

The Advocate E-Newsletter - February 2017



February 6, 2017



A note from the State Long-Term Care Ombudsman:

Last week, pursuant to Iowa Code 231.42, the Office of the State Long-Term Care Ombudsman (OSLTCO) released its [Annual Report for Federal Fiscal Year 2016](#) (Oct. 1, 2015 - Sept. 30, 2016). The report includes information about the programs and activities of the OSLTCO, as well as some fascinating statistics about Iowa's 54,000+ long-term care residents and tenants.

During the reporting period, the OSLTCO visited more than 13,000 individuals living in long-term care facilities while investigating complaints. Most concerns were related to resident/tenant care, but complaints about autonomy/rights, admission/discharge/transfers and the environment/safety were also common. A total of 708 new cases were opened in FFY 2016.

Representatives from the OSLTCO also worked to provide nearly 12,000 hours of advocacy beyond complaint handling in FFY 2016, while Volunteer Ombudsmen stationed at 84 nursing facilities throughout Iowa provided 3,825 hours of service worth \$85,115.

Altogether, the Office and its partners clearly made significant strides toward protecting the health, welfare, safety and rights of Iowans residing in long-term care in FFY 2016, and I anticipate we'll make even more progress in 2017 as we expand programming and outreach to advocate for Medicaid managed care members. As always, your assistance and local



advocacy efforts help make this work possible, and we appreciate your continued support as we strive to enhance quality of life and care for some of Iowa's most vulnerable populations.

Deanna Clingan-Fischer, JD

New requirements for notifying the OSLTCO about discharges



New regulations went into effect at the end of November 2016 requiring notices for all discharges/transfers from a facility to be provided to the Office of the State Long-Term Care Ombudsman. The OSLTCO is still reviewing and making determinations regarding the impact of this regulation; however, we can offer the following comments:

- All involuntary discharge notices must comply with state regulations still in effect.
- Non-involuntary discharge notices must be transmitted to the Office of the State Long-Term Care Ombudsman per the new regulations. The non-involuntary discharge notices may be transmitted via mail to 510 E. 12th Street, Suite 2, Des Moines, IA 50319, via fax to (515) 725-3313 or via email to cynthia.pederson@iowa.gov.
- Please be sure that the notice includes a reason for the discharge.
- Do not include protected personal information, such as a social security number or date of birth, in the notice.
- If using face sheets as notices, please include a reason for the discharge and redact all protected personal information.
- If the notice you are providing includes appeal rights, please include the correct appeal rights for the type of discharge you are issuing.

Please consult your facility counsel, corporate counsel or industry trade association for additional guidance regarding these notices.

National Consumer Voice releases side-by-side comparison of revised and previous federal nursing home regulations



On Jan. 20, 2017, the National Consumer Voice for Quality Long-Term Care released a new resource. According to the Consumer Voice, its new [Side-by-Side Comparison of Revised & Previous Federal Nursing Home Regulations](#) "shows each provision of the revised federal nursing home regulations and traces it back to provisions from the previous regulations."

The tool allows users to:

- Locate which provisions in the revised regulations are new or revised;
- For revised provisions, see the previous language from which the provision was revised; and

- Note the implementation phase for each provision in the revised regulations. The side-by-side comparison was created utilizing the Centers for Medicare & Medicaid Services (CMS) information provided in its Long-Term Care Facilities Crosswalk found in the [Federal Register, Vol. 81, No. 192, October 4, 2016 \(p. 68825\)](#).

Who are the Volunteer Ombudsmen?

Iowa's Volunteer Ombudsmen are trained, certified representatives of the Office of the State Long-Term Care Ombudsman. They are members of the community assigned to a nursing facility to carry out the OSLTCO's mission of protecting the health, safety, welfare and rights of residents by getting to know the staff, residents and families in a facility; providing information about residents' rights; listening to concerns; and attempting to resolve issues with a resident's permission.



If a volunteer is selected to serve at your facility:

- The administrator will receive written, advance notice on OSLTCO letterhead;
- The administrator will have an opportunity to meet the volunteer during his/her facility orientation with the Local Long-Term Care Ombudsman (other staff may attend at the administrator's discretion);
- The facility will be given a poster with the volunteer's picture to post in a prominent location; and
- The volunteer will carry name and photo identification with the OSLTCO logo.

In addition, if a volunteer leaves the program, the facility administrator will receive written notice.

Only on rare occasions will we ask one of our volunteers to drop in on a facility other than the one to which they have been assigned. If you are ever concerned that a visitor claiming to be a Volunteer Ombudsman is not who they say they are, you are welcome to call (866) 236-1430 to verify their status.

Iowa's Office of Substitute Decision Maker provides education, assistance



The [Office of Substitute Decision Maker](#) (OSDM) is established in Iowa Code 231E and strives to enhance the quality of life for Iowans who are not capable of making their own decisions about legal, financial or health care matters. The OSDM's mission is to preserve individual independence through a person-centered process by providing education and assistance to public and private substitute decision makers throughout the state and by providing substitute decision making services in the least restrictive manner as an office of last resort.

Depending on the situation, the OSDM may act as an individual's guardian; conservator;

attorney-in-fact under a health care power of attorney document; agent under a financial power of attorney document; representative payee; or personal representative. The OSDM may also intervene in a case where an appointed guardian or conservator is not fulfilling the prescribed duties, or when the best interests of the ward require intervention.

The OSDM will only accept an application and serve if the office is the substitute decision maker of last resort. To be eligible, an individual must be an Iowa resident who is at least 18 years old who has no appropriate or responsible person available to serve as a substitute decision maker or who is without adequate resources to compensate a substitute decision maker.

When making decisions on behalf of Iowans not capable of making their own decisions, the OSDM takes many factors into consideration, including, but not limited to, the individual's wishes and directions; the input of caregivers and other persons with knowledge of the individual's directives; and the individual's best interests and safety, security, health and welfare.

If you have questions about the Office of Substitute Decision Maker, the services or assistance provided by OSDM or an individual that may be served by OSDM, please contact Susan McCall at susan.mccall@iowa.gov or (515) 725-3039.

Sample sexual expression policies available online

The Office of the State Long-Term Care Ombudsman recently created a guidebook to assist long-term care facilities develop policies around resident/tenant sexual expression. [Sexual Expression Policy Development: A Guide for Long-Term Care Facilities & Assisted Living Programs](#) is available on our website on the "[Resource Library](#)" page, along with two sample policies that may be used as templates.



Participate in the LGBTQ Health Care Providers Survey

One Iowa is asking long-term care facilities to participate in an online assessment to help gain a better understanding of relationships in the state of Iowa between health care providers and the LGBTQ community. Within the survey, participants may elect to be contacted by One Iowa for assistance in improving services in this area. The survey should take about five minutes to complete and is completely voluntary: <https://www.surveymonkey.com/r/YBP8995>.



Upcoming Events & Educational Opportunities

WEBINAR: "A DEEPER DIVE INTO THE REVISED FEDERAL NURSING HOME REGULATIONS - PART I"

Wednesday, Feb. 15, 2017 (1 p.m. CST)

The Centers for Medicare & Medicaid Services (CMS) released its revised nursing home regulations. In this webinar hosted by Consumer Voice, participants will take a closer look at the following sections of the revised regulations:

- Assessment, Care Planning & Discharge Planning
- Transfer-Discharge
- Nursing Services
- Unnecessary and Antipsychotic Drugs

Join this webinar to hear Justice in Aging, Center for Medicare Advocacy and Consumer Voice discuss changes in the regulations and their impact on the care delivered to consumers.

[Register](#)

ABUSE IN LATER LIFE: FREE CROSS-TRAINING FOR VICTIM SERVICES PROVIDERS

Monday, Feb. 20, 2017 (8 a.m. - 5 p.m.)

Iowa State Bar Association | 625 E Court Ave. | Des Moines, IA 50309

Anyone who works with abuse in later life and elder abuse victims is invited to attend the first in a series of free statewide cross-training events. This includes attorneys; medical providers; protective services workers; domestic violence advocates; sexual assault advocates; systems-based advocates within the criminal justice system (law enforcement, prosecutor's offices, probation departments, etc.) or the health care system; and aging network professionals. The purpose of the event is to enhance older victims' safety and quality of life by strengthening collaboration among victim service providers, and participants who complete the training will be able to describe the dynamics of abuse in later life; identify and utilize resources in the community; and promote collaboration and communication among victim service providers. CLEs and CEUs available.

[Register](#)

2017 DIALOGUE ON AGING SERIES: LEADERSHIP IN AGING - INSPIRING TOMORROW'S LEADERS TODAY

Thursday, March 23 (9 a.m. - 3:15 p.m.)

Hilton Garden Inn | 8600 Northpark Dr. | Johnston, IA 50131

Join the Iowa Department on Aging on March 23 for the first event in its 2017 Dialogue on Aging Series. The topic for this event is "Leadership in Aging: Inspiring Tomorrow's Leaders Today" and will begin with a public meeting of the Iowa Commission on Aging, followed by three thought-provoking presentations. Lunch is included and will feature the presentation of

the 2016 Betty Grandquist Lifetime Achievement Award to two Iowans who have dedicated their personal and professional lives to improving the quality of life and care for older Iowans and persons with disabilities. Registration fee is \$25 per person and covers the cost of lunch. Space is limited; a block of hotel rooms has been reserved. RSVP by Friday, Feb. 10.

[More Information](#) | [Register](#)

LEGAL RIGHTS OF OLDER IOWANS

Friday, March 3, and Thursday, April 27 (12:30-4 p.m.)
Iowa Communications Network (ICN) Sites

Iowa Legal Aid's Legal Hotline for Older Iowans is sponsoring two free elder law seminars for older Iowans and their caregivers in March and April. Both will be offered over the ICN at 26 sites across Iowa. The March seminar will feature information on Medicaid eligibility for nursing facility and in-home services; Medicaid managed care issues and rights; and protecting yourself against elder abuse and financial exploitation. The April seminar will include information about protecting the rights of nursing facility residents; planning to protect your future; and protecting yourself against consumer scams and deceptive practices.

For more information or to register, call (800) 992-8161 or (515) 282-8161. RSVP by March 13, 2017.

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.