

Consumer Rights to Quality of Life & Quality of Care



**KIM MARHEINE, OMBUDSMAN SERVICES
SUPERVISOR**

**STATE OF WISCONSIN
BOARD ON AGING & LONG TERM CARE**

State of Wisconsin Board on Aging and Long Term Care



**LONG TERM CARE OMBUDSMAN PROGRAM/
HELPLINE**

1-800-815-0015

VOLUNTEER OMBUDSMAN PROGRAM

1-800-815-0015

MEDIGAP HELPLINE

1-800-242-1060

Ombudsman Program Authorization



- Congressional authorization through the Older Americans Act, providing for unrestricted access to Ombudsman program services
- Additionally, provides unrestricted access of Ombudsman to residents “at any time and without notice.”

Ombudsman Program Authorization



- Resident identity & concerns held confidential, unless permission is granted for disclosure
- Facilities must assure “private & unrestricted communication”
- Independent advocate for residents in resolving concerns relating to providers, individuals, regulators or other parties

Role of the Ombudsman



- Focus on the rights of long term care consumers, to assure quality of life and quality of care. In WI, persons over age 60, residing in licensed LTC facilities, recipients of Family Care or Community Options Program services
- Investigate complaints of rights violations, inadequate care and services
- Challenge resolution, striving toward positive outcomes for client – always and only the resident

Responsibilities of the Ombudsman



- Discuss care options
- Resolve challenges
- Consultation services
- Education
- Resident & Family Councils
- Issue and Systems Advocacy

Nursing Home Reform Law



Resident Rights and Protections are built on two foundational principles:

- **Quality of Care:** Each resident must receive and the facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.
- **Quality of Life:** A facility must care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.

Resident Rights...



- Are guaranteed by state and federal laws
- Direct that everyone – staff, families, volunteers, visitors – are required to respect, protect and promote an individual's rights
- Guarantee that every person has the right to exercise all of her or his rights free from interference, coercion, discrimination or retaliation.

The foundation of Resident Rights states that each person has the right to be treated as an individual, with courtesy, respect and dignity at all times and under all circumstances.

Most Common Rights Complaints in LTC



- Right to exercise individual liberties and to lead a dignified existence (*choice*)
- Rights regarding health care risks and benefits, including right to self-determination (*care and treatment*)
- Rights to information and to manage own personal and financial affairs
- Rights to privacy in medical and personal care, in correspondence and visits, in treatment of personal records and belongings

Most Common Rights Complaints in LTC



- Rights regarding free association and participation in or refusal of activities of choice
- Rights to keep and use personal possessions and to be secure from theft or loss
- Right to be transferred or discharged only after notice per Ch. 132, for specified reasons and with full participation in discharge planning

Rights - Continued



- Right to receive a statement of Resident Rights, including information about and assist with access to advocacy and regulatory agencies
- Right to express and receive a prompt and respectful response to grievances
- Right to be free from verbal, sexual, physical and mental exploitation and abuse

Root Causes of Rights Violations



- **Systemic**

- Paternalistic view of society toward aging and older adults
- Stigma
- Medical model of care(giving) vs. person-directed or person-centered

- **Individual**

- Education
- Life experience
- Family dynamics

Serious Cites in WI Nursing Homes



- Immediate Jeopardy: “a situation in which the provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.”
- IJ Examples

IJ Trends 2000 - 2010



Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
# IJ's	27	21	23	23	29	68	77	85	76	89	47
# homes w/ mult IJ's	2	4	2	2	8	19	24	26	15	19	12

Care & Treatment Trends: Questions or Answers?



- WI nursing homes are currently licensed to care for 36,875 persons who require a skilled nursing level of care
- WI historically near top of national rankings in quality of care, consumer choice, affordability
- WI historically a leader in quality improvement efforts
- Majority of WI nursing home residents report a high degree of satisfaction with their care
- Demographics & Gaps

IJ Tags Cited most Frequently



- Failure to promote highest level of functioning
- Failure to prevent accidents
- Failure to inform MD of change in condition
- Failure to follow professional standards of practice
- Failure to prevent pressure ulcers
- Dehydration
- Infection control

Resources



- Board on Aging & Long Term Care
Advocacy agency for LTC consumers age 60 and older
1-800-815-0015/longtermcare.state.wi.us
- Division of Quality Assurance (DQA)
Licensing agency for WI LTC facilities
608-266-8481
- Nursing Home Compare
Website to compare NH standards
www.medicare.gov/NHCompare