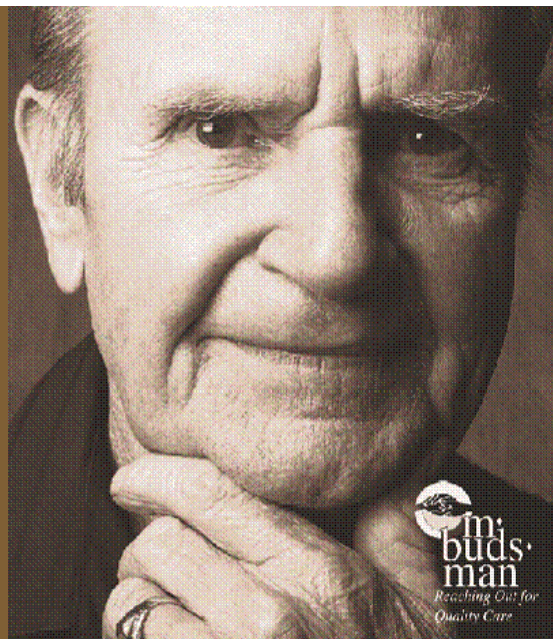


Kathleen Sebelius,
Governor

Gilbert Cruz, RRT MPA
State LTC Ombudsman



OFFICE OF THE STATE

Kansas Long-Term Care Ombudsman

Annual Report
2005-2007



KANSAS

September 4, 2008

The Honorable Kathleen Sebelius, Governor
Members of the Legislature and Fellow Kansans,

The Office of the State Long-Term Care Ombudsman is pleased to submit the 2007 Annual Advocacy Report. This report offers a comprehensive view of the ombudsman program and emphasizes our commitment to improve the quality of care for adult care home residents.

State and Federal regulations mandate the content in this report which includes: the mission statement, program overview, program history, funding, structure, 2009 recommendations, categories and number of complaints, certified volunteer ombudsman information, and ombudsman contact information. Please take note that all the advocacy data given here can also be found in the National Ombudsman Reporting System (NORS), and all facts and figures match our report to the Administration on Aging.

As we face the rapid growth of Kansas' elderly population, I am convinced we will meet the coming challenge to improve the quality of life for our most vulnerable citizens by implementing the following new and continuing initiatives:

- We formed a volunteer training and retention advisory committee to guide decisions to address the needs and goals of the volunteer program. This effort has increased the number of volunteers from 117 to 202.
- We participated in a four-state coalition of State Ombudsmen from Missouri, Nebraska, Iowa, and Kansas. The coalition offered advanced training seminars for all Regional Ombudsmen.
- We joined and support the national quality initiative in Advancing Excellence in America's Nursing Homes. We encourage Kansas adult care home leaders to join us, and to improve the quality of care in their facilities.
- We are encouraging and assisting long-term care professionals to embrace and promote a culture change toward care primarily guided by the needs of Kansans residing in adult care homes.
- We are leading a task force to improve compliance and culture change in two Kansas veteran homes.

Please call with questions, comments, or requests.

Respectfully submitted,



Gilbert Cruz, RRT MPA
State LTC Ombudsman

Mission Statement

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.

Program Overview

The Older Americans Act and the Kansas Long-Term Care Ombudsman statute 75-7301 through 75-7314 set forth a number of purposes for the program. A primary purpose is to investigate and resolve complaints on behalf of residents relating to action, inaction, or decisions of long-term care facilities. This is accomplished through the use of a paid program staff and a statewide contingent of certified volunteers.

Furthermore, the state ombudsman, staff, and certified volunteers are required by law to do the following:

1. Develop continuing education programs to inform residents, their family members, and other persons regarding the rights and responsibilities of residents.
2. Analyze and monitor federal, state and local government laws with respect to long-term care facilities.
3. Provide for the training of each regional and volunteer long-term care ombudsman.
4. Provide Governor and the state legislature with an annual report containing a complaint summary and frequency of problems experienced by long-term care residents including policy recommendations to improve the quality of care in facilities.
5. Provide program information to media representatives, public agencies, and others advocacy agencies.

Program History *42 U.S.C. 3058f, Title VII Sec. 712*

Long-Term Care (LTC) Ombudsman Programs were created in the mid-1970's to advocate for the rights and needs of long-term care residents. The program operates in all 50 states and two U.S. Territories as required by the Older Americans Act. Every state has an Office of the State Long-Term Care Ombudsman which guides efforts to improve the lives of residents in LTC facilities. The Kansas LTC Ombudsman program was established in 1980.



2005-2007 Program Funding

Fiscal Year 2005

| | | |
|-------------------------------|----------------------------|-------------------|
| Older Americans Act | Title IIIB: FY 2005 | \$145, 049 |
| Older American Act | Title VII: FY 2005 | \$131, 431 |
| Medicaid Match | Title XIX: FY 2005 | \$93, 809 |
| State General Fund | FY 2005 | \$119,000 |
| Civil Monetary Penalty | FY 2005 | \$53, 000 |
| Total | | \$542,289 |

Fiscal Year 2006

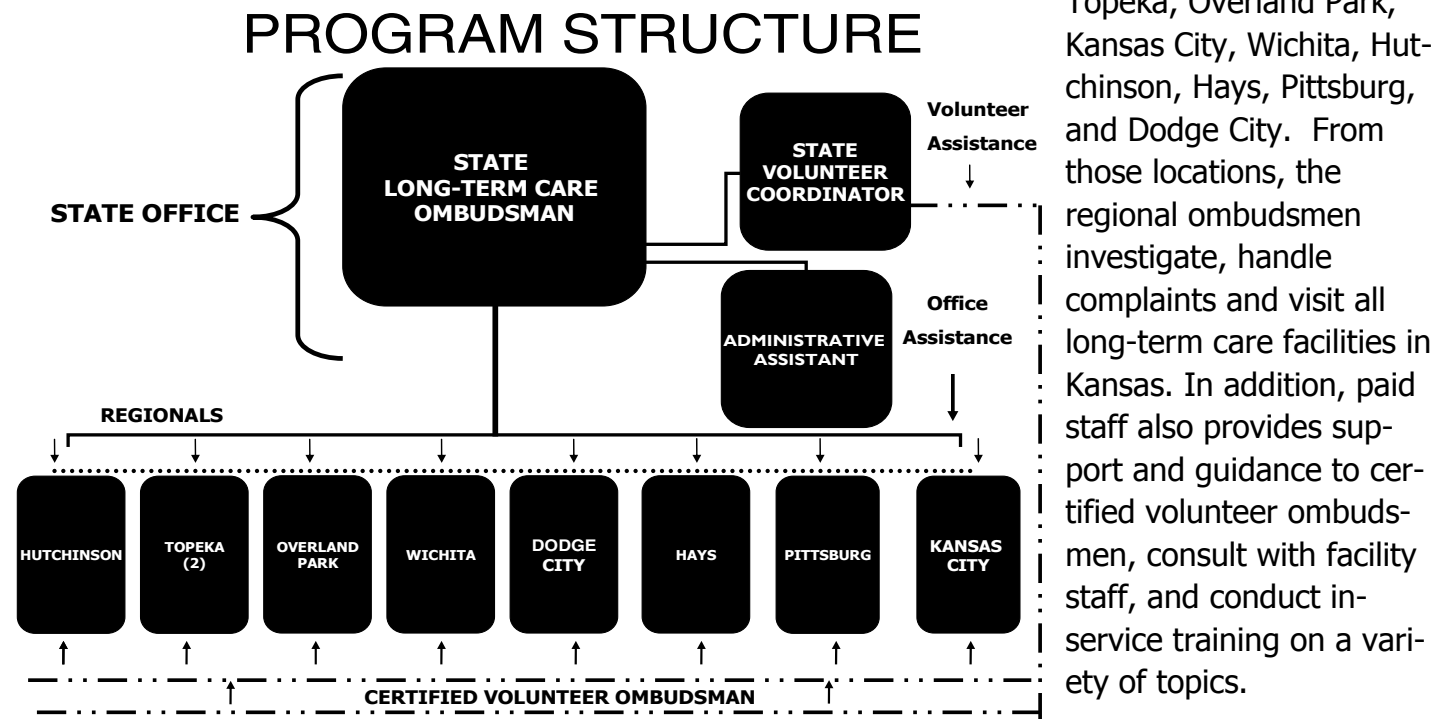
| | | |
|-------------------------------|----------------------------|------------------|
| Older Americans Act | Title IIIB: FY 2006 | \$135,483 |
| Older American Act | Title VII: FY 2006 | \$162,017 |
| Medicaid Match | Title XIX: FY 2006 | \$150,361 |
| State General Fund | FY 2006 | \$224,058 |
| Civil Monetary Penalty | FY 2006 | \$ 0 |
| Total | | \$671,919 |

Fiscal Year 2007

| | | |
|-------------------------------|----------------------------|------------------|
| Older Americans Act | Title IIIB: FY 2007 | \$150,413 |
| Older American Act | Title VII: FY 2007 | \$161,787 |
| Medicaid Match | Title XIX: FY 2007 | \$169,000 |
| State General Fund | FY 2007 | \$281,465 |
| Civil Monetary Penalty | FY 2007 | \$ 16,314 |
| Total | | \$778,979 |

Program Structure

There are twelve paid staff members at the Office of the State Long-Term Care Ombudsman which includes: the State LTC Ombudsman, State Volunteer Coordinator, nine Regional Ombudsmen, and a Sr. Administrative Assistant. The State Long-Term Care Ombudsman is appointed by the Governor and confirmed by the Kansas Senate. The ombudsman program has nine regional offices: two in



Topeka, Overland Park, Kansas City, Wichita, Hutchinson, Hays, Pittsburg, and Dodge City. From those locations, the regional ombudsmen investigate, handle complaints and visit all long-term care facilities in Kansas. In addition, paid staff also provides support and guidance to certified volunteer ombudsmen, consult with facility staff, and conduct in-service training on a variety of topics.

2009 Recommendations

In order to effectively advocate in more Kansas long-term care facilities, the program needs two new regional ombudsmen. The ombudsman program can cover an additional 100 facilities with certified volunteers. Only the regional ombudsman can provide sufficient guidance, support, and oversight to the volunteers. Furthermore, this will offer a regional ombudsman for each Area Agency on Aging. It would bring the total regional ombudsman program to eleven.

The Office of the State Long-Term Care Ombudsman recommends a new statewide position be formed to focus on culture change. Kansas long-term care homes are experiencing a culture change movement. The ombudsman program must advocate for residents during this process. This can be accomplished through an ombudsman. The new ombudsman will focus advocacy efforts to convert homes to culture change. Culture change improves the lives of Kansans residing in long-term care facilities.

Complaint Types

- Abuse, Neglect, and Exploitation
- Dignity & Respect Issues
- Medicare
- Medicaid
- Privacy
- Call lights
- Food Service
- Access to own records
- Personal Hygiene
- Dental Services
- Care Plan
- Resident and Family Councils
- Home Care
- Exercise Right to Refuse Care
- Access to facility survey
- Grievance Procedure
- Facility Cleanliness
- Restraints
- Activities
- Discharge
- Legal Guardianship, Conservatorship, Power of Attorney
- Level of Care
- Family Conflict or Interference

2005 –2007

Categories and Number of Complaints

Ombudsmen are advocates for residents of long-term care facilities in Kansas.

Our advocacy role takes two forms:

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

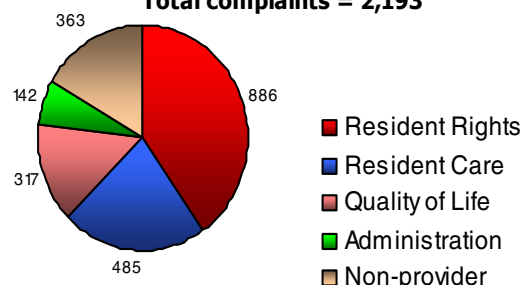
Ombudsmen investigate the situation, determine what steps the resident has taken towards resolution, suggest ways in which the resident can advocate for himself or herself, or personally advocate on the residents behalf.

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

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

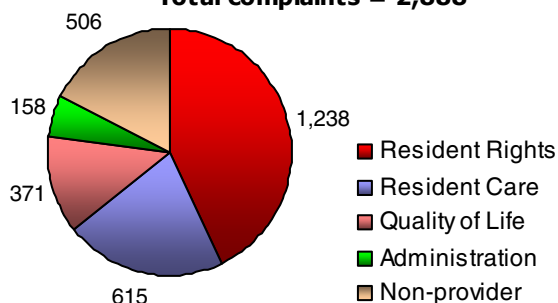
2005 Categories & Numbers of Complaints

Total complaints = 2,193



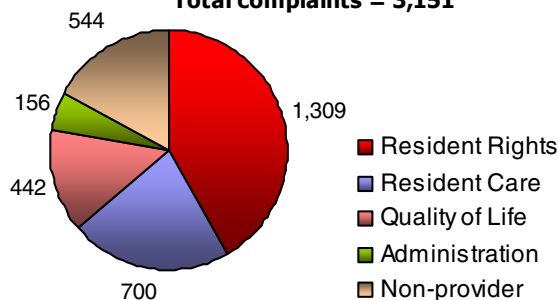
2006 Categories & Numbers of Complaints

Total complaints = 2,888



2007 Categories & Numbers of Complaints

Total complaints = 3,151



Resident Rights

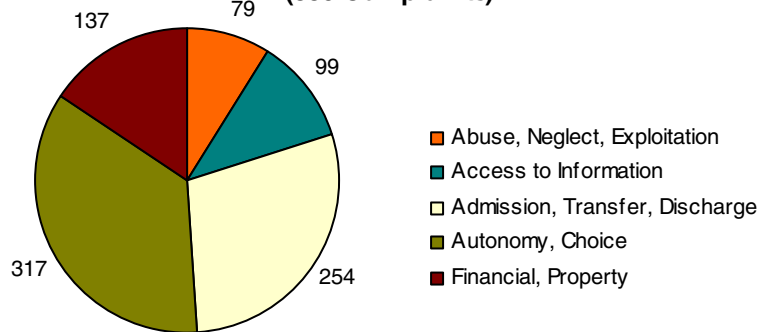
- To exercise your rights as a resident and as a citizen
- To be treated with consideration, respect, and dignity
- To voice grievances without fear or reprisal
- To be free from mental and physical abuse, and to be free from chemical and physical restraints
- To have privacy in care and treatment and to associate and communicate privately with whomever you choose
- To manage your personal and financial affairs; to make choices and independent decisions
- To keep and use personal belongings and to maintain a secure place for those possessions.
- To participate in planning your care and treatment
- To participate in social, religious, and community activities; to participate in the resident council
- To be discharged or transferred only for medical reasons, own welfare or that of others, or for non-payment.
- A problem solver and mediator
- An objective investigator of complaints

2005-2007

Resident Rights

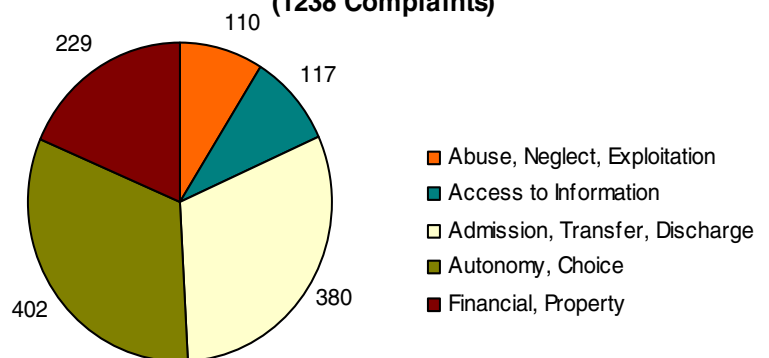
2005

Resident Rights (886 Complaints)



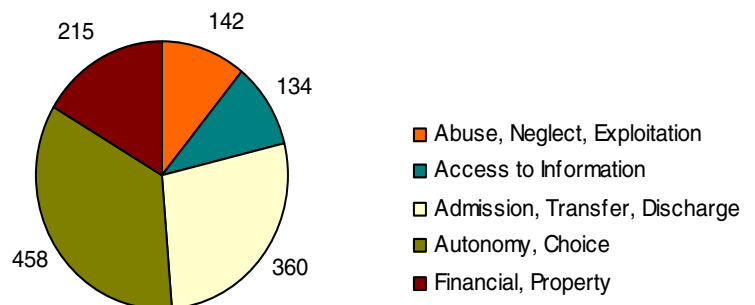
2006

Resident Rights (1238 Complaints)



2007

Resident Rights (1309 Complaints)



Resident Care

Culture Change "Resident-Centered Care"

Culture Change is a national movement transforming our nursing homes from a medical model approach to a resident-centered care model.

A medical approach is an institutional method where staff knows residents by their diagnosis. The residents care plan is written in third person based on what they think is best for the diagnosis scheduled at the facilities convenience.

The resident-centered approach encourages nursing home facilities to create a "home" environment for residents, rather than the institutionalized environment long-term care residents are residing in nursing homes today.

Empowering residents to decide when they want to bathe, what time to eat, what time to wake up or go to bed, or continuing their vocation in the nursing homes are a few examples of the resident-centered approach many Kansas facilities are moving towards.

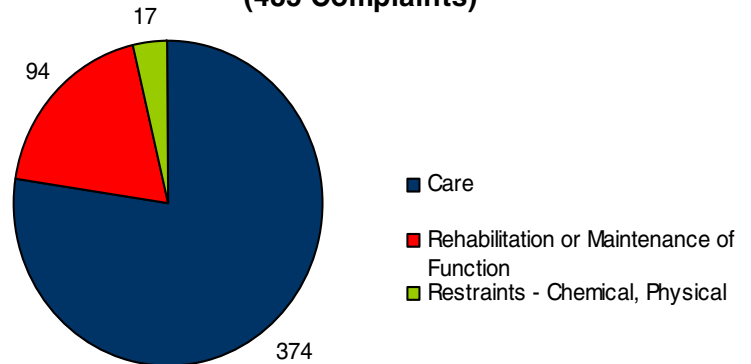
The resident-centered model also supports:

- Resident Empowerment
- Care plans written in "I" format
- Care plan meetings scheduled at resident and family convenience
- Choose activities rather than being told what activity to participate
- Day-to-day decision making
- Consistent nurse staffing

2005-2007 Resident Care

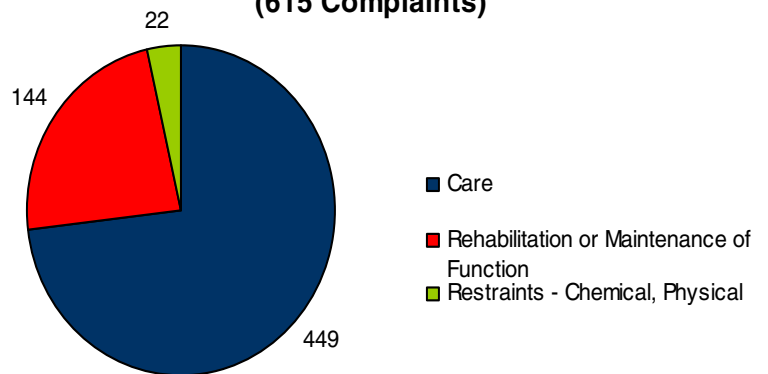
2005

Resident Care (485 Complaints)



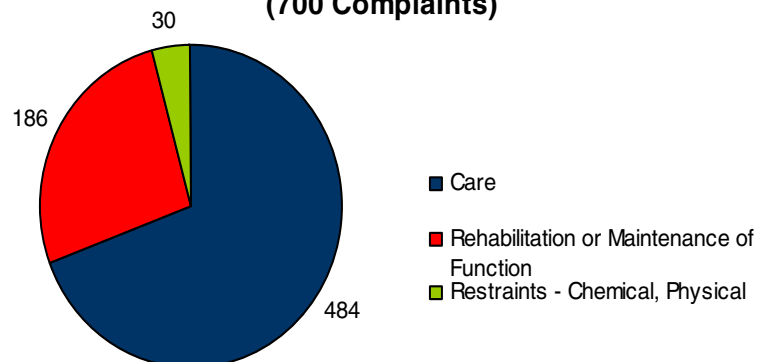
2006

Resident Care (615 Complaints)



2007

Resident Care (700 Complaints)



Quality of Life

Residents' Rights Guarantee Quality of Life

The 1987 Nursing Home Reform Law requires each nursing home to care for its residents in a manner that promotes and enhances the quality of life of each resident, ensuring dignity, choice, and self-determination.

All nursing homes are required "to provide services and activities to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident in accordance with a written plan of care that... is initially prepare, with participation, to the extent practicable, of the resident, the resident's family, or legal representative." This means a resident should not decline in health or well-being as a result of the way a nursing facility provides care.

1987 Nursing Home Reform Law protects the following rights of nursing home residents:

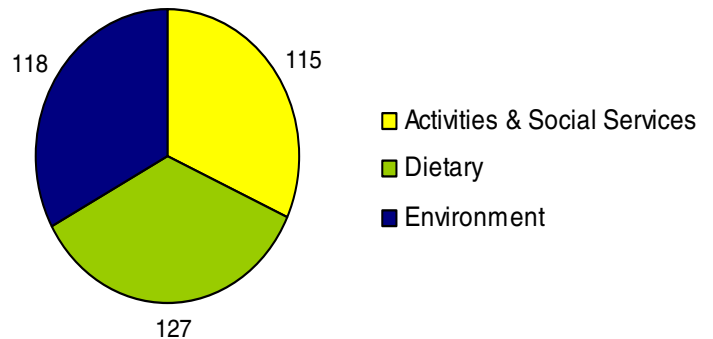
- The right to be fully informed
- Right to complain
- Right to participate in one's own care
- Right to privacy and confidentiality
- Rights during transfer or discharges
- Right to Dignity, Respect, and Freedom
- Right to Visits
- Rights to make independent choices

** Additional Resident Right's on page 7*

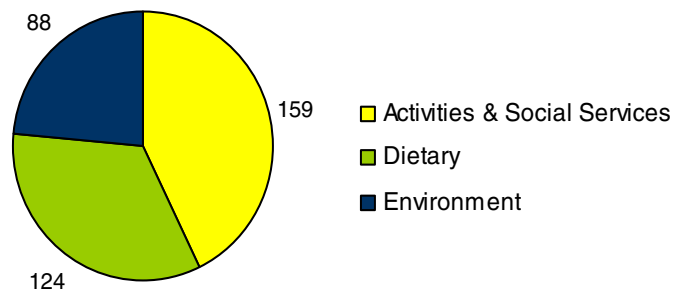
National Citizens' Coalition for Nursing Home Reform (NCCNHR)

2005 & 2006 Quality of Life

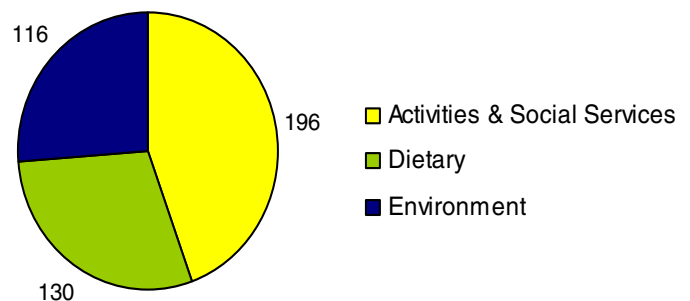
2005 Quality of Life (360 Complaints)



2006 Quality of Life (371 Complaints)



2007 Quality of Life (442 Complaints)



Certified Volunteer Ombudsman Information

Ombudsman is an advocate, facilitator and problem solver, educator and extension of the resident's will.

Facility Jurisdiction

Nursing Facility, Home Plus, Adult Day Care, Boarding Care Home, Assisted Living, Hospital Long-Term Care Units, and Resident Care Facility

30 Hour Training Course

| | |
|--|----------------|
| Week 1 | <i>3 Hours</i> |
| Introduction to Long-Term Care Systems in Kansas— Navigating Complex Systems | |
| Week 2 | <i>3 Hours</i> |
| Resident Rights | |
| Week 3 | <i>3 Hours</i> |
| Advocacy, Legal Issues, Advance Directives, Abuse, Neglect, and Exploitation | |
| Week 4 | <i>3 Hours</i> |
| Stages of Aging, Medications, Disease Process | |
| Week 5 | <i>3 Hours</i> |
| Communication Technique and Conflict Resolution | |
| Week 6 | <i>3 Hours</i> |
| Networking and Reports | |
| Two Facility Visits | <i>3 Hours</i> |
| Mini Internship | <i>3 Hours</i> |

*Certified Volunteer Ombudsman Program
Created August 1996*



Year-To-Date Synopsis

Total Long-Term Care Facilities: **650**
 Total Certified Volunteer Ombudsman: **202**
 Kansas Facilities Covered: **31%**

Programs

1. *Certified Volunteer Ombudsman Advisory Board*
 State LTC Ombudsman, State Volunteer Coordinator, two Regional Ombudsmen, two Certified Volunteer Ombudsmen
2. *Newsletter Editorial Team*
 State Volunteer Coordinator, two Certified Volunteer Ombudsmen

Support Services

1. *Volunteer Voice*
 An educational newsletter published on a quarterly basis by the state office.
2. *Regional Monthly Meetings*
 Direct training by regional ombudsman.
3. *Certified Volunteer Conference*
 Statewide training held once a year.
4. *Services*
 Badges and in-house business cards issued for identification, supplies, etc.
5. *Website*
 Informative, volunteer sign-up, access to past newsletters, articles of interest, links to complaint forms



KANSAS

*Making a Difference in the Lives of
30,000 Residents*

**State of Kansas Long-Term Care
Ombudsman**

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