



Nursing Home
Family
&
Ombudsman
Engagement,
Empowerment,
and Education

Supporting Nursing Home Family Knowledge & Advocacy: Intro to the Project

Presented by Richard Mollot, Long Term Care Community Coalition

www.nursinghome411.org

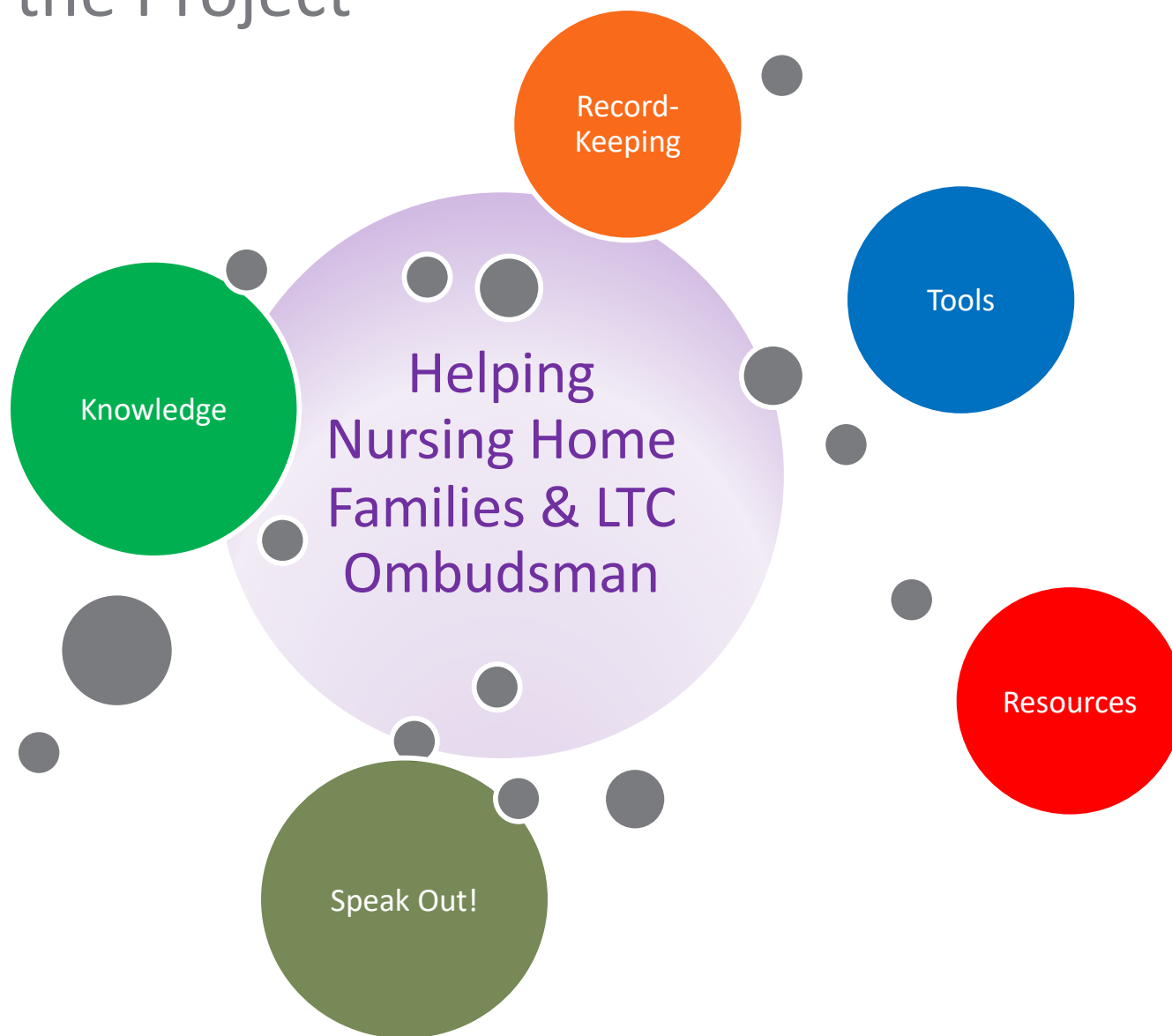
This program is made possible by the generous support of the NY State Health Foundation

+ What is the Long Term Care Community Coalition?

- **LTCCC:** Nonprofit organization dedicated to improving care & quality of life for the elderly & adult disabled in long-term care (LTC). Home to the local LTCOP in the Hudson Valley, NY.
- **Our focus:** People who live in nursing homes & assisted living.
- **What we do:**
 - Policy analysis and systems advocacy in NYS & nationally;
 - Education of consumers and families, LTC ombudsmen, and other stakeholders.
- **Coalition members** include several LTC Ombudsman Programs, the Center for Independence of the Disabled, AARP NY, several Alzheimer's Association chapters, other senior and disabled organizations. Also individuals, including ombudsmen, who join in our mission to protect residents.
- **Richard Mollot:** Joined LTCCC in 2002. Executive director since 2005.



+ About the Project



Why? Because informed & active family councils = improved care & dignity for residents.

+ What Will We Be Talking About TODAY?

■ **Brief Background on the Nursing Home System**

- The Law and Regulatory Standards

■ **Focus on Resident-Centered Advocacy**

- The foundations of resident, family, and ombudsman advocacy
- The power of resident, family, and ombudsmen
- LTCCC's project to help families and ombudsmen understand...



Relevant
standards of
care & dignity

Organizing &
sustaining
effective
family councils

Effective
advocacy tools
& tips

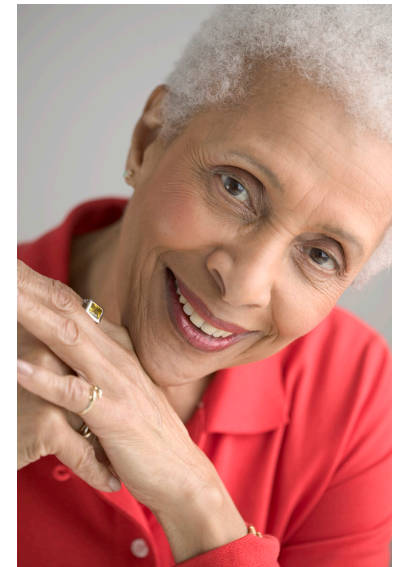
+ The Nursing Home System in a Nutshell

- Virtually all nursing homes participate in Medicaid and/or Medicare.
- In order to participate in Medicaid/Medicare, a facility agrees to meet the standards provided for in the federal **Nursing Home Reform Law**.
- States may have *additional* protections, but no state can have less protections.
- Federal *protections are for all the residents* in a facility, whether their care is paid for by Medicare, Medicaid or private pay.
- The federal agency, CMS, contracts with the state DOH to ensure that residents are protected and receive the services they need and deserve.



+ The Nursing Home Reform Law

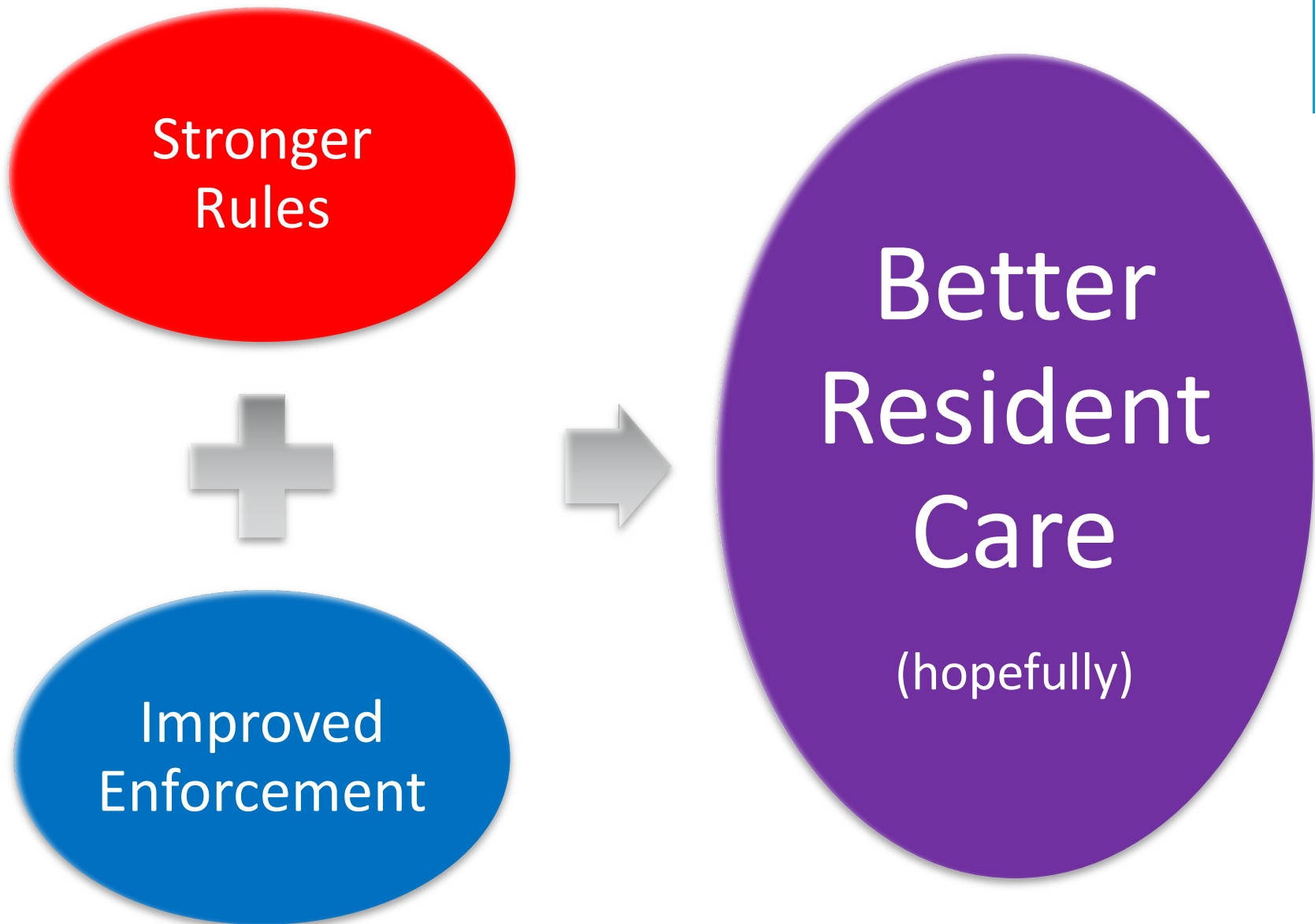
- The federal law requires that every nursing home resident is provided the care and quality of life services sufficient to attain and maintain her **highest practicable physical, emotional & social well-being**.
- The law emphasizes **individualized, patient-centered care**.
- Importantly, the law lays out specific resident rights, from **good care** and monitoring to a quality of life that maximizes **choice, dignity & autonomy**.
- The law passed in 1987. Regulatory standards came out in 1991.



+ What is Happening Now?

- For the first time in 25 years, the federal regulatory system has been significantly revised and updated.
- This will affect **every aspect of care & quality of life.**
- **All of the Regulations are changing.** For 25 years everyone – nursing homes, surveyors, ombudsmen and advocates – knew what the rules were and where to find them. That entire structure has changed.
- **All of the Guidelines are changing.** The guidelines detail what is expected of nursing homes in relation to each standard – what they are supposed to do and how they are suppose to do it.
- **The F-tag system, used by nursing home inspectors, is changing.** When a surveyor identifies a problem in care or living conditions in a nursing home, she cites the nursing home using a system called “F-tags” – numbers that correlate with the regulatory requirements.

+ Why Does it Matter?



+ What Does This Mean For Us?

Now more than ever....

We **MUST** be aware of
what our rights are, and
what we have a right to
expect from our nursing
homes.



+ **WHY** Are We Talking About These Rights?

- Nursing homes are currently undergoing the biggest changes to quality of care & quality of life requirements in over 25 years.
- These new standards will affect every aspect of nursing home care.
- We must be prepared and know our rights as the changes are implemented, and beyond!



Resident Rights

- Law
- Regulation
- Oversight

Knowledge
=
Power

+ How Will This Program Help **YOU**?

1. **News & Updates.** We will review together relevant federal requirements and ongoing developments, so you can see exactly what nursing homes are being told they must do for their residents.
2. **Facts & Figures.** We will talk about staffing, quality, and other information on nursing homes – what it means and how to use it.
3. **Resources.** We will be developing a range of resources that you can use to learn about issues and to help you develop and maintain strong and effective family councils.

All programs, fact sheets and other resources are available for free on our website, www.nursinghome411.org. **There is no need to worry about remembering details - when you have an issue or concern in the future you can easily find and print out the information you need.**

+ Resident & Family Councils [CFR 483.10(f)(5)]

The resident has a right to organize and participate in resident groups in the facility.

- The facility must provide a resident or family group, if one exists, with private space; **and take reasonable steps, with the approval of the group, to make residents and family members aware of upcoming meetings in a timely manner.**
- Staff, visitors, **or other guests** may attend **resident group or family group** meetings only at the **respective** group's invitation.
- The facility must provide a designated staff person **who is approved by the resident or family group and the facility and who is** responsible for providing assistance and responding to written requests that result from group meetings.

Orange
Type
=
New
Regulatory
Language


+ Resident & Family Councils (continued)

- **The facility must consider the views of a resident or family group and act promptly upon the grievances and recommendations of such groups concerning issues of resident care and life in the facility.**
 - **The facility must be able to demonstrate their response and rationale for such response.**
 - **This should not be construed to mean that the facility must implement as recommended every request of the resident or family group.**
- **The resident has a right to participate in family groups.**
- **The resident has a right to have family member(s) or other resident representative(s) meet in the facility with the families or resident representative(s) of other residents in the facility.**

Notice how much has been added to clarify the rights of resident and family councils in the new regulations.

+ Grievances [CFR 483.10(j)]

- 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.**



Orange
Type
=
New
Regulatory
Language

+ Grievances: Requirement for a Nursing Home's Grievance Policy

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The grievance policy must include:

- Notifying resident individually or through postings in prominent locations throughout the facility of the right to file grievances orally (meaning spoken) or in writing;
- the right to file grievances anonymously;
- 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;
- a reasonable expected time frame for completing the review of the grievance;
- the right to obtain a written decision regarding his or her grievance;
- and 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;



Nursing Home
Grievance
Policy
Requirements

+ Grievances: Requirement for a Nursing Home's Grievance Policy

- **Identifying a Grievance Official who is 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;
- **As necessary, taking immediate action to prevent further potential violations of any resident right while the alleged violation is being investigated;**
- **immediately reporting all alleged violations involving neglect, abuse, including injuries of unknown source, and/or misappropriation of resident property, by anyone furnishing services on behalf of the provider, to the administrator of the provider; and as required by State law;**



Nursing Home
Grievance
Policy
Requirements

+ Grievances: Requirement for a Nursing Home's Grievance Policy

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- Ensuring that all written grievance decisions include
 - the date the grievance was received,
 - a 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;
- Taking appropriate corrective action in accordance with State law if the alleged violation of the residents' rights is confirmed by the facility or if an outside entity having jurisdiction, such as the State Survey Agency, Quality Improvement Organization, or local law enforcement agency confirms a violation for any of these residents' rights within its area of responsibility; and
- Maintaining evidence demonstrating the result of all grievances for a period of no less than 3 years from the issuance of the grievance decision.



Nursing Home
Grievance
Policy
Requirements

+ Recap: Resident & Family Councils

The Right to Form & Participate in Resident & Family Councils:

- ✓ Facility must provide space & privacy for resident & family councils to meet.
- ✓ Facility staff or other guests can only attend a meeting at the council's request.
- ✓ Facility must designate a staff person (who is approved by the council) who will be responsible for responding to written requests from the council.

Requirements for Facilities When Responding to Council Concerns:

- ✓ Must consider issues raised by council and attempt to accommodate them, to the extent practicable.
- ✓ Must act promptly upon complaints and recommendations.
- ✓ Must be able to demonstrate both its response to concerns raised and rationale for its response.

Note: This does **not** mean that facilities are required to implement every request from a council.

+ Recap: Grievances

- ✓ Residents have the right to voice grievances to the facility, LTC Ombudsman, State or any other agency that hears grievances.
- ✓ Facilities are prohibited from retaliating or discriminating against residents for making a complaint.
- ✓ Facilities must designate a grievance official with whom complaints can be filed (including anonymously).
- ✓ Facilities must establish a grievance policy and notify residents about it.
- ✓ Expectation: Facility has system in place to ensure prompt attention to and resolution of grievances.

Requirements for a Nursing Home's Grievance Policy

- **Time Frame:** A reasonable expected time frame for completing the review of the grievance.
- **Written Decision:** The right to obtain a written decision regarding the grievance.
- **Immediate Action:** As necessary, taking immediate action to prevent further potential violations of any resident right while the alleged violation is being investigated.
- **Immediate Reporting:** Immediately reporting all alleged violations involving neglect, abuse, including injuries of unknown source, and/or misappropriation of resident property, by anyone furnishing services on behalf of the provider, to the administrator of the provider; and as required by State law.



Resources @ www.nursinghome411.org

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

CONSUMER FACTSHEET: RESIDENT & FAMILY COUNCILS

Resident and Family Councils can play a very important role in improving care and quality of life in a nursing home. However, residents and families can face challenges in respect to organizing and meeting in a way that is independent of the facility staff and enables them to make their voices heard.

The new federal nursing home standards clarify and strengthen requirements for nursing home Resident & Family Councils. Following are relevant provisions in the regulations that you can use to support a vibrant and effective Resident or Family Council in your nursing home.

Please note: (1) Text in italics is directly from the federal regulations. (2) Numbers in brackets [42 CFR 483.xx] refer to the provision in the federal regulations and are provided for reference. (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.

What is a Resident or Family Council?

The new federal regulations specify that residents and families have the right to join together to...

- Discuss and offer suggestions about facility policies and procedures affecting residents' care, treatment, and quality of life;
- Support each other;
- Plan resident and family activities;
- Participate in educational activities; or
- For any other purpose.

THE LAW

I. Resident & Family Councils [CFR 483.10(f)(5)]

The resident has a right to organize and participate in resident groups in the facility.

- The facility must provide a resident or family group, if one exists, with private space; and take reasonable steps, with the approval of the group, to make residents and family members aware of upcoming meetings in a timely manner.
- The resident has a right to *participate in family groups*.
- The resident has a right to have family member(s) or other resident representative(s) meet in the facility with the families or resident representative(s) of other residents in the facility.

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

Issue Alert: Resident and Family Councils

I. Why are Resident and Family Councils Important to Resident Care and Quality of Life?

Resident and family councils can be an effective means by which to improve care and quality of life both on an individual resident basis and throughout an entire facility. They enable members to have a unified voice in addressing issues concerning resident care and quality of life. In addition, resident and family councils provide members with an opportunity to seek support from one another and to exchange knowledge about residents' rights and protections.

II. What are the Requirements for Nursing Homes in Respect to Resident and Family Councils?

The federal Nursing Home Reform Law states that nursing homes "must protect and promote the rights of each resident," including a resident's right to "organize and participate in resident groups" and a family's right to "meet in the facility with the families of other residents" In implementing the law, the nursing home standards of care provide residents and families the following protections:

- 1. Every facility must provide a private space to resident and family councils, as well as notify them of upcoming meetings.**
 - *The facility must provide a resident or family group, if one exists, with private space; and take reasonable steps, with the approval of the group, to make residents and family members aware of upcoming meetings in a timely manner.*
- 2. Only invited guests, including staff, are allowed to attend resident or family council meetings.**
 - *Staff, visitors, or other guests may attend resident group or family group meetings only at the respective group's invitation.*
- 3. With the approval of resident and family councils, each facility must designate a staff member to assist councils and respond to requests.**
 - *The facility must provide a designated staff person who is approved by the resident or family group and the facility and who is responsible for providing assistance and responding to written requests that result from group meetings.*

Note to Readers:

LTCCLC Issue Alerts provide basic information about an issue of concern to nursing home residents.

For further information, please see the Resources and references at the end of the Alert, as well as our website, www.nursinghome411.org.



Resources @ www.nursinghome411.org

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LONG TERM CARE

COMMUNITY COALITION

Advancing Quality, Dignity & Justice

Learning Center >

Nursing Home Info & Data

Action Center

News & Reports >

Assisted Living

LTC in NY State >

HV Ombudsman Program>

About LTCCC >

Support Our Mission

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Family & Ombudsman Resource Center

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Family & Ombudsman Resource Center

Welcome to our dedicated Family & LTC Ombudsman page. We will be updating it frequently with resources and tools that you can use to support your resident-centered advocacy.

To receive updates on family and ombudsman resources please email us at info@ltccc.org. We would love to include you and support your efforts to improve care!

Upcoming Webinars:
Nursing Home Care & Resident-Centered Advocacy

FREE FACT SHEETS ON CARE STANDARDS & RESIDENT RIGHTS

DEMENTIA CARE ADVOCACY TOOLKIT

SEARCH FOR THE STAFFING LEVELS IN YOUR NURSING HOME

UPCOMING WEBINAR PROGRAMS

WATCH PAST WEBINAR PROGRAMS

LTCCC Issue Alert:

+ Coming Up

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Next Program: October 16 at 1pm.

Topic: Nursing Home Care & Quality of Life Standards

*What's going on
with the new
federal
standards?*

*What do I need
to know?*

What can I do to
improve care and
make my voice
heard?



**Remember...
We Can't
Fight For Our
Rights If We
Don't Know
What They
Are.**



Thank You For Joining Us Today!

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Email info@ltccc.org or call **212-385-0355** if you would like to...

- Receive alerts for future programs or
- Sign up for our newsletter and alerts.

You can also...

- Join us on **Facebook** at www.facebook.com/ltccc
- Follow us on **Twitter** at www.twitter.com/LTCconsumer
- Visit us on the **Web** at www.nursinghome411.org.

For LTC Ombudsmen in NY State

If you would like us to let your supervisor know that you attended this training program, please take the quick survey at:

www.surveymonkey.com/r/ltccc-ltcop1.

For Family Members in NY State

connect with the Alliance of NY Family Councils at www.anyfc.org (or email info@anyfc.org).



Thank You For Joining Us Today!

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Email info@ltccc.org or call **212-385-0355** if you would like to...

- Receive alerts for future programs;
- Sign up for our newsletter and action alerts; or
- Join our list-serve community, open only to residents, families, LTC Ombudsmen and advocates in NY State.

You can also...

- Join us on **Facebook** at www.facebook.com/ltccc
- Follow us on **Twitter** at www.twitter.com/LTCconsumer
- Visit us on the **Web** at www.nursinghome411.org.





Questions?

Comments?

Presentation materials and the webinar recording will be posted on www.nursinghome411.org after each program for future reference.