



State of Delaware

**Office of the State  
Long Term Care  
Ombudsman**

**ANNUAL  
REPORT**

**Federal Fiscal  
Year 2009**



**DELAWARE HEALTH  
AND SOCIAL SERVICES**

**DIVISION OF SERVICES FOR AGING AND  
ADULTS WITH PHYSICAL DISABILITIES**

**[www.dhss.delaware.gov/dsaapd](http://www.dhss.delaware.gov/dsaapd)  
1-800-223-9074**

The Long Term Care Ombudsman Program is funded by the  
U.S. Administration on Aging through the Older Americans Act

# Annual Report

## State of Delaware Office of the State Long Term Care Ombudsman Federal Fiscal Year 2009

Delaware Health and Social Services  
Delaware Division of Services for Aging and Adults  
with Physical Disabilities (DSAAPD)

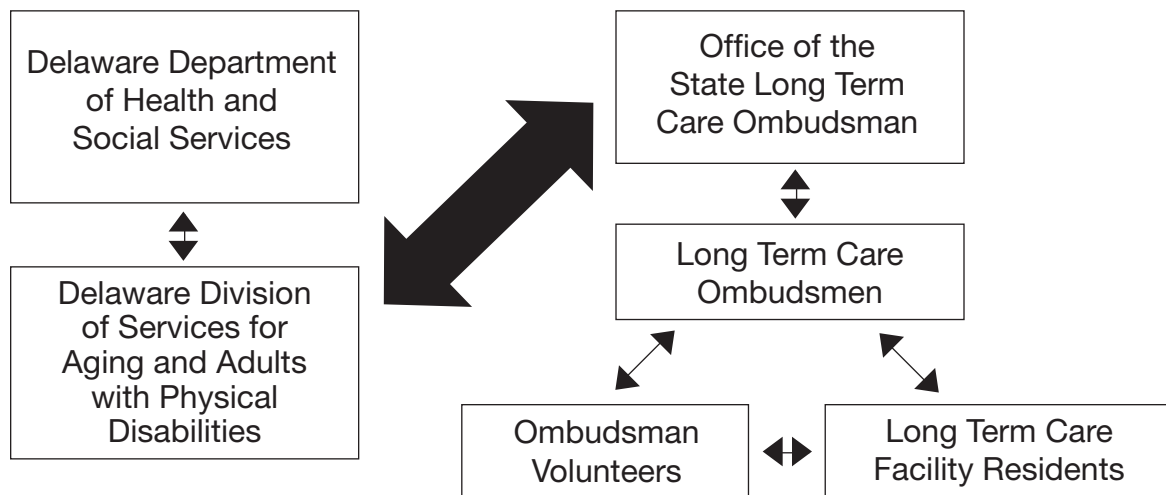
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### Administration

#### Office of the State Long Term Care Ombudsman





**DELAWARE HEALTH  
AND SOCIAL SERVICES**

DIVISION OF SERVICES FOR AGING AND  
ADULTS WITH PHYSICAL DISABILITIES

May 15, 2010

Dear friends of long term care residents:

We are pleased to present the 2009 Summary of Delaware's Long Term Care Ombudsman Program and the Ombudsman Reporting Tool Report.

Delaware's Long Term Care Ombudsman Program is responsible for advocating for the rights of all residents in long term care and related facilities. We strive to fulfill this responsibility every day by providing prompt and fair resolution of resident rights, complaints and by advocating on public policy issues to enhance the quality of care for residents. Our activities are coordinated with the Division of Long Term Care Residents Protection, the Office of the Attorney General, the Office of the Public Guardian and others to provide a blanket of protections for the rights of long term care residents.

This report for Federal Fiscal Year 2009 reflects the efforts of all the agencies involved as well as our dedicated Ombudsmen staff, Volunteer Ombudsmen, residents of long-term care facilities, families, advocates, and stakeholders who present a voice for the residents of long term care facilities. These caring and compassionate individuals are advocates and also help alleviate loneliness and isolation of residents by simply visiting the residents to talk, listen, and be a friend.

My sincere appreciation to our Division Director Mr. Guy Perrotti for his support and counsel throughout the year.

We hope that this report will be informative and helpful to you as you work to improve the quality of life of our fellow Delawareans who need long term care. Please contact us if we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Orija".

Victor Orija, MPA  
State Long Term Care Ombudsman

**STAFF**  
**Office of the State Long Term Care Ombudsman**

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**VICTOR ORIJA**

State Long Term Care Ombudsman

**BONNIE CRONEY**

Long Term Care Ombudsman, New Castle

**JOANNE HENDRICK**

Long Term Care Ombudsman, New Castle

**KAREN LAZAR**

Long Term Care Ombudsman, Milford

**BEVERLY MORRIS**

Long Term Care Ombudsman, New Castle

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***In Appreciation***

The State Long Term Care Ombudsman and staff express their heartfelt appreciation to the members of the Volunteer Ombudsman Corps for their dedication to the well-being of the state's long term care residents during 2009.

As a group, these caring and compassionate Delawareans volunteered 5,123 hours to the program.

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**ACCOMPLISHMENTS  
OF THE OFFICE OF THE STATE LONG TERM CARE OMBUDSMAN  
DURING FEDERAL FISCAL YEAR 2009**

- Made 1,128 visitations to state long term care facilities.
- Served 7,506 residents of long term care facilities.
- Visited 50 nursing homes, 33 assisted living facilities, and 104 board and care homes.
- Received 488 complaints on behalf of long term care facility residents.
- Verified 403 (83%) of the complaints that were received.
- Witnessed the execution of 295 Advance Health Care Directives.
- Resolved 439 (90%) of the complaints (28% partially and 62% fully).
- Major complainants were facility staff (45%), relatives and friends (27%).
- Major complaints were related to residents' rights (45%), conflicts/abuse/neglect/exploitation (19%), and quality of care (12%).
- 45 community education sessions were conducted in the community and/or in long term care facilities.
- Promoted quality improvement in long term care facilities. Notable were Advancing Excellence in America's Nursing Home Campaign and Culture Change.
- Continued the intensive schedule of visitation to board and care homes.
- Volunteers donated 5,123 hours of service.
- Commented on state and federal legislation affecting long term care residents.
- Participated on the Policy and Law Committee of the State Council for Persons with Disabilities.
- Presented Residents Rights to two sessions of new Assistant Directors of Nursing. Sessions were sponsored by the survey and licensing division.
- Participated on Money Follows the Person Steering Committee.
- Participated on the subcommittees of The Governor's Commission on Community-Based Alternatives for Persons with Disabilities, and Delaware Legislature's Ad Hoc Task Force on Long Term Care Housing.
- Regular participant in the deliberations of the Delaware Nursing Home Residents Quality Assurance Commission.
- Improved our capacity to monitor data associated with complaints about long term care facility practices and care. We analyze trend data and seek improvements.

## **MISSION AND HISTORY**

### **DELAWARE'S LONG TERM CARE OMBUDSMAN PROGRAM**

**PHILOSOPHY:** All residents of long term care facilities are entitled to be treated with dignity, respect and recognition of their individual needs and differences.

**VISION:** All long term care residents will have the highest possible quality of life. Their individual choices and values will be honored and supported in all care environments.

#### **Mission**

For the past 30 years, Ombudsman programs have been advocating for residents rights. Delaware's Ombudsman Program began in 1976.

The Long Term Care Ombudsman Program (LTCOP) in Delaware is mandated by state and federal laws to protect the health, safety, welfare and rights of residents of nursing homes and related institutions. The program investigates complaints on behalf of residents and their families, and includes a community-based corps of Volunteer Ombudsmen.

#### **History**

The Long Term Care Ombudsman Program in Delaware traces its origin to an innovative federal program established in 1972. The program was made permanent and codified in law through amendments to the Older Americans Act (OAA) of 1975, which enabled state agencies on aging and other public and private not-for-profit organizations to assist with the promotion and development of Ombudsman services for residents of nursing homes. By 1978, the OAA mandated the expenditure of funds for an Ombudsman at the state level to receive, investigate, and act on complaints by older individuals who are residents of long term care facilities.

In 1976, Delaware's Division of Aging, now the Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) established the Patient Rights Unit. On September 7, 1984, the Patient Rights Unit was officially mandated by the Secretary of Delaware Health and Social Services to investigate grievances of residents of long term care facilities pursuant to Delaware law.

Delaware's Ombudsmen have been investigating complaints in long term care facilities for 30 years. In 1979, the program received a total of 53 complaints. In 2009, the Ombudsman Program investigated 488 complaints. Upon the creation in 1999 of the Division of Long Term Care Residents Protection (DLTCRP) within the Department of Health and Social Services, the Ombudsman Program ceased to take the lead on abuse, neglect and financial exploitation cases, and became the primary agency responsible for investigations of residents' rights and quality of care. This was a significant change in our mission, and significantly changed our operations. In 2000, the DLTCRP and the Ombudsman Program signed a Memorandum of Agreement establishing a process for complaint referrals between both agencies.

## LONG TERM CARE OVERVIEW

In Delaware, the aging of the population is more pronounced than it is for the country as a whole. Although the United States' population of those aged 65 and older is expected to double (increasing by 104.2 percent between 2000 and 2030, or from almost 35 million to almost 71.5 million), the U.S. Census Bureau expects Delaware's senior citizen population to increase at an even greater rate – by 133.8 percent, or from just over 100,000 in 2000 to over 230,000 in 2030, an increase of over 130,000.

The Delaware Population Consortium, which produces population projections for the state, projects an increase in the 65-and-older population of 134,226 – or 129.4 percent – for the years 2000 (103,724) and 2030 (237,950), consistent with the Census Bureau projections.

The need for long term care services is likely to grow as well. As the demand for long term care services continues to rise, the demand on institutions and community-based healthcare providers to offer more care will also increase. Although admissions have risen significantly in the past ten years, so have discharges. As a result, the nursing home population from year to year has been relatively stable. In fact, the number of licensed nursing home beds has only increased by 1.3% since 1991. Furthermore, occupancy rates in nursing homes have not changed significantly in the past decade, averaging around 86% since 1991.

**2008 Delaware Population Projections Summary Table  
Total Projected Population, 2000 - 2030**

Area	2000	2008	2010	2015	2020	2025	2030
State of Delaware	786,431	875,953	896,880	943,924	986,296	1,023,707	1,058,158
Kent County	127,108	155,299	159,980	169,356	177,817	184,748	190,867
New Castle County	501,860	532,057	539,587	556,766	571,201	583,285	594,978
Sussex County	157,463	188,597	197,313	217,802	237,278	255,674	272,313

(Source: Delaware Population Consortium Annual Population Projections, October 31, 2008, Version 2008.0)



The following information for the cost of care in Delaware is included in the Genworth 2010 Cost of Care Survey:

## **Cost of Care in Delaware**

### **HOMEMAKER SERVICES HOURLY RATES (Licensed)**

Minimum Hourly Rate	Maximum Hourly Rate	Median Hourly Rate	Median Annual Rate	Five-Year Annual Growth
\$20.00	\$21.00	\$20.00	\$45,760	2%

### **HOME HEALTH AIDE SERVICES HOURLY RATES (Licensed)**

Minimum Hourly Rate	Maximum Hourly Rate	Median Hourly Rate	Median Annual Rate	Five-Year Annual Growth
\$20.00	\$22.00	\$21.00	\$48,048	1%

### **ADULT DAY HEALTH CARE DAILY RATES**

Minimum Daily Rate	Maximum Daily Rate	Median Daily Rate	Median Annual Rate	Five-Year Annual Growth
\$60.00	\$104.00	\$80.00	\$20,800	N/A

### **ASSISTED LIVING FACILITY MONTHLY RATES (One Bedroom/Single Occupancy)**

Minimum Monthly Rate	Maximum Monthly Rate	Median Monthly Rate	Median Annual Rate	Five-Year Annual Growth
\$2,850	\$6,205	\$4,890	\$58,680	9%

### **NURSING HOME DAILY RATES (Semi-Private Room)**

Minimum Daily Rate	Maximum Daily Rate	Median Daily Rate	Median Annual Rate	Five-Year Annual Growth
\$168	\$250	\$227	\$82,855	5%

### **NURSING HOME DAILY RATES (Private Room)**

Minimum Daily Rate	Maximum Daily Rate	Median Daily Rate	Median Annual Rate	Five-Year Annual Growth
\$211	\$266	\$244	\$89,060	5%

Source: Genworth 2010 Cost of Care Survey

Percentage increase in median annual rate represents the compound annual inflation rate for surveys conducted from 2005 to 2010.

Five-Year annual growth is based on survey conducted in January 2010. Sample is representative of the entire U.S. population of consumers ages 18 and over on the basis of age, gender, race, income, education, and region.

Annual rates are based on the daily fee multiplied by 365 days. This data, in conjunction with other data, should be helpful in planning for long term care.

Population Projections - State of Delaware  
Persons Aged 60+, 75+, and 85+

<b>Year</b>	<b>Population Projections Persons Aged 60+</b>	<b>Percent Change From Year 2000</b>
2000	134,400	NA
2005	153,578	14.3
2010	179,608	33.6
2015	208,831	55.4
2020	243,728	81.4
2025	276,689	105.9
2030	296,739	120.8

\*\*\*

<b>Year</b>	<b>Population Projections Persons Aged 75+</b>	<b>Percent Change From Year 2000</b>
2000	45,463	NA
2005	54,048	18.9
2010	60,127	32.3
2015	64,807	42.6
2020	73,328	61.3
2025	88,056	93.7
2030	104,067	128.9

\*\*\*

<b>Year</b>	<b>Population Projections Persons Aged 85+</b>	<b>Percent Change From Year 2000</b>
2000	10,575	NA
2005	13,802	30.5
2010	17,425	64.8
2015	19,940	88.6
2020	21,533	103.6
2025	22,964	117.2
2030	26,824	153.7

Source: Delaware Population Consortium, Annual Population Projections  
September 23, 2003, Version 2003.0

## **OMBUDSMAN REPORTING TOOL (ORT) REPORT**

### **STATE OF DELAWARE ANNUAL OMBUDSMAN REPORT TO THE U.S. ADMINISTRATION ON AGING FISCAL YEAR 2009**

**Submitted by  
Division of Services for Aging and Adults with Physical Disabilities  
Delaware Health and Social Services**

#### **Cases, Complainants and Complaints**

##### **A. Cases Opened**

Provide the total number of cases opened during reporting period.

332

*Case: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve, and follow-up.*

**Cases, Complainants and Complaints**

**B. Cases Closed, by Type of Facility**

Provide the number of cases closed, by type of facility/setting, which were received from the types of complainants listed below.

*Closed Case: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code.*

<b>Complainants:</b>	<b>Nursing Facility</b>	<b>B&amp;C, ALF, RCF, etc.*</b>	<b>Other Settings</b>
1. Resident	25	13	0
2. Relative/friend of resident	85	18	0
3. Non-relative guardian, legal representative	4	0	0
4. Ombudsman/ombudsman volunteer	3	0	0
5. Facility administrator/staff or former staff	113	54	0
6. Other medical: physician/staff	0	0	0
7. Representative of other health or social service agency or program	3	1	0
8. Unknown/anonymous	0	0	0
9. Other: Bankers, Clergy, Law Enforcement, Public Officials, etc.	43	13	0

Total number of cases closed during the reporting period:

375

\*Board and care, assisted living, residential care and similar long-term care facilities, both regulated and unregulated

**Cases, Complainants and Complaints**

**C. Complaints Received**

For cases which were closed during the reporting period (those counted in B above), provide the total number of complaints received:

488

*Complaint: A concern brought to, or initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to health, safety, welfare or rights of a resident. One or more complaints constitute a case.*

**Cases, Complainants and Complaints**  
**D. Types of Complaints, by Type of Facility**

Below and on the following pages provide the total number of complaints for each specific complaint category, for nursing facilities and board and care or similar type of adult care facility. The first four major headings are for complaints involving action or inaction by staff or management of the facility. The last major heading is for complaints against others outside the facility. See Instructions for additional clarification and definitions of types of facilities and selected complaint categories.

**Residents' Rights**

**A. Abuse, Gross Neglect, Exploitation**

1. Abuse, physical (including corporal punishment)
2. Abuse, sexual
3. Abuse, verbal/psychological (including punishment, seclusion)
4. Financial exploitation (use categories in section E for less severe financial complaints)
5. Gross neglect (use categories under Care, Sections F & G for non-willful forms of neglect)
6. Resident-to-resident physical or sexual abuse
7. Not Used

	Nursing Facility	B&C, ALF, RCF, etc.
	2	0
	1	0
	0	0
	1	1
	3	1
	4	5

**B. Access to Information by Resident or Resident's Representative**

8. Access to own records
9. Access by or to ombudsman/visitors
10. Access to facility survey/staffing reports/license
11. Information regarding advance directive
12. Information regarding medical condition, treatment and any changes
13. Information regarding rights, benefits, services, the resident's right to complain
14. Information communicated in understandable language
15. Not Used

	3	0
	0	0
	0	0
	1	1
	2	0
	1	0
	4	0

**C. Admission, Transfer, Discharge, Eviction**

16. Admission contract and/or procedure
17. Appeal process - absent, not followed
18. Bed hold - written notice, refusal to readmit
19. Discharge/eviction - planning, notice, procedure, implementation, inc. abandonment
20. Discrimination in admission due to condition, disability
21. Discrimination in admission due to Medicaid status
22. Room assignment/room change/intrafacility transfer
23. Not Used

	1	1
	0	0
	1	0
	42	24
	0	0
	0	0
	14	2

**D. Autonomy, Choice, Preference, Exercise of Rights, Privacy**

24. Choose personal physician, pharmacy/hospice/other health care provider
25. Confinement in facility against will (illegally)
26. Dignity, respect - staff attitudes

	0	0
	11	3
	9	4

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27. Exercise preference/choice and/or civil/religious rights, individual's right to smoke	20	4
28. Exercise right to refuse care/treatment	7	1
29. Language barrier in daily routine	0	0
30. Participate in care planning by resident and/or designated surrogate	1	0
31. Privacy - telephone, visitors, couples, mail	2	3
32. Privacy in treatment, confidentiality	1	1
33. Response to complaints	4	3
34. Reprisal, retaliation	0	0
35. Not Used		

**E. Financial, Property (Except for Financial Exploitation)**

36. Billing/charges - notice, approval, questionable, accounting wrong or denied (includes overcharge of private pay residents)	5	0
37. Personal funds - mismanaged, access/information denied, deposits and other money not returned (report criminal-level misuse of personal funds under A.4)	3	2
38. Personal property lost, stolen, used by others, destroyed, withheld from resident	11	5
39. Not Used		

**Resident Care**

**F. Care**

40. Accidental or injury of unknown origin, falls, improper handling	4	0
41. Failure to respond to requests for assistance	7	0
42. Care plan/resident assessment - inadequate, failure to follow plan or physician orders (put lack of resident/surrogate involvement under D.30)	35	8
43. Contracture	0	0
44. Medications - administration, organization	11	2
45. Personal hygiene (includes nail care & oral hygiene) and adequacy of dressing & grooming	7	2
46. Physician services, including podiatrist	2	0
47. Pressure sores, not turned	7	0
48. Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition	7	0
49. Toileting, incontinent care	3	0
50. Tubes - neglect of catheter, gastric, NG tube (use D.28 for inappropriate/forced use)	1	0
51. Wandering, failure to accommodate/monitor exit seeking behavior	0	0
52. Not Used		

**G. Rehabilitation or Maintenance of Function**

53. Assistive devices or equipment	4	4
54. Bowel and bladder training	0	0
55. Dental services	1	0
56. Mental health, psychosocial services	1	0
57. Range of motion/ambulation	2	0
58. Therapies - physical, occupational, speech	4	1
59. Vision and hearing	0	0
60. Not Used		

**H. Restraints - Chemical and Physical**

- 61. Physical restraint - assessment, use, monitoring
- 62. Psychoactive drugs - assessment, use, evaluation
- 63. Not Used

0	0
0	0

**Quality of Life**

**I. Activities and Social Services**

- 64. Activities - choice and appropriateness
- 65. Community interaction, transportation
- 66. Resident conflict, including roommates
- 67. Social services - availability/appropriateness/ (use G.56 for mental health, psychosocial counseling/service)
- 68. Not Used

5	0
1	1
5	3
1	1

**J. Dietary**

- 69. Assistance in eating or assistive devices
- 70. Fluid availability/hydration
- 71. Food service - quantity, quality, variation, choice, condiments, utensils, menu
- 72. Snacks, time span between meals, late/missed meals
- 73. Temperature
- 74. Therapeutic diet
- 75. Weight loss due to inadequate nutrition
- 76. Not Used

6	0
1	0
6	2
0	0
2	0
2	0
1	0

**K. Environment**

- 77. Air/environment: temperature and quality (heating, cooling, ventilation, water, noise)
- 78. Cleanliness, pests, general housekeeping
- 79. Equipment/building - disrepair, hazard, poor lighting, fire safety, not secure
- 80. Furnishings, storage for residents
- 81. Infection control
- 82. Laundry - lost, condition
- 83. Odors
- 84. Space for activities, dining
- 85. Supplies and linens
- 86. Americans with Disabilities Act (ADA) accessibility

2	0
4	0
4	0
3	0
1	0
2	0
0	0
1	0
2	0
0	0

**Administration**

**L. Policies, Procedures, Attitudes, Resources (See other complaint headings, of above, for policies on advance directives, due process, billing, management residents' funds)**

- 87. Abuse investigation/reporting, including failure to report
- 88. Administrator(s) unresponsive, unavailable
- 89. Grievance procedure (use C for transfer, discharge appeals)
- 90. Inappropriate or illegal policies, practices, record-keeping
- 91. Insufficient funds to operate

0	0
2	0
0	0
0	0
0	0

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92. Operator inadequately trained	0	0
93. Offering inappropriate level of care (for B&C/similar)	0	0
94. Resident or family council/committee interfered with, not supported	0	0
95. Not Used		

**M. Staffing**

96. Communication, language barrier (use D.29 if problem involves resident inability to communicate)	0	0
97. Shortage of staff	0	0
98. Staff training	2	0
99. Staff turn-over, over-use of nursing pools	0	0
100. Staff unresponsive, unavailable	1	0
101. Supervision	0	0
102. Eating Assistants	1	0

**Not Against Facility**

**N. Certification/Licensing Agency**

103. Access to information (including survey)	0	0
104. Complaint, response to	0	0
105. Decertification/closure	0	0
106. Sanction, including Intermediate	0	0
107. Survey process	0	0
108. Survey process - Ombudsman participation	0	0
109. Transfer or eviction hearing	0	0
110. Not Used		

**O. State Medicaid Agency**

111. Access to information, application	0	0
112. Denial of eligibility	3	1
113. Non-covered services	0	0
114. Personal Needs Allowance	0	0
115. Services	0	0
116. Not Used		

**P. System/Others**

117. Abuse/neglect/abandonment by family member/friend/guardian or, while on visit out of facility, any other person	3	2
118. Bed shortage - placement	4	0
119. Facilities operating without a license	0	0
120. Family conflict; interference	23	9
121. Financial exploitation or neglect by family or other not affiliated with facility	8	5
122. Legal - guardianship, conservatorship, power of attorney, wills	12	6
123. Medicare	1	0
124. Mental health, developmental disabilities, including PASRR	1	1
125. Problems with resident's physician/assistant	0	0



- 126. Protective Service Agency
- 127. SSA, SSI, VA, Other Benefits/Agencies
- 128. Request for less restrictive placement

1	0
2	0
11	5
374	114

**Total, categories A through P**

**Q. Complaints About Services in Settings Other Than Long-Term Care Facilities or By Outside Provider in Long-Term Care Facilities (see instructions)**

- 129. Home care
- 130. Hospital or hospice
- 131. Public or other congregate housing not providing personal care
- 132. Services from outside provider (see instructions)
- 133. Not Used

0
0
0
0
0
0

**Total, Heading Q.**

**Total Complaints\***

488
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\* (Add total of nursing facility complaints; B&C, ALF, RCF, similar complaints and complaints in Q, above. Place this number in Part I, C on page 1.)

**Cases, Complainants and Complaints**

**Action on Complaints**

Provide for cases closed during the reporting period the total number of complaints, by type of facility or other setting, for each item listed below.

	<b>Nursing Facility</b>	<b>B&amp;C, ALF, RCF, etc.*</b>	<b>Other Settings</b>
1. Complaints which were verified:	306	97	0

**Verified:** *It is determined after work (interviews, record inspection, observation, etc.) that the circumstances described in the complaint are generally accurate.*

2. Disposition: Provide for all complaints reported in C and D, whether verified or not, the number:

a. For which government policy or regulatory change or legislative action is required to resolve (this may be addressed in the issues section)	0	0	0
b. Which were not resolved* to satisfaction of resident or complainant	11	3	0
c. Which were withdrawn by the resident or complainant or resident died before final outcome of complaint investigation	4	2	0
d. Which were referred to other agency for resolution and:			
1) report of final disposition was not obtained	6	0	0
2) other agency failed to act on complaint	0	0	0
3) agency did not substantiate complaint	7	1	0
e. For which no action was needed or appropriate	20	7	0

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f. Which were partially resolved* but some problem remained	105	41	0
g. Which were resolved* to the satisfaction of resident or complainant	221	60	0

<b>Total, by type of facility or setting</b>	374	114	0
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<b>Grand Total (Same number as that for total complaints on pages 1 and 7)</b>	488
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*\*Resolved: The complaint/problem was addressed to the satisfaction of the resident or complainant.*

**Program Information and Activities**

**A. Facilities and Beds:**

1. How many nursing facilities are licensed in your State?	50
2. How many beds are there in these facilities?	5,216

3. Provide the type-name(s) and definition(s) of the types of board and care, assisted living, residential care facilities and any other similar adult care home for which your ombudsman program provides services, as authorized under Section 102(18) and (32), 711(6) and 712(a)(3)(A)(i) of the Older Americans Act. If no change from previous year, type "no change" at space indicated.

No change

a) How many of the board and care and similar adult care facilities described above are regulated in your State?	137
b) How many beds are there in these facilities?	2,290

**Program Information and Activities**

**B. Program Coverage**

*Statewide Coverage means that residents of both nursing homes and board and care homes (and similar adult care facilities) and their friends and families throughout the state have access to knowledge of the ombudsman program, how to contact it, complaints received from any part of the State are investigated and documented, and steps are taken to resolve problems in a timely manner, in accordance with federal and state requirements.*

**B.1. Designated Local Entities**

Provide for each type of host organization the number of local or regional ombudsman entities (programs) designated by the State Ombudsman to participate in the statewide ombudsman program that are geographically located outside of the State Office:

**Local entities hosted by:**

Area agency on aging	0
Other local government entity	0
Legal services provider	0
Social services non-profit agency	0
Free-standing ombudsman program	0
Regional office of State ombudsman program	0
Other; specify:	0
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>	

Total Designated Local Ombudsman Entities 0

**B.2. Staff and Volunteers**

Provide numbers of staff and volunteers, as requested, at state and local levels.

Type of Staff	Measure	State Office	Local Programs
	FTEs	5.00	0.00
Paid program staff	Number people working full-time on ombudsman program	5	0
Paid clerical staff	FTEs	0.00	0.00
Volunteer ombudsmen certified to address complaints at close of reporting period	Number volunteers	44	0
Number of Volunteer hours donated	Total number of hours donated by certified volunteer Ombudsmen	5,123	0
<i>Certified Volunteer: An individual who has completed a training course prescribed by the State Ombudsman and is approved by the State Ombudsman to participate in the statewide Ombudsman Program.</i>			
Other volunteers (i.e., not certified) at close of reporting period	Number of volunteers	0	0

**Program Information and Activities**

**C. Program Funding**

Provide the amount of funds expended during the fiscal year from each source for your statewide program:

Federal - Older Americans Act (OAA) Title VII, Chapter 2, Ombudsman	\$81,457
Federal - Older Americans Act (OAA) Title VII, Chapter 3, Elder Abuse Prevention	\$25,027

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Federal - OAA Title III provided at State level	\$192,000
Federal - OAA Title III provided at AAA level	\$0
Other Federal; specify:	\$0
State Funds	
State funds	\$156,400
Local; specify:	\$0
<b>Total Program Funding</b>	<b>\$454,884</b>

**Program Information and Activities**

**D. Other Ombudsman Activities**

Provide below and on the next page information on ombudsman program activities other than work on complaints.

Activity	Measure	State	Local	
<b>1. Training for ombudsman staff and volunteers</b>	Number sessions	50	0	
	Number hours	264	0	
	Total number of trainees that attended any of the training sessions above (duplicated count)	498	0	
	3 most frequent topics for training	Responding and handling communicable diseases in long-term care facilities, H1N1 and volunteer safety.		
		Residents Rights		
		Reporting incidents in long-term care facilities to the ombudsman		

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<b>2. Technical assistance to local ombudsmen and/or volunteers</b>	Estimated percentage of total staff time	31	0
<b>3. Training for facility staff</b>	Number sessions	34	0
	3 most frequent topics for training	Residents Rights	
		Advanced Health Care Directives	
		Resident Discharge Issues	
<b>4. Consultation to facilities Consultation: providing information and technical assistance, often by telephone)</b>	3 most frequent areas of consultation	Resident Care and Resident Behavior	
		Safe Discharge	
		Handling Resident Sexual Challenges and Behavior	
	Number of consultations	433	0
<b>5. Information and consultation to individuals (usually by telephone)</b>	3 most frequent requests/needs	Role of the State Long-Term Care Ombudsman Office as it pertains to residents of long-term care facilities	
		Resident Care Issues	
		Conflict between resident and family and/or roommate, and/or facility	
	Number of consultations	538	0
<b>6. Facility Coverage (other than in response to complaint)*</b>	Number Nursing Facilities visited (unduplicated)	50	0
	Number Board and Care (or similar) facilities visited (unduplicated)	137	0
<b>7. Participation in Facility Surveys</b>	Number of surveys	33	0

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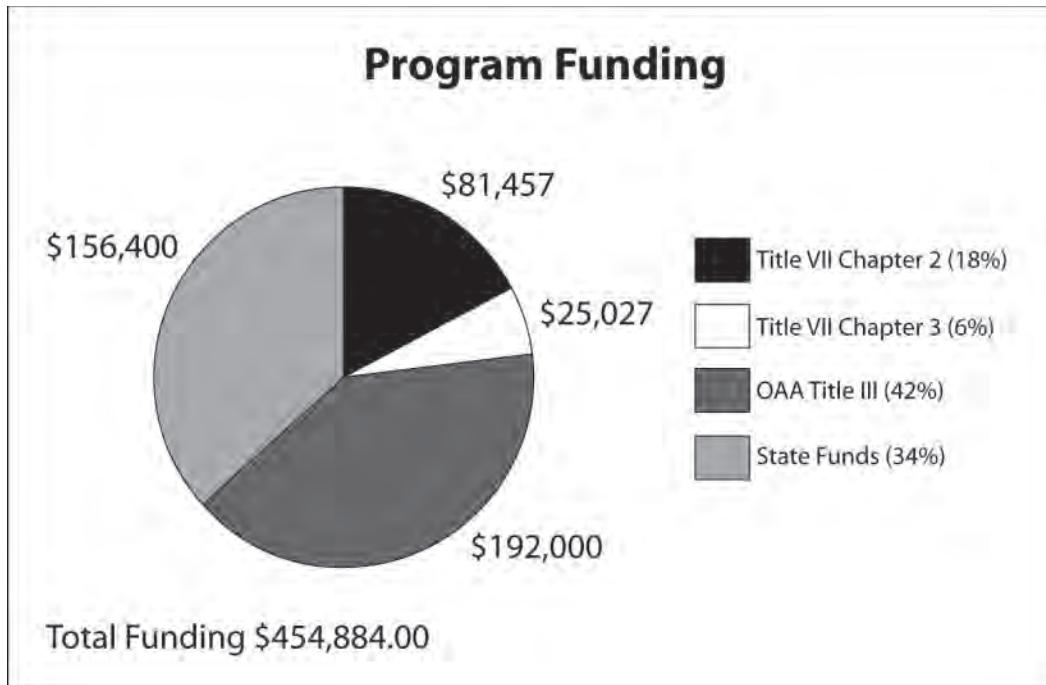
<b>8. Work with resident councils</b>	Number of meetings attended	36	0
<b>9. Work with family councils</b>	Number of meetings attended	9	0
<b>10. Community Education</b>	Number of sessions	45	0
<b>11. Work with media</b>	3 most frequent topics	Role of the State Long-Term Care Ombudsman Office	
		Residents Rights	
		Volunteer Recruitment	
	Number of interviews/discussions	7	0
	Number of press releases	22	0
<b>12. Monitoring/work on laws, regulations, government policies and actions</b>	Estimated percentage of total paid staff time (Note: the total of the percentage at each level in this item and item 2 should not add to more than 100%.)	45	0

\* The number is for facilities receiving at least one visit per quarter, not in response to a complaint. It is not for the number of visits. States which do not have a regular visitation program should enter "0" in lieu of "NA," as this numeric field cannot accept "NA."

## BUDGET AND EXPENDITURES

State funds and Title III federal funds support six full-time positions for the Long Term Care Ombudsman Program. In addition, Title VII, Chapter III funds are directed towards training, outreach for abuse prevention, and community awareness. The Ombudsman Program also receives an annual allocation from the U.S. Administration on Aging to support its operations.

Operational funds are the lifeblood of the program and empower the program to fund new initiatives, recruit volunteers, and sustain an effective outreach capability. Since 1996, the Ombudsman Program has experienced an increase in Title VII appropriations for its operations. Increased funding has enabled the program to reach out to more residents and families and help to recruit potential volunteers.



## PROGRAM OPERATIONS

### ***What is an Ombudsman?***

*The word “Ombudsman” is Swedish and means “one who speaks on behalf of another.” The Ombudsman is an advocate for residents of long term care facilities (nursing homes and residential care facilities).*

## **Role of the Long Term Care Ombudsman**

Office of the Long Term Care Ombudsman  
(42 U.S.C. 3058f, Title VII, Sec. 712)

712(a) “A state agency shall, in accordance with this section establish and operate an Office of the State Long Term Care Ombudsman and carry out through the Office of State Long Term Care Ombudsman.”

- A. Identify, investigate, and resolve complaints that are made by, or on behalf of residents and relate to action, inaction, or decision that may adversely affect that health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees), of providers, or representatives of providers, of long term care service; public agencies; or health and social service agencies;
- B. Provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;
- C. Inform the residents about means of obtaining services provided by providers or agencies described in subparagraph (A) or services described in subparagraph (B);
- D. Ensure that the residents have regular and timely access to the services provided through the Office and that the residents and complainants receive timely responses from representatives of the Office to complaints;
- E. Represent the interests of the resident before governmental agencies and seek administrative, legal and other remedies to protect the health, safety, welfare, and rights of the residents;
- F. Provide administrative and technical assistance to entities in participating in the program;
- G. Analyze, comment on, and monitor the development and implementation of Federal, State, and local law regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long term care facilities and services in the State; recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and facilitate public comment on the laws, regulations, policies, and actions;
- H. Provide for training for representatives of the office; promote the development of citizen organizations, to participate in the program; and provide technical support for the development of the resident and family councils to protect the well-being and rights of residents; and
- I. Carry out other activities as appropriate.”



## **The Year in Review**

In Delaware, there are 50 nursing homes that provide care for 5,216 residents. In addition, there are 33 assisted living facilities serving 2,013 residents. An additional 104 licensed rest (family care) homes are located throughout the state, providing long term care to 277 seniors and persons with disabilities.

Type of Facility	Number of Facilities	Number of Beds
Nursing Homes	50	5,216
BC & RC	104	277
Assisted Living	33	2,013

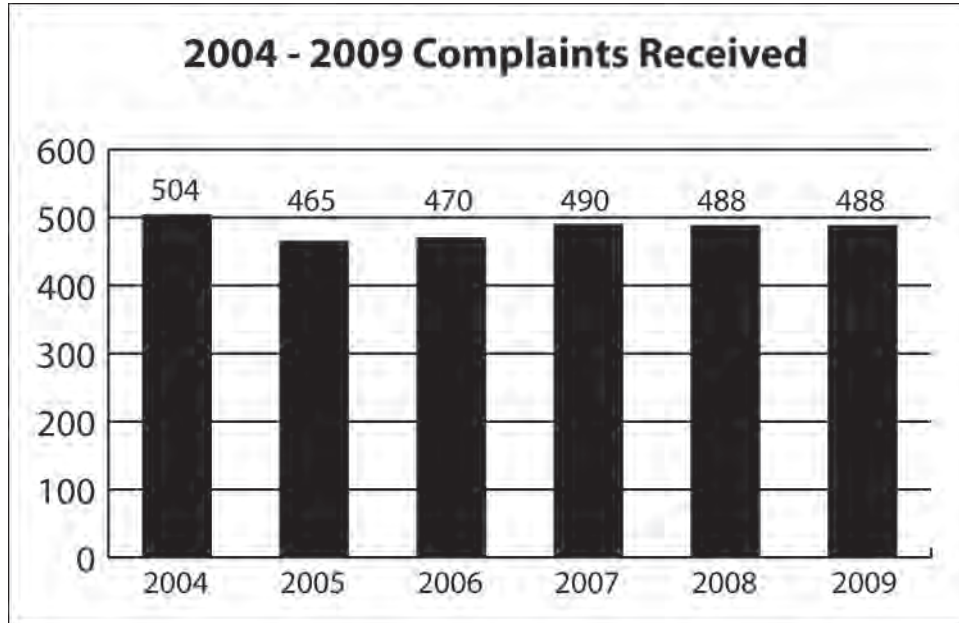
Assisted living regulations were strengthened in 2009 to add more safeguards for residents in long term care. An important addition was the “Uniform Assessment Instrument.” This tool was designed to ensure that applicants interested in assisted living were qualified, met eligibility standards, and received the appropriate level of care.

## **Most Frequent Complaints**

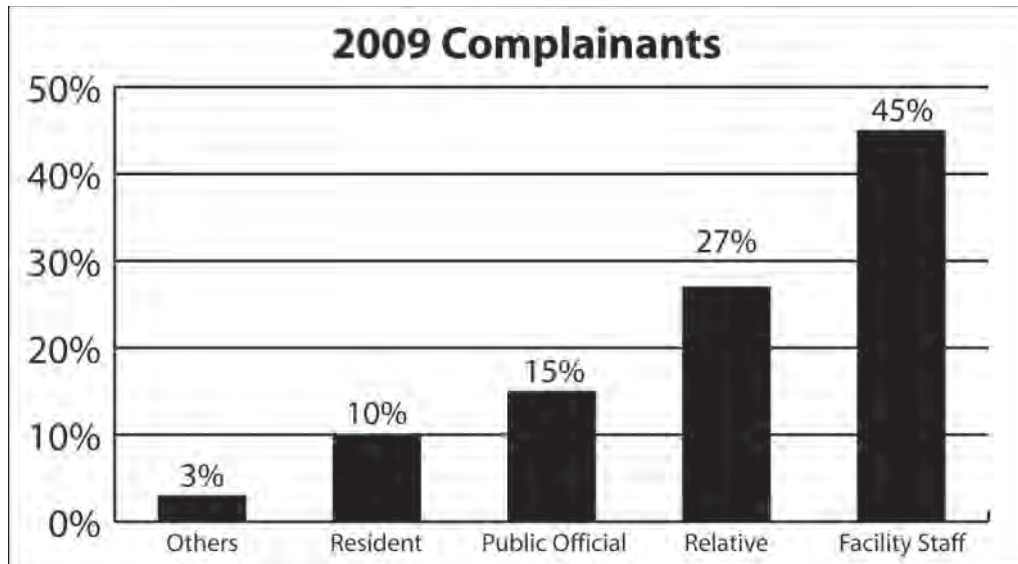
The Long Term Care Ombudsman Program investigated and resolved 488 complaints during Fiscal Year 2009. Ombudsman staff works closely with residents, families, and facility staff to offer guidance and correct substantiated complaints. In addition, the program witnessed 295 Advance Directives and provided many of in-service training sessions and outreach. The program accomplished this with four full-time Long Term Care Ombudsmen, and a State Long Term Care Ombudsman.

Data analysis and trending indicate that complaints are increasing in complexity. Hence, some remain open longer with intensive intervention.

Most of the complaints involved discharge, care plan, family conflict, resident conflict, resident rights and billing errors.



There are nine categories of “complainants” who referred complaints on behalf of residents to the Ombudsman in 2009. Below is the distribution. Five types of complainants were grouped into the “others” category.



## **PUBLIC AWARENESS AND OUTREACH**

### **Legislation and Advocacy**

Participated in national and state level conferences on aging and long term care issues.

Commented on proposed federal regulations on Long Term Care Ombudsman Programs.

Member of Policy and Law Sub-Committee on State Council for Persons with Physical Disabilities.

Member of subcommittees of The Governor's Commission on Community-Based Alternatives for Persons with Disabilities. Subcommittees include: Assessment, Employment, Healthcare, Housing, Money Follows The Person, Transportation, and Workforce Development.

### **Volunteer Recruitment and Coordination**

Fielded 44 volunteers who provided 5,123 hours of service.

Witnessed 295 Advance Health Care Directives.

Made 156 interventions on behalf of residents.

Continued to explore the possibility of expanding volunteers' advocacy role.

### **Outreach**

Community outreach and training on the role of the Ombudsman.

Community outreach and training on residents' rights.

Promoted Resident Councils and Family Councils.

Made presentations to student groups in area institutions of higher learning.

Made presentations to groups of Certified Nursing Assistants (CNAs).  
Celebrated Resident's Rights Week; Governor's Proclamation.  
Attended the 8th Annual Residents' Rights Rally.  
Media release about selecting long term care, residents' rights, and long-term care planning.

**Training and Education**

Participated in state, regional, and national quality training activities.  
Participated in national and state advocacy training.  
Provided statewide bi-monthly training for volunteers.  
Provided training on long term care issues for staff of long term care facilities, and state unit on aging staff.  
Participated in cross-agency training on prevention of elder abuse, exploitation, and dealing with difficult behavior.

**Inter-agency Coordination**

Participated in Delaware Nursing Home Residents' Quality Assurance Commission meetings.  
Participated in the State Council for Physical Disabilities Policy and Law Subcommittee.  
Attended Quality Improvement Initiative training events sponsored by the Division of Long Term Care Residents Protection.  
Collaborated with Senior Medicare Patrol staff to train staff and volunteers on Medicare and healthcare fraud prevention.

**Ad Campaign:**

A series of professionally designed advertisements to promote the Long Term Care Ombudsmen Program and its advocates.

**Table Top Display:**

Panels that include information and graphics for various target audiences.

**Nursing Home Poster:**

For statewide placement. This will be available in English and Spanish.

**Senior Citizen Newspaper:**

Delaware's statewide monthly newspaper for seniors and caregivers with a circulation of 80,000 copies includes frequent articles about the Ombudsman Program and its services.

**See Appendix**

**Publications**

Program brochures are available at the division website [www.dhss.delaware.gov/dssapd](http://www.dhss.delaware.gov/dssapd) to inform the general public about the Long Term Care Ombudsman Program and its services.

The Long Term Care Ombudsman Program published and disseminated a guide for nursing home residents to promote awareness of rights and help with self-initiated advocacy efforts. Effort is on-going to translate residents' rights into the Spanish language. A poster of rights for long term care facilities is another way of reaching our diverse population.

### **Location**

The program operates out of two offices, one located on the DuPont Highway in New Castle, serving the city of Wilmington and New Castle County. The other office is located in Milford, and serves both Kent and Sussex Counties. In addition, we rely on our Volunteer Ombudsmen to assist with being our eyes and ears in long term care facilities by visiting residents and assisting with interventions to correct problems as they arise. This proactive approach helps to resolve issues early.

In our complaint handling, the Ombudsman respects the resident, the complainant, and their confidentiality. The complaint resolution focuses on the resident's stated wishes. A **complaint** is defined as information that requires an action or inaction. Also, it could adversely affect the health, safety, welfare, or rights of residents of long term care facilities.

### **Routine Visit to Facilities**

Ombudsmen routinely visit facilities and residents to ensure that they are visible and accessible to the residents, their families, and facility staff. In this respect, they are available for consultation.

### **Resident and Family Councils**

On invitation, Ombudsmen attend resident and family council meetings. They answer questions and where appropriate, are available to help establish these councils. The residents and their families must have a voice in the care of residents. As such, we have renewed our efforts to re-energize Resident and Family Councils by offering our services and letting them know that we are available to speak at council meetings, and willing to offer suggestions on issues.

### **Inter-agency Coordination**

Ombudsmen worked closely with regulatory, advocacy, social services, law enforcement and appropriate agencies to ensure that long term care facility residents are accorded their rights. Specifically, we refer all cases of abuse, neglect, mistreatment, and financial exploitation to the Division of Long Term Care Residents Protection.

**Program Impact/Outcomes**

Ombudsmen work closely with the families of residents and facility staff to resolve each complaint by identifying the basis of the complaint, making recommendations, and referring violations of regulations to the state Division of Long Term Care Residents Protection Ombudsmen respond to each resident’s concern in person, interview staff, and review records during the course of an investigation. Resolution is made based on findings.

**QUALITY INDICATORS - DELAWARE VS. NATIONAL AVERAGE**

Nursing homes in Delaware compare favorably with most states, with an average of 4.2 hours per patient day (ppd), while the national average was 3.9 ppd, according to the Centers for Medicare and Medicaid Services (CMS). Adequate staffing is important in assuring sufficient care for residents. Delaware has more survey findings per facility at 13.3, while the national average is 7.0.

	Delaware	National Average
Staffing+	4.2 ppd	3.9 ppd
Survey Findings+ Source: OIG/OSCAR 2007	13.3	7.0
Complaints with LTCOP/Bed Source: FY08 NORS data	0.07	0.09

	ADL	Pain	Bed Sore	Restraint	Depression	Incontinence	Restricted Movement	Abul-ation	Urinary Tract Infection on (UTI)
US	14%	3%	11%	3%	14%	50%	4%	11%	9%
DE	14%	25%	9%	4%	11%	52%	4%	12%	10%

Source: CMS-Nursing Home Compare, December 2009. See explanations below. Data fluctuates quarterly. Generally, lower percentage is better.

**ADL** - Activities of Daily Living. Shows the percent of residents whose need for help doing basic daily tasks has increased from the last time it was checked. These activities include feeding oneself, transferring from one chair to another, changing positions while in bed, and going to the bathroom alone.

**Pain** - Shows the percent of residents who were reported to have moderate to severe pain during the assessment period. Pain can be caused by a variety of medical conditions. Checking for pain and pain management is very complex.

**Bed sore** - Shows the percent of residents with a high risk of getting pressure sores, or who get a pressure sore in the nursing home. A resident has a high risk for getting a pressure sore if in a coma, if unable to get needed nutrients or cannot move or change position without assistance.

**Restraint** – Shows the percent of residents in the nursing home who were physically restrained daily during the assessment period, A physical restraint is any device, material, or equipment attached or adjacent to a resident’s body that the individual cannot remove easily, which keeps a resident from moving freely or prevents the resident normal access to the body.

**Depression** – Shows the percent of residents who have become more depressed or anxious in the nursing home since their last assessment.

**Incontinence** – Shows the percent of residents who often loose control of their bowels or bladder. It is based on residents who have a low risk such as severe dementia (memory loss) or limited ability to move around.

**Restricted movement** – Shows the percent of residents who spent most of their time in bed or a chair in their room during the assessment period. This restriction could be due to a decline in physical activity, muscle loss, joint stiffness, fear of injury, worsening illness, or depression.

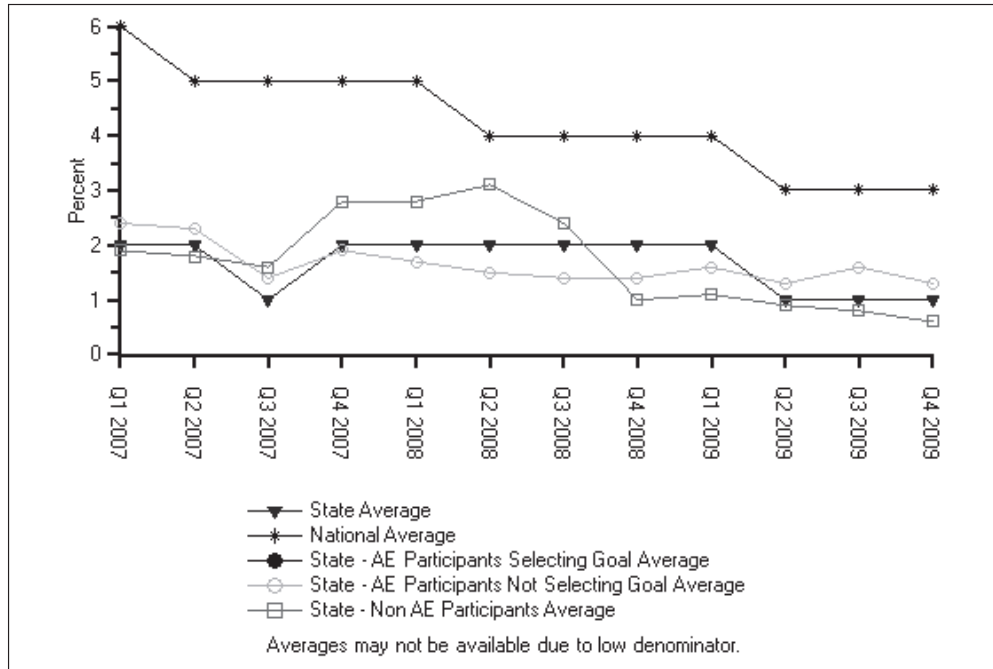
**Ambulation** – Shows the percent of residents whose ability to move about, either by walking or using a wheelchair, in their room and hallway near their room, worsened since the last assessment.

**Urinary Tract Infection (UTI)** – Shows the percent of residents who had an infection in their urinary tract anytime during the 30 days before their most recent assessment.

**2009 from nhqi-star.org/star.index**

For each data below, state participant data include all nursing homes currently registered with a valid Medicare or Medicaid provider number.

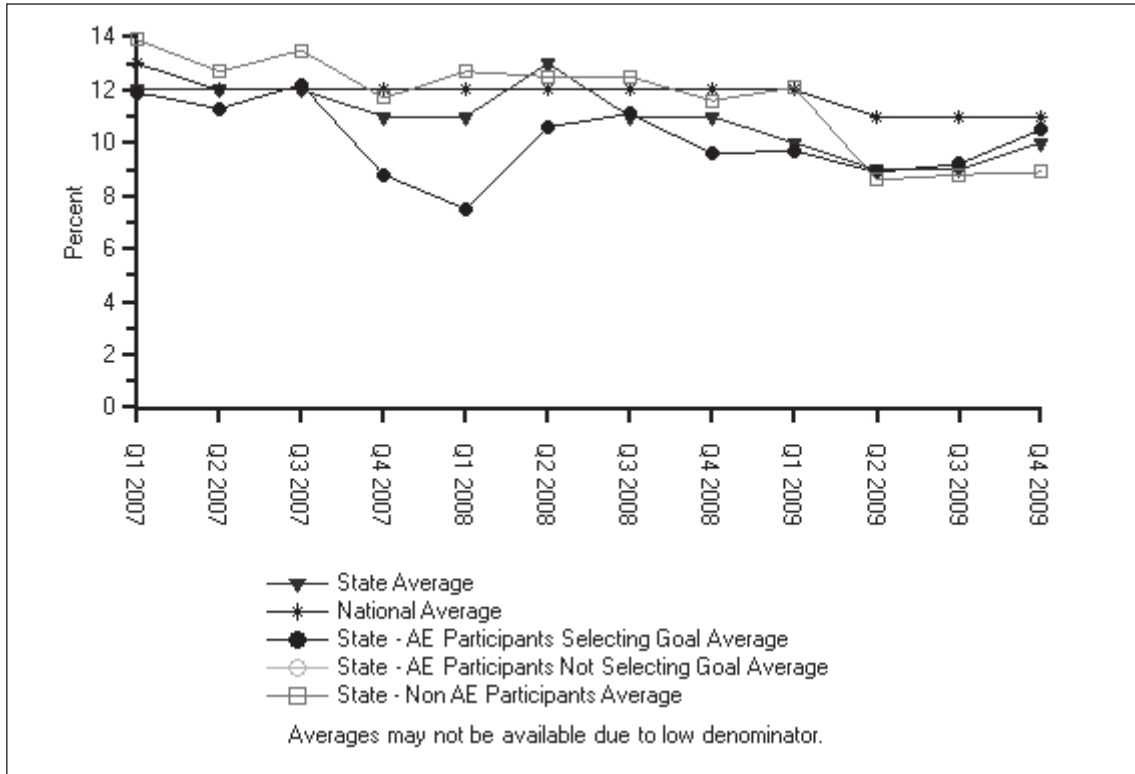
The trend report below shows **Physical Restraint** scores for Delaware and the nation over time:



Year	Quarter	State Average	National Average	State AE Participants Selecting Goal Average	State AE Participants Not Selecting Goal Average	State Non AE Participants Average
2007	1	2	6		2.4	1.9
2007	2	2	5		2.3	1.8
2007	3	1	5		1.4	1.6
2007	4	2	5		1.9	2.8
2008	1	2	5		1.7	2.8
2008	2	2	4		1.5	3.1
2008	3	2	4		1.4	2.4
2008	4	2	4		1.4	1.0
2009	1	2	4		1.6	1.1
2009	2	1	3		1.3	0.9
2009	3	1	3		1.6	0.8
2009	4	1	3		1.3	0.6



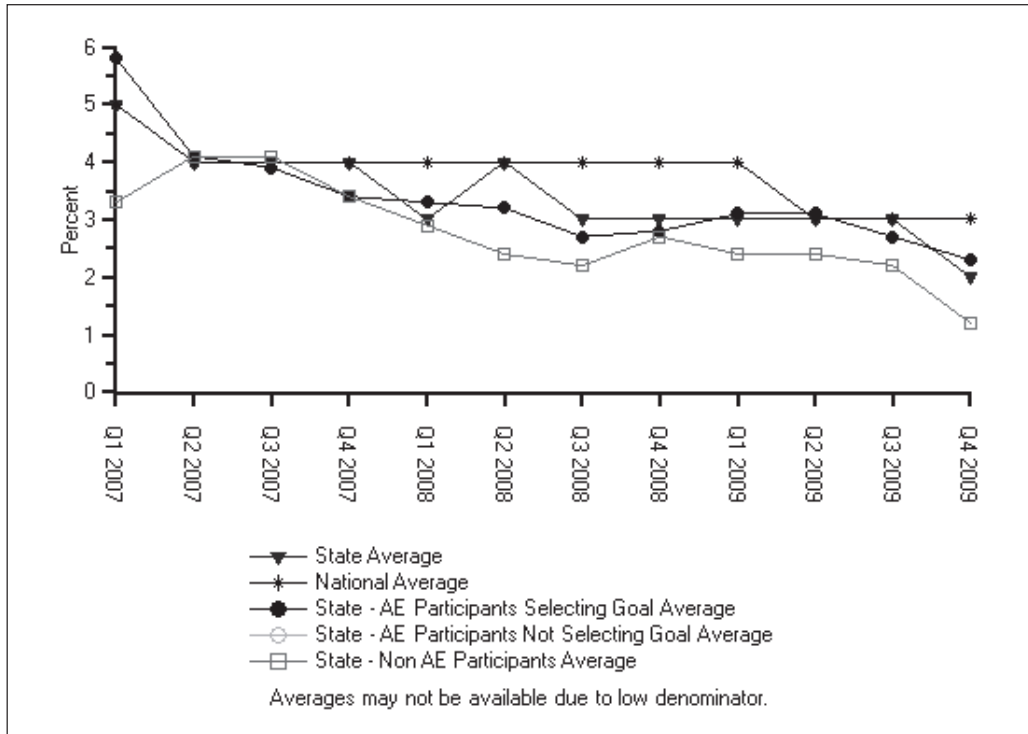
The trend report below shows **High Risk Pressure Ulcer** scores for Delaware and the nation over time:



Year	Quarter	State Average	National Average	State AE Participants Selecting Goal Average	State AE Participants Not Selecting Goal Average	State Non AE Participants Average
2007	1	12	13	11.9		13.9
2007	2	12	12	11.3		12.7
2007	3	12	12	12.2		13.5
2007	4	11	12	8.8		11.7
2008	1	11	12	7.5		12.7
2008	2	13	12	10.6		12.5
2008	3	11	12	11.1		12.5
2008	4	11	12	9.6		11.6
2009	1	10	12	9.7		12.1
2009	2	9	11	8.9		8.6
2009	3	9	11	9.2		8.8
2009	4	10	11	10.5		8.9

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The trend report below shows **Chronic Care Pain** scores for Delaware and the nation over time:

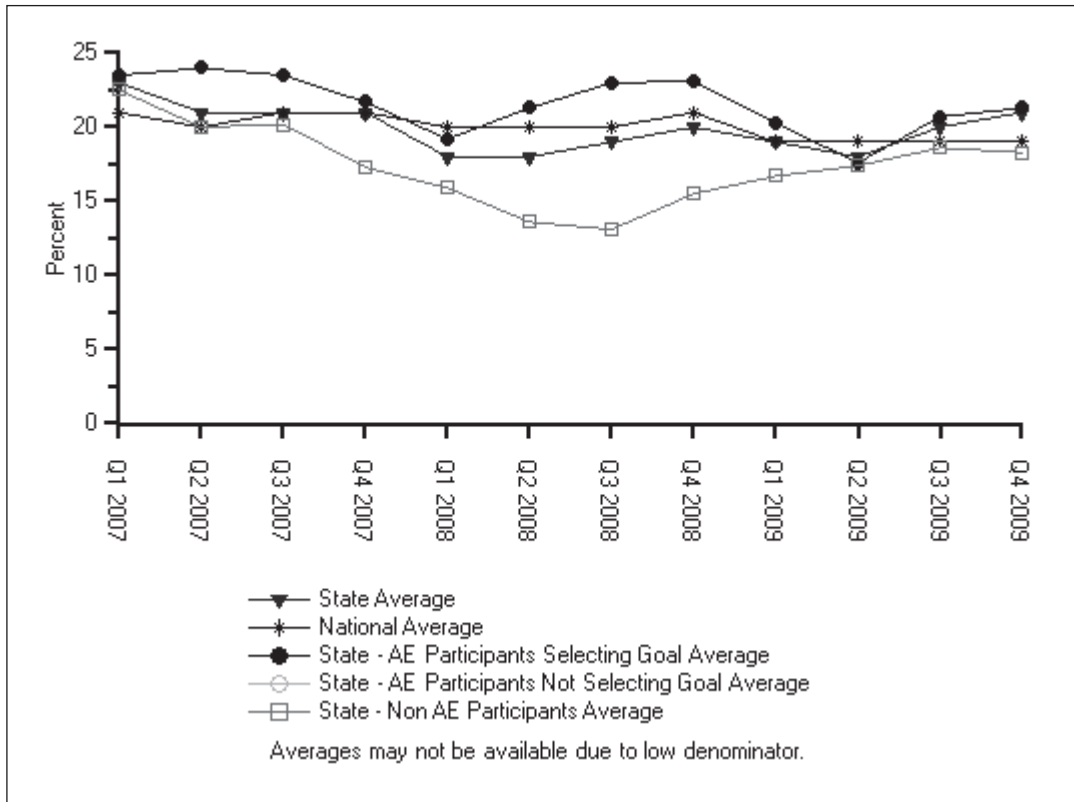


Year	Quarter	State Average	National Average	State AE Participants Selecting Goal Average	State AE Participants Not Selecting Goal Average	State Non AE Participants Average
2007	1	5	5	5.8		3.3
2007	2	4	4	4.1		4.1
2007	3	4	4	3.9		4.1
2007	4	4	4	3.4		3.4
2008	1	3	4	3.3		2.9
2008	2	4	4	3.2		2.4
2008	3	3	4	2.7		2.2
2008	4	3	4	2.8		2.7
2009	1	3	4	3.1		2.4
2009	2	3	3	3.1		2.4
2009	3	3	3	2.7		2.2
2009	4	2	3	2.3		1.2

State participant data include all nursing homes currently registered with a valid Medicare or Medicaid provider number.

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The trend report below shows **Post Acute Care** pain scores for Delaware and the nation over time:



Year	Quarter	State Average	National Average	State AE Participants Selecting Goal Average	State AE Participants Not Selecting Goal Average	State Non AE Participants Average
2007	1	23	21	23.5		22.5
2007	2	21	20	24.0		20.0
2007	3	21	21	23.5		20.2
2007	4	21	21	21.7		17.3
2008	1	18	20	19.2		15.9
2008	2	18	20	21.3		13.6
2008	3	19	20	23.0		13.1
2008	4	20	21	23.1		15.5
2009	1	19	19	20.3		16.7
2009	2	18	19	17.6		17.4
2009	3	20	19	20.7		18.6
2009	4	21	19	21.3		18.3

State participant data include all nursing homes currently registered with a valid Medicare or Medicaid provider number .

## **VOLUNTEER OMBUDSMAN CORPS**

**Dedicated Volunteers Working on Behalf of Delaware Residents to Resolve Problems, Advocate and Improve Care Volunteered 5,123 hours during the year.**

### **Volunteer Recruitment**

The Ombudsman Program is continuously looking for volunteers. We are dedicated to protecting the dignity and rights of elders and persons with disabilities who reside in our long-term care facilities.

Ombudsman Volunteer Visitors are trained to listen to the concerns and problems of long term care residents. Key volunteer attributes include compassion, respect, positive attitude, ability to communicate effectively, and availability.

The Long Term Care Ombudsman Program conducts volunteer training classes each year. Volunteers receive a 15-hour training program. They are recruited by a statewide multimedia outreach campaign that includes media releases, brochures, public service announcements, and civic group presentations. In addition, the division's website, [www.dhss.delaware.gov/dsaapd](http://www.dhss.delaware.gov/dsaapd), offers an online application for people interested in volunteering. Also, we work closely with the Retired and Senior Volunteer Program (RSVP) and other community-based organizations to promote volunteer opportunities.

After our initial training program, volunteers enter an orientation phase of their training. In addition, they participate in bi-monthly trainings to keep volunteers up to speed on the latest developments in long term care. Each Volunteer Ombudsman must have excellent communication skills to establish and nurture relationships with residents of long term care facilities. In addition, individuals must be effective advocates and knowledgeable in residents' rights as well as current practices in long term care facilities. Volunteers are our eyes and ears in a facility, and they make a real difference in the lives of those living in nursing homes and assisted living facilities. With additional training, a Certified Volunteer Ombudsman may assist the Ombudsman staff by investigating and working to resolve complaints in some instances.

In the near future, the initial 15-hour training may be revised to embrace the current and actual need of a volunteer. Again, this will resemble some of the best practices by other Ombudsmen across the country.

To accommodate volunteers, we are contemplating weekend training. The age range of volunteers is about 60 to 84 years. The challenge is to target new recruits. Our current cadre is dedicated and hard working, but we must look to the future when they will decide to retire from active volunteerism.

## **Volunteer Retention**

Delaware's Volunteer Ombudsman Program believes that building successful, trusting relationships with residents is not only the foundation of good advocacy, but also is a key to volunteer retention. When volunteers establish meaningful, rewarding contacts within a facility, they are more likely to fulfill their volunteer responsibilities and many will contribute well beyond what is asked of them. To retain volunteers and recognize their achievements and service-above-self dedication, the Ombudsman Program:

- Sponsors an annual recognition event to award service pins and recognize achievement;
- Provides professional training and experience;
- Reimburses volunteers for mileage;
- Provides ongoing and active communication and training with a Volunteer Service Coordinator.

There was an effort to expand the role of Volunteer Ombudsmen during the year. Volunteers have historically been "friendly visitors." Friendly Visitors make a real impact on residents who are isolated. Many residents need a caring heart and a warm hand to help them feel connected to their community. In fact, almost 40% of residents do not receive regular visitations. In addition to their "friendly visiting" role, there was consideration to expand the role of Volunteer Ombudsmen duties to include assisting Long Term Care Ombudsman Program staff with complaint investigations. This has not materialized because of the shrinking volunteer pool. Nationwide, Volunteer Ombudsmen investigate complaints related to quality of care and residents' rights.

## **Ombudsman Volunteers**

The Ombudsman's Volunteer Coordinator manages volunteer activities. "Volunteer Visitors" visit residents in long term care facilities. When Volunteer Visitors learn of complaints they request that the full time Ombudsman contact the complainant to handle the investigation and resolution.

## **Equipping Volunteers to Communicate and Interact**

In order to build relationships, volunteers must communicate well. Consequently, communications is a crucial training goal. New training materials prepare and encourage volunteers to communicate with residents who can show little or no response to their presence or with those who are maladjusted, depressed or have dementia. Success stories of interactions are shared at bi-monthly, in-service meetings. Shy or hesitant volunteers gain confidence to reach out when hearing what others are accomplishing.

## **Quality of Care/Staffing**

This paragraph was included in a previous report. However, it is being repeated because staffing and quality of care are essential to quality of life in a facility.

*Staffing has long been held to be a crucial link to quality of care (Harrington.) In Delaware, the Ombudsman program has strongly supported minimum staffing legislation, and continues to do so. A slight correlation can be found (-0.30) between staffing and survey findings. As staffing increases, survey findings decline (LTCOP report 2004). It's important to understand that staffing regulations are not a panacea, and that other factors must be in place to ensure that quality of care improves in our nursing homes. These factors include: culture change, training, pay, leadership, quality improvement initiatives, and public and private accountability. Consequently, we continue to support minimum staffing, but after analyzing the relationship between staffing and survey findings, more should be done to enhance provider quality, staff retention, and improved benefits for direct support staff.*

## **Quality Management and Culture Change**

Making long term care institutions into communities requires a new perspective on service delivery. Historically, nursing homes operated under a medical model which limited options for residents and created an environment which did not embrace or promote feedback. Residents of nursing homes felt they did not have a voice in their treatment. New service delivery models have been introduced and transformed long term care.

One such program is the Culture Change concept. It is similar to some of its predecessors such as the Eden Alternative, Pioneer, and Well Spring. It is opening nursing homes up to the community. This quality management practice transforms a nursing home from an institution into a home by using modern methods of participatory management, infusing the building with plants and animals to humanize the facility, and creating a program that encourages customer feedback. In Delaware, twelve nursing homes voluntarily participated in this initiative at the beginning. Others have continued to experiment with the concept.

The Quality Insights Organization of Delaware, The Alzheimer's Association of Delaware, the Delaware Health Care Facilities Association, Delaware Pain Management

Initiatives, Inc. have collaborated with the Long Term Care Ombudsman Program to sponsor the Advancing Excellence in Nursing Homes Campaign. 22 nursing homes are participating in the campaign. In addition to participation by a nursing home, every nursing home stakeholder is encouraged to participate. A stakeholder can participate as a LANE (Local Area Networks for Excellence) or as a consumer. There are 10 LANES, and 4 consumers participating. For further information about the campaign, visit [www.nhqualitycampaign.org](http://www.nhqualitycampaign.org).

**Advancing Excellence in America's Nursing Homes** is an on-going, coalition-based campaign focused on how we care for elderly and disabled citizens. This voluntary campaign, which began in September 2006, and is on Phase 2 since October 2009, will:

- Monitor **key indicators of nursing home care quality**
- Promote excellence in care-giving for nursing home residents
- Acknowledge the critical role nursing home staff have in providing care

### **Campaign Goals (Advancing Excellence website)**

**Goal 1 - Staff Turnover:** Nursing homes will take steps to minimize staff turnover in order to maintain a stable workforce to care for residents.

**Goal 2 - Consistent Assignment:** Being regularly cared for by the same caregiver is essential to quality of care and quality of life. To maximize quality, as well as resident and staff relationships, the majority of nursing homes will employ "consistent assignment" of CNAs.

**Goal 3 - Restraints:** Nursing home residents are independent to the best of their ability and rarely experience daily physical restraints.

**Goal 4 - Pressure Ulcers:** Nursing home residents receive appropriate care to prevent and appropriately treat pressure ulcers when they develop.

**Goal 5 - Pain:** Nursing home residents will receive appropriate care to prevent and minimize episodes of moderate or severe pain. Objectives for long stay and short stay are slightly different.

- Goal 5A: Long stay (longer than 90 days) nursing home residents will receive appropriate care to prevent and minimize episodes of moderate or severe pain.
- Goal 5B: People who come from a hospital to a nursing homes for a short stay will receive appropriate care to prevent and minimize episodes of moderate or severe pain.

**Goal 6 - Advance Care Planning:** Following admission and prior to completing or updating the plan of care, all nursing home residents will have the opportunity to discuss their goals for care including their preferences for advance care planning with an appropriate member of the healthcare team. Those preferences should be recorded in their medical record and used in the development of their plan of care.

**Goal 7 - Resident/Family Satisfaction:** Nursing home staff will assess resident and family experience of care and incorporate this information into their quality improvement activities.

**Goal 8 - Staff Satisfaction:** Nursing home administrators will assess staff satisfaction with their work environment at least annually and upon separation and incorporate this information into their quality improvement activities.



## **Advancing Excellence in America's Nursing Homes – Delaware Profile**

In 2008, the Long-Term Care Ombudsman Program advocated for residents' rights and promoted quality of care in Delaware's long term care facilities. The State Long Term Care Ombudsman worked on national issues as a board member of the National Association of State Ombudsman Programs.

	National	Delaware (Rank)
% of NHs enrolled	47.4%	46.7% (29)
Pressure Ulcers*	11.8%	10.4% (22)
Restraints*	3.7%	1.8% (14)
Chronic Pain*	3.6%	2.8% (12)
Acute Pain*	19.5%	18.9% (22)

\*Advancing Excellence Website. Lower is better  
Data from Campaign 9/09

We also worked closely with CMS, Quality Insights of Delaware, Culture Change, Advancing Excellence in America's Nursing Homes, Delaware Division of Long Term Care Residents Protection, and renowned speakers to promote initiatives on improving quality of care in Delaware's long term care facilities. Phase 1 of the Advancing Excellence in America's Nursing Homes concluded in October 2009. Phase 2 of the Campaign started almost immediately. 6,454 (41.1%) of America's nursing homes are currently participating in Phase 2.

We continue to evaluate the use of the program effectiveness tools and develop training to assist us in the use of these tools. We provided resources on specific topics which impact long term care residents; for example, discharge, transfer, and relocation. In improving our awareness of the issues related to transfer trauma and relocation and impact on long term care residents, we educated some facility staff about similar issues. In recent years, national trends dictate that Ombudsmen and facility staff must be adequately equipped to handle such trauma.

The Long Term Care Ombudsman Program continues to utilize several national and organizational resources to improve skills and training.

### **Emergency Preparedness**

After Hurricane Katrina and the disaster in the Gulf region, long term care facilities and community agencies renewed efforts for emergency preparedness.

Every facility is required to revisit their preparedness plans, and drills. Procedures should focus on the safety of facility residents. A good emergency preparedness plan should include:

- How to provide adequate and accessible transportation;
- Role clarification for staff pre-and-post evacuation;
- How to provide complete information about individual evacuees to the host long term care facilities upon admission;
- How to provide good communication to families about their loved ones;
- How to provide long term care residents with access to the Federal Emergency Management Agency, Red Cross, and other disaster response services.

Also, we are involved in the Department's Risk Management Preparedness, and the Continuity of Operations Planning (COOP) Program which assesses readiness for operations during a disaster.

### **Residents' Rights Week**

Residents' Rights Week originated in 1981 at an annual meeting of the National Citizens Coalition on Nursing Home Reform. In 2009, we renewed our commitment and our dedication to the 33 resident rights that protect and preserve the rights of older persons to be fully informed about their care, to participate in their care, to make independent choices, to privacy, to dignity, to stay in their home, and to make complaints when necessary and appropriate.

The Long Term Care Ombudsmen focused on promoting residents' rights to vote, and provided residents an opportunity to register to vote at the rally. It was the eight annual Residents' Rights Week. We joined about 200 residents, facility staff, advocates, and others to celebrate the event. Honorable Governor Markell, DHSS Secretary Rita Landgraf, and Mr. Guy Perrotti, Director of the Division of Services for Aging and Adults with Physical Disabilities were speakers.

### **Promoting Quality of Care**

- Implemented program to adopt national standards/best practices
- Worked with the Centers for Medicare/Medicaid Services and Quality Improvement Organizations to develop and monitor quality standards in nursing homes

- Ombudsmen Fighting for Residents' Rights/Public Outreach
- Celebrated Annual Residents' Rights Week
- Continued to work on various subcommittees about issues: Nursing Home Staffing, Psychiatric Care, Long Term Care, Home and Community-Based Services, and Nursing Home Diversion.
- Reviewed some of our publications for content and effectiveness
- Translated some brochures into Spanish

### **Improvement Opportunities**

- (1) The Long Term Care Ombudsman Program continues to encourage consumers to check facility staffing at each facility by referring to the Medicare.gov web page, as well as asking the facility.
- (2) Psychiatric Care in Long Term Care: We continued to dialog with sister agencies and stakeholders about ways to explore and enhance psychiatric services in Delaware, and how to enhance and improve access to mental health services for residents in nursing homes.
- (3) Cost of Care: We participated on the Governor's Commission on Community Based Alternatives for Persons with Disabilities, offering input on how to expand care options and scope of community services to residents in long term care seeking less restrictive and more integrated settings, when appropriate. Improving the scope of available community services will enable citizens of Delaware to age in place.
- (4) Also, we participated on the Workforce Development subcommittee of the Governor's Commission offering input on how to make the direct support profession more attractive to potential employees. Direct Support Professionals (DSPs) include CNAs in long-term care facilities, and professionals who provide care in home community-based settings. Subcommittee continues to offer input on how to provide competitive benefits and career lattice to DSPs as to make profession more attractive and thus retain staffing. Below is a table of current compensation.

Hourly Rate	DSP Private Entry Wage	DSP State Entry Wage	Wage % Diff State vs. Private Entry	DSP Private Average Wage	DSP State Average Wage	Wage % Diff State vs. Private Average
AGGREGATE (National)	\$ 8.53	\$ 12.13	42%	\$ 9.85	\$ 15.48	57%
DELAWARE	\$ 9.33	\$ 10.00	7%	\$ 10.55	\$ 11.25	7%

\*2008 Wage Study by ANCHOR

### **Policy Recommendations**

1. **Personal Needs Allowance:** DHSS should examine the \$44.00 Personal Needs Allowance for nursing home residents and plan for an increase as soon as the economic climate permits.
2. **Sex Offender Notification:** Residents of long-term care facilities must be notified when a registered sex offender is living in the same facility and may put their safety at risk.
3. **Scope of Mental Health Services:** Scope of mental health services for residents of long-term care facilities should be enhanced to ensure that residents receive the appropriate level of care based on their diagnosis.
4. **Enhance the depth of dementia training for long-term care staff and other direct support professionals.**
5. **Assisted Living Contracts:** Work towards the implementation of a standardized contract document for use by all assisted living facilities. Residents should have the right to be fully informed in writing, and orally prior to, at the time of admission, and during their stay of services available at the facility and cost of related services.
6. **Equalize the benefits of direct support professionals in the private and public sectors.**

## **APPENDIX**

These outreach communications appeared in the state's LIFESTYLE55 senior publication with a monthly circulation of 80,000 copies.



# Nursing Home Residents' Rights are Protected in Delaware

## CARE

*You have the right:*

- .. to receive considerate, respectful, and appropriate care, treatment and services.
- .. to receive reasonable continuity of care.
- .. to choose a personal attending physician.
- .. to not be transferred or discharged out of a facility except for medical reasons, your own welfare or the welfare of other residents; or for non-payment of justified charges.
- .. You will be given 30 days advance notice, except where the situation is deemed an emergency.

## DIGNITY

*You have the right:*

- .. to respect and privacy.
- .. to be free from restraints.
- .. to privacy in your room.
- .. to privacy in visits by your spouse.
- .. to retain and use your own clothing and personal possessions.
- .. to not have to perform a service for the facility.

## CHOICE

*You have the right:*

- .. to make choices regarding activities, schedules, health care and other aspects of your life.
- .. to participate in an ongoing program of activities.
- .. to participate in social, religious and community activities.

## RESPECT

*You have the right:*

- .. to receive from the administrator and staff a timely, courteous and reasonable response to requests or grievances – in writing, if requested.
- .. to associate or communicate with others without restriction.
- .. to manage your own financial affairs.
- .. to recommend changes or present grievances to the facility staff, the Long Term Care Ombudsman or others.
- .. to be fully informed of all rights and responsibilities.
- .. to be free from verbal, physical or mental abuse, cruel and unusual punishment, involuntary seclusion, withholding of monetary allowance, withholding of food and deprivation of sleep.
- .. to receive notice before your room or roommate is changed, except in emergencies, and to have the facility honor requests for a room or roommate whenever possible.

- .. to exercise your rights as citizen of the State and the United States of America.

## INFORMATION

*You have the right:*

- .. to receive, prior to or at the time of admission, a written statement of the services provided.
- .. to receive a written itemized statement of charges and services.
- .. to receive from the attending physician complete and current information concerning your diagnosis, treatment and prognosis.
- .. to inspect all records pertaining to you.
- .. to have the facility place at your bedside, the name, address, and phone number of the physician responsible for your care.
- .. to receive, in writing, information regarding any relationship the facility has with other healthcare or related institutions or service providers.
- .. to examine the most recent survey of the facility.
- .. to receive information from agencies acting as client advocates and be afforded the opportunity to contact those agencies.
- .. to request information regarding minimum acceptable staffing levels as it relates to your care.
- .. to request the names and positions of staff members providing care to you.
- .. to request an organizational chart outlining the facility's chain of command for purposes of making requests and asserting grievances.

*If a resident is adjudicated incompetent or determined to be incompetent by his or her attending physician, or is unable to communicate, his or her rights shall devolve to his or her next of kin, guardian or representative.*

Would you like a copy of the full version of these rights as they appear in Delaware Code?

Do you want to register a complaint?  
Your Long Term Care Ombudsman can help.  
Call: 1-800-223-9074



**DELAWARE HEALTH  
AND SOCIAL SERVICES**

**Division of Services for Aging and  
Adults with Physical Disabilities**

[www.dhss.delaware.gov/dsaapd](http://www.dhss.delaware.gov/dsaapd)



## Delaware's Volunteer Ombudsman Program: Improving the quality of life for residents of long term care facilities

Most of us would agree that having a few good friends and our personal relationships make our lives more complete. They give meaning to our existence and fulfill deep human needs.

Carter Catlett Williams of the Pioneer Network, a group that works to change the culture of nursing homes, says "Relationships are not only the heart of long term care; they are the heart of life, and life should continue wherever we live."

Volunteering in a nursing home brings life to those who are still part of our community, but are often out of sight and forgotten because many find a nursing home an uncomfortable place to visit. Consider the following statistics: approximately two million Americans live in nursing homes; only 16 percent have a living spouse; and 13 percent never have visitors at all.

Volunteer Ombudsmen are friendly visitors and they make life better for those who reside in Delaware's long term care facilities. This group of individuals trained in resident rights and armed with big hearts, visit disabled and elderly residents in nursing homes in their own communities.

### **A listening ear**

These advocates give a voice to residents and families who may have concerns they cannot handle themselves. Turning a listening ear to problems ranging from cold coffee to more serious issues, they seek to alleviate the loneliness and isolation felt by residents. Last year they gave over 9,400 hours to visitations with individual Delaware residents in nursing homes and assisted living facilities. They love what they do. Their lives are enriched. They make a difference.

Volunteer Ombudsmen complete a 15-hour initial training program and then attend continuing education classes 3-4 times per year. They are assigned to a facility close to their home and asked to visit regularly. Each volunteer decides how many hours he or she can give to the program. Some give 1 hour per week, some give 6

hours per week, and some give more. It is a highly individualized program and a one-year commitment is requested. Many volunteers stay longer and average 5-6 years in the program. Several are now entering their 9th and 10th years as visitors and advocates. Why do they stay? Because it is rewarding! The relationships are enriching. Volunteers often say, "I get back much more than I give!"

### **Meaningful relationships**

Volunteer Ombudsmen often can help bring about a profound change in the lives of "their" residents by providing meaningful relationships instead of isolation. Sometimes a volunteer may just pop their head in and say "hello" and hold a hand for a few minutes. Sometimes they just listen. Often they will encourage and many times they are a voice for residents who may not be able to advocate for themselves.

### **Experience the program**

If you have ever wanted to visit a nursing home, but were afraid to try, we now have a solution to your dilemma. The Volunteer Ombudsman Program has added a "shadowing" component to its basic program. You can now "shadow" an experienced volunteer during his or her visit in the field. You will get a chance to be charmed by this incredible group of people who are unique and interesting and longing for companionship. Experience the program firsthand in your community; see if it fits your interests.

### **Become an advocate**

We could easily forget this part of our community, overlook their rights, and forget their needs. The care, concern, training and professionalism of Delaware's Volunteer Ombudsmen help assure dignity, respect, and quality of life for the disabled and elderly in long term care facilities in your community.

*For information about volunteer opportunities with Delaware's Long Term Care Ombudsman Program, call 1-800-223-9074 or visit [www.dhss.delaware.gov/dsaapd](http://www.dhss.delaware.gov/dsaapd).*



## RESIDENTS' RIGHTS WEEK

→ October 4-10, 2009 ←

### *Spotlight on residents of long-term care facilities*

Please join us for the 8<sup>th</sup> Annual Residents' Rights Rally on Thursday, October 8, 2009 from 1 p.m. to 3 p.m. in the Sauvignon Champagne Room of the Sheraton Dover Hotel, 1570 North DuPont Highway, Dover, Delaware.

The event affirms and celebrates the 33 rights of nursing home residents provided by law. The rights safeguard and promote dignity, choice self-determination of nursing home residents and protect their civil, personal and privacy rights.

For more information, contact Sandy Dole, (302) 684-2755; [sandy@qualityage.net](mailto:sandy@qualityage.net).

## Division's free services guides are being updated for 2010 distribution



The popular *Guide to Services for Older Delawareans* and the companion publication, *Guide to Services for Persons with Disabilities in Delaware*, are being updated and combined for statewide distribution in 2010.

The services guides have been distributed at no cost by the Division of Services for Aging and Adults with Physical Disabilities for many years.

The new consumer publication for 2010-2011 will provide a comprehensive directory of statewide services and resources for seniors and persons with disabilities. Contents will include information in more than 40 categories, including adult day care, Alzheimer's Disease, caregiving, employment, food programs, medical/health care, nursing homes, Social Security, assistive devices and more.

The new services guide will be published in English and Spanish and available on the division's web site, [www.dhss.delaware.gov/dsaapd](http://www.dhss.delaware.gov/dsaapd). The two most recent publications for older Delawareans and persons with disabilities are available on the web site at the present time.

Advertising in the new services guide enables the publication to be printed at no cost to the state.

For information about advertising opportunities, contact Carol Barnett at the Division of Services for Aging and Adults with Physical Disabilities, 1-800-223-9074.





Abuse is Ageless.  
Report Elder Abuse.

1-800-223-9074



**DELAWARE HEALTH AND SOCIAL SERVICES**

*Division of Services for Aging and Adults with Physical Disabilities*

## Caring, Compassionate Volunteers Needed

Dear Delaware Resident:

Delaware's rapidly-growing elderly and disabled population presents significant challenges for families, caregivers, service providers and our communities.

Three of our division-sponsored, quality-of-life programs presently need more caring and compassionate individuals to serve as volunteers, right in their own communities.

As you read about each of the programs on the following pages, can you picture yourself or someone you know as a volunteer? The volunteers who are now participating in these programs often tell us the personal rewards they receive for helping others far exceed their individual contributions.



Volunteer requirements include satisfactory completion of orientation and training programs, satisfactory attendance at monthly scheduled events and in-service and continuing training sessions.

For more information about these volunteer opportunities, call us toll-free at 1-800-223-9074.

*The Dedicated Staff of the Division of Services for  
Aging and Adults with Physical Disabilities*

Statewide  
toll free  
(800) 223-9074



**DELAWARE HEALTH  
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e-mail  
[dsaapdinfo@  
state.de.us](mailto:dsaapdinfo@state.de.us)



## *Caring, Compassionate Volunteers Needed*

### **Delaware Long Term Care Ombudsman Program**

#### **Program Description**

This program is responsible for advocating the rights of all residents in long term care and related facilities in Delaware. Our activities are coordinated with the Division of Long Term Care Residents Protection, the Office of the Attorney General, the Office of the Public Guardian and others that protect the rights of nursing home residents.

The program's Volunteer Ombudsmen are friendly visitors, trained in resident rights, advocacy, and they have big hearts. They visit elderly and disabled residents in nursing homes in their communities and alleviate the loneliness and isolation felt by some residents.



#### **Volunteer Ombudsman Requirements**

Persons over age 18 are eligible. There is no restriction based on income, education, disabilities, race, religion or gender. Applicants must not ever have been listed on the Adult Abuse Registry.

Volunteer Ombudsman applicants must complete a 15-hour initial training program and attend continuing education classes 3-4 times a year. Volunteers are assigned to a facility close to their home and asked to visit regularly. Each volunteer decides how many hours he or she can give to the program. Some give one hour a week, some give 6 hours a week, and some give more. It is a highly individualized program. A one-year commitment is requested.

### **Delaware Money Management Program**

#### **Program Description**

This program offers money management assistance to help low-income seniors and adults with physical disabilities who have difficulty budgeting, paying routine bills, and keeping track of financial matters.



The program's goal is to promote and prolong independent living for persons who do not have friends or relatives able or willing to help and are at risk of losing their independence due to the inability to manage their money.

The Delaware Money Management Program is sponsored by our division in partnership with AARP Delaware.

Insurance coverage of client funds is provided by AARP. Volunteers only work from one designated account with a \$3,500 limit. Volunteer activity and client accounts are monitored on a monthly basis.



## Delaware establishes notification system for missing disabled, suicidal residents over 60

Delaware established a "Gold Alert Program" on July 17, 2008 (SB 227, codified as 11 Del. Laws, c.85 SS8580-8583). The program creates a notification system for missing Delaware residents who are disabled, suicidal, or over age 60 and whose disappearance poses a credible threat to their health and safety. The Delaware State Police administers the program.

Before an alert is issued, the investigating law enforcement agency must obtain information from the person's family or legal guardian verifying the person's disappear-

ance and enter it in the Delaware Criminal Justice Information System and the National Crime Information Center (NCIC) system. The agency must also notify the Delaware Information Analysis Center (DIAC).

Once the information has been entered and verified, the investigating law enforcement agency must send an alert to designated media outlets. The alert must include all information that may assist in the person's safe return. The alert is cancelled upon notification by the investigating law enforcement agency.

## Understanding, planning and paying for long term care

### ■ *Understanding Long-Term Care*

- Definitions & Risks
- Services & Providers
- Costs & Paying

### ■ *Understanding Long-Term Care*

- Importance of Planning
- Planning Steps
- Planning Info & Resources
- Awareness Campaign

### □ *Understanding Long-Term Care*

- Cost of Care
- Public Programs
- Private Financing

Visit the National Clearinghouse for Long-Term Care Information at [www.longterm-care.gov](http://www.longterm-care.gov). This web site was developed by the U.S. Department of Health and Human Services to provide information and resources to help you and your family plan for future long-term care needs.

### *Why should you plan?*

Because, at least 70 percent of people over age 65 will require some long-term care services at some point in their lives. Planning is essential for you to be able to get the care you might need.

This site provides a wide range of information and options to help you plan for future long-term care needs. The National Clearinghouse for Long-Term Care Information is primarily intended as an information and planning resource for individuals who don't yet require long-term care, but it includes information on services and financing options that can be helpful to all individuals.

If you have any question, please contact the Delaware State Long-Term Care Ombudsman Program at 1-800-223-9074, 302-255-9390.

Advertisement is funded by the U.S Administration on Aging

Statewide  
toll free  
(800) 223-9074



### DELAWARE HEALTH AND SOCIAL SERVICES

Division of Services for Aging and  
Adults with Physical Disabilities

[www.dhss.delaware.gov/dsaapd](http://www.dhss.delaware.gov/dsaapd)

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