



Office of the State Long-Term Care
Ombudsman
900 S.W. Jackson St., Suite 1041
Topeka, KS 66612-1354

Phone: (785) 296-3017
Fax: (785) 296-3916
Barbara.Hickert@da.ks.gov
www.KansasOmbudsman.com

Barbara J. Hickert, State Ombudsman

Sam Brownback, Governor

TESTIMONY

House Children and Seniors Committee Chair Connie O'Brien

Presented by Barbara Hickert
State Long-Term Care Ombudsman
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Chairwoman O'Brien and members of the Children and Seniors Committee:

Thank you for allowing me to speak to you today about the Long-Term Care Ombudsman Program in Kansas. Our agency represents the rights of individuals located in long-term care facilities throughout Kansas. This includes nursing facilities, assisted living facilities, home plus facilities, long-term care units (LTCU), residential care facilities and adult daycares. We are a state agency specifically designed under the Older Americans Act to provide advocacy assistance to any resident residing in long-term care facilities in the United States.

The Office of the State long-term Care Ombudsman operates as a separate agency within Kansas Department of Administration. The State Ombudsman is appointed by the governor and confirmed by the Senate. There are 9 Regional Long-Term Care Ombudsman in offices across the state, in Wichita, South Hutchinson, Topeka, Hays, and Dodge City. (See attachment). From these locations, the regional ombudsman investigate, handle complaints and visit all long-term care facilities in Kansas. The staff also provides support and guidance to certified volunteer ombudsman, consult with facility staff, and conduct in-service training.

We currently have 112 specially trained volunteers working as certified volunteer ombudsmen in long-term care facilities across the state. We believe every Kansas long-term care resident deserves to have access to the services of a volunteer ombudsman. With 660 long-term care facilities and 112 volunteers, we see plenty of opportunity for growth of our volunteer program.

Each volunteer ombudsman is assigned to one facility near his or her home. We ask that volunteers visit the facility once a week with the purpose of meeting with residents. Every volunteer encourages self-advocacy and interaction among residents, staff and community. The volunteer ensures that the legal rights of the residents are being honored and receives, investigates and resolves concerns made by or on behalf of residents.

We provide new volunteers with 30 hours of classroom and on-site training regarding elder rights, the regulatory process, plans of care, advocacy, the aging process, communication, problem solving and facility staff structure. Once a volunteer has successfully completed training, the

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volunteer and the regional staff match the volunteer to a facility. Following placement, regional staff provides ongoing support and training for the volunteer.

A principal function of the ombudsman program is to investigate and work to resolve complaints made by or on behalf of residents of long-term care facilities. In handling complaints, Ombudsmen respect resident and complainant confidentially, encourage resident empowerment, and focus complaint resolutions on the resident's wishes.

Every year the State LTC Ombudsman Office submits an annual report which includes information on complaints handled during the year. I have provided this committee with a copy of the 2012 Annual Report. In this report we group complaints into five categories: Resident Rights, Resident Care, Quality of Life, Administration and Problems Outside the Facility.

In FY12 Ombudsmen completed a total of 2,010 complaint investigations. The largest number of these complaints concerned resident rights (42%). Resident Rights complaints can involve Abuse, Neglect and Exploitation, Access to Information, Autonomy, Choice and Preference, Privacy, Dignity and Respect, and Admission, Transfer, Discharge and Eviction. Two of the top three complaints handled in FY 2012 were Resident Rights complaints: Involuntary Discharge and Dignity, Respect – Staff Attitudes.

Also contained in the Annual Report is information on recommendations for improving long-term care as well as the effectiveness of our agency. These recommendations focused on these areas:

Promoting Culture Change: A nursing home is a place resident's call "home." A place where someone lives and calls home should nurture the human spirit as well as meet medical needs. Culture change is a movement that seeks to create an environment for residents, which follows the residents' routines rather than those imposed by the facility; encourages appropriate assignments of staff with a team focus; allows residents to make their own decisions; allows spontaneous activity opportunities; and encourages and allows residents to be treated as individuals.

Program growth: We need to increase the number of volunteer ombudsman. Recruiting, training, and supporting volunteers requires tremendous effort. Our ultimate goal is to place one volunteer in every long-term care facility in Kansas. There are currently 660 facilities served by 112 volunteers. The ombudsman program must have sufficient resources to maintain and grow the volunteer corps. We currently have nine program staff, one of which is part-time. As the volunteer base grows, we will need to take steps to increase the number of program staff in order to provide sufficient guidance, support and oversight of volunteers.

Visibility: We need to increase our visibility to consumers, family and the overall community in order to grow our program. We need to make certain that every group involved in the long-term care arena is aware of our program and knows how to make referrals to or access our services. We also need to increase our community outreach and education.

I encourage any comments or questions the committee might have for me.