



## A Note from the State Long-Term Care Ombudsman:

As the holidays approach and families gather together to celebrate their special traditions, the Office of the State Long-Term Care Ombudsman often gets lots of questions about whether long-term care residents who receive skilled care can leave the facility for outings or overnights without worrying that they will lose Medicare coverage.



Because Medicare only reimburses nursing facilities for skilled care, there is a common misconception that residents who leave to attend family gatherings or other functions are demonstrating that they do not need skilled care. However, the [Medicare Benefit Policy Manual](#) clearly states that "an outside pass or short leave of absence for the purpose of attending a special religious service, holiday meal, family occasion, going on a car ride or

making a trial visit home is not, by itself, evidence that the individual no longer needs to be in a skilled nursing facility for the receipt of required skilled care."

Additionally, the manual says facilities should not notify residents that leaving the facility will lead to loss of Medicare coverage, as such notice is "not appropriate."

If a resident leaves and returns to the facility by midnight of the same day, the facility can bill Medicare for the day. If the resident is gone past midnight or overnight and returns the next day, the day the resident leaves is considered a "leave of absence" day. In that situation, the Centers for Medicare & Medicaid Services has confirmed a facility can bill the resident for bed-hold days.

If you have questions about a resident's planned leave of absence, please call (866) 236-1430. Best wishes for a wonderful holiday season and a safe, happy New Year!

Deanna Clingan-Fischer, JD

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## Discharge Specialist Spends Busy First Year Assisting Residents, Educating Facilities



September marked the one-year anniversary of the establishment of the Discharge Specialist position within the Office of the State Long-Term Care Ombudsman, and it has been a busy first year to say the least.

During the first 12 months, Discharge Specialist Cindy Pederson received 291 involuntary discharge/transfer notices and was able to provide assistance to approximately one-third of the long-term care residents/tenants who received those notices. Among other things, Cindy referred individuals to legal aid to seek representation; assisted individuals in preparing for self-representation; mediated disputes between individuals and facilities; and worked with facilities to ensure they followed legal requirements in issuing involuntary discharge notices.

In addition, the OSLTCO offered education to a number of facilities to inform them about the involuntary discharge process, so that those needing to issue notices would be able to do so without violating an individual's due process rights. While some facilities had staff attend professional forums held throughout the state, others consulted with Cindy on a one-on-one basis over the phone or in person.

The OSLTCO was also able to work with legal assistance programs to maintain residents'/tenants' rights in involuntary discharge cases and use the Hardship Waiver as a tool to successfully overcome an involuntary discharge threat for a victim of financial

exploitation.

By having all involuntary discharge cases processed through one position, the OSLTCO has been able to recognize and address inconsistencies in state rules regarding involuntary discharges and will spend part of the next year working on changes to ensure consistent administration of involuntary discharge rules moving forward.

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## Welcome New Team Members

The Office of the State Long-Term Care Ombudsman is excited to introduce two new members.

Lynzey Kenworthy has joined the OSLTCO as Policy Coordinator & Legislative Liaison, while Seygbai Kai will be working as an AmeriCorps VISTA member with the Volunteer Ombudsman Program.

Please join us in welcoming them to our team!



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## Right to Participate in Research Studies

Long-term care facilities (LTCFs) and assisted living programs (ALPs) are sometimes approached by researchers and other interested parties with requests to recruit residents and tenants as research study participants.



While these opportunities can be useful in representing the views of these populations, LTCFs and ALPs must be mindful of potential ethical and practical issues associated with involving residents/tenants as research subjects.

The Office of the State Long-Term Care Ombudsman supports the right of long-term care residents/tenants to voluntarily participate in research studies that demonstrate proper guidance and measures for ensuring an appropriate level of advanced, informed consent from participants. A [fact sheet](#) detailing this position is posted in the [Resource Library](#) section of the OSLTCO website.

For more information about the rights of Iowa's long-term care residents and assisted living program tenants as research study participants, please call the Office of the State Long-Term Care Ombudsman at (866) 236-1430.

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## Upcoming Events & Educational Opportunities

### INNOVATION & EXCELLENCE IN IOWA PASRR

Dec. 14 (Cedar Rapids), Dec. 15 (Indianola) & Dec. 17 (Ft. Dodge)

Nurses, social workers, case managers and other long-term care professionals are encouraged to attend one of these free training events hosted by Ascend Management Innovations and the Iowa Department of Human Services. Presentations will include information about developments in Iowa Preadmission Screening and Resident Review (PASRR); PASRR-identified services and how they are being monitored; developing PASRR-compliant care plans; and accessing Ascend, State of Iowa and community resources. CEUs for registered nurses and social workers will be provided.

> [Learn more and register](#)

### LEARN MORE ABOUT IPOST

The Iowa Physician Orders for Scope of Treatment, known as IPOST, is a document that allows individuals to communicate their preferences for key life-sustaining treatments, including resuscitation, general scope of treatment, artificial nutrition and more. IPOST is appropriate for people who are frail elderly or who have a chronic, critical medical condition or terminal illness.

In the last stages of illness, health decisions can be complicated and difficult. IPOST helps health care providers guide and support individuals and their families during this sensitive time by providing a clear declaration of the person's health care treatment choices and wishes. More information about IPOST, including the form, policies and procedures and educational materials for nursing facilities, is available online from the Iowa Healthcare Collaborative.

> [Visit website](#)

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## Welcome New Volunteer Ombudsmen

Please join us in welcoming the following new member of the Volunteer Ombudsman Program:

- Gabriele Auerbach, Iowa Masonic (Bettendorf)
- Becky Delzell, Sunrise Terrace (Winfield)
- Anna O'Flaherty, Riverview Manor (Pleasant Valley)
- Tobey Slagenweit, Willow Gardens (Marion)
- Janice Townsend, Good Samaritan Society (Davenport)

For more information about the program, visit <https://www.iowaaging.gov/VOP>.

The mission of the Office of the State Long-Term Care Ombudsman is to protect the health, safety, welfare and rights of individuals residing in long-term care by investigating complaints, seeking resolutions to problems and providing advocacy, with the goal of enhancing quality of life and care.

Please feel free to forward this newsletter to others who may be interested.

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