



Florida's Long-Term Care
OMBUDSMAN PROGRAM

Our 2 cents is no small change

*The Voice for People in
Florida's Nursing Homes,
Assisted Living Facilities and
Adult Family Care Homes.*

2008-2009 ANNUAL SNAPSHOT

LTCOP QUICK FACTS

- Ombudsmen staff and volunteers **saved the State of Florida over \$2 million in services** from October 1, 2008, to September 30, 2009.
- Florida has **more residents age 60 and older than any other state in the nation**, and has the **sixth-highest number of nursing home facilities** in the United States.
- Ombudsman Program volunteers contributed **19,696 hours of unpaid service** to long-term care residents.
- The Ombudsman Program has **417 volunteers** who served over a **half-million long-term care facility residents (521,507)**.
- This year, with fewer resources than ever before, Ombudsman **staff and volunteers completed 120 percent of the prescribed annual facility assessments (3,881 assessments total)**, which means an ombudsman saw the inside of every licensed long-term care facility in Florida, visiting some facilities more than once.
- Ombudsman volunteers responded to a total of **8,363 complaint investigations** this year.
- This year Ombudsman Program volunteers traveled a cumulative total of **152,655 miles in 67 counties** to visit residents and conduct annual facility assessments, in-service trainings or investigate complaints.
- Ombudsman Program volunteers **provided 3,623 free in-service trainings** this year. These trainings are conducted in nursing homes, assisted living facilities and adult family care homes throughout the state, and they encourage facility staff members to adopt best practices for improved quality of life for the people they care for.
- This year the Ombudsman program expanded public outreach to include nontraditional media such as **Facebook, Twitter and YouTube** pages.

DISTRICT COUNCIL NAME	OMBUDSMAN VOLUNTEERS	FACILITY ASSESSMENTS	COMPLAINT INVESTIGATIONS
BROWARD COUNTY	25	389	415
EAST CENTRAL FLORIDA	42	327	703
FIRST COAST	25	184	316
FIRST COAST SOUTH	13	52	201
MID & SOUTH PINELLAS	49	207	834
NORTH CENTRAL FLORIDA	15	69	330
NORTH DADE	12	424	335
NORTHWEST FLORIDA	11	95	114
PALM BEACH COUNTY	33	195	546
PANHANDLE	14	99	541
PASCO & NORTH PINELLAS	34	216	950
SOUTH CENTRAL FLORIDA	19	104	376
SOUTH DADE & THE KEYS	19	648	506
SOUTHWEST FLORIDA	26	280	693
TREASURE COAST	22	114	214
WEST CENTRAL FLORIDA	21	305	757
WITHLACOOCHEE AREA	37	175	532
TOTALS	417	3,881	8,363

RECOMMENDATIONS FOR CHANGE

THIS YEAR FLORIDA'S LONG-TERM CARE OMBUDSMAN PROGRAM (LTCOP) PROPOSED LEGISLATION TO ADDRESS THE FOLLOWING ISSUES:

PROBLEM: Residents of assisted living facilities (ALFs) lack any type of discharge and/ or transfer protection.

RECOMMENDATION: ALF residents should have protection and due process when they are discharged, similar to the protection provided for residents of nursing homes. These protections include the implementation of a 30-day written eviction notice requirement and a resident's right to appeal the eviction.

PROBLEM: Currently, personal ombudsman information e.g., name, home address, and photos are attainable through public records request.

RECOMMENDATION: Due to the nature of complaint and investigation processes, the LTCOP believes that personal ombudsman information should be redacted from public records. This protection would ensure that ombudsman volunteers can continue their service to the long-term care residents of this state, without the risk of intimidation or retaliation from parties involved in investigations they conduct.

"The owner of that facility claimed he knew where I lived ...A resident overheard him saying that he was going to send over one of his maintenance men to "rough me up" for meddling in his affairs. Guardian Ad Litem volunteers have the exemption. Judges have it. Ombudsmen deal with extremely sensitive issues on a daily basis. Their personal information should not be available to whoever chooses to request it."
-Ombudsman staff

PROBLEM: Current law only requires a Level 1 background screening for most direct care staff working in long-term care facilities (some direct care staff are required to undergo Level 2 background screening). Additionally, no screening is required for certain employees or contracted personnel working in long-term care facilities.

RECOMMENDATION: Implementation of minimal requirements, including a Level 2 background screening for all direct care employees and contracted workers who are permitted access to nursing homes; implementation would protect residents of long-term care facilities.

PROBLEM: Residents with traumatic brain injury, dementia or other memory-related disorders are frequently "Baker Acted" to psychiatric facilities. Baker Act-receiving psychiatric facilities do not qualify as discharge destinations.

"The day after we left, two of the residents who spoke with us about the deficiencies of the facility were transferred to the psychiatric ward of a nearby hospital under the Baker Act. It may have been a coincidence; personally, though, I think it's a serious case of a facility perverting a law that was created to protect people"
- Ombudsman

Therefore, "Baker Acting" a resident negates the federal and state requirement to provide residents a 30-day discharge notice and appeals process. Many long-term care residents also find, after their short-term treatment in a Baker Act-receiving psychiatric facility, that they are denied re-admittance into long-term care facilities. Some nursing home staff members have told ombudsmen that they would rather "take the fine (through AHCA) than take the resident back." For these facilities, it is easier to "dump" a difficult resident than to comply with the spirit and intent of federal and state law.

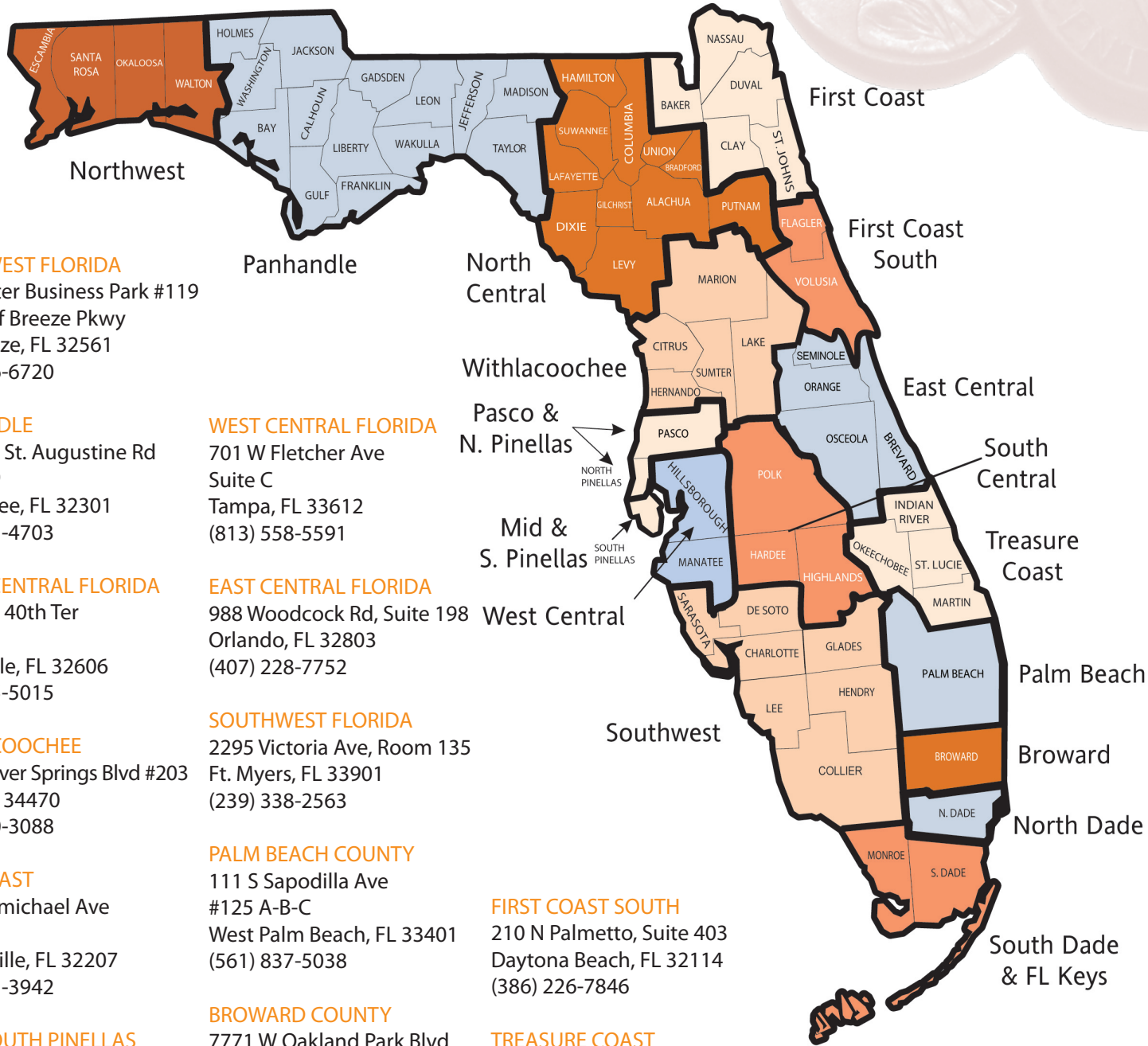
RECOMMENDATION: Amending the existing definition of "mental illness" as it relates to the Baker Act by clarifying that people with a primary diagnosis of head-injuries or dementia should not be included in the target population for treatment under the Baker Act. The Ombudsman Program is seeking to end these improper discharges.

PROBLEM: The monthly personal needs allowance for a resident living in institutional settings has remained unchanged since 1988. The current monthly rate of \$35 is intended to be spent on items such as: telephone expenses, cigarettes, toiletries, dining out with family and friends, hobbies, etc.

RECOMMENDATION: Adding \$10 per month for a total monthly spending allowance of \$45 would allow long-term care residents the opportunity to maintain a minimal level of independence and decision-making, which will improve their quality of life.

"Residents have not have not had a raise in their personal needs allowances since 1988, despite inflation and an 81 percent increase in the cost of living since that time."
- Don Hering, Ombudsman State Council Chairman

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