

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

The role of the Office of the State Long-Term Care Ombudsman (OSLTCO) is to advocate for the rights and wishes of residents and tenants residing in Iowa's long-term care facilities and programs - a mission that sounds pretty straightforward until we think about how individuals' rights are continuously changing and evolving under the law.

Some rights, like the right to be treated with dignity and respect, seem to be rooted deeply within our culture, enough so that most people would readily agree that the right to be treated well is one that transcends all legal, social and cultural boundaries. But, as evidenced by the number of elder abuse cases in this country and around the world, it is clear that older adults are not always given the dignity and respect they deserve.

As a result, the OSLTCO advocates on behalf of residents and tenants to ensure their lives are free from abuse and neglect and participates in promoting events like [World Elder Abuse Awareness Day](#) to make sure all Iowans, regardless of age, are treated as valuable members of society.

On the other hand, some rights have to be spelled out by the law in order to make sure they are appropriately observed. These include the right of an adult to choose whom to visit, communicate or interact with, even when that adult is a ward of a court-appointed guardian. A bill recently signed into state law by Gov. Terry Branstad recognizes adult wards have a right to visitation with others and that their ability to choose whom to interact with cannot be denied by a guardian, even if the individual is not able to give consent due to a physical or mental condition.

This [new law](#) is important in that it recognizes that socializing with others is a right of individuals that



cannot be controlled by another person, even if that person is acting as a guardian, unless he or she can demonstrate good cause for denying access. The OSLTCO will therefore be responsible for helping to educate guardians, long-term care providers and the public about this new law and working to ensure the wishes of adult wards are met whenever possible.

Like many jobs, the role of the State Long-Term Care Ombudsman is one that changes from day to day - and even from hour to hour - as legislators and courts work to codify how to care for those residing in long-term care. Fortunately, the responsibility, though weighty, is incredibly rewarding. Life isn't always black and white, but our goal of protecting the health, welfare and overall well-being of long-term care residents and tenants by advocating on behalf of their rights and wishes is one that resonates with all of us on some level.

Deanna Clingan-Fischer, JD

## Taking immediate action is the best way to mark World Elder Abuse Awareness Day

Every year an estimated 5 million older Americans are victims of elder abuse, neglect or exploitation - and that's only part of the picture. Experts believe that for every case of elder abuse or neglect reported, as many as 23 cases go unreported.

On June 15, 2006, the International Network for the Prevention of Elder Abuse and the World Health Organization launched World Elder Abuse Awareness Day in an effort to increase public awareness of elder abuse, teach individuals to recognize the signs and symptoms of elder abuse and neglect and encourage members of the community to engage in a constructive dialogue with aging network professionals, policymakers and other key stakeholders to ensure older adults are treated with dignity and respect.

Several types of abuse are perpetrated against older adults, including physical abuse, emotional or psychological abuse, financial abuse and exploitation, sexual abuse and abandonment. One of the most commonly reported types of abuse that occurs in long-term care facilities is neglect, which can vary greatly between cases, but often involves at least one of the following:

- Emotional or social neglect, where an individual is repeatedly ignored, left alone or snapped at by over-stressed caregivers;
- Personal hygiene neglect, where a resident does not receive adequate assistance with bathing, toileting, brushing teeth, changing clothing or linens or other forms of hygienic practices;
- Basic needs neglect, where the facility fails to provide reasonable food and water or a clean and safe environment; or
- Medical neglect, where the facility fails to provide adequate attention to, prevention of or medication for health concerns, such as bed sores, infections, cuts, chronic diseases, cognitive disorders or mobility issues.

While elder abuse that occurs in a long-term care facility may be perpetrated by a staff member, resident abuse can also be committed by another resident, a family member or a visitor. Regardless of the situation, the Iowa Department of Inspections and Appeals recently issued information to all of the state's long-term care providers to remind them that all allegations of abuse must be reported immediately and in no case should the time frame for reporting an incident exceed 24 hours, even when the reporting window falls over a weekend or on a holiday.

To report an incident during regular business hours, call the Iowa Department of Inspections and Appeals Health Facilities Division at (877) 686-0027. After hours, visit their website ([https://dia-hfd.iowa.gov/DIA\\_HFD/Home.do](https://dia-hfd.iowa.gov/DIA_HFD/Home.do)), send an email to [HFD\\_Complaint@dia.iowa.gov](mailto:HFD_Complaint@dia.iowa.gov) or fax a report to



(515) 281-7106.

For more information on recognizing the signs and symptoms of elder abuse in long-term care facilities and training on how to report allegations, please contact the Office of the State Long-Term Care Ombudsman at (866) 236-1430.

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## New state law recognizes visitation rights for adult wards

On April 24, Governor Terry Branstad signed [Senate File 306](#) into law, limiting a guardian's ability to restrict visitation and communication with an adult ward. As a result, Iowa Code now specifies that an adult ward under guardianship has a right to communicate, visit or interact with other persons as long as the adult ward gives consent.



SF 306 was sponsored by Sen. Robert Hogg (District 33) and originated after one of Sen. Hogg's constituents complained about not being able to visit a loved one because of restrictions placed by a guardian. Although the law recognizes that some adult wards are not able to give consent, it states that the guardian or a court should presume that the ward would give consent to visit with another person based on the ward's prior relationship with that person.

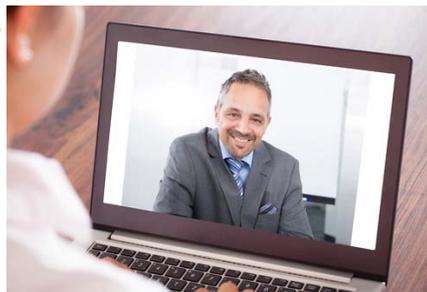
The law does permit a guardian to place reasonable time, place and manner restrictions on communication, visitation or interaction between an adult ward and another person, primarily to prevent visitors from asserting they may visit the ward at inappropriate times or places or in an inappropriate manner. However, guardians must now seek court approval and demonstrate good cause before denying all communication, visitation or interaction between the ward and another person if the ward has expressed a desire to communicate, visit or interact with that individual.

For more information, please contact the Office of the State Long-Term Care Ombudsman.

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## Upcoming Events & Learning Opportunities

- Wartburg College's Slife Institute for Social Work, Consultation, Research and Training is teaming up with the Iowa Department on Aging to present "Professional Practice with Older Adults: Mental Health, Dementia & Ethics" on Tuesday, June 9, from 8:30 a.m. - 4 p.m. at the Saemann Student Center at Wartburg College.



The workshop will feature two half-day sessions designed to aid participants in their direct-practice work with older adults experiencing mental illness and dementia. The cost is \$60 per person and includes admission to both sessions, materials, CEU documentation, lunch and refreshments. 6.5 CEUs, including 3 hours on professional ethics, are available.

Pre-registration is required and must be received by June 2.

> [Register for the event](#)

- Each of Iowa's six Area Agencies on Aging (AAA) will be coordinating events across the state to recognize World Elder Abuse Awareness Day. For more information about events in your area, please [contact your regional AAA](#) and ask to speak to the Elder Rights Specialist.
- The OSLTCO recently added a page to its website listing several new learning opportunities

relating to the advocacy and support of Iowa's long-term care residents. Resources include videos, brochures and presentations about a variety of topics that are beneficial to residents, their families and the staff of Iowa's long-term care facilities.

> [\*Visit the website\*](#)

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## Welcome New Volunteer Ombudsmen

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

- Dale Bielenberg, Regency Care Center (Norwalk)
- Wendy Diekema, Ramsey Village (Des Moines)
- Pandora Lamar, Riverside North (Ames)
- Dolores Reece, Villa Del Sol (Marshalltown)
- Jodie Wineski, Fleur Heights (Des Moines)

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.