



## WHAT IS THE OMBUDSMAN PROGRAM?

In 1965, Congress passed the Older American's Act (OAA) due to a concern by policy makers over a lack of community services for older adults. This act was amended in the years following enactment to provide a larger array of protections. In 1978, an amendment was added to the OAA that required every state to create and maintain an office of the State Long-Term Care Ombudsman to provide advocacy services for residents living in long-term care communities.

Additionally, the OAA established a list of protections called Resident Rights. These are granted when individuals are admitted to skilled nursing, assisted living, residential and intermediate care communities, and are to be upheld and protected by those working in and operating any long-term care community.

In the event that these rights are violated, ombudsmen are available for residents and their families. While federally funded, and underneath a central state office, the Ombudsman Program is independent, resident driven and confidential.

In Missouri, the Ombudsman Program is divided in ten regions, and is served by a staff of regional ombudsman coordinators and volunteers. As part of the ombudsman role, staff and volunteers visit long-term care communities in their region, talk with residents, address resident complaints and ensure that residents are living the highest quality of life possible in the least restrictive environment.

**om-buds-man** [om-buhdz-muh n]

*noun, Swedish origin*

*an official appointed to investigate individuals' complaints against maladministration; advocate, mediator*

## REFERRAL INFORMATION

If a constituent contacts your office about needing help from an Ombudsman, please collect the following information and contact your regional office.

Name of Caller

Phone Number

Email

Mailing Address

Name of Long-Term Care Community (if applicable)

Relationship to Resident

Summary of Caller's Concern

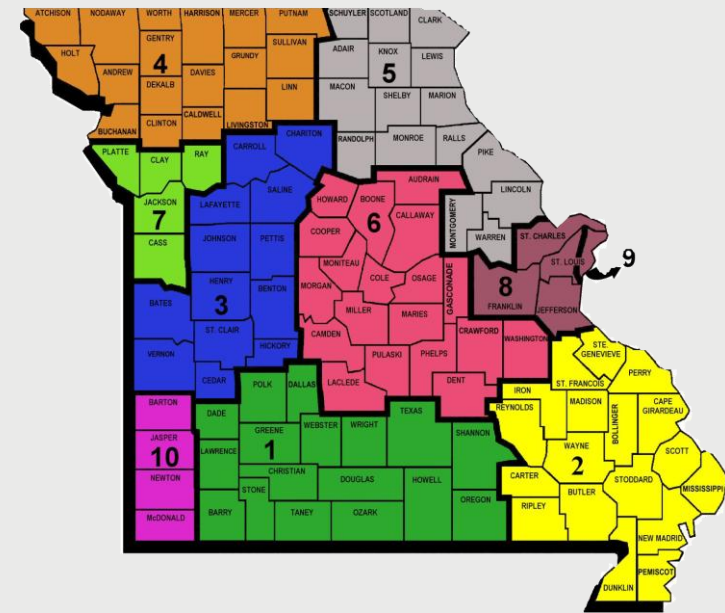
**\*\* See page five of this booklet for your regional ombudsman office's contact information\*\***

# VOLUNTEER!

The Missouri Long-Term Care Ombudsman Program is seeking compassionate advocates to visit with residents on a consistent basis.

Join the team! We are making a difference in the lives of thousands of residents. Every week, Ombudsmen visit nursing homes to spend time with residents.

As a volunteer Ombudsman, your job is to ensure that the residents enjoy the best quality of life possible. You would talk to them about their legal rights, listen to their concerns and go room-to-room to meet with residents weekly. You would encourage residents to speak up for themselves and, when necessary, meet with the long-term community staff to encourage a solution. If you are interested in becoming a volunteer, contact your regional office today.



## **Region 1/10**

Council of Churches of the Ozarks  
P.O. Box 3947; Springfield MO 65808  
(417) 862-3598; Fax: (417) 862-2129  
[www.ccozarks.org](http://www.ccozarks.org)

## **Region 2**

Aging Matters  
1078 Wolverine Drive, Suite J Cape  
Girardeau, MO 63701  
(800) 392-8771; Fax (573)335-3017  
[www.agingmatters2u.com](http://www.agingmatters2u.com)

## **Region 3**

Care Connection for Aging Services  
P.O. Box 1078; Warrensburg, MO 64093  
(660) 747-3107; Fax (660) 726-4113  
[www.goaging.org](http://www.goaging.org)

## **Region 4**

Northwest MO Area Agency on Aging  
P.O. Box 265; Albany, MO 64402  
(888) 844-5626; Fax (660) 726-4113  
[www.nwmoaaa.org](http://www.nwmoaaa.org)

## **Region 5/8/9**

VOYCE  
680 Craig Road,  
Suite 245  
St. Louis, MO 63141  
(314)918-8222; Fax (314) 918-9188  
[www.voycestl.org](http://www.voycestl.org)

## **Region 6**

Central MO Area Agency on Aging  
1121 Business Loop 70 E., Suite 2A  
Columbia, MO 65201  
(573)443-5823; Fax (573)875-8907  
[www.cmaaa.net](http://www.cmaaa.net)

## **Region 7**

Mid America Regional Council  
600 Broadway, Suite 200  
Kansas City, MO 64105  
(816)474-4240; Fax (816)421-7758  
[www.marc.org](http://www.marc.org)

## **Long-Term Care Ombudsman Program - State Office**

P. O. Box 570 Jefferson City, MO 65102  
(800)309-3282  
[LTCOmbudsman@health.mo.gov](mailto:LTCOmbudsman@health.mo.gov)

## IMPACT OF THE OMBUDSMAN PROGRAM: 2017

# 16,612

Hours Volunteers spent  
with residents.

# 7,461

Complaints Filed  
with 5,300  
complaints filed by  
Residents.

# 6,622

Complaints  
Resolved (fully or  
partially) or no action  
needed.

The Long-Term  
Care  
Ombudsman  
Program serves  
approximately

# 57,000

residents every year  
in the state of  
Missouri.

A team of  
ombudsman  
coordinators and  
volunteers visit

# 1,009

skilled, assisted,  
residential and  
intermediate nursing  
communities across  
the state to advocate  
for resident's rights  
and ensure their best  
interest is served.

## BILLS OF INTEREST

### HB 1916 – Rep. McDaniel

#### Electronic Monitoring in Nursing Homes

This bill would allow residents or guardians to place cameras in their rooms as long as the resident incurs the cost and does not disturb the privacy of any roommates. This bill benefits residents because they are given a sense of safety from abuse and theft. Additionally, should abuse or theft occur, there is video proof that will aid the resident in seeking justice. HB 1916 would provide important safeguards for residents

**Amendment to Bill:** HB 1916 was added to HB 1635 with several amendments which significantly weakened this bill for residents. These amendments allow the facility to turn the video and audio at the discretion of the nursing home staff, thereby taking control of the camera away from the resident. These amendments also prevent residents from installing electronic monitoring unless the facility specifically permits it in its policies and procedures. With these amendments, the installation and use of the camera would be at the discretion of each nursing home and would not benefit residents as outlined in the original bill.

### HB 1963 – Rep. McDaniel

#### Electronic Monitoring in Veterans' Homes

This bill permits a resident or guardian to authorize the installation and use of a monitoring device such as a surveillance camera in a veteran's room. Residents or guardians must consent to the installation of the monitoring device; release the facility of liability for violation of the right to privacy; incur the cost of the device, its installation, and removal; as well as have written consent from any roommates. This bill benefits residents because they are given a sense of safety from abuse and theft. Additionally, should abuse or theft occur, there is video evidence that will aid the resident in seeking justice.

## BILLS OF INTEREST

### HB 1555 – Rep. Neely Nursing Home Inspections

This bill would transfer inspection power of nursing homes from the state to local health departments. This measure puts seniors and residents at risk for harm. Local health departments may not have adequate resources to handle inspections which will create gaps in the checks that these inspections place on nursing homes. Conditions can worsen and residents will suffer. Additionally, inspections will not be uniform throughout the state if local departments perform inspections.

### HB 1635 – Rep. Bernskoetter Sexual Assault Reporting in LTC Facilities

This bill will require all sexual assaults that occur in long-term care (LTC) facilities to be reported to law enforcement. Currently, a report is only required to be made to the Department of Health and Senior Services in the event of suspected abuse or neglect. Based on published research, sexual assaults are significantly underreported and very few assaults result in convictions. According to the Missouri State Highway Patrol, only 20 of the 128 cases of sexual assault in LTC facilities were convicted in the past 10 years. We believe HB 1635 would provide the state with accurate data in regards to sexual assault cases in LTC facilities and grant more protections under our justice system to investigate crimes.

### SB 574 – Sen. Wallingford Sexual Assault Reporting in LTC Facilities

Similar to HB 1635, this bill expands mandated reporting requirements to include sexual assaults on residents in LTC facilities to be reported to law enforcement. As sexual assaults are significantly underreported, SB 574 will benefit the near 74,000 Missourians living in LTC facilities as it will provide more protections under our justice system to investigate crimes and provide the state with more accurate numbers of sexual assaults on residents in LTC facilities.

## TOP COMPLAINTS FROM SKILLED NURSING COMMUNITIES: 2017

1. Information regarding resident rights, benefits, services, and the resident's right to complain.
2. Failure to respond to requests for assistance.
3. Food Service – quantity, quality, variation, choice, condiments, utensils, menu.
4. Medications – administration, organization.
5. Discharge/eviction-planning, notice, procedure.
6. Dignity, respect – staff attitudes.
7. Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition.
8. Physician services, including podiatrist.
9. Assistive devices or equipment.
10. Personal hygiene (nail care and oral hygiene) and adequacy of dressing and grooming.
11. Staff unresponsive, unavailable.
12. Social services – availability/appropriateness.
13. Community interaction, transportation.

# 93%

of complaints come  
from Skilled  
Nursing Residents

# RESIDENT RIGHTS

## Be Fully Informed

Residents are entitled to all information regarding rules and regulations pertaining to their rights and responsibilities as a resident including survey and home inspection results and their own personal medical records.

## Participate in Your Care

Residents have the right to know their medical condition and all available options for treatment. Additionally, they have the right to refuse any medical treatment or information.

## Choose Your Own Doctor

Residents may continue to use their doctor from outside of the community or select another who will be responsible for their total care. Individuals may also choose the physician the long-term care community chooses assigns to them.

## Remain in Your Community

Residents can only be discharged for medical reasons, nonpayment of a bill, or threat of physical harm. Residents must be provided with written notice 30 days in advance of the transfer or discharge. The notice must comply with all state and federal regulations. The resident *always* has the right to appeal.

## Voice Grievances

Residents can voice concerns and problems as well as recommended changes to community staff or outside representatives. Owners and staff are prohibited by law from retaliating in a resident complains.

## Responsible Party

Residents cannot be required to have another person sign guarantee of payment for your care when you move into a home.

## Manage Your Own Finances

Residents have the right to determine what they choose to spend their personal funds on. The operator of the home can help to manage resident financial affairs.

## Be Free From Abuse & Restraints

Residents should not be subjected to physical, sexual or emotional harm. Chemical or physical restraints should not be imposed for purposes of discipline or staff convenience. Restraints are only to be used as treatment of medical symptoms.

## Confidentiality

Medical, personal social or financial affairs should be considered privileged information.

## Have Privacy & Respect

Residents have the right to privacy in medical treatment, personal care, telephone and mail communications, visits of family and meetings of resident groups. Residents are to be treated with consideration and respect, with full recognition of their dignity and individuality. No resident is to *ever* be forced to do anything against their will.

## Communicate Freely

Residents may privately associate and communicate with persons of their choice. Residents may send and receive unopened mail.

## Participate in Activities

Residents may participate in social and religious activities, both inside and outside of the long-term care community. Owners and/or staff cannot require resident participation in social or religious activities.

## Keep Your Possessions

Residents may keep all personal possessions as space permits. On a quarterly basis, residents are entitled to receive an accounting for all their personal possessions or funds entrusted to the home.

## Retain Martial Privileges

Residents have the right to private visits with their spouse and may share a room with their spouse if both are residents.

## Purchase Goods & Services

Residents are to receive an itemized bill for all goods and services provided by the home. Residents may purchase or rent goods or services not included in the daily or monthly rate.