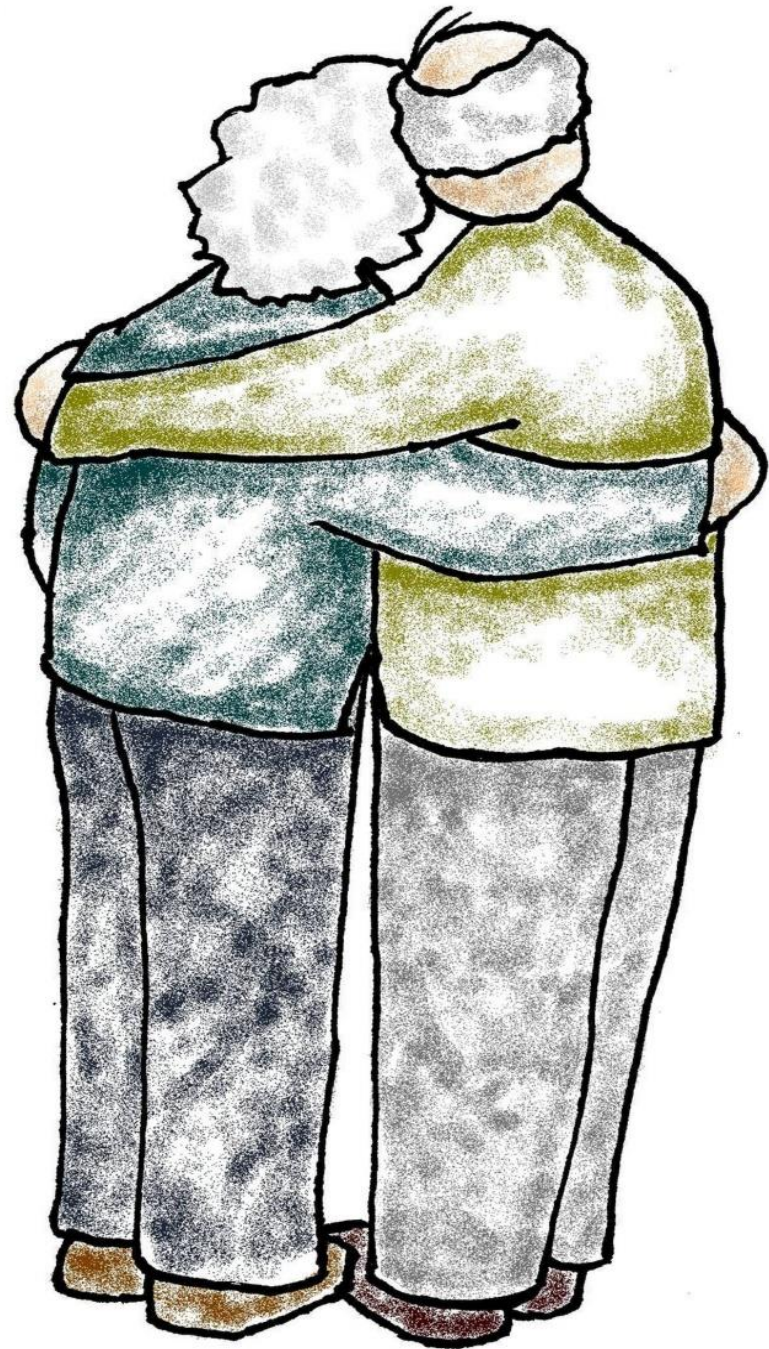


# Kansas Long Term Care Ombudsman Program

Resident Rights  
In State Licensed  
Homes



# What is an Ombudsman?

*The word “ombudsman” is Swedish and means:*

*“one who speaks on behalf of another”.*

***An Ombudsman in this program is not a neutral party but an Advocate Ombudsman... an advocate for residents of long-term care facilities.***

***Ombudsmen support residents in their right to make their own choices and have control over their daily lives.***

# Some History of the LTCOP

- The Long Term Care Ombudsman Program (LTCOP) was created to be responsive to the needs and concerns of nursing home residents. It began with five state demonstration projects in 1972
- The LTCOP was included in the Older Americans Act (OAA) amendments of 1978
- Today, all 50 states, the District of Columbia, Puerto Rico, and Guam, operate LTCOPs.

# Role of the LTCOP: Long-Term Care Ombudsmen...

<u>Do not</u> conduct licensing and regulatory inspections or investigations	<ul style="list-style-type: none"><li>• LTCO are knowledgeable of federal and state regulations and will advocate to ensure residents benefit from relevant laws and regulations.</li><li>• If necessary, LTCO will file a complaint with licensing and regulatory or advise another individual to do so.</li></ul>
<u>Are not</u> Adult Protective Services (APS) investigators	<ul style="list-style-type: none"><li>• LTCO provide information regarding preventing and reporting abuse, neglect and exploitation.</li><li>• LTCOPs in some states investigate complaints about abuse, most LTCOPs refer complaints about abuse to the appropriate state agency.</li><li>• If necessary, LTCO will file a complaint about alleged abuse or advise another individual to do so.</li></ul>
<u>Do not</u> provide direct care for residents	<ul style="list-style-type: none"><li>• LTCO share information about quality care practices and ways to enhance the quality of life for residents.</li></ul>

Ombudsmen: Reaching Out for Quality Care

# LTCO Responsibilities

- Identify, investigate and resolve concerns/complaints made by or on behalf of residents
- We are not the “substantiator” for regulatory or other legal remedy.



Ombudsmen: Reaching Out for Quality Care

# LTCO Responsibilities

- Provide technical support for the development of resident and family councils
- Advocate for changes to improve resident's quality of life and care
- Provide information to residents, and others about long-term care services and the residents rights.

# LTCOP Responsibilities

- Represent resident interests before governmental agencies
- Seek legal, administrative and other remedies to protect residents
- Ensure residents have regular and timely access to the LTCO services



# State Regulation 26-39-103

**Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation.**

# Right to a Dignified Existence

- To be treated with consideration, respect and dignity
- Free from abuse, neglect and exploitation
- Work or not work
- Security of possessions
- Freedom from physical or chemical restraints
- Couples to share a room as they choose

# Right to Self-Determination

- Manage their financial affairs
- Participate in the development of an individual care plan or negotiated services agreement
- Choose a physician, pharmacy and/or other provider
- Self-administration of medication
- Request, refuse and/or discontinue treatment
- Refuse experimental research
- Participate in community activities (or not)
- Personal decisions

# Right to be fully informed

- To be fully informed in a language they can understand about their total health status
- The type of care to be provided, and the risk and benefits of proposed treatments
- Changes to plan of care or in medical or health status
- Rules and regulations, including a written copy of residents' rights
- Change in roommate

# Right to Privacy

- Regarding personal, financial, and medical affairs
- Private & unrestricted communication with any person(s) of their choice
- Privacy during treatment and care of personal needs
- Access to telephone where privacy is assured
- Privacy in written communication

# Right to Raise Grievances

- Present grievances without discrimination or retaliation, or the fear of it
- Have their grievances receive prompt efforts to resolve them
- To file a complaint with the long-term care ombudsman program or the state survey agency

# Right of Access to

- Individuals, services, community members inside and outside the facility
- Visitors of his or her choosing, at any times, and the right to refuse visitors
- Personal and medical records
- His or her personal physician, ombudsman, state survey agency
- Social, religious and community gatherings

# Rights during Discharge/Transfer

- Receive 30-day written notice of discharge that includes: the reason; the effective date; the location going to; the name and contact for the long-term care ombudsman
- Preparation and orientation to ensure safe and orderly transfer or discharge



# How to Work with the LTCOP

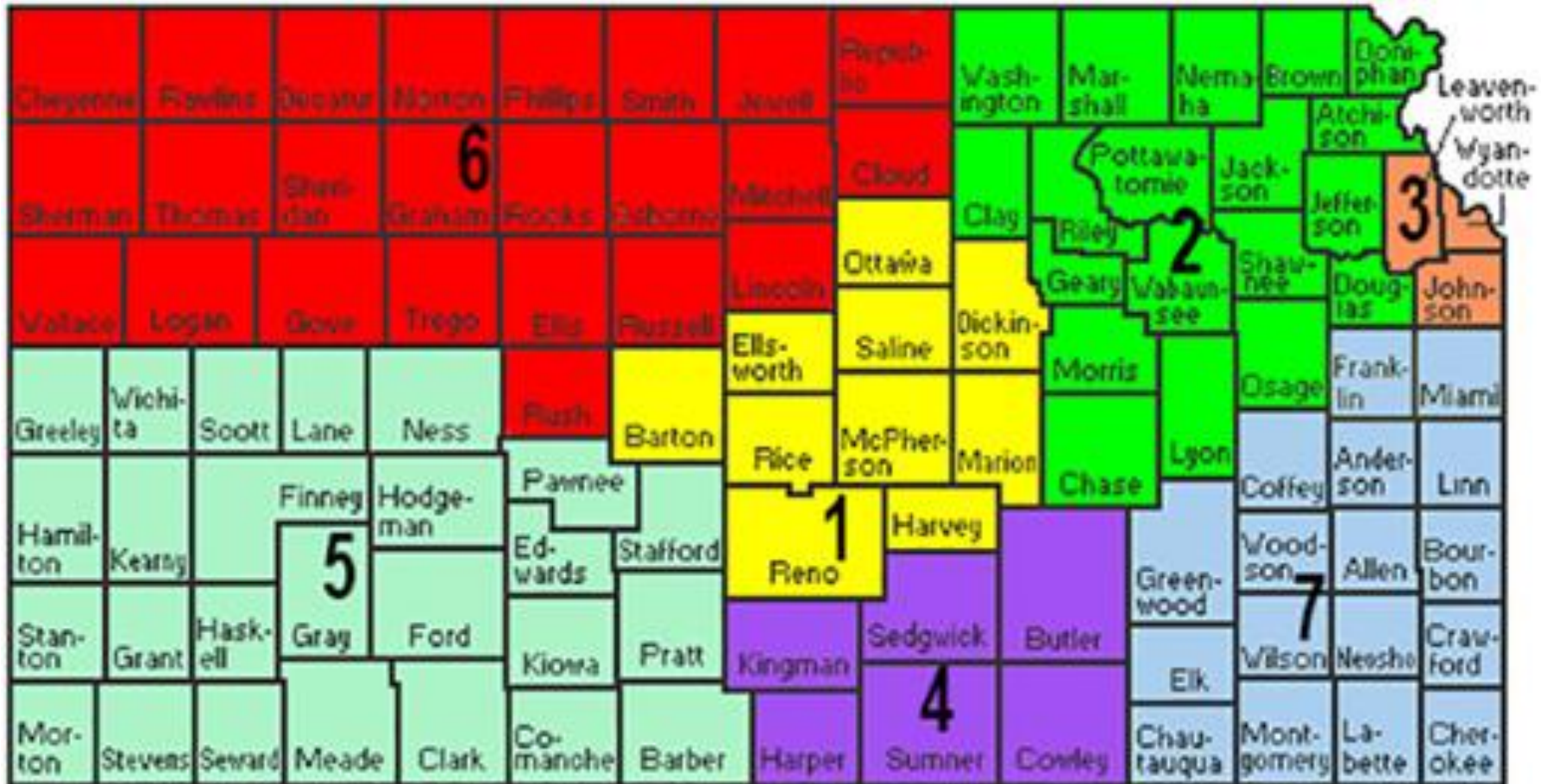
- Federal law grants LTCO access to resident information and LTCO are required to keep that information confidential
- In accordance with federal & state law, facilities must provide the LTCOP with immediate access to residents
- Respect the residents' right to complain and their right to contact the LTCOP

# How to Work with the LTCOP

- LTCO cannot share resident information without their consent. Some residents may choose to remain anonymous during the complaint process.
- Contact the LTCOP if you know a resident that may benefit from a visit with a LTCO.
- Share information about the LTCOP with residents, family members and your co-workers.

# 7 Regions

<https://ombudsman.ks.gov/contact-the-office>



Ombudsmen: Reaching Out for Quality Care

“Give me kind, caring staff who respect my dignity and privacy and treat me as a person. Recognize I am an adult and let me make choices in all areas of my life.”

LTC resident



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