

# South Carolina Long Term Care

# *Ombudsman*

**Making a Difference in the Lives of Residents**



## **2012 ANNUAL REPORT**

Office of the State Long-Term Care Ombudsman Program

Lt. Governor's Office on Aging

A. Dale Watson, State Long Term Care Ombudsman



Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.

-Margaret Mead

# Long Term Care Ombudsman Program

The South Carolina Long Term Ombudsman Program is governed by the federal Older Americans Act and by South Carolina Law. The Office of the State Long Term Care Ombudsman is housed in the Lieutenant Governor's Office on Aging and administers the statewide program through ten regional offices. These programs are located within Area Agencies on Aging and funded with federal, as well as state and local dollars. There is no charge for services provided by the Long Term Care Ombudsman Program.

The Long Term Care Ombudsman Program works to improve the quality of life and quality of care of all residents in long term care facilities in South Carolina by advocating on their behalf.

Residents in long term care facilities are often physically and emotionally vulnerable, facing daily challenges in pursuing a meaningful quality of life. Residents or families can call upon an Ombudsman to assist with resolving problems regarding care. Long Term Care Ombudsmen (LTCO) receive complaints about long-term care services and then voice the residents' concerns to nursing homes, residential care facilities, and other providers of long-term care.

Experience has shown that when residents and/or families understand the long-term care system, they are able to effectively advocate for themselves. By educating residents, families and facility staff, the Ombudsman Program fosters an understanding and knowledge of the long-term care system.

The Long Term Care Ombudsmen works with the residents, facility staff and the resident's family or legal representative to resolve problems and concerns about the quality of care and services residents receive.

Ombudsmen often serve as the voice for residents and encourage access to advocacy by educating residents about quality care, providing a mechanism to file a complaint, and by guiding residents through the process of advocating on their own behalf.

## **Some of the services provided by Long Term Care Ombudsmen:**

Advocacy;

Investigation and resolution of complaints made by or on behalf of residents;

Informing residents about services provided by long-term care providers, public agencies, health and social service agencies or other services to assist in protecting their health, safety, welfare, and rights;

Regular and timely access to Ombudsman services for residents and timely responses to complaints;

Analyzing, commenting on, and monitoring the development and implementation of federal, state, and local laws, regulations, and other governmental policies and actions pertaining to the health, safety, welfare and rights of residents;

Advocating for public policy initiatives affecting long-term care;

Supporting the development of resident and family councils in facilities to protect the well-being and rights of residents.

## **South Carolina Ombudsmen:**

### **Provide a Helping Hand to Vulnerable Adults**



Unlike Long Term Care Ombudsmen in many other states, South Carolina Long Term Care Ombudsmen receive and investigate complaints about the abuse, neglect and exploitation of residents in facilities. In 2006, a change in the Omnibus Adult Protection Act resulted in the LTCO gaining the additional responsibilities of investigating in facilities and adult care homes for the Department of Disabilities and Special Needs and the Department of Mental Health. Currently, the LTCOP advocates for residents in nursing homes, assisted living/residential care facilities ICF/ID, community training homes, and supervised living programs. On average, the LTCO serve as advocates for more than 40,000 residents in long term care facilities.

# 2012 Accomplishments

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South Carolina local ombudsmen:

Investigated **3,759** cases Investigated **8,394** complaints

Conducted **306** training sessions for ombudsmen, facility staff, and volunteers

Trained **2,736** facility staff and/or volunteers

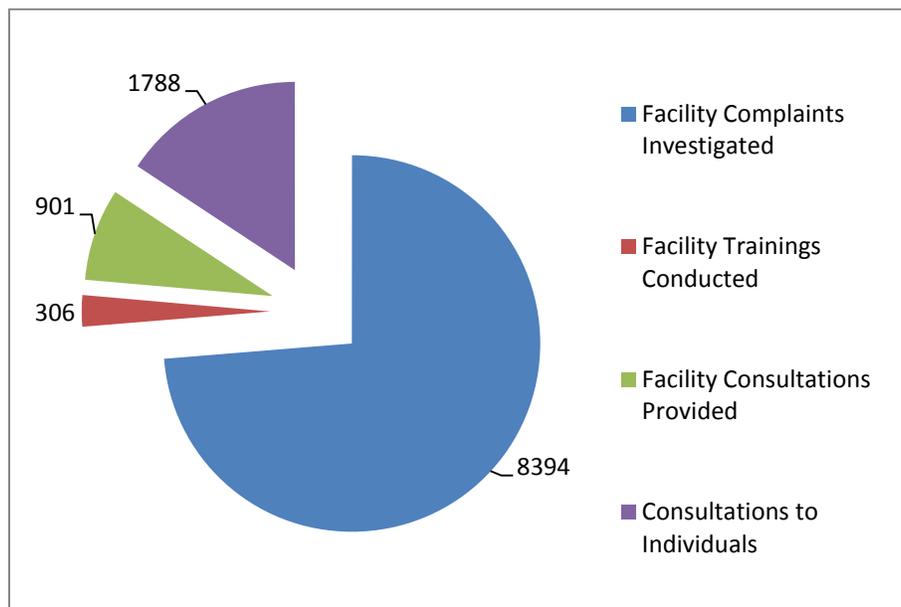
Conducted **144** community education sessions

Provided a total of **2,689** consultations; **901** to facilities and **1,788** to individuals

Conducted **3,156** routine/friendly visits to facilities

Visited **20,470** residents in long term care facilities

## Investigations, Trainings, and Consults

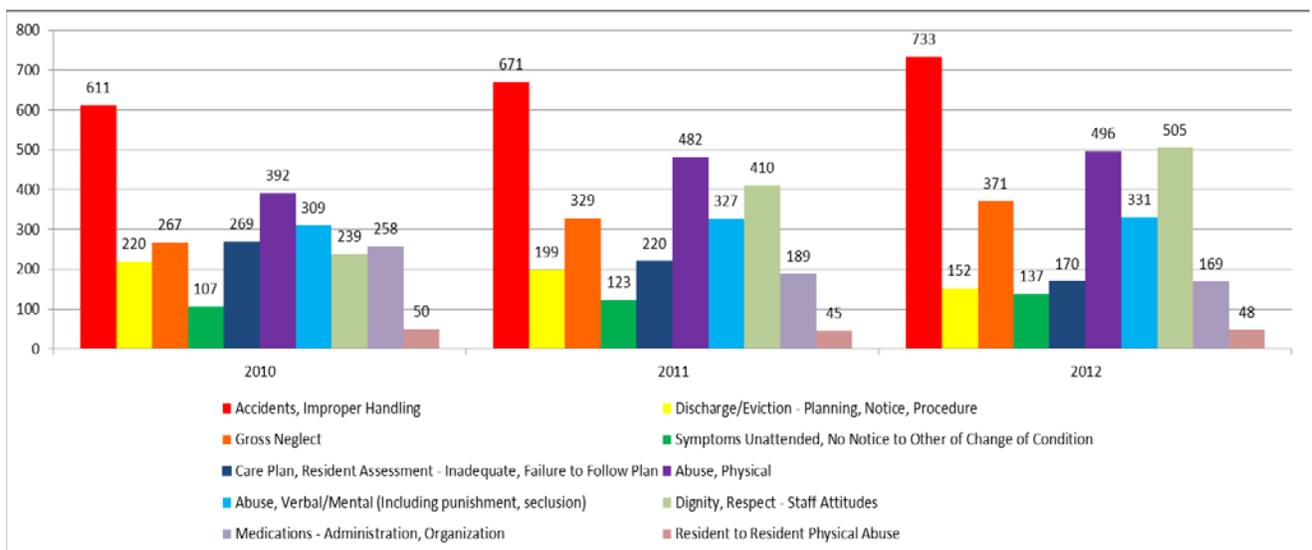


## Complaint Data

In 2012, quality of care complaints included 952 Accidents/Improper Handling, for nursing home and residential care/assisted living facilities. In nursing facilities, this has been the number one complaint for the past three years. Dignity, Respect-Staff Attitudes (667 complaints) is the second highest complaint. Since 2010, complaints regarding lack of dignity and staff attitudes have increased 111% in nursing facilities and 135% in residential care/assisted living facilities. Physical Abuse, Gross Neglect and Verbal Abuse round out the top five complaints for nursing facilities; while, Medication Administration, Verbal Abuse and Physical Abuse add to the top five for residential care/assisted living facilities.

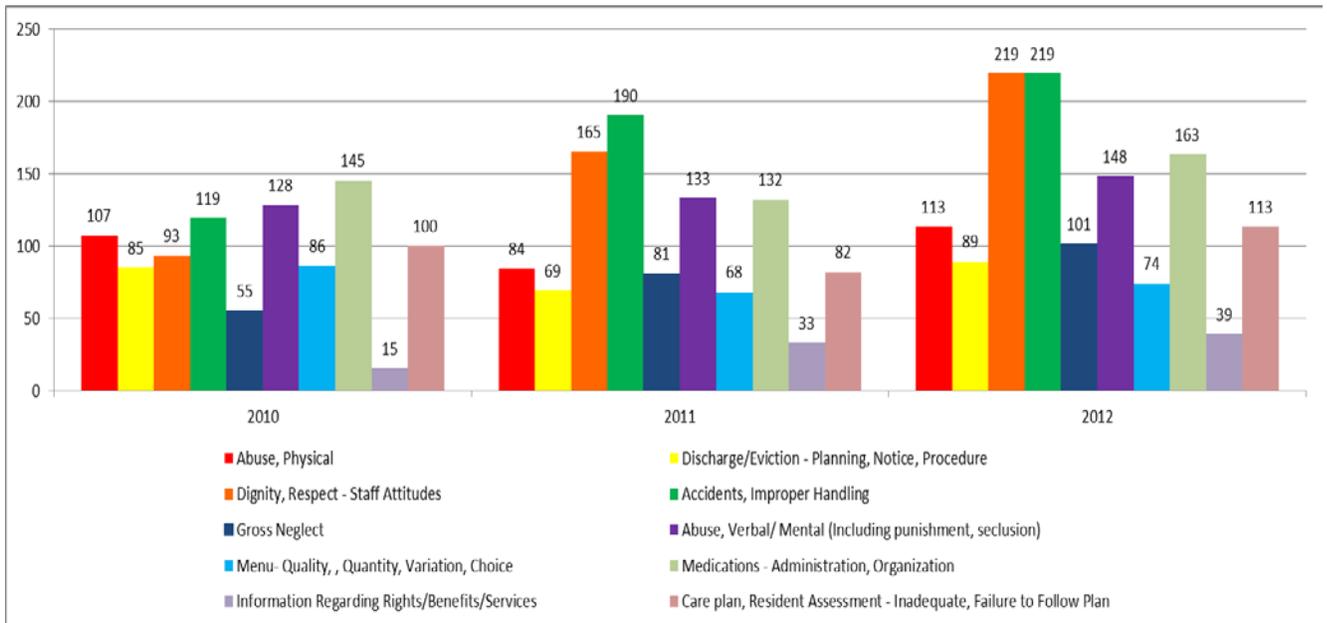
### Top Five Complaints in Nursing Facilities

1. Accidents, Improper Handling
2. Dignity, Respect-Staff Attitudes
3. Physical Abuse
4. Gross Neglect
5. Abuse, Verbal/Mental



## Top Five Complaints in Residential Care Facilities

1. Accidents, Improper Handling
2. Dignity, Respect-Staff Attitudes
3. Medication-Administration
4. Abuse, Verbal/Mental
5. Physical Abuse





## **What are Residents' Rights?**

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. The Residents' Rights were developed to guarantee quality of life. The SC Legislature enacted the Bill of Rights for Residents of Long Term Care Facilities to further insure the rights of residents. In an effort to assure residents retained their individuality and personal freedom the legislature closely aligned the SC Bill of Rights for Long Term Care Facilities with those outlined in the federal bill of rights. The Residents Bill of Rights is the cornerstone of protection for individuals living in long term care environments.

### **Right to Dignity, Respect, and Freedom**

- To be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints
- To self-determination
- Security of possessions

### **Right to Complain**

- Present grievances to staff or any other person, without fear of reprisal and with prompt efforts by the facility to resolve those grievances
- To complain to the ombudsman program
- To file a complaint with the state survey and certification agency





### **Right to Participate in One's Own Care**

- Receive adequate and appropriate care
- Be informed of all changes in medical condition
- Participate in their own assessment, care-planning, treatment, and discharge
- Refuse medication and treatment
- Refuse chemical and physical restraints
- Review one's medical record
- Be free from charge for services covered by Medicaid or Medicare

### **Rights during Transfers and Discharges**

- Remain in the nursing facility unless a transfer or discharge:
  - (a) is necessary to meet the resident's welfare;
  - (b) is appropriate because the resident's health has improved and s/he no longer requires nursing home care;
  - (c) is needed to protect the health and safety of other residents or staff;
  - (d) is required because the resident has failed, after reasonable notice, to pay the facility charge for an item or service provided at the resident's request
- Receive thirty-day notice of transfer or discharge which includes the reason, effective date, location to which the resident is transferred or discharged, the right to appeal, and the name, address, and telephone number of the state long-term care ombudsman
- Safe transfer or discharge through sufficient preparation by the nursing home

### **Right to Privacy and Confidentiality**

- Private and unrestricted communication with any person of their choice
- During treatment and care of one's personal needs
- Regarding medical, personal, or financial affairs



### **Right to Visits**

- By a resident's personal physician and representatives from the state survey agency and ombudsman programs
- By relatives, friends, and others of the residents' choosing
- By organizations or individuals providing health, social, legal, or other services
- Residents have the right to refuse visitors

### **Right to Make Independent Choices**

- Make personal decisions, such as what to wear and how to spend free time
- Reasonable accommodation of one's needs and preferences
- Choose a physician
- Participate in community activities, both inside and outside the nursing home
- Organize and participate in a Resident Council
- Manage one's own financial affairs



### **The Right to Be Fully Informed of:**

- Available services and the charges for each service
- Facility rules and regulations, including a written copy of resident rights
- Address and telephone number of the State Ombudsman and state survey agency
- State survey reports and the nursing home's plan of correction
- Advance plans of a change in rooms or roommates
- Assistance if a sensory impairment exists
- Residents have a right to receive information in a language they understand (Spanish, Braille, etc.)





### **Volunteer Friendly Visitor Program**

In FY 12, the Volunteer Friendly Visitor Program continued the increases from the previous year. Although the lack of staffing continues to present oversight constraints and the inability of AARP to invest funds in recruiting, the program has opened in the Lower Savannah region (Aiken, Allendale, Bamberg, Barnwell, Calhoun, and Orangeburg counties), and continues in the other regions of the state.

Trident (Charleston area) Friendly Visitor Coordinator has done an outstanding job in recruiting, training, and motivating her volunteers, resulting in an upswing in their program numbers and volunteer utilization. Appalachia (Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg counties), which has been the long-time standard for the program has, unfortunately, lost momentum this year. The coordinator was replaced and the program has experienced a 78% loss in volunteers. Pee Dee area has trained only 1 new volunteer, but previous staff has come on board to make visits and improve efforts. Upper Savannah, Catawba, Central Midlands, Santee Lynches, Waccamaw and Low Country regions continue as before.

The successes for the 2011-2012 year are notable and even with the decrease in some regions or lack of growth in others, ultimately the number of volunteers has remained the same at 22 participants. What is most significant, however, is that with the same staffing level, the number of visits increased dramatically, from 338 visits in 2010-2011 to 553 visits in the current period. This is a 163% increase in visits. Additionally, the number of residents visited increased as well, from 3,817 last year to 7,457 this year, which is an increase of 195%. Volunteers averaged 15 residents per visit. Friendly Visitor volunteers contributed 1,378 hours of service to our program with a service value totaling approximately \$30, 509.



### Legal Services/Public Outreach

The third year of the Model Approaches to Legal Services Grant from the Administration on Aging brought a number of projects to fruition, including the publication of a highly acclaimed Senior Citizens Handbook. Libraries, Courts, and State and Local Agencies throughout South Carolina have requested and received thousands of copies of the handbook for distribution; electronic copies are available through both the Lt. Governor's Office on Aging website and the SC Bar website. Development efforts on other products continue, including a comprehensive set of FAQs for the Guardianship process with one set for potential wards and the other for prospective guardians. A "Guard the Guardian" program was implemented in both Greenville and Richland Counties, with curriculum and manual development as well as selection and training of volunteers completed. Outreach continued successfully with legal education and seminars provided throughout South Carolina. This year, 78 separate events were held with a total of 1,398 seniors, their families, and their caregivers in attendance.



## **Long Term Care Ombudsmen Make a Difference**

Long Term Care Ombudsmen advocate for and on behalf of residents in facilities. Our advocacy efforts impact the quality of life and quality of care for those who reside in long term care facilities. Below are examples of how we make a difference in the lives of vulnerable adults.

The importance of monitoring a resident's condition and following physician's orders is a very important matter in long-term care facilities. The Ombudsman Program was very instrumental in advocating for a resident whose blood sugar was elevated to over 600 milligrams. The resident was ordered an alternate tube feeding due to the facility's pharmacy/supply company not having the tube feeding initially ordered by the physician. The resident was hospitalized; therefore, the family contacted the Long Term care Ombudsman for assistance. The Ombudsman inquired deeper into the facility's protocol of ordering from their pharmacy/supply company. The Ombudsman's inquiries led to the facility initiating an alternate pharmacy/supply protocol. Oftentimes, a policy change can make a big difference in the life of a resident and produce positive results. The facility adopted the use of an alternate pharmacy in the event their current pharmacy/supply company did not have a medication or tube-feeding available. This was an unfortunate situation that resulted in a positive policy change that benefited all residents in that facility. *Submitted by Central Midlands Ombudsman Program*

Ombudsmen play a major role when a facility closes. Unfortunately, one region has participated in 3 closures this year in which 47 vulnerable adults were affected. The residents had to be relocated within a few hours' time. Quite often the residents are very upset and frightened during the relocation process. Ombudsmen are very instrumental during the initial process by talking with the residents to prepare them for the move and often giving explanations. We are also needed in the days and weeks to come. We visit each resident to assist them and the receiving facility by making contact with supporting agencies to help with medical, personal and financial issues and concerns. The happy ending to this story is the ombudsmen visited all residents and even though they endured a great deal of turmoil they all are thriving in their new homes. *Submitted by Trident Ombudsman Program*

During emergency closure of facilities, residents are often asked to move immediately to another facility. Many of the residents do not have basic hygiene supplies (soap, toothpaste, towels, etc.) to take with them to the new facility. Often, their lifelong possessions are gathered and placed in large trash bags since few of the residents have luggage to transport their belongings. After

discussing this with the Lieutenant Governor and his staff, the Lieutenant Governor's office partnered with a private entity who supplied 50 duffle bags of emergency supplies for residents who are relocating under emergency situations. The Relocation Bags contain personal hygiene items, clothing, and other essential items to help residents transition to their new homes with dignity and respect. This year, approximately forty (40) residents were displaced due to emergency facility closures. Long Term Care Ombudsmen were present to distribute the relocation bags to the residents and assist these residents with finding new homes and adjusting to their new environments. The LTCO visited with the residents at their new homes and worked to ensure they received their benefits and their reoccurring income.



## Challenges

- Steady growth of aging population while the number of nursing home beds, specifically Medicaid funded beds have remained stagnant.
- Limited number of state funded beds in assisted living/residential care facilities.
- Steady rise in number of complaints regarding quality of care
- Economic conditions creates 'spillage' as it often had an impact on the number of abuse, neglect and exploitation complaints
- Rising number of requests for legal assistance by residents in long term care settings

*Long Term Care Ombudsmen...Advocates for residents in the long term care community*

<b>COMMUNITY OMBUDSMAN PROGRAMS</b>	<b>COUNTIES SERVED</b>	<b>TELEPHONE NUMBERS</b>
<b>Region 1: Appalachia</b>	Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg	<b>1-800-434-4036 (Toll Free) 864-242-9733 (Local)</b>
<b>Region 2: Upper Savannah</b>	Abbeville, Edgefield, Greenwood, Laurens, McCormick, Saluda	<b>1-800-922-7729 (Toll Free) 864-941-8070 (Local)</b>
<b>Region 3: Catawba</b>	Chester, Lancaster, York, Union	<b>1-800-662-8330 (Toll Free) 803-329-9670 (Local)</b>
<b>Region 4: Central Midlands</b>	Fairfield, Lexington, Newberry, Richland	<b>1-800-391-1185 (Toll Free) 803-376-5390 (Local)</b>
<b>Region 5: Lower Savannah</b>	Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg	<b>1-866-845-1550 (Toll Free) 803-649-7981 (Local)</b>
<b>Region 6: Santee-Lynches</b>	Clarendon, Kershaw, Lee, Sumter	<b>1-800-948-1042 (Toll Free) 803-775-7381 (Local)</b>
<b>Region 7: Pee Dee/Vantage Point</b>	Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	<b>1-866-505-3331 (Toll Free) 843-383-8632 (Local)</b>
<b>Region 8: Waccamaw</b>	Georgetown, Horry, Williamsburg	<b>1-888-302-7550 (Toll Free) 843-546-8502 (Local)</b>
<b>Region 9: Trident</b>	Berkeley, Charleston, Dorchester	<b>1-800-864-6446 (Toll Free) 843-554-2280 (Local)</b>
<b>Region 10: Low Country</b>	Beaufort, Colleton, Hampton, Jasper	<b>1-877-846-8148 (Toll Free) 843-726-5596 (Local)</b>
<b>Office of the State Long Term Care Ombudsman</b>	Statewide	<b>1-800-868-9095 (Toll Free) 803-734-9900 (Local)</b>