Protecting the Rights of Nursing Home Residents
Iowa’s Office of the State LTCO Structure

- State LTCO—*Deanna Clingan-Fischer*
- Eight Local Long-Term Care Ombudsmen designated by SLTCO
- Policy Coordinator and Legislative Liaison—*Lynzey Kenworthy*
- Volunteer Ombudsman Coordinator—*Sarah Hinzman*
- Discharge Specialist—*Cindy Pederson*
- Managed Care Ombudsman Program Manager – *Kelli Todd*
- Managed Care Ombudsman – *Kelsey Zantingh and Pamela Heagle*
- Administrative Assistant—*Katie Mulford*
- Secretary—*Pat Wyatt*
Local Long-Term Care Ombudsmen

1. Kim Weaver (712) 541-2641
2. Stacia Timmer (712) 363-2845
3. Jennifer Golle (641) 420-9850
4. Melanie Kempf (515) 657-1912
5. Tonya Amos (515) 250-7596
6. Pam Railsback (319) 541-0318
7. Kim Cooper (563) 210-7439
8. Julie Pollock (712) 249-7424
9. Vacant (515) 322-7053
Local Long-Term Care Ombudsmen

- A long-term care ombudsman (LTCO) is an advocate for residents and tenants of licensed care facilities, elder group homes and assisted living programs.

- A LTCO works to address concerns relating to the health, safety, welfare and/or rights of residents and tenants in long-term care (LTC) settings.
Functions of the Local LTCO

- Identify, investigate and resolve complaints made by or on behalf of residents/tenants that adversely affect their health, safety, welfare or rights;
- Ensure that residents/tenants have regular and timely access to services through our office;
- Represent the interests of the residents/tenants before governmental agencies and seek administrative, legal and other remedies to protect their health, safety, welfare and rights;
Functions of the LTCO

- Promote the development of citizen organizations to participate in the program and provide technical support for the development of resident and family councils to protect the well-being and rights of the residents and tenants;
- Publicize the Office and provide information and education to consumers, the public and other agencies about the issues related to long-term care in Iowa.
Federal Law and Iowa Code

- Resident rights are guaranteed by the Federal 1987 Nursing Home Reform Law and Iowa Code
- In 2016, the Centers for Medicare and Medicaid (CMS) issued updated federal nursing home regulations that will be implemented in three phases
  - 11/28/16 – includes language on resident rights
  - 11/28/17
  - 11/28/19
Resident Rights

- Equal access to quality care must be provided regardless of:
  - Diagnosis
  - Severity of Condition
  - Payment Source

- The facility must support the resident in exercising his/her rights
Care Plans

- Care plan should be person-centered
- Residents should be informed of his/her condition and advised of any significant changes
- Residents have the right to:
  - Identify individuals to be included
  - Participate in establishing goals, outcomes
  - Request meetings
  - Request revisions
  - See the care plan
Care Plans

- The facility has a duty to support the resident’s right to participate in his/her treatment

- The planning process must:
  - Facilitate the inclusion of the resident and/or resident representative
  - Include the physician, RN, CNA, nutrition staff, others
  - Include an assessment of the resident’s strengths and need
  - Integrate the residents personal and cultural differences into developing care goals
Choice of Physician

- Residents have the right to choose their own physician
  - Physician must meet the federal requirements
- The facility must also provide contact information for the resident’s other primary care professionals
Respect and Dignity

- Residents have the right to share a room with his/her roommate of choice when:
  - Both residents live at the same facility
  - Both residents consent
  - It is practicable

- This applies to anyone a resident might wish to have as a roommate
Respect and Dignity

- A notice must be given to the resident prior to moving rooms. This must be:
  - In writing
  - Include the reason for the change

- The resident can refuse a transfer to another room if it is for staff convenience
Self - Determination

- The facility is required to promote and facilitate self-determination through support of resident choice
- Staff shall provide resident choices and honor individual preferences.
  - Can choose sleeping, waking times
  - Can choose providers of health care services
  - Can participate in community activities
Visitation

- Residents have the right to:
  - Receive any visitor of his/her choosing
  - Receive a visitor at any time

- The facility must:
  - Have a written visitation policy and inform the residents of the policy
  - Ensure all visitors have full and equal visitation privileges
Resident & Family Groups

- Facility must ensure that residents and families are aware of any upcoming meetings
- Other guests can only attend if invited
- Facility is required to act promptly upon grievances and recommendations of the groups
Financial Affairs

- The facility must not require the resident to deposit his/her funds with the facility
- Staff shall:
  - Inform the resident of benefits that he/she may be eligible for
  - Advise of the kinds and amounts of personal possessions permitted
  - Return the resident’s personal funds and final accounting within 30 days of discharge
Financial Affairs

- The facility may not charge for special foods or meals ordered by the physician
- The facility must consider the resident’s:
  - Needs
  - Preferences
  - Other cultural or religious make up
- Information about services not covered by Medicaid must be provided
Records

- **Residents:**
  - Have access to personal and medical records pertaining to his/her self
  - Must be given access to the record in the format that he/she requests and understands

- **Facilities:**
  - Can charge a reasonable cost-based fee
Communications

- The facility must provide reasonable access to the internet, phone and mail
- The resident has the right to reasonable access for privacy in electronic communications (at resident expense)
  - E-mail and video communication
  - Internet research
Safe Environment

- Residents have the right to a safe, clean, comfortable and homelike environment
  - Should receive care safely
  - Physical layout of the facility must be safe and maximize resident independence

- The facility must provide reasonable care to protect property/belongings for loss/theft
Grievances

- Residents have the right to voice grievances without fear of discrimination or reprisal

- Facility must:
  - Inform residents how to file a grievance
  - Develop a policy for grievances
  - Identify a Grievance Official
  - Take immediate action

- The facility must not prohibit or discourage residents from communicating with state or local officials
Tonya Amos
Local Long-Term Care Ombudsman
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