

National Long Term Care Ombudsman Resource Center

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OMBUDSMEN

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September 30, 2005

NORC Gazette

September 30, 2005

National Long Term Care Ombudsman Resource Center
National Citizens' Coalition for Nursing Home Reform

Quick Site Search

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Ombudsman Program Updates

1. New York Shares Two Best Practice Ideas

The Silver Yo-Yo Award - The former New York State Ombudsman, Faith Fish, used to be an excellent yo-yoer. Last year at the Annual Ombudsman Conference the attendees received a silver yo-yo. 5 local counties decided to put it to good use by having a silver yo-yo award.

5 County Ombudsman to Ombudsman Day is held annually in 5 upstate New York Counties for paid staff and volunteers. This year, each county had to present a poem or essay on "What the Ombudsman Program Means to Us." The judge was Marty Haase, New York State Ombudsman. She said it was very difficult to choose the winner.

Chenango County ombudsmen and the winning entry follows:

I am an O bjective person who can M ediate complaints and concerns brought to me. I am B bound with others in a common cause. I try to be U nderstanding in my role as a D dispute resolver. I will S ecur e all information I receive with a P hilosophy of "promote and protect" the privacy and rights of others.

I will lend an E ar to listen, evaluate and try to help R esolve complaints and concerns of residents and their families. I am an S pokesperson for the rights of others using the O

opportunity to help those who often are not able to help themselves. I will be nonjudgmental and seek only to promote adequate care and quality of life for the residents of the homes I visit. The 12 letters in my title equal the 12 months of the year that I am needed in my position as an OMBUDSMAN.

Chenango County also had a great idea to use volunteers in other ways in the program. Sometimes after going through the volunteer training some find that it isn't right for them. We try to encourage the programs to make use of these volunteers in a different way that will benefit the program. Henry Drexler, Esq. the program coordinator and his assistant Verda Wehner wanted to expand the Family Councils in their program. A volunteer was interested in this so they made her the Family Council Coordinator. This has worked very well resulting in active Family Council's - a win-win situation for all involved including the residents.

Source: email from Marty Haase NYS LTC Ombudsman, September 9, 2005

2. Ombudsmen to Gather at NCCNHR Annual Meeting

The upcoming NCCNHR 30th Anniversary Annual Meeting features several sessions of particular interest to Long-Term Care Ombudsmen. One such session is an Intensive session on Sunday afternoon entitled, *Bathing Without A Battle*. An every day occurrence and a situation ombudsmen frequently encounter involves a conflict between well meaning care givers and facility residents that does not have to occur around bathing. Learn common sense approaches that avoid the battle. At the end of this lively and thought provoking session, participants will be able to: evaluate current care routines to determine why they create resistance to care; help staff develop individualized approaches to bathing that increase pleasure and reduce resistance, self-protective behaviors; and explore how advocates can support this practice change.

The presenter, Joanne Rader, R.N., M.N., is an Independent Consultant, and an Associate Professor of Gerontological/Mental Health Nursing at Oregon Health Sciences University School of Nursing, Portland , OR .

In addition to specific sessions of interest, a NASOP working session and meeting will be held on Saturday Oct 15th noon – 5:00 p.m.; a NASOP membership meeting will be held on Sunday Oct 16, 8:30 a.m. – noon; a NALLTCO Board meeting will be held on Sunday from 9:00 a.m. – noon and a NALLTCO Membership meeting will be held on Monday October 17th 6:30 – 8:30 p.m. There will also be an orientation for new State Ombudsmen on Friday, October 14th, 10:00a.m. – 4:00 p.m.

More information on the Intensives, the program sessions, and special events can be found on the NCCNHR website at: http://nursinghomeaction.org/public/50_158_436.CFM.

3. Greater Springfield (MA) Ombudsman Program Celebrates Residents Rights Week

An article in The Republican features this year's RR Week, "Together We Can ... Achieve Resident-Directed Care." The article explains that the current theme "emphasizes the fundamental rights of all long-term care residents to be treated with dignity and respect, and to have a say in decisions affecting their care." Deborah Rothschild, director of the long-term care ombudsman program at Greater Springfield Senior Services, is quoted in the article. The program will be recognizing ombudsman volunteers during RR Week. The full article can be found on line at: <http://www.masslive.com/metroeastplus/republican/index.ssf?/base/news-0/1127202421254770.xml&coll=1>.

Source: The Republican - Springfield , MA USA , September 21, 2005 .

Ombudsman Calendar of Events

October 2005: Pioneer Institute. 2-day events designed to provide the tools and skills needed for culture change work. The Next Institute will be held: October 27-28 in Denver , Colorado . For more information, go to: www.pioneernetwork.org.

October 2 - 8, 2005: Residents' Rights Week. This year's theme is *Together We Can ... Achieve Resident-Directed Care*. The focus is on Resident Assessment and Care Planning. Packets are now available. Check the NORC website www.ltcombudsman.org for more information or contact Michael Krone , NCCNHR Administrative Aide at 202-332-2275 to order your copy.

October 5 - 6, 2005: Improving Nursing Home Culture Outcomes Conference, Providence , RI at the Providence Biltmore Hotel. No registration fee required. To register, send name and contact information to smassaroco@riqio.sdps.org or call Sharon at 401-528-

3257.

October 14, 2005: Orientation for New State Ombudsmen. This meeting will take place on Friday 10:00 a.m. – 4:00 p.m. at and just prior to the NCCNHR Annual Meeting. See below for more information.

October 15 - 16, 2005: NASOP Meetings. Working session and meeting on Saturday, noon – 5:00 p.m. ; Membership meeting on Sunday 8:30 a.m. – noon . For more information, see NCCNHR Annual Meeting below.

October 16 - 17, 2005: NALLTCO Board and Membership Meetings. Board Meeting: Sunday 9:00 a.m. – noon , prior to NCCNHR Annual Meeting. (See below.) Membership Meeting: Monday 6:30 – 8:30 p.m.

October 16 - 19, 2005: NCCNHR Annual Meeting and 30th Anniversary. Information about program sessions, Intensives, and registration form available on the NCCNHR website at: http://www.nccnhr.org/public/50_158_436.cfm.

October 29, 2005: Train-the-Trainer Conference on Alzheimer's and Dementia Care. New York , NY . For more information contact The National Council of Certified Dementia Practitioners at nationlccdp@aol.com or visit their website at www.nccdp.org.

October 29 - 30, 2005: Canadian Conference on Elder Law, Vancouver Canada . Conference Brochure and registration information is available on the website at: http://www.ccels.ca/conferences_itinerary.html

November 30 - December 2, 2005: Celebrate Direct-Care Workers, Orlando FL. This conference is sponsored jointly by the Pioneer Network and the Direct Care Alliance. Celebrate Direct-Care Workers, the only national conference scheduled by either organization this year, will convene workers, consumers, and providers from the full spectrum of long-term care and aging services. Participants will honor and celebrate the work of direct-care workers, enhance leadership skills and organizational effectiveness, and renew their energy for their work as champions of change. More information about the conference at: www.celebratedirectcareworkers.org.

December 11 - 14, 2005: 2005 White House Conference on Aging. Washington , D.C.

April 19 - 23 2006: NAELA 2006 Symposium Washington DC

April 20 - 23 2006: 2006 National Aging and Law Conference, *Elder Rights: Building on the Past, Strengthening the Future.* Co-sponsored by AARP Foundation, ABA Commission on Law and Aging, National Senior Citizens Law Center, The Center for Social Gerontology, Center for Medicare Advocacy, Inc., National Academy of Elder Law Attorneys, National Consumer Law Center and National Association of State Units on Aging the conference will be held at the Doubletree Hotel, Crystal City, Virginia .

April 22 - 25 2006: Annual State Ombudsman Training to be held in Salem, MA .

Nursing Home News

4. Louisiana Attorney General Investigates 13 Nursing Homes

During an ongoing criminal investigation of 13 nursing homes and 4 hospitals, arrests have already been made and more are expected. The owners of St. Rita's Nursing Facility in Violet have been charged with 34 counts each of negligent homicide in connection with the drowning deaths of 34 residents and others resulting from Hurricane Katrina and its aftermath.

Attorney General Charles Foti said "We want to know who had evacuation plans and who didn't." His office is checking emergency plans, how closely they were followed, and what transportation methods were used during the evacuation of New Orleans . For more on this news item, see: http://2theadvocate.com/stories/092905/new_nursinghome001.shtml.

Source: TheAdvocate.com, September 29, 2005 .

5. NCCNHR Quoted in 2 NY Times Articles on Hurricane Katrina

NCCNHR has been busily speaking with reporters about the tragic outcomes of Hurricane

Katrina. The week of September 18th found Alice Hedt , NCCNHR Executive Director quoted in a NY Times article, and another article referenced the NCCNHR website as an important resource of information for victims and families. Bravo NCCNHR! You can find the NCCNHR press release and other NCCNHR activities related to Katrina at: http://www.nccnhr.org/govpolicy/246_1274_11980.cfm. The resource page can be found at: http://www.ltombudsman.org/ombpublic/251_1339_11934.cfm.
Source: NCCNHR News September 23, 2005 .

Assisted Living

6. State Residential Care and Assisted Living Policy: 2004

This compendium describes regulatory provisions and Medicaid policy for residential care settings in all 50 states and the District of Columbia . It updates an earlier report completed in 2002. Information was collected between February and June 2004 by reviewing state websites and regulations and calling key state contacts to verify information. Section 1 provides an overview of residential care and assisted living policy. Section 2 presents six tables, which compare states' policy in selected areas. Section 3 provides summaries of each state's regulations and policy for residential care settings, including assisted living facilities. [499 PDF pages]

Full HTML Report <http://aspe.hhs.gov/daltcp/reports/04alcom.htm>

Full PDF Report <http://aspe.hhs.gov/daltcp/reports/04alcom.pdf>

Source: U.S. DHHS

Culture Change

7. QIO involvement in Culture Change shows successful outcomes.

A meeting in Rhode Island on October 5-6 sponsored by the RI QIO provides an opportunity for advocates and ombudsmen to increase their involvement in culture change initiatives and to learn first hand about concrete successes of the QIO involvement in culture change. These successes can be used to promote culture change and true resident directed care.

There is no registration fee and the conference does include some meals. To register, send name and contact information to smassaroco@riqio.sdps.org or call Sharon at 401-528-3257. According to Alice Hedt, NCCNHR Executive Director, "It is important for advocates to be a part of these conferences and discussions to help articulate the resident voice and then in turn to articulate to our network what has been accomplished and how we can help move this vision forward."

Source: Email from Alice Hedt, September 18, 2005

8. Culture Change Movement Launches "Blog"

With the support of several national foundations, the Pioneer Exchange www.PioneerExchange.org has been launched as a collaborative "blog" for the culture change movement. The idea is for the Exchange to exist as a truly collaborative venture, with no single organization "owning" it. The Pioneer Network has helped to create it, but they need others to be among those who contribute and give it life. It will be what the community makes it to be, just like culture change efforts in any organization or local community.

Since its launch, additions have been made that allow those in state and local coalitions to communicate about their on-going activities. Interested individuals are requested to visit the Exchange and register for a free account and then post a comment or diary. For instructions and a description on how the site works, see the tab in the upper right on the main page. Already posted on the site are stories about nursing homes affected by the hurricane in New Orleans , and descriptions of what is being done to assist displaced residents. There are also stories about innovative staff retention efforts, and "live blogging" from the Pioneer Institute in Tarrytown , NY , including a video interview with Steve Shields and an audio interview with Bill Thomas.

Source: Email from Joe Angelelli, Pioneer Network, September 7, 2005 .

Medicare

9. CMS Steps up Informational Campaign on Medicare Part D

On September 23rd the list of approved drug plans for Medicare prescription drug coverage was released. A variety of plan choices including national, regional and statewide plans are offered but no easy system for discerning which is best accompanies the list. Some online information resources include:

State-specific information identifying approved plans at:

<http://www.cms.hhs.gov/map/map.asp>

Medicare Prescription Drug Plan Cost Estimator at:
http://www.medicare.gov/medicarereform/MPDP_Cost_Estimator.asp

The 2006 Medicare & You Handbook at:
<http://www.medicare.gov/publications/pubs/pdf/10050.pdf>. This resource will be mailed to all beneficiaries in the near future.

More information on Medicare Prescription drug coverage, including guidelines on choosing a plan, can be found in the Part D section of the Center for Medicare Advocacy's website, www.medicareadvocacy.org.

Source: CMA Weekly Alert, September 29, 2005 .

10. Ask the Experts: Medicare Part D - Live Webcast

In kaisernetwork.org program on Thursday, October 6 at 2:00 p.m. ET , a panel of experts will answer questions about the Medicare Part D implementation during a live webcast. The discussion will be moderated by Kaiser Family Foundation Vice President and kaisernetwork.org Editor-in-Chief Larry Levitt. The panel of experts will include Leslie Norwalk, Esq., deputy administrator, Centers for Medicare and Medicaid Services; Tricia Neuman, Sc.D., vice president, Kaiser Family Foundation and director, Medicare Policy Project, and Aileen Harper, Executive Director, Center for Health Care Rights.

The webcast can be watched on kaisernetwork.org at:
<http://cme.kff.org/Key=9269.Dwj.C.D.Dnv8p9>. Send questions in advance to ask@kaisernetwork.org or call 1-888-524-7378 during the live broadcast.

If you have never viewed a webcast before, it is advised that you test your media player in advance of the live webcast at <http://cme.kff.org/Key=9269.Dwj.D.D.DbCQsT>.

Source: Kaisernetwork, September 29, 2005

11. DVA Negotiates Better Price on Prescription Drugs than Medicare Discount Card

On September 27th Families USA released a report, titled [Getting the Best Price: Lessons Learned from the Medicare Discount Card Program](#). They compared Medicare discount card prices for the 50 drugs most frequently used by seniors with the prices the Department of Veterans Affairs (DVA), pays for those same drugs. The results indicate that for the 50 drugs most frequently prescribed to seniors, the Medicare discount card price was usually higher than the VA negotiated price by almost 60%.

To read a summary of the key findings, the full report, accompanying charts, and a press release, go to the Families USA website at: <http://ga3.org/ct/7pSci151IRd1/>. The full report is available as a pdf file at: <http://www.familiesusa.org/assets/pdfs/Getting-the-Best-Price-Sept-2005.pdf>

Source: Families USA September 27, 2005

DC Doins'

12. Tom DeLay Indictment and the Nursing Home Industry

In 2003, Texas enacted sweeping legislation designed to transform the civil justice system. Among many other provisions, the statute capped damages for pain and suffering in all medical malpractice lawsuits, including those against nursing homes, at \$250,000. The nursing home industry invested heavily in lobbying for this bill and on electing a republican leadership in the Texas Legislature. In the 2002 election, the Republicans captured a majority in both chambers of the Legislature for the first time in 130 years. Several Austin-based grand juries have investigated the election and how it was financed, and has revealed which corporate interests were involved. The public record shows how those interests subsequently benefited. The basis of the investigation and subsequent indictment involves a Texas law which bars the use of corporate funds for political purposes. The findings reveal that the organization that provided the most corporate money to a political action committee founded by DeLay was the Alliance for Quality Nursing Home Care - a consortium of the 14 largest for-profit nursing home companies. Details, dollar amounts and other dealings can be found in a lengthy article by Dave Mann in The Texas Observer published on September 23rd. The article is available on line at: http://www.mollyivins.com/showArticle.asp?ArticleFileName=050923_mcallen.htm.

Source: Email from Janet Wells, Director of Public Policy NCCNHR September 28, 2005 .

Other News

13. Contaminated Mouthwash Causes Illness

Medline and FDA notified healthcare professionals about a nationwide recall of Alcohol-Free Mouthwash and Hygiene Kits containing mouthwash because of potential contamination with Burkholderia cepacia. People who have certain health problems such as weakened immune

systems or chronic lung diseases, particularly cystic fibrosis (CF), may be more susceptible to infections with *B. cepacia*. The product was distributed to hospitals, medical centers, and long term care facilities nationwide. There is no known distribution through retail sales. The CDC has confirmed hospital illness associated with the use of the affected mouthwash in Texas and Florida .

Read the complete MedWatch 2005 Safety summary, including a link to the FDA notice and firm's press release, at: <http://www.fda.gov/medwatch/safety/2005/safety05.htm#medline>

Source: forwarded email from Campaign for Quality Care, August 29, 2005

14. Train the Trainer Seminar on Alzheimer's and Dementia Care

The National Council of Certified Dementia Practitioners is holding a nationally recognized Alzheimer's and Dementia Train the Trainer Seminar on October 29th in NYC. The seminar is recommended for Corporate Trainers, In-Service Directors, Geriatric Care Managers, Nurses, Administrators, Activity Professionals, Social Workers and Consultants. The Alzheimer's and Dementia Trainer Seminar will provide the student with all the tools to implement a comprehensive training program on Power Point, overhead copies, text books, DVD and handouts. The course will include Overview (Diagnosis, Prognosis, Treatment,) Communication, Feelings and Repetitive Behaviors, Wandering, Hoarding, Paranoia, Hallucinations, Sun Downing, Intimacy, Sexuality, Aggressive Behaviors, Catastrophic Reactions, Personal Care (Swallowing, Eating, Bathing & Dressing), Activities, Environment, Staff and Family Relationships, Stress and the Caregiver, Multicultural Considerations, Pastoral Care and End of Life Care. For more information contact The National Council of Certified Dementia Practitioners at nationlccdp@aol.com, 877-729-5191 or visit their website at www.nccdp.org.

Source: National Council of Certified Dementia Practitioners Press Release, September 1, 2005 .

This publication of the National Ombudsman Resource Center (NORC), at the National Citizens' Coalition for Nursing Home Reform, updates State and Local LTC Ombudsmen on the latest information, resources, ideas, and practices in the full range of long-term health care.

The Gazette is organized for your easy reading. Information is grouped by topics (Ombudsman Program Updates, Nursing Home News, Assisted Living, etc) and numbered. You can quickly see if any articles are of interest and immediately go to those articles.

In order to get this info to you ASAP, there is little to no additional verification work or search of resources.

The information comes from a number of sources including the Washington Post, the New York Times, and various listservices (e.g., Kaiser first Edition, ELDERBAR) and other sources happened upon by NORC staff and consultants.

Please submit suggestions for improvement or information to Deanna Okrent, NORC consultant, at dokrent@nccnhr.org.

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For more information contact the National Long Term Care Ombudsman Resource Center , at (202) 332-2275 or ombudcenter@nccnhr.org

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