

**Mark Parkinson,
Governor**

**Belinda Vierthaler MSW
Acting State LTC Ombudsman**



OFFICE OF THE STATE OF
Kansas Long-Term Care Ombudsman

Annual Report

2009



December 22, 2009

The Honorable Mark Parkinson, Governor
Members of the Legislature and Fellow Kansans

The Office of the State Long-Term Care (LTC) Ombudsman is pleased to submit the 2009 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, 2010-2011 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 participation with the Money Follows the Person program, which helps relocate nursing home residents to their homes.
- Continued "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 facilities.
- 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
Acting State Long-Term Care Ombudsman

State Long-Term Care Ombudsman Report Fiscal Year 2009

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 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 7 field offices across the state, in Overland Park, Topeka, Wichita, South Hutchinson, Hays, Pittsburg 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 123 Certified Volunteer Ombudsmen throughout the state. During the reporting period, volunteers provided 7,280 hours of their time, which equals 4,293 visits.

2010-2011 Recommendations

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

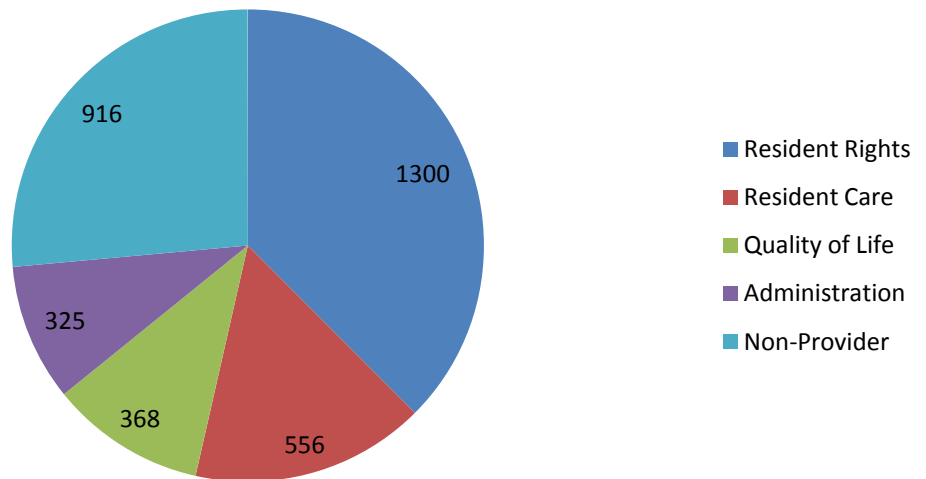
- Increase commitment to promote culture change/creating home to facilities through educational opportunities.
- Two additional Regional Ombudsmen to fulfill the Institute of Medicine's recommendation of one Ombudsman for every 2,000 residents.
- One Veteran Ombudsman to serve all Veterans and the two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

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

2009 Complaints Total = 3,465



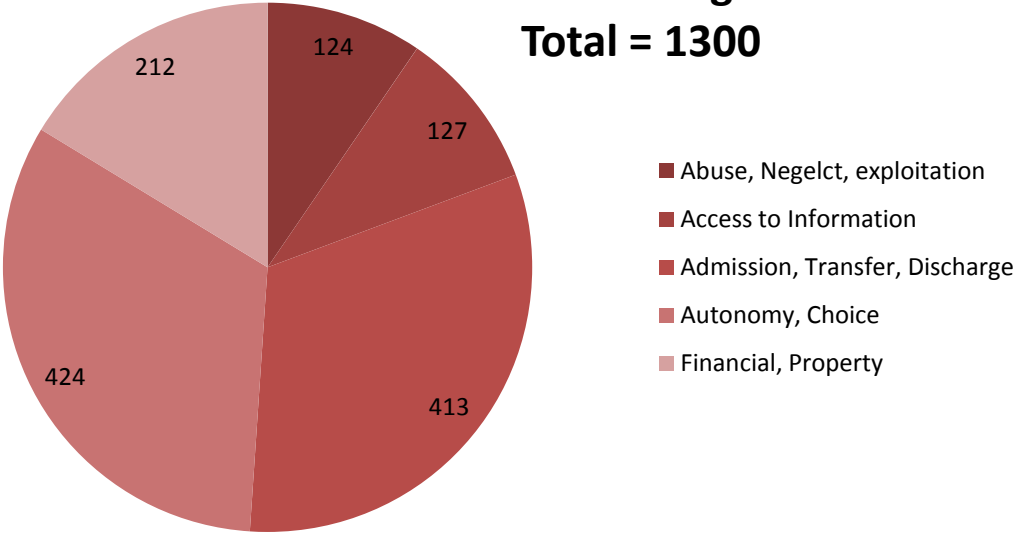
The total number of complaints continues to rise and resident rights continue to be the most frequently cited complaint category (2006-2009). Regardless of the category, our advocacy takes two forms:

- 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 2,556 cases. Of these cases, the number one complaint was in regards to discharge/eviction: planning, notice, procedure. The second highest complaint was dignity, respect- staff attitudes.

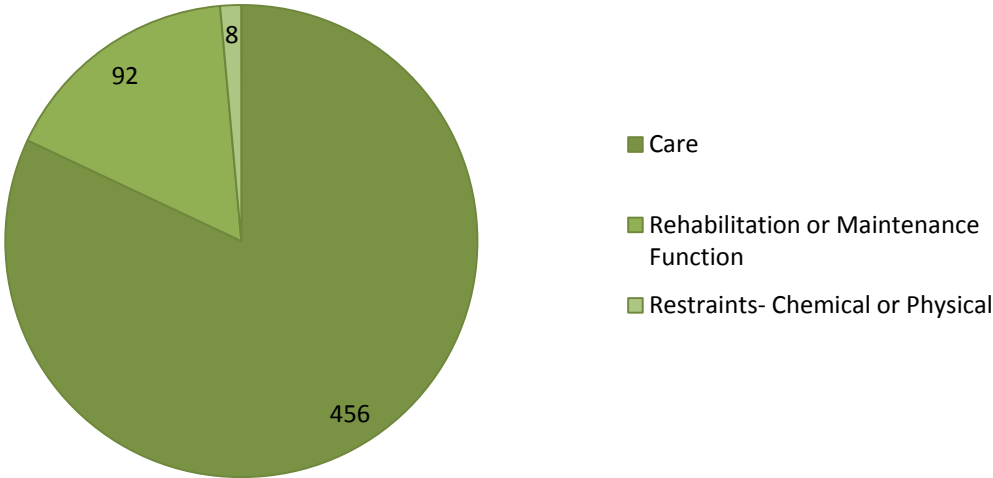
Resident Rights

Total = 1300

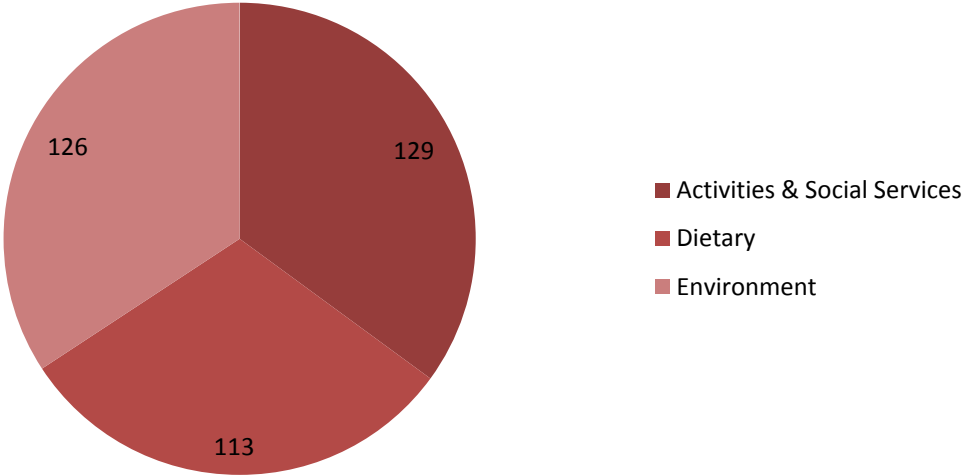


Resident Care

Total = 556



**Quality of Life
Total = 368**



Program Funding

Fiscal Year 2009

Older Americans Act	Title IIIB:	FY 2009	\$150,726
Older American Act	Title VII:	FY 2009	\$144,168
Medicaid Match	Title XIX:	FY 2009	\$131,092
State General Fund		FY 2009	\$299,403
Civil Monetary Penalty		FY 2009	\$15,000
		Total	\$ 740,389.00

