

FALL 2011

OMBUDSMAN OUTLOOK VOL.13

THE OFFICIAL NEWSLETTER OF FLORIDA'S LONG-TERM CARE OMBUDSMAN PROGRAM

WILL THINGS CHANGE FOR MUNNE RESIDENTS?

Residents wandering the streets and diving into dumpsters and begging for food because the facility where they live provides no engaging activities are problems found in assisted living facilities with a limited mental health license. Although addressing the complexity of these issues is daunting, ombudsmen volunteers and staff try to work with the administrators of these long-term care facilities to help resolve resident complaints, improving the residents' health, safety and welfare.

Unfortunately, all the work done by volunteers and staff has led to little change for residents of the Munne Center, an assisted living facility (ALF) in Miami with a limited mental health license.

In 2006, the program's representatives began compiling a list of complaints from residents. By 2009, the Long-Term Care Ombudsman Council recommended closing

the Munne Center, after receiving over 300 complaints from residents including staff shortage, strong urine odors within resident rooms, old food pieces littering the floor, pests and fear of reprisal from staff. In the Spring 2011 issue of the program's quarterly newsletter, the *Ombudsman Outlook*, the Munne Center made the "Summary of Top Complaints" list for the third time since the winter of 2009.

Ombudsmen staff and volunteers visited the facility and investigated some of the complaints from residents identified in the *Outlook*.

Upon arrival at Munne, ombudsmen were shocked to find a resident of the facility getting off the bus, completely barefoot on a balmy 51 degree day. With further investigation, ombudsmen found this same resident was promised shoes a month earlier by the administrator. Staff members claimed shoes



Is coloring in children's books the best activity to offer residents with limited mental health needs?

were in the process of being ordered.

In addition to a shoeless resident, Ramon Keppis, the North Dade District Ombudsman Manager, found several other areas of concern during his visit.

"Residents were lined up in their wheelchairs in two rows, so that the last resident wasn't able to

move without pushing the resident directly in front. This is essentially a form of restraint," said Keppis. "I also spoke with residents who feared retaliation from staff for voicing their concerns and asserting their rights."

In the Munne Center's "Admission and Financial Agreement," one of the "special services" for limited

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State Ombudsman Jim Crochet began serving with the Ombudsman Program as its Director on May 2, 2011.

FROM OUR DIRECTOR

Recruitment Efforts and Extraordinary Resident Advocacy

This has been an extremely busy quarter. I would like to commend our District Ombudsman Managers for their recruitment efforts across Florida. In May we had 277 volunteers and as of August, the number has risen to 300. Thank you for your hard work and outreach into the local communities.

I would also like to commend ombudsmen staff and volunteers for their outstanding resident advocacy and collaboration with agency, community and facility partnerships. Robin Baker and Diane Carpenter demonstrated great collaboration working with residents and staff at a long-term care facility to support their resident council and problem solve solutions to various issues. Mike Phillips and Linda Owens were also praised for their advocacy efforts on behalf of a resident’s family in the Northwest District.

One resident wrote, “Mike Phillips and Linda Owens are life savers. Without their considerable assistance and support in contesting a nursing home transfer and discharge of my family, we would have been up the creek without a paddle. The Ombudsman Program is a vital resource for Florida citizens facing the bureaucratic mire of long-term care.”

In addition to our current hardworking staff, we’ve added two new District Ombudsman Managers. I want to welcome David Jenks, serving the South Dade and Florida Keys District and Kevin McKeown, serving the Treasure Coast District.

As we move into this next quarter we’ll begin to use a new resident-centered administrative assessment form. This form gives ombudsmen a chance to focus on the resident’s point of view versus looking at a facility through a regulatory lens. No one knows the resident better than the ombudsman, and this form gives our volunteers the opportunity to record their observations and work with residents and staff to make sure the needs of residents are being met.

OCTOBER IS RESIDENTS’ RIGHTS MONTH

October is nationally recognized as Residents’ Rights Month, an initiative of the National Consumer Voice for Quality Long-Term Care.

“Residents’ Rights Month is a valuable opportunity to not only educate our communities on the specific set of rights given to residents when they enter long-term care facilities, but also the services available through the Ombudsman Program and our team of volunteers,” said State Long-Term Care Ombudsman, Jim Crochet.

When individuals move into a long-term care facility such as a nursing home, assisted living facility or adult family-care home, they gain a special set of rights in addition to those they maintain as a United States citizen. In nursing homes, these special rights include everything from the right to choose a physician and pharmacy to the right to a 30-day written notice prior to discharge.

Residents in assisted living facilities and adult family-care homes have rights that range from unrestricted private communication to reasonable opportunity to exercise and go outdoors at regular intervals.

To see the full list of Residents’ Rights, visit us online at <http://ombudsman.myflorida.com/ResidentsRights>.

The Ombudsman Program’s 17 district offices across Florida will be participating in and hosting special events in honor of residents and Residents’ Rights Month in October. To see a list of events, a calendar is available online. You can also call us toll-free at 1-888-831-0404 and ask to speak to a representative in your area.

Governor Rick Scott
Department of Elder Affairs Secretary Charles T. Corley
State Long-Term Care Ombudsman Jim Crochet

Ombudsman Outlook Editor Erica Wilson

SUMMARY OF TOP COMPLAINTS: SUMMER QUARTER

Under State law, the Long-Term Care Ombudsman Program is responsible for publishing its complaint data each quarter. The following data reflects verified complaints from cases closed between June 1, 2011 - August 31, 2011. The data also shows the number of these complaints resolved.

24 complaints

63% resolved

Heart of Florida Assisted Living Facility (ALF) - Haines City

(examples: discharge/eviction; cleanliness)

16 complaints

56% resolved

City Walk Active Living (ALF)- West Palm Beach

(examples: gross neglect; personal property)

11 complaints

0% resolved

Peggy Johnson Watkins (adult family-care home) - Monticello

(examples: snacks; privacy; admission contract)

8 complaints

50% resolved

Rosa's Caring Heart (ALF) - Greenville

(examples: shortage of staff; supplies and linens)

8 complaints

100% resolved-->(great job!)

Highlands Village (ALF) - Sebring

(examples: activity choice/appropriateness; odors)

12 complaints

58% resolved

Astoria Health and Rehab. Center (nursing home) - Winter Haven

(examples: response to complaints; dignity/respect)

9 complaints

100% resolved--> (great job!)

Pasadena Manor (nursing home) - South Pasadena

(examples: toileting/incontinent care; exercise choice)

9 complaints

78% resolved

Gainesville Health Care Center (nursing home) - Gainesville

(examples: dignity/respect; physical restraint)

9 complaints

100% resolved-->(great job!)

Arbor Village (nursing home) - Wildwood

(examples: personal property; symptoms unattended)

7 complaints

100% resolved-->(great job!)

Evans Health Care (nursing home) - Ft. Myers

(examples: fluid availability/hydration; staff shortage)

Complaint Data Terms:

Verified: It is determined after work (interviews, record inspection, observation, etc.), that the circumstances described in the complaint are generally accurate.

Not Verified: It is determined after work (interviews, record inspection, observation, etc.), that the circumstances described in the complaint are not generally accurate. *Verification is determined by the ombudsman.*

Resolved: The complaint was addressed to the satisfaction of the resident. Resolved is one of several disposition codes used by the program. *Resolution is determined by the resident.*

To find out more about the Long-Term Care Ombudsman Program's complaint or facility assessment data, call toll-free 1-888-831-0404 and ask to be transferred to a representative in your area. All services are free and confidential.



WILL THINGS CHANGE... (CONTINUED FROM FRONT PAGE)

mental health residents is “a locked down secured unit.” Policies and standards for being placed in the “locked down secured unit” are not explained. Some residents feared being placed in the “locked down secured unit,” if they spoke up.

The Ombudsman Program referred many of the resident complaints to the Agency for Health Care Administration (AHCA). Even so, the Munne Center shows a disturbing trend in deficiencies cited by AHCA, corrected by the facility then cited again by AHCA, according to AHCA’s inspection reports.

But, things are changing for residents of the Miami facility. The Munne Center will no longer be accepting new residents, as of April 29, 2011. According to state documents, AHCA has issued the Munne Center a moratorium on new admissions. Additionally, the ALF has a change in ownership with a new administrator who has a track record of making necessary improvements in facilities for the benefit of the residents.

The Munne Center is not the only assisted living facility with a limited mental health license that has historically struggled to meet the needs of its residents. Others include Loving Care in St. Pete, the Carden House and Peacekeeper’s Den.

But, what are the standards or best practices these assisted living facilities can follow?

Under section 429.075, Florida Statutes, an assisted living facility must obtain a limited mental health license if serving three or more residents with mental health needs. To obtain a license, each facility staff person who has direct resident contact must complete six hours of specialized training.

Oftentimes, the additional training involves viewing a PowerPoint presentation. No test is administered to measure staff comprehension.

“Six hours of basic training is not enough,” said Mid and South Pinellas District Ombudsman Manager Natalie Clanzly. “More training for staff to manage behaviors of residents with limited mental health needs should be required and more defined standards for what the training should look like, should be identified.” *(continued on page 5)*

DON HERING NOMINATED FOR NATIONAL AWARD



Every year, the National Consumer Voice gives leadership awards to people who have shown exceptional work to improve the lives of long-term care residents. The Ombudsman Program is pleased to announce the nomination of Colonel Don Hering, USMC, retired, for the National Consumer Voice for Quality Long-Term Care Howard Hinds Memorial Award. The award was named in honor of Howard Hinds, a Tennessee ombudsman who championed for resident care on local and national issues.

Don Hering has repeatedly demonstrated his qualifications for this award nomination since he joined the Ombudsman Program in 2004 after reading an article in a local paper about a problematic assisted living facility in the Tampa Bay area. His determined efforts as an advocate influenced the state regulatory agency’s eventual efforts to shut down multiple poor performing assisted living facilities in the Tampa Bay area. After the facility closures, Don continued to work with the regulatory agency to ensure unlicensed activity ceased and the residents had a safe place to live to meet their needs. As a volunteer ombudsman, Don has held the positions of State Council Chair, State Council Vice-Chair, District Council Chair, District Council Vice-Chair, Legislative Workgroup Chair and State Council Association Liaison. Through these roles, Don has advocated for legislative changes, including discharge protections for assisted living facility residents. Florida community and state leaders, long-term care facility residents and Ombudsman Program staff and volunteers respect and know Don for his patience, professional conduct, leadership and drive to protect the rights of Florida’s most vulnerable population.

In a recommendation letter for the award, Senator Ronda Storms wrote, “I have personally known Colonel Hering for the past five years and have been truly impressed by his passion and dedication to Florida’s elderly population. Over the years, Colonel Hering has worked tirelessly to advocate for those who cannot advocate for themselves by helping to protect their health, safety, welfare and rights.”

Because of Don’s excellence in advocacy, he was recently persuaded to come out of retirement and join Ombudsman Program staff as the new Deputy State Ombudsman of Field Operations.

The winner of the 2011 Howard Hinds Memorial Award will be announced in October.



WILL THINGS CHANGE...

(CONTINUED FROM PAGE 4)

27 assisted living facilities have a limited mental health license in Clanzky's district. Complaints from residents and problems Clanzky and volunteer ombudsmen have observed include lack of resident supervision, poor medication administration and inadequate activities for residents, such as coloring with crayons in children's coloring books. Many of these complaints are the same identified by residents living at the Munne Center. Although providing care and services to residents with mental health needs is challenging, facilities can utilize certain best practices to successfully care for and support these residents.

Martha Lenderman, a statewide consultant for the Baker Act Training and member of the Pasco-Pinellas Area Agency on Aging Board said, "These individuals have serious diagnoses needing intensive support services. The idea that they would be offered "coloring" as a therapeutic activity is not only inappropriate, but insulting.

These individuals need to be offered an array of social and therapeutic activities of choice, based on their individual needs and preferences. These activities shouldn't only be offered on site at the ALF, but at integrated settings in the community where people without mental illness diagnoses obtain services. A number of communities have drop-in centers and a few have club houses. The club houses and supported employment services offer job training and productive work that gives meaning to one's life," said Lenderman.

Clanzky said, "A facility should really look at how many staff members are needed to meet the residents' needs, and not just meeting the minimum staff-to-resident ratio. I've seen higher staff-to-resident ratios make a positive difference in the quality of care a resident receives."

Besides having an adequate number of staff to care for residents, other best practices include having work programs where residents can assist in the dining room, deliver newspapers or help in the kitchen, keeping residents engaged with a variety of activities based on the resident's choice, skills and interests and having a nurse on staff in addition to the med-techs to help manage resident medication. Even small things go a long way, like having tablecloths in the dining room and salt and pepper shakers.

"IF THE FACILITIES ARE PART OF THE PROBLEM, THEY MUST BE PART OF THE SOLUTION."

"Little details make residents feel like they are more at home and away from the institutional model. This can ameliorate behavior changes. Residents are individuals and it's important to listen to their needs and wants," said Clanzky.

Like Clanzky and Lenderman, lawmakers agree changes are needed to the oversight of the state's assisted living facilities. Governor Rick Scott established the Assisted Living Workgroup to develop recommendations for improvement. The workgroup is focused on increasing monitoring and safety in assisted living facilities as well as ensuring the well-being of all residents.

"I am honored to be involved in a workgroup that brings everyone to the table, to recommend changes benefiting long-term care residents and improve the quality of care they receive," said State Ombudsman Jim Crochet, a workgroup member.

The Ombudsman Program will assist long-term care residents in attending the next Assisted Living Workgroup meeting on September 23, in Tampa, Florida, or in providing written comments to the workgroup members. If you would like to attend and voice your concerns, please visit AHCA's website at <http://ahca.myflorida.com> to obtain meeting materials and a call-in number. All meetings are open to the public.

"We have to open conversations between residents and facilities," said Crochet. "If the facilities are part of the problem, they must be part of the solution."

OMBUDSMAN

[awm-buhdz-man]

An ombudsman is a volunteer who helps to improve the lives of people who live in long-term care settings like nursing homes, assisted living facilities and adult family care homes.

As members of Florida's elder population make the transition into long-term care facilities, a strong support system for each individual becomes critical. Unfortunately, many long-term care residents do not have anyone to look out for their best interests when it comes to personal health, safety, welfare and rights.

The Long-Term Care Ombudsman Program is made up of more than 300 volunteers who are passionate about improving the quality

of life for residents. It takes a special kind of person to commit to such a mission. We are proud to be a unique program whose success depends on the boldness and compassion of volunteers. These special individuals dedicate thousands of unpaid hours each year to ensuring that the voices of Florida's long-term care facility residents are heard.

To learn more about how the Long-Term Care Ombudsman Program can help you or someone you know, call us toll-free at

1-888-831-0404

or visit us online at

<http://ombudsman.myflorida.com>.

All services are free and confidential.

If you would like to start receiving a free copy of the *Ombudsman Outlook* at your home or business, call us toll-free at 1-888-831-0404 or send an email to LTCOPInformer@elderaffairs.org today.