be the largest complaint that ombudsmen in Kansas work each year (160 complaints) Ombudsmen assist residents and their families by reviewing discharge notices, informing them of their right to appeal and helping them navigate the appeal process, often with positive results.



Resident Care-346 Complaints



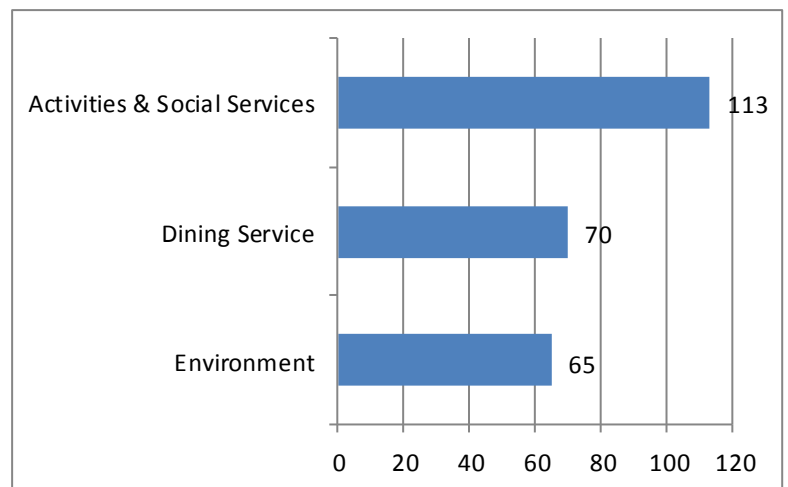
Resident care issues range from call lights not being answered timely (56 complaints) to the administration of medications (61 complaints) to issues about personal hygiene (36 complaints). Ombudsmen work with facility staff providing education and awareness to facilitate prompt corrections and a better understanding by all involved on these care issues.

Ombudsmen follow up with residents and staff to ensure appropriate services are being provided.

Quality of Life-248 Complaints

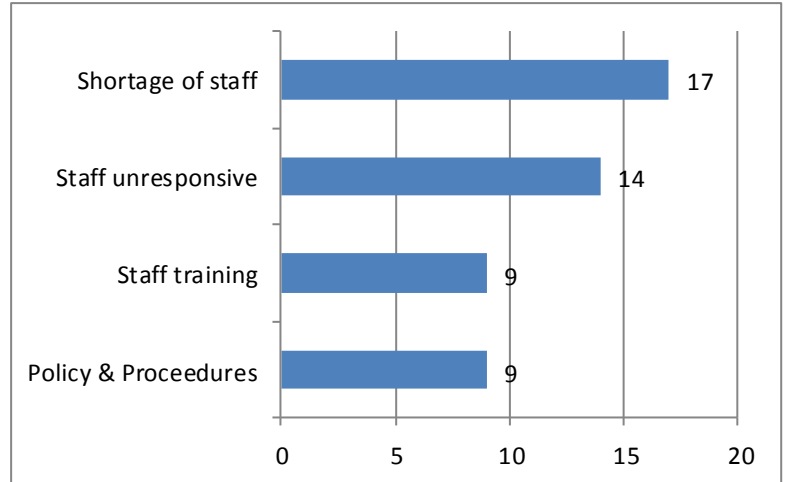
Residents continue to lead meaningful lives when resident, staff and family come together to discover and support what gives each individual resident meaning and pleasure.

The largest number of complaints about quality of life dealt with resident conflict, (63 complaints) a significant number of which concerned roommate issues.

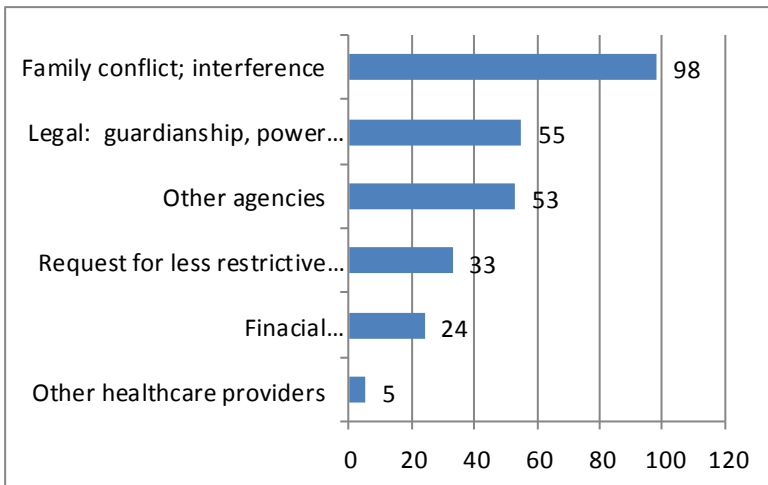


Administrative-49 Complaints

Ombudsmen received 70 complaints about administrative concerns, the largest number of which were about staffing problems. Having a sufficient numbers of staff that are well trained, who know the residents and their care is one of the most important keys to providing quality care.



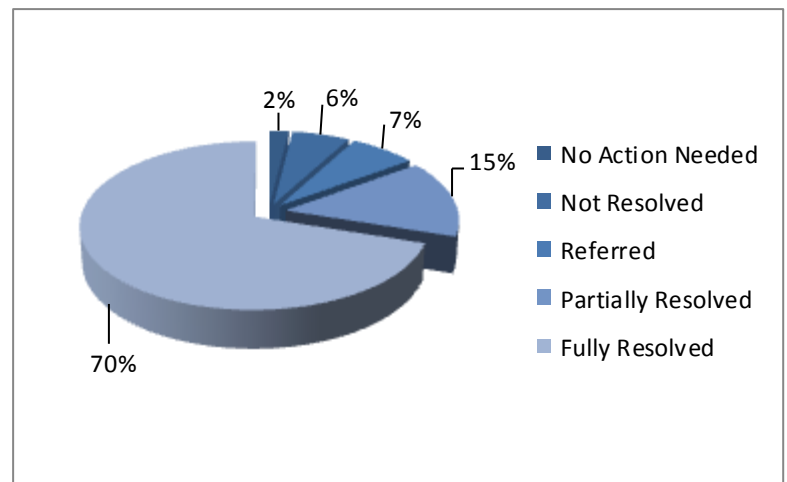
Outside of the Facility-384 Complaints



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 in reaching resolution on behalf of the resident. Ombudsmen also work to provide education and resources on issues sounding advance directives, and the responsibilities of agents and fiduciaries.

Complaint Resolution

A complaint is “resolved” when the complaint/problem is addressed to the satisfaction of the resident or complainant if the resident is not able to make their wished known. **In FY 15, ombudsmen achieved overall positive outcomes for 85% of complaints.**



Consulting and Training

Consultation

The Long-Term Care Ombudsman's Office provides information to consumers, 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 FY 2015, representatives of the Office **consulted with 579 consumers and 487 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 FY 2015, representatives of the Office **worked with 202 resident councils and 20 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 FY 2015, representatives of the Office **provided 57 community education sessions and 12 media interviews and articles** about issues pertaining to long-term care across the state.

Survey Participation

The Long-Term Care Ombudsman's Office participates, as needed, 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 briefing or attending resident interviews or the exit interview.

In FY 2015, representatives of the Office **participated in 24 facility surveys** across the state.

Volunteer Program & Funding



The Certified Ombudsmen who volunteer for our agency are truly the heart of our program. One hundred and forty volunteers actively served in the Long-Term Care Ombudsman program and contributed 7,398 hours in FY15. Regional staff ombudsman recruited, trained and supervises volunteers, while state office staff approved training and issued certifications for each ombudsman. A total of **31** new volunteer ombudsman completed their training and were certified during this time period.

In 2015, Ombudsman Volunteers provided **7,398 hours of service worth over \$170,000** to Kansans living in our state's long-term care facilities.

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.

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.

Volunteer Ombudsman Program Efforts

- Recruited, screens, trained and certified 31 new volunteers.
- Served residents through 7,398 hours
- Contributed a total value of \$172,479.09 of in-kind hours to the state
- Developed new online data entry system for volunteers
- Began monthly training webinars for ombudsman volunteers
- Developed volunteer mentor program, pairing new volunteers with experienced ombudsman volunteers

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Kansas Long-Term Care Ombudsman
Reaching out for Quality Care

Are you looking for a way to make a difference in the lives of seniors in our community?
Long-term care residents need your help!
VOLUNTEER to become an Ombudsman and help improve the quality of life for residents in a facility near you.

To learn more about volunteering as a long-term care ombudsman contact us at 785-296-3017

Kansas
Department of Administration
Office of the State Long-Term Care Ombudsman

Recommendations

Despite the positive efforts and outcomes listed above, there are barriers that exist when attempting to protect the rights, health, safety and welfare of persons residing in long-term care. The following issues are of particular concern.

Quality Care & Treatment: Individuals residing in long term care settings have the right to quality care and treatment. It is difficult to receive such care, however, when call lights go unanswered for long periods of time; staff is lacking in numbers or training on how to address the needs of residents; and/or staff are overwhelmed attending to other residents. Kansas should review the recommendations developed by the U.S. Department of Health and Human Services that highlight adequate staffing levels and develop a strategy to implement in Kansas; review the requirements for certification and ongoing education for facility staff; and provide proper oversight and enforcement of state and federal laws governing long-term care facilities.

During this reporting period, **346 complaints** were brought to us regarding resident care and treatment.

Financial Exploitation: Financial exploitation is the taking of property, income or resources for one's own profit or purpose. Unfortunately, too many times, the individual appointed as an attorney-in-fact under a financial power of attorney, or representative payee for Social Security benefits or a conservator breaches their fiduciary duty and does not manage the income or resources for the best interests for the resident. Many of the concerns brought to the Long-Term Care Ombudsman office regard involuntary discharges are due to lack of payment by the fiduciary, and is frequently the first sign that exploitation has occurred. Strengthening the power of attorney laws to better define the roles and responsibilities of an agent is needed to help protect our elders and to curb this growing problem.

During this reporting period, **82 complaints** were brought to us regarding financial exploitation and other problems associated with agents acting against the interest of the resident.

Discharge Protection: Involuntarily discharging and relocating residents often adversely affects the mental and physical health of the resident. Kansas should strengthen the regulations designed to protect residents from inappropriate involuntary discharges. Kansas should implement an administrative appeal process for residents in all adult care homes to challenge involuntary discharges; adopt financial penalties for regulatory violations related to transfer & discharge; require all facilities use a uniform, regulatory-compliant involuntary discharge notice. Facilities should also be required to send the ombudsman office a copy of each discharge notice given to residents.

During this reporting period, **160 complaints** were brought to us regarding discharge or eviction.



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

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Visit Our Website at:
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