

**Mark Parkinson,  
Governor**

**Belinda Vierthaler MSW  
State LTC Ombudsman**



OFFICE OF THE STATE OF  
Kansas Long-Term Care Ombudsman

# Annual Report

## 2010



December 1, 2010

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 2010 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, 2011-2012 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 and continued our work with the Kansas Culture Change Coalition.
- 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  
State Long-Term Care Ombudsman

## **State Long-Term Care Ombudsman Report Fiscal Year 2010**

### 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 the 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 6 field offices across the state, in Stilwell, Topeka, Wichita, South Hutchinson, Hays, 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 125 Certified Volunteer Ombudsmen throughout the state. During the reporting period, volunteers provided 7,920 hours of their time.

### *2011-2012 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.
- Continued volunteer recruitment efforts.

## **Accomplishments of the Office of the State Long-Term Care Ombudsman for Fiscal Year 2010**

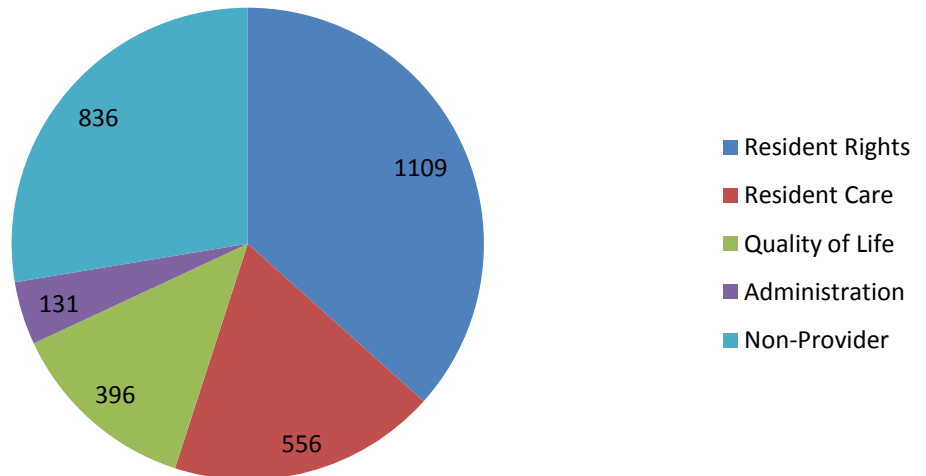
- Promoted quality improvement in long-term care facilities. This was achieved by participating in Advancing Excellence in America's Nursing Home Campaign, member of the Kansas Culture Change Coalition, collaborated with Kansas Advocated for Better Care to educate 15 facilities across the state about culture change, and was a member of the Promoting Excellent Alternatives in Kansas travel team to help choose the leaders of culture change in nursing homes.
- Commented on State and Federal Legislation affecting long-term care residents
- Participated in the Money Follows the Person Steering Committee, as well as provided the initial face-to-face with residents that met requirements.
- Guest judges at two Senior Olympics
- Facilitated several new family councils in nursing homes
- Provided training to CMA classes across the state
- Provided education, quarterly, to the Kansas Adult Care Homes Executives Administrator in Training class
- Provided education, quarterly, to the Kansas Healthcare Association/Kansas Center for Assisted Living Operators Course
- First Annual Volunteer Legislative Day- Volunteers came to the Capitol and met with their Legislators to promote our program
- Worked with Kansas State University Center on Aging Intimacy and the Elderly project and mentor program
- Invited guest of Kansas Department on Aging Senior Advisory Council
- Panel member of Kansas Attorney General's workshop on abuse, neglect and exploitation of the elderly
- Speaker at the Kansas Department on Aging Summit
- Member of the Elder Abuse Coalition and the Oral Health Coalition
- Worked with the Alzheimer's Association- Memory Walk and support group facilitator
- Multiple presentations to senior centers, civic groups and community organizations
- Participated in multiple senior fairs and health fairs across the state
- Speaker at Kansas Association of Homes and Services for the Aging conference and Leadership seminar
- Participation in nursing home project with Kansas Corp
- First Annual Volunteer Recruitment Blitz
- Collaborated with Area Agencies on Aging, RSVP(Retired Senior Volunteer Program), and Kansas Guardianship Program
- Appeared in local newspapers and radio spots across the state to promote program
- Assisted in smooth transition for residents that were evacuated from their facility due to a fire, this involved working with two other states
- Produced bi-monthly volunteer newsletter
- Consulted on 659 individual cases and 322 facility consultations
- Attended 38 family council meetings and 164 resident council meetings
- Provided education to staff and residents of LTC facilities across the state
- Coordinated annual volunteer conference
- Volunteers donated 7,920 hours

## 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

### 2010 Complaints Total = 3,028



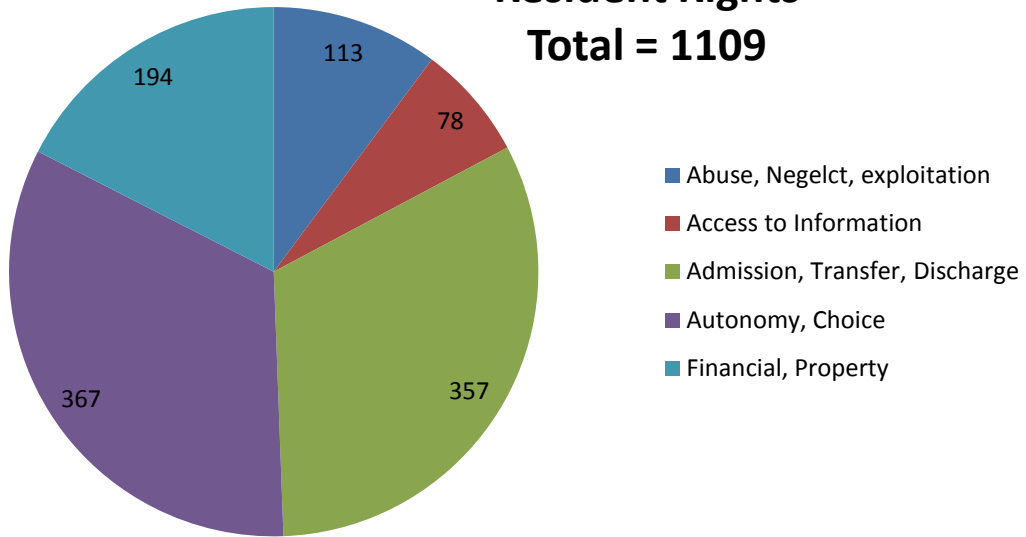
Ombudsman advocacy takes two forms:

- 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 2,462 cases. Of these cases, the top three types of complaints were: request for less restrictive environment, discharge/eviction- planning, notice, procedure and legal issues regarding power of attorney, guardianship, conservatorship, etc.

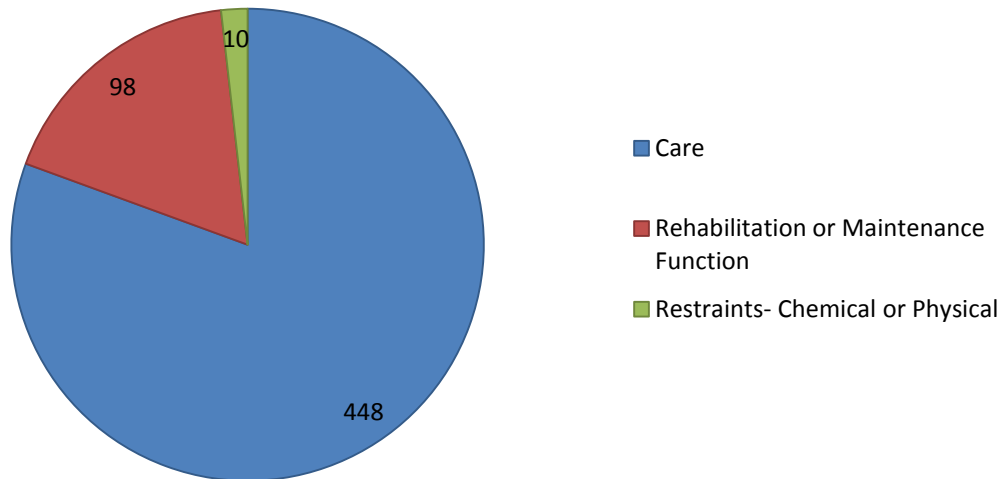
## Resident Rights

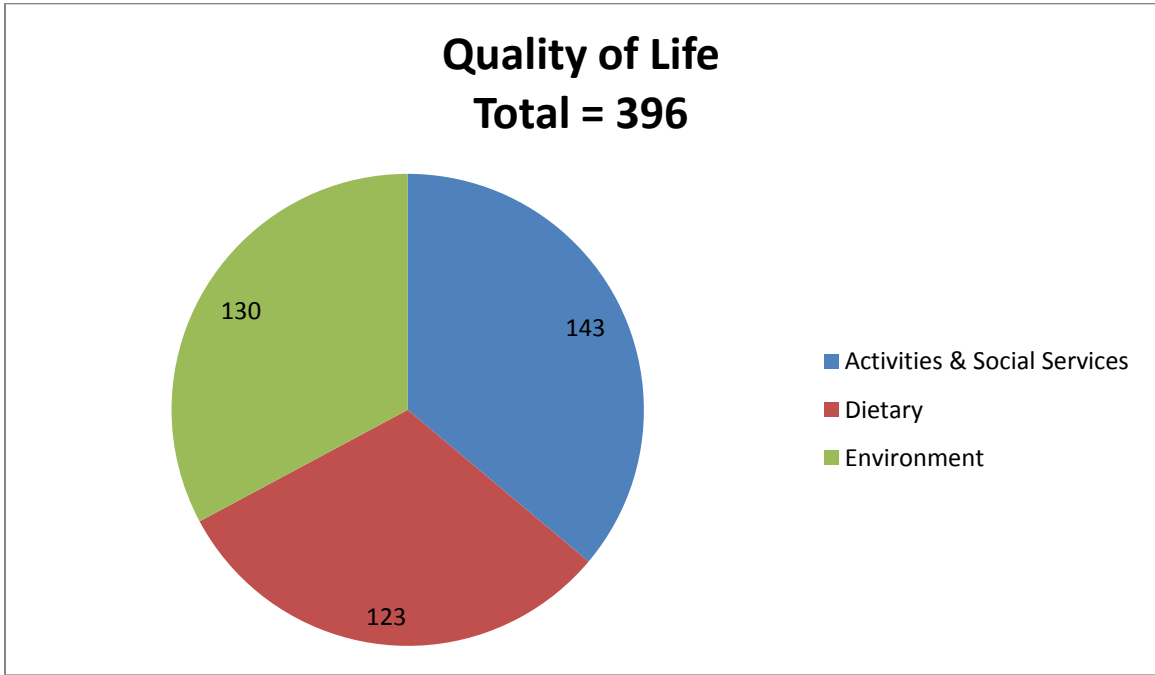
Total = 1109



## Resident Care

Total = 556

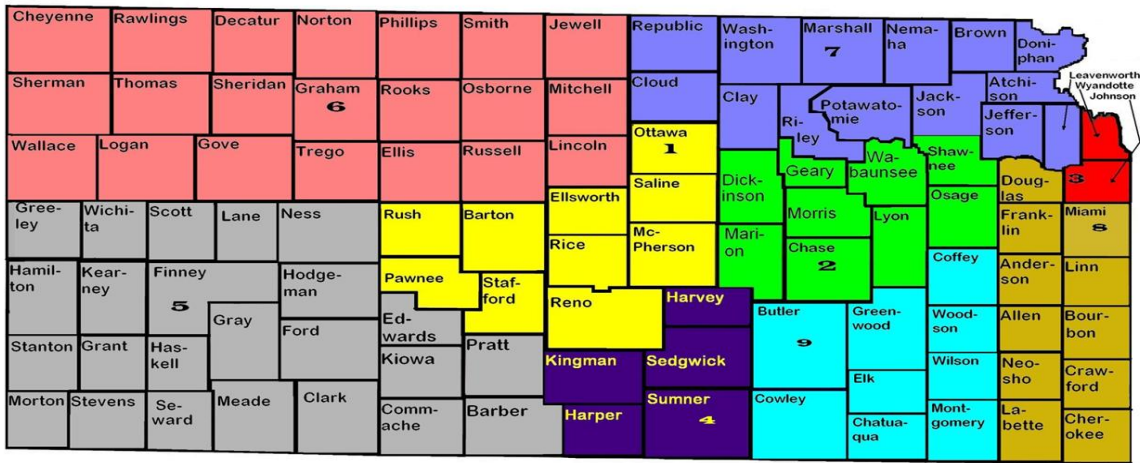




### Program Funding

Fiscal Year 2010

<b>Older Americans Act</b>	<b>Title IIIB:</b>	<b>FY 2010</b>	<b>\$150,722</b>
<b>Older American Act</b>	<b>Title VII:</b>	<b>FY 2010</b>	<b>\$149,063</b>
<b>Medicaid Match</b>	<b>Title XIX:</b>	<b>FY 2010</b>	<b>\$131,092</b>
<b>State General Fund</b>		<b>FY 2010</b>	<b>\$262,412</b>
<b>Civil Monetary Penalty</b>		<b>FY 2010</b>	<b>\$15,000</b>
		<b>Total</b>	<b>\$ 708,289.00</b>



Region 1- Lori Myers

Region 2- Cynthia Bailey

Region 3- Phylis Tumberlin

Region 4- Gloria Simpson

Region 5- Jan Scoggins

Region 6- Velvet Johnson

Region 7- James Grooms

Region 8- Gina Johnston

Region 9- Mary Blake