

# The Advocate

Office of the State Long-Term Care Ombudsman

July 2009

Issue #18

## Greetings...

### From the Iowa Department on Aging (IDA)!

Effective July 1 our Department has a new name: Iowa Department on Aging (IDA). In light of this new change please take the enclosed yellow poster to your facility and ask that it be posted in a prominent place. Federal Law requires that these phone numbers be posted in each facility.

Along with the name change, our department will have a new website address. Watch for further information.

Angie O'Brien has resigned and is now the Director of an assisted living facility in Central Iowa. We wish Angie the best of luck as she takes on this exciting new challenge. Until a new ombudsman is hired for this area, Resident Advocates in North Central Iowa may contact Jeanne Yordi or Katie Mulford with any concerns or issues.

## RAC Training

There are still a few training sessions left this year. Lots of great discussions have made this interactive training fun for everyone. Be sure to call our office to RSVP and receive more detailed information.

Buena Vista County:	Storm Lake-July 8
Cherokee County:	Cherokee-July 29
Dubuque County:	Dubuque-July 20
Hancock County:	Britt-July 8
Ida County:	Holstein-July 22
Iowa County:	Williamsburg-July 23
Kossuth County:	Algona-July 7
Linn County:	Marion-July 10
O'Brien County:	Sheldon-July 29
Pocahontas County:	Pocahontas-July 8
Scott County:	Davenport-August 3
Shelby County:	Harlan-July 15
Wapello County:	Ottumwa-July 16
Woodbury County:	Sioux City-July 22

Telephone conferences will be scheduled late this fall if anyone missed out on the classroom training.

Watch the October newsletter for details.

Remember a volunteer must attend training at least once every two years to remain active in the Resident Advocate program.

We are reviewing our current training agenda and will soon begin exploring options for next year. As we help you increase your skills and technical knowledge our training will become more in depth and detailed.

## Food Guidelines Clarification

During RAC trainings, we have had many discussions about how the new food source guideline will affect residents. Here is the new rule put in place by the Federal Government:

**"Unsafe Food Sources – Unsafe food sources are sources not approved or considered satisfactory by Federal, state, or local authorities.** Nursing homes are not permitted to use home prepared or home preserved (e.g. canned, pickled) foods for service to residents."

"NOTE: Family members or other resident guests who bring in food for that resident's consumption are not subject to this prohibition".

This regulation is intended solely for foods prepared by the facility. A revision was recently made to further clarify this rule. Foods accepted by residents from visitors, family, friends, or guests are not subject to this regulatory requirement. In addition, residents have the right to accept food from anyone they choose.

## Nursing Home Fines

The 2009 Legislative session brought changes with Senate File 433 (Nursing Facility Citations Act) signed by the Governor on May 26. The Act relates to the classification and assessment of violations in health care facilities and assisted living programs. The Iowa Department on Aging (IDA) and Iowa Department of Inspections and Appeals (DIA) were against the bill from passing. Due to changes outlined in the Act, reinforcing

residents rights and following through on resident complaints and concerns will be more difficult.

The Act has loosened the ties to penalize the facilities that are not meeting the needs of the resident. Citations may be reduced by 35% if the facility does not request or withdraws a request for a formal hearing, in addition to paying the citation within 30 days of the receipt of notice. If a facility self-reports & corrects inadequate care or procedures to the DIA prior to inspection, citations will not be issued except in specific situations as spelled out in the Act. During federal surveys, state citations will be erased if the corresponding federal citation is dismissed.

There are 3 different classes of violations facilities may be fined for I, II, and III. The classes range from having Class I meaning imminent danger to Class III a violation of the regulation in Iowa Law 135C. Due to the Act, Class I violations (due to an intentional act) shall be doubled. The Director of the DIA may receive written requests from facilities to have their Class II violations penalties waived. The DIA will create and adopt such a waiver process.

Our role as advocates is more important than ever to be sure that the voice of the residents is heard and their concerns are resolved to their satisfaction. If you would like more information call your Local Long-Term Care Ombudsman.

## Rule Review

*Chapter 58.12 (1)e.*

*The admission of a resident to a nursing facility shall not give the facility or any employee of the facility the right to manage, use, or dispose of any property of the resident except with the written authorization of the resident or the residents' legal representative.*

The resident inventory is used to make certain that a resident's property is not lost, misplaced or stolen. Unfortunately many facilities complete an inventory when the person moves in but fails to update it.

Please encourage residents and family members that all gifts and new items should be labeled and recorded on the inventory immediately. If a resident receives a new cell phone, for example, the date it was received, the model and serial number should be recorded on the inventory while the resident or family member observes. Any item,

large or small, should be recorded and the date the inventory was updated should be documented.

If an item is lost or misplaced, the only way to prove it was actually in the facility is by the inventory. This is an excellent conversation starter for new residents and family members in your facility.

## New Regulator Guidelines

On April 10<sup>th</sup>, The Center for Medicare/Medicaid Services issued new interpretive guidelines for the surveyors who regulate nursing homes. The new guidelines call for a more home-like environment in nursing homes. Although the actual regulations did not change, the way the surveyors interpret the guidelines did change. The federal regulation for dignity states that a facility must promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality. The interpretive guidelines for the surveyors say that dignity means that in their interactions with residents, staff carries out the activities that assist the resident to maintain and enhance his/her self esteem and self-worth. Some examples include:

- Grooming residents as they wish to be groomed (e.g. maintaining the resident's personal preferences regarding hair length/style, facial hair for men, removal of facial hair for women, and clothing style).
- Promoting resident independence and dignity in dining such as avoidance of:
  - Day-to-day use of plastic cutlery and paper/plastic dishware
  - Bibs (also known as clothing protectors) instead of napkins (except by resident choice)
  - Staff standing over residents while assisting them to eat
  - Staff interacting/conversing only with each other rather than with residents, while assisting residents
- Respecting residents by speaking respectfully, addressing the resident with a name of the resident's choice, avoiding use of labels for residents such as "feeders", not excluding residents from conversations or discussing

residents in community settings in which others can overhear private information

- Maintaining resident privacy of body including keeping residents sufficiently covered, such as with a robe, while being taken to areas outside of their room, such as the bathing area (one method of ensuring resident privacy and dignity is to transport residents while they are dressed and assist them to dress and undress in the bathing room).

These are just a few examples that are listed in the guidelines. If you are interested in learning more, contact your Local Long-Term Care Ombudsman.

### Tips for Visiting a Facility

Barb Ballou, Resident Advocate Volunteer for Crystal Heights Care Center in Oskaloosa offers the following tips for volunteers.

1. Going in and out of a nursing home in ten minutes does not create enough time to assist residents. Try to stay long enough that you feel you've accomplished something, not just put a bit of time in by dashing in and out. Advocates can't see and talk to all residents in one visit, but they can choose a few residents to visit. Learn how to start a conversation in a relaxing atmosphere so the resident will feel comfortable sharing a problem or desire. One example of a conversation starter is to ask if he or she served in the armed forces. Which war? Tell them how much we appreciate that service. All of us so need to be recognized for who we are.
2. Form a good relationship with staff, but don't take valuable time away from residents.
3. Observe the staff in the dining room to see if they are talking to residents or just to one another. Is there enough help so that people get needed assistance immediately? Is the staff respectful and kind to everyone?
4. Do have a meal once in awhile at the facility. It's amazing what you can learn sitting with a group at lunch or dinner. Remember to pay for your meal.
5. Visit the facility at all different times of the day and evening. Visit later in the evening and check to see if call lights are answered timely, or visit early in the morning and watch the routine.
6. If staff is invited to join your resident advocate

committee meeting, stay on point with conversation. Be organized when the staff arrives and stick to the agreed upon concerns that should be brought to his or her attention. Don't forget to establish a timeline for a reply or resolution of the concern.

If any advocate is interested in sharing their tips or other helpful resources contact your Local Long-Term Care Ombudsman.

## ***"TOUGH ENOUGH TO CARE"*** **STAR ADVOCATES**



### **GINGER DEARDORFF**

Saturday, March 21<sup>st</sup>, Ginger Deardorff passed away. Not many folks knew she had been a leader on the Heritage House Resident Advocate Committee for 20 years. She led by example, engaging and encouraging others. The RAC would divide up the residents, keep tabs on them, listen to their concerns, encourage them, give them hope, and advocate for them to the administration.

Like being a good neighbor, her work as a resident advocate didn't draw attention to itself. She just quietly went about her business of caring and serving.

Local Ombudsman, Julie Pollock, nominated Ginger because it's unusual to find someone with her level of commitment to serve the people that need the most help, but Ginger and the RAC were/are always at the facility, visiting, listening and caring.

### **DON SMITH**

Don has been a RAC member for 10 years at the Anamosa Care Center. Margaret Stickley, the care center's Administrator, nominated Don due to his daily visits which enrich the lives of the residents.

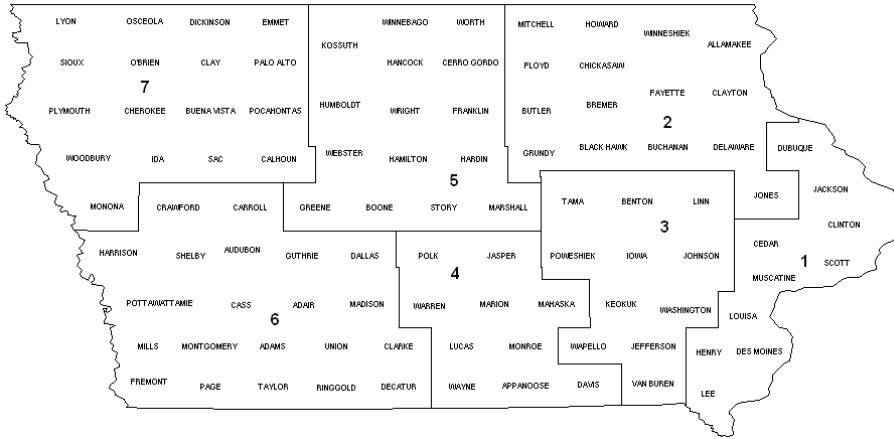
During their daily 3:00 card game Don listens to the residents, and has a special knack for making them feel important and feel good about themselves. One could not ask for a better resident advocate. He knows all, sees all, hears all and promptly addresses any concerns.

Don has impacted the lives of the people living at Anamosa and the people living there are very fortunate to have such a star advocate and dedicated volunteer because at 81 he is still "Tough Enough to Care".

# OFFICE INFORMATION

The Office of the State Long-Term Care Ombudsman is a unit within the Iowa Department on Aging. All members of this unit can be reached at **800-532-3213** or at the direct phone numbers listed here.

## Long-Term Care Ombudsman Districts



1. Kim Cooper, SE  
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2. Carol DeBoom, NE  
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6. Julie Pollock, SW  
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Katie Mulford, Ombudsman Assistant  
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Shirley Taylor, RAC Secretary  
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510 E. 12<sup>th</sup> Street  
Jessie Parker Building Suite 2  
Des Moines, IA 50319

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The following agencies are available to assist residents and/or family members.

## **IOWA DEPARTMENT OF INSPECTIONS & APPEALS**

Division of Health Facilities

*Inspects facilities to ensure compliance with state and federal standards.*

**1-877-686-0027 (toll free)**

Lucas Building, 3rd Floor  
Des Moines, Iowa 50319-0083

## **LONG-TERM CARE OMBUDSMAN**

*Answers questions or assists in resolving concerns raised by or on behalf of residents.*

**1-800-532-3213 (toll free)**

Iowa Department on Aging  
510 East 12th Street  
Jessie M. Parker Building, Suite 2  
Des Moines, Iowa 50319-9025

## **IOWA SMP**

*Answers questions or addresses concerns regarding Medicare or Medicaid fraud, waste or abuse.*

**1-800-423-2449 (toll free)**

2101 Kimball Ave., Suite 320  
Waterloo, Iowa 50702

## **IOWA PROTECTION AND ADVOCACY**

*Provides protection and advocacy for persons with mental illness or disabilities.*

**1-800-779-2502 (toll free)**

950 Office Park Rd., Suite 221  
West Des Moines, Iowa 50265