

Florida's Long-Term Care
OMBUDSMAN PROGRAM

Our 2 cents is no small change



**ANNUAL SNAPSHOT
2007-2008**

OUR ACCOMPLISHMENTS

From October 2007 through September 2008, the Long-Term Care Ombudsman Program continued its 34-year legacy of advocating for Florida's long-term care residents by seeking to ensure their health, safety, welfare and rights through complaint investigations, facility assessments and legislative recommendations.

As a result of our interaction with long-term care residents and their loved ones, we have set forth recommendations in both our annual report and this annual snapshot on behalf one of the state's most vulnerable populations. A full version of the annual report may be found on our website at <http://ombudsman.myflorida.com>.

Long-term care facilities in Florida fall into one of three categories: nursing homes (686 facilities; 82,024 beds), assisted living facilities (2,743 facilities; 89,445 beds), and adult family care homes (503 facilities; 2,316 beds). There are 3,932 long-term care facilities in the state of Florida, with 173,785 beds.

The program conducts annual administrative assessments as mandated by Section 400.0073, Florida Statutes. These assessments focus on the rights, health, safety and welfare of residents. This year, volunteer ombudsmen completed a total of 3,932 assessments statewide, reflecting 100 percent of Florida's licensed long-term care facilities.

In 2007-2008, ombudsmen across the state completed a total of 7,758 complaint investigations. The top three complaints from nursing home residents pertained to improper discharges; medication administration; and matters of personal hygiene. The top three complaints in assisted living facilities and adult family care homes were related to menu quality, quantity and variation; medication administration; and issues of cleanliness, pests and general housekeeping.

Often, a single complaint may affect more than one resident; in fact, an entire wing or population of a long-term care facility may be affected. As such, the program served 183,354 frail elders this year through its investigations alone.

Florida's 413 volunteer ombudsmen serve their communities through 17 local councils throughout the state.

The councils' individual accomplishments for federal fiscal year 2007-2008 are listed here (see back for map):

COUNCIL NAME	FACILITIES	ASSESSMENTS	INVESTIGATIONS	OMBUDSMEN
BROWARD COUNTY	379	379	328	24
EAST CENTRAL FLORIDA	347	347	829	33
FIRST COAST	189	189	264	22
FIRST COAST SOUTH	165	165	255	17
MID & SOUTH PINELLAS	197	197	665	41
NORTH CENTRAL FLORIDA	70	70	226	16
NORTH DADE	419	419	188	13
NORTHWEST FLORIDA	94	94	138	13
PALM BEACH COUNTY	186	186	772	33
PANHANDLE	90	90	440	10
PASCO & NORTH PINELLAS	215	215	662	39
SOUTH CENTRAL FLORIDA	97	97	306	13
SOUTH DADE & THE KEYS	612	612	466	16
SOUTHWEST FLORIDA	268	268	609	33
TREASURE COAST	121	121	266	26
WEST CENTRAL FLORIDA	298	298	693	31
WITHLACOOCHEE AREA	185	185	651	33
TOTALS	3,932	3,932	7,758	413

OUR RECOMMENDATIONS

Baker Act- Baker Act Handbook provisions should be followed when making the decision to return a resident to a facility after being placed under the Baker Act. Currently, Alzheimer's residents are being discharged to hospitals under the Baker Act and then being denied re-entry into their homes; adherence to the handbook would prevent this from occurring.

Personal Needs Allowance- Rules should be amended to increase nursing home residents' monthly personal needs allowance from \$35 to \$45. The allowance has not been increased to adjust for costs of living since 1988.

RECOMMENDATIONS SPECIFIC TO ASSISTED LIVING FACILITIES

Administrative Penalties- Administrative penalties for Class I citations should be levied and collected immediately, similar to "Immediate Jeopardy" deficiencies imposed on nursing homes.

Annual Surveys- The legislature and the executive branch should allocate positions and funding necessary and require the Agency for Health Care Administration to conduct annual (instead of biennial) surveys of all assisted living facilities.

Assisted Living Facility Licenses- Limited nursing services and extended congregate care licenses should be reworked and consolidated to reflect the current population within assisted living facilities.

Background Screening- All care staff and administration should be required to undergo a Level I background screen prior to employment, and a Level II background screen should be completed in the first 90 days of employment.

Contracts- A standard contract should be drafted for use by all assisted living facilities. Residents should have the right to be fully informed, in writing and orally, prior to, at the time of admission and during their stay, of services available in the facility and of related charges for such services. Florida should eliminate binding arbitration agreements from all assisted living facility contracts; specify services to be provided at no extra charge to residents; and specify what it means to move to a higher level of care using activities for daily living as a premise.

Discharge Protection- Florida should develop and implement an administrative appeal process for residents so they may challenge involuntary discharges. Facilities should be required to notify the agency and the ombudsman program whenever a discharge notice is given to a resident.

Emergency Management Plan- Along with the county emergency coordinating office, the Agency for Health Care Administration should review and approve facilities' emergency management plans.

Emergency Plan Implementation- Facilities should be required to provide residents/legal representatives a copy of the emergency management plan upon admittance to the facility or when there is change in the plan. Facility administrators should be required to annually present the emergency/facility evacuation plan to residents.

Grievance Policy- Assisted living facilities should have a uniform grievance policy so residents are able to express concerns and grievances freely without the fear of retaliation. The facility should notify the ombudsman program of any identified grievances so residents may have an advocate available to assist them with their concerns.

Limited Mental Health- Limited mental health residents should receive appropriate levels of care per their diagnoses. The grouping of younger mental health residents and elders into one setting does not ensure the highest quality of life.

Medication Administration- Training hours should be increased for facility staff in relation to medication administration. Medication distribution and administration errors continue to be the one of the highest unresolved issues that the ombudsman program investigates in all types of facilities.

Nursing Home Diversion- The legislature and the executive branch should appropriate additional slots for the diversion program to meet the high demand for this program.

Pharmacy Services- Residents should have the freedom to purchase medications from the provider of their choice.

Residents' Rights- Residents should have the right to organize and participate in resident groups in the facility and the right to have each resident's family meet in the facility with the families of other residents.

Size Limitations- There should be no distinction of standard of care for facilities with fewer than 17 residents. Florida should ensure compliance consistency throughout the statute so the expectation of services is clear for consumers.

Training- Training requirements should be increased for facility staff who work with residents requiring services for Alzheimer's disease or other dementia-related disorders, mental health conditions, medication administration, etc.

