

# About the Agency

- Birth of the Ombudsman Program
- Independent Agency

# Supporting a Culture of Resident Rights in your Adult Care Home

Oregon's Office of the Long-Term Care Ombudsman

Imagine you are 70 and your children are telling you that you need to move into an adult care home.



## PICK 5 MOST IMPORTANT THINGS:

- Freedom to go where you want, when you want.
- Ability to keep personal property.
- Ability to keep your own schedule.
- Having food prepared that you like.
- Keeping a pet.
- A private room.
- Having friends come and visit.
- Privacy (health information, visitors, person).
- Receiving competent and respectful care.
- Having activities that you enjoy.
- Living in a clean and pleasant place.

# Types of Long-Term Care Facilities in Oregon

- Nursing Homes
  - Assisted Living
  - Residential Care
  - Adult Foster Homes (aka Adult Care Homes)
- (Within these 4 types there are also additional endorsements for Enhanced Care and Memory Care Facilities.)

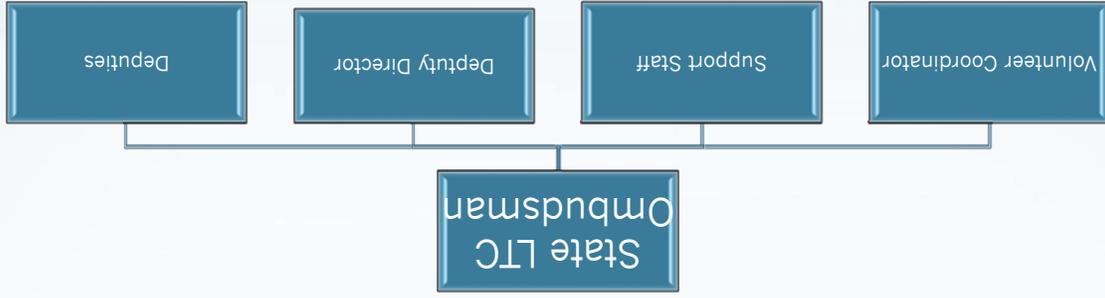
# Agency Mission

- Our agency strives to assist every Oregon citizen residing in a long-term care facility to:
- Enhance the quality of life,
  - Improve the level of care,
  - Protect the individual's rights and
  - Promote individual dignity.

## Other Missions at LTCO

- The Residential Facility Ombudsman Program
- The Oregon Public Guardian Program

## Agency Staff



Why do residents in adult  
care homes need someone  
to advocate for them? How  
is it different from being in  
a larger facility?

## RESIDENTS NEED HELP ADVOCATING BECAUSE:

People who live in LTC facilities are more  
vulnerable than people who live independently.

Why?

- There is an inherent power differential between the individual and the organization that provides care;
- Difficulty communicating their wishes;
- May not have energy in them to pursue an issue.

## WHAT DO OMBUDSMEN DO?

- ## RESIDENTS NEED HELP ADVOCATING BECAUSE (CONT.) :
- Residents are dependent on staff for their care. As a result they may:
- Don't know their rights;
  - Fear retaliation;
  - Don't want to seem ungrateful;
  - Are often very sympathetic with overworked staff.

## ROLE OF THE OMBUDSMAN

- Three main duties most often performed by a Certified Ombudsman (CO):
- Ombudsmen talk with residents, identify complaints and concerns, and attempt to resolve them.
  - Inform residents about their rights and help advocate for those rights.
  - Support residents in reporting abuse.

## ROLE OF THE OMBUDSMAN CONT.

- The most important obligation of a CO is to **maintain confidentiality**, unless he/she is given permission by the resident to disclose their identity.
- The only exception to this rule – is to report abuse, and then we are required to report as mandatory reporters.

## Top 5 Complaints last year.

- 5<sup>th</sup> – Dignity, Respect – Staff Attitudes
- 4<sup>th</sup> – Menu – Quantity, Quality, Variation, Choice
- 3<sup>rd</sup> – Care Plan/Resident Assessment Problems
- 2<sup>nd</sup> – Medications (Administration, Organization)
- 1<sup>st</sup> – Discharge/Eviction

## Types of Cases our agency handles:

- Move out notices
- Poor care
- Food complaints
- Placement information
- Short staffing
- Lost or stolen items

What to expect when an ombudsman knocks?



Who are our volunteers?

Educators



Public Safety Employees



Medical Professionals



## DELETE 2 OF THE 5:

- Freedom to go where you want, when you want.
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## Resident's Rights.

Residents have the same rights as you and I.

## RESIDENT RIGHTS OVERVIEW

- Residents can communicate with whomever they choose.
- Participate in the development of and any subsequent changes in their care plan.
- Have right to information. (Rights, medical records)
- Privacy, dignity and respect.

## RESIDENT RIGHTS OVERVIEW CONT.

- Resident and Family councils/meetings.
- Safe environment.
- Free from abuse and restraints.
- Discharged or transferred only in accordance of the applicable rules.

## COMMON RESIDENT RIGHTS ISSUES

- Resident, Mr. Jones, is 75 years old. He is a Vietnam War veteran, he has raised 4 kids, and was widowed 5 years ago. Mr. Jones lives in an adult care home and has been causing problems recently because he wants to eat chocolate cake. Unfortunately, Mr. Jones' doctor says that he shouldn't eat any desserts unless they are an approved diabetic dessert. You are working in the facility and are trying to figure out whether he should get the chocolate cake.

## COMMON RESIDENT RIGHTS ISSUES

- Sally lives in a adult care home. Her daughter has recently been taking Sally out to dinner to her favorite restaurant, The Olive Garden. Of course, Sally believes that you can't enjoy Italian food unless you have a glass or two of wine. The facility is concerned because Sally is on a lot of medications that have negative consequences when combined with alcohol. As a result – the facility is considering whether they should refuse to let Sally go with her daughter, and instead have her daughter bring the meal in to the adult care home to eat. Does this seem fair?

## COMMON RESIDENT RIGHTS ISSUES

- Verna, another resident in an adult care home, has schizophrenia and has been prescribed thiorazine to help with her hallucinations. Verna, however, doesn't like to take the medication because it makes her groggy. The ACH has decided to try and encourage her to take this medication by saying she can't go on house outings unless she takes her medication.

## MOST IMPORTANT POINT TO REMEMBER ABOUT RESIDENT RIGHTS:

*People do not lose the right to make their own decisions, even bad ones, when they move into a long term care facility.*

## ABUSE IN LONG-TERM CARE

- Abuse is any harm that was foreseeable and preventable.
- What is harm?
  - Physical Harm
  - Neglect
  - Sexual Abuse
  - Monetary loss
  - Verbal or Emotional Abuse

## DELETE 1 MORE:

- Freedom to go where you want, when you want.
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## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm

**Physical abuse is any physical injury to an adult caused by other than accidental means.**

Conduct that may be considered physical abuse includes but is not limited to:

- (i) Acts of violence such as striking (with or without an object), hitting, beating, punching, shoving, shaking, kicking, pinching, choking, or burning; or
- (iii) The use of force-feeding or physical punishment.

Physical abuse is presumed to cause physical injury, including pain, to adults in a coma or adults otherwise incapable of expressing injury or pain.

## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm

**Neglect means**

- active or passive failure to provide the care, supervision, or services necessary to maintain the physical health and emotional well-being of an adult

- that creates a risk of serious harm or

- results in physical harm, significant emotional harm or unreasonable discomfort, or

- serious loss of personal dignity.

## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm
- Neglect

**What does serious loss of personal dignity mean?**

Ex: A resident in a long-term care facility needs assistance going to the bathroom. She presses her call light and waits for over 20 minutes for someone to come help her.

Staff finally show up after 30 minutes. Resident is upset but helped to the toilet.

Is this serious loss of personal dignity? No.

## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm
- Neglect

Same example as before except

Staff finally show up after 30 minutes. Resident has had an accident and had a bowel movement in her pants. Resident is mildly upset because now she will need to take a shower.

Is this serious loss of personal dignity?

## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm
  - Neglect
- Same example as before except:  
Staff finally arrive after 30 minutes. Unfortunately, in the meantime, the resident has not been able to control herself and has a bowel movement in her clothes. The resident is mortified, embarrassed, and crying hysterically.  
This is serious loss of personal dignity.

## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm
  - Neglect
  - Sexual Abuse
- Sexual abuse is sexual contact with a non-consenting adult or with an adult considered incapable of consenting to a sexual act.**
- Consent, for purposes of this definition, means a voluntary agreement or concurrence of wills. Mere failure to object does not, in and of itself, constitute an expression of consent.

## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm
  - Neglect
  - Sexual Abuse
  - Financial Abuse
  - Emotional Abuse
- **Verbal or emotional abuse** is the intentional infliction of anguish, distress or intimidation through verbal or non-verbal acts or denial of personal rights.
  - Important to note: This communication that is directed to an adult or within their hearing distance, **regardless of their ability to comprehend.**

\* Oregon Administrative Rule 411-020-0002 (1) (d).

## ABUSE IN LONG-TERM CARE CONT.

- Physical Harm
  - Neglect
  - Sexual Abuse
  - Financial Abuse
- **Financial exploitation** is the illegal or improper use, by means including but not limited to deceit, theft, coercion, fraud, or undue influence, of an adult's resources (including medications).
  - Ex: Nonpayment of co-pay.
  - The Attorney General's office also has a consumer hotline for financial fraud issues.

\* Oregon Administrative Rule 411-020-0002 (1) (e)

## FOR FURTHER CLARIFICATION OF ABUSE:

- <http://www.oregon.gov/DHS/spwdd/abuse>

## CHOOSE JUST 1 TO KEEP:

- Freedom to go where you want, when you want.
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Who you going to call?  
Long-term Care Ombudsman!  
1-800-522-2602

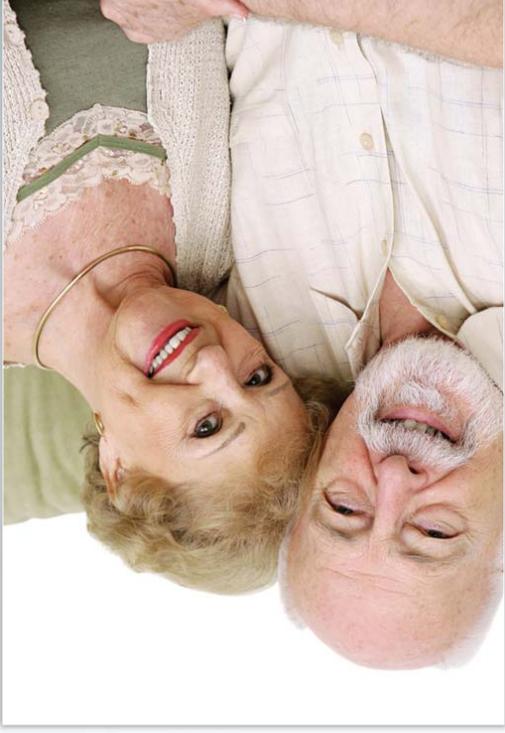


- ✓ About the Office of the Long-term Care Ombudsman.
- ✓ Ombudsmen advocate for residents in many ways. (investigate complaints, inform about resident rights, and report abuse.)
- ✓ Residents have the same rights as you and !!
- ✓ Several different types of abuse.

TODAY YOU LEARNED:

# OREGONS LONG-TERM CARE OMBUDSMEN –

GIVING A VOICE TO INDIVIDUAL  
RESIDENTS' CONCERNS.



Contact Information:

David Berger,

Deputy State Ombudsman

Office Of The Long-Term Care

Ombudsman

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(800) 522-2602

Agency Website:

<http://www.oregon.gov/LTCO/index.shtm>