

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## **CONSUMER FACTSHEET: RESIDENT GRIEVANCES**

Too often residents and families are hesitant to file a complaint about problems with their nursing home's care or quality of life. They may think it is not going to do any good or are worried that they will face retaliation from facility staff.

The new federal nursing home standards make substantial improvements for how complaints (referred to as "grievances" in the regulations) are handled. These changes are meant to ensure that a resident's concerns are heard and responded to, and that individuals who complain are protected from retaliation. This fact sheet presents key elements of the new federal requirements which you can use to support your resident-centered advocacy.

Please note: (1) Text in italics is directly from the federal regulations. (2) Numbers in brackets refer to the provision in the federal regulations (42 CFR xx) and F-tag used by surveyors when a deficiency is cited. (3) These standards are applicable to all residents in licensed nursing homes in the United States, whether they are short-term or long-term, private pay, Medicaid, Medicare or have another type of insurance. (4) Where the resident lacks capacity to make decisions and/or has assigned decision-making to someone else, that person takes the place of the resident in exercising these rights.

### **THE LAW**

#### **I. Right to Voice Grievances [42 CFR 483.10(j) F-585]**

- *The resident has the right to voice grievances to the facility or other agency or entity that hears grievances without discrimination or reprisal and without fear of discrimination or reprisal. Such grievances include those with respect to care and treatment which has been furnished as well as that which has not been furnished, the behavior of staff and of other residents, and other concerns regarding their LTC facility stay.*
- *The resident has the right to and the facility must make prompt efforts... to resolve grievances....*
- *The facility must make information on how to file a grievance or complaint available to the resident.*
- *The facility must establish a grievance policy to ensure the prompt resolution of all grievances regarding the residents' rights.... Upon request, the provider must give a copy of the grievance policy to the resident.*

#### **II. Requirements for a Nursing Home's Grievance Policy**

- *Notifying resident individually or through postings in prominent locations throughout the facility of the right to file grievances orally (meaning spoken) or in writing;*
- *Safeguarding the resident's right to file grievances anonymously;*

- Provide *the contact information of the grievance official with whom a grievance can be filed, that is, his or her name, business address (mailing and email) and business phone number;*
- Provide *a reasonable expected time frame for completing the review of the grievance;*
- Honor the resident's *right to obtain a written decision regarding his or her grievance; and*
- Provide *the contact information of independent entities with whom grievances may be filed, that is, the pertinent State agency, Quality Improvement Organization, State Survey Agency and State Long-Term Care Ombudsman program or protection and advocacy system.*

### **III. Requirements for a Nursing Home's Grievance Officer**

- Responsible for *overseeing the grievance process, receiving and tracking grievances through to their conclusions;*
- *leading any necessary investigations by the facility;*
- *maintaining the confidentiality of all information associated with grievances, for example, the identity of the resident for those grievances submitted anonymously,*
- *issuing written grievance decisions to the resident; and*
- *coordinating with state and federal agencies as necessary in light of specific allegations.*

#### **Requirements for Written Grievance Decisions**

- The date the grievance was received,
- Summary statement of the resident's grievance,
- The steps taken to investigate the grievance,
- A summary of the pertinent findings or conclusions regarding the resident's concerns(s),
- A statement as to whether the grievance was confirmed or not confirmed,
- Any corrective action taken or to be taken by the facility as a result of the grievance, and
- The date the written decision was issued.

#### **RESOURCES**

- [WWW.NURSINGHOME411.ORG](http://WWW.NURSINGHOME411.ORG). LTCCC's website includes a variety of resources to support resident-centered advocacy, including all of our webinar programs and fact sheets.
- [WWW.THECONSUMERVOICE.ORG](http://WWW.THECONSUMERVOICE.ORG). The Consumer Voice has numerous materials and resources for residents, family members and LTC Ombudsmen.