

# Ombudsman Outlook

## PROTECTING RESIDENTS FROM FINANCIAL EXPLOITATION AND POTENTIAL DISCHARGE—

BY: Laurie Abounader, Regional Long Term Care Ombudsman

As a result of the economic downturn our nation is facing, vulnerable elders may find that financial exploitation becomes more common. Family members divert income or other resources to pay their own bills, failing to pay for the older adult's housing or health care bills. Providers, owners and corporate offices are attempting to strengthen their bottom line by taking a firmer stance on past-due accounts. In the world of long term care that translates to facilities collecting past due accounts more aggressively than ever before. As a result, the Ombudsman Program has seen a rise in Transfer/Discharge cases for non-payment.



Non-payment for services is a legitimate reason for a facility to initiate discharge of a resident—care certainly isn't free and businesses must have revenue to operate. However, facilities often use the threat of discharge as their first line of defense against non-payment, rather than utilizing other available resources or taking steps to ensure the resident is not being financially exploited. **Discharge— for any reason—must always be considered a last resort.** When it comes to non-payment, there are several steps a facility can take to proactively address non-payment

to eliminate the threat of discharge.

- \* Educating residents and families on how Medicare, Medicaid and long term care insurance works—including patient liability, and non-covered services.
- \* Working directly with Medicaid offices on reporting non-payment of patient liability immediately to determine if exploitation is occurring
- \* Ensuring residents are kept up to date about the status of their bills
- \* Providing itemized copies of bills to residents and their representatives and responding to questions about bills timely
- \* Providing adequate notice when changes in billing occurs

Too often, facilities utilize the Transfer & Discharge Form with the intent to scare residents or families into paying a past-due balance or agreeing to sign a Promissory Note. While this misguided practice may get the balance paid in the short term, conducting business in this way upsets most residents and often fails to identify ongoing financial problems, such as exploitation or public assistance eligibility. When a facility discharges a resident who is the victim of financial exploitation, the facility fails to protect the resident from abuse, and the problem

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## Regional Ombudsman Program



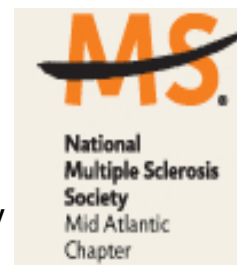
**1-800-508-5777**

### OMBUDSMAN STAFF

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Centralina has been working with the National Multiple Sclerosis Society on providing long-term care facilities with training information for the staff on how to work with people who have been impacted by MS. The progression, severity and specific symptoms of MS vary among individuals and are unpredictable. MS is a chronic, often disabling disease that attacks the central nervous system (brain and spinal cord). Symptoms may be mild, such as numbness in the limbs, or severe such as paralysis or loss of vision. The MS Society has a variety of resources available to residents, staff and families. They offer education and training, support, and offer long-term care guidelines and recommendations to enhance services for people with MS based on best practices and clinical experience. **You can access these resources by calling 1-866-678-7328 or by visiting [www.nationalMSSociety.org/PRC](http://www.nationalMSSociety.org/PRC).**



**I**n the course of a busy day, you may write a check at the grocery store, purchase plane tickets to visit your parents, rent a car, mail your tax returns, change service providers for your cell phone, or apply for a credit card. Chances are you don't give these everyday transactions a second thought. But an identity thief does. Identity theft occurs when someone uses your personally identifying information, like your name, Social Security number, or credit card number, without your permission, to commit fraud or other crimes.

Identity theft is a serious crime. People whose identities have been stolen can spend months or years – and thousands of dollars – cleaning up the mess the thieves have made of a good name and credit record. In the meantime, victims of identity theft may lose job opportunities, be refused loans for education, housing, or cars, and even get arrested for crimes they didn't commit. Humiliation, anger, and frustration are among the feelings victims experience as they navigate the process of rescuing their identity. Seniors need to be especially careful with their personal information, whether they live in the community or reside in a facility, they are a vulnerable population.

If you've **lost** personal information or identification, or if it has been stolen from you, taking certain steps quickly can minimize the potential for identity theft.

**Financial accounts:** Close accounts, like credit cards and bank accounts, immediately. When you open new accounts, place passwords on them. Avoid using your mother's maiden name, your birth date, the last four digits of your Social Security number (SSN) or your phone number, or a series of consecutive numbers.

**Social Security number:** Call the toll-free fraud number of any of the three nationwide consumer reporting companies and place an **initial fraud alert** on your credit reports. An alert can help stop someone from opening new credit accounts in your name.

**Driver's license/other government-issued identification:** Contact the agency that issued the license or other identification document. Follow its procedures to cancel the document and to get a replacement. Ask the agency to flag your file so that no one else can get a license or any other identification document from them in your name.

**File a report with your local police or the police in the community where the identity theft took place.** Then, get a copy of the police report or the number of the report. It can help you deal with creditors who need proof of the crime. If the police are reluctant to take your report, ask to file a "Miscellaneous Incidents" report, or try another jurisdiction, like your state police. You also can check with your state Attorney General's office to find out if state law requires the police to

take reports for identity theft. Check the Blue Pages of your telephone directory for the phone number or check [www.naag.org](http://www.naag.org) for a list of state Attorneys General.

Once you've taken these precautions, watch for signs that your information is being misused. Check your credit report at least yearly. If your information has been misused, file a report about the theft with the police, and file a complaint with the Federal Trade Commission.

If you would like a free presentation on Identity Theft or Senior Medicare Patrol please contact **Cindy Kincaid, Regional Ombudsman**, [ckincaid@centralina.org](mailto:ckincaid@centralina.org).

Source [www.ftc.gov](http://www.ftc.gov)

**Identity Theft**



## *You Too, Can* ACHieve

After years of discussion between the North Carolina Department of Health and Human Services, the North Carolina General Assembly and the adult care home industry, the North Carolina Association of Long Term Care Facilities has taken the initiative to develop a customized web-based program that will improve care and increase efficiency in the state's adult care homes.

New technology aims to transform adult care in North Carolina. This web-based program will try to improve care in assisted living communities by identifying and analyzing the needs of the resident; including the preferences of residents. With the click of a few buttons, adult care homes across North Carolina can soon develop a personal care plan for each resident, better assess overall needs, and improve the delivery of care. In addition, this allows adult care homes to re-evaluate how they serve residents and find ways to operate more efficiently.

ACHieve guides staff members through an evaluation of each resident's health and care needs, then uses the information to develop a customized care plan. The plan specifies exactly what level of care each resident needs, how often certain care is needed and who is responsible for providing the care. In addition, since ACHieve is a web based program, it can be accessed by appropriate home health agencies, mental health professionals, physicians, pharmacists, and state and county licensing and survey staff.

It also offers staff easy access to educational resources and tools to promote their ability to do a good job in responding to resident needs. ACHieve encourages expanded peer support and offers employees access to and assistance from professionals who can share expertise and provide technical support. As a result, adult care homes can improve care, reduce survey deficiencies and operate in "survey ready" mode daily. In fact, to date 7 county DSS's have agreed to help pilot the system once it is rolled out, including Lincoln County DSS.



**NORTH CAROLINA**  
ASSOCIATION OF LONG TERM CARE FACILITIES

Lou Wilson, Executive Director of the North Carolina Association of Long Term Care Facilities, hopes that "ACHieve will have a far reaching impact on adult care by helping state officials better understand who is being served by the

adult care home industry." "No one has a good grasp on who is living in North Carolina's adult care homes and the type of care these residents require. This new program will allow us to collect and analyze information from adult care homes across the state. By providing a clear picture of our residents and their needs, we hope state leaders will have the information they need to make policy decisions that affect our elderly population."

ACHieve was developed by VieBridge; Inc., a healthcare technology company. The company worked closely with an advisory group of adult care home owners, operators and the state to better understand how the adult care home industry operates and how the program can best serve the 40,000 North Carolina residents who live in adult care homes.

For more information, please contact the North Carolina Association, Long Term Care Facilities at [www.ncaltcf.com](http://www.ncaltcf.com) or Executive Director, Lou Wilson at [lou@ncaltcf.com](mailto:lou@ncaltcf.com). So, go out and ACHieve by visiting [www.ncachieve.net](http://www.ncachieve.net).

**SAVE THESE DATES!**



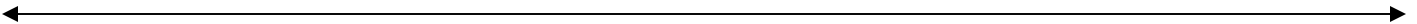
In 2009, Centralina AAA will be hosting or collaborating with a number of educational programs throughout our nine-county region. Visit us at [www.centralina.org](http://www.centralina.org) for the most up to date event listings.

*2009 Charlotte Memory Walk—November 14, 2009*

*Freedom Park 9:00AM*



Alzheimer's Association Memory Walk® is the nation's largest event to raise awareness and funds for Alzheimer care, support and research. Held annually in hundreds of communities across the country, this inspiring event calls on volunteers of all ages to become *Champions* in the fight against Alzheimer's. *Champions* include people living with the disease, friends, families, caregivers, and business and community leaders, all getting involved in Memory Walk. Register today at [www.alz.org/northcarolina](http://www.alz.org/northcarolina) or call 704-532-7373.



*Inviting all Senior Healthcare Professionals and the Public to learn how to identify and prevent Elder Abuse*

**NO EXCUSE FOR ELDER ABUSE**

**Time: 9:00a.m. – 11:00a.m. July 23, 2009**

**Where: Lincoln County Department of Social Services**

**RSVP to : 1-800-508-5777 or [ckincaid@centralina.org](mailto:ckincaid@centralina.org)**

**2 CEU's Available!**



***The Do's & Don'ts of Transfer & Discharge***

**AUGUST 27TH 2009**

**8:30 AM REGISTRATION—**

**9:00-12:30 P.M.**

**OASIS SHRINERS**

**604 DOUG MAYES PLACE**

**CHARLOTTE, NC 28262**

\$15.00 per person

**Highlights**

- **Expert Speakers—Cindy DePorter, DHSR & Vida Sanders, DSS Mecklenburg**
- **How to screen residents PRIOR TO ADMISSION** to ensure a good fit with your current residents
- **Care planning** for Individuals
- **Regulations and rules** regarding involuntary discharges
- **Documentation** required
- **QA** Information & resources
- **CEU's and Breakfast!**

Call **1-800-508-5777** for information!

**V**olunteers are one of our greatest resources. A special thanks to all of Centralina's **Community Advisory Committee** members. You help make the Ombudsman program GREAT! Every volunteer and every effort, no matter how small, is appreciated. These are our latest orientation and training graduates!

**Mecklenburg**

Eunice Chambers

**Cabarrus**

Sally Milks

**Rowan**

Terrall Bryan

**Iredell**

Sharon Molleur

Phillip Killam

Ruth Andresen

Colleen Caldwell



## Centralina AAA Annual Aging Conference

Be sure to mark your calendar now for this popular event!

**NOVEMBER  
5th & 6th  
2009**

**November 5th** - *“Positive Aging in an Anti- Aging World .”* Dr. Cody Snipe and Dr. James Hinterlong

**November 6th**- *“Whole Person Wellness for Vital Aging”* featuring Jan Montague, MGS

Both Days have multiple workshops by experts in the field of Aging and healthcare!

CEU’s and CNE’s available, along with Exhibit halls, resources, book sales and breakfast and lunch!



### Sponsorships for Age

**Wisely** are available! This is how we keep the conference affordable. It’s the best use of your marketing money, over 9 counties represented and wonderful networking possibilities!

**Call or email today for more information!**

**Contact us : [ageding@centralina.org](mailto:ageding@centralina.org) ,  
1-800-508-5777 or go to  
[www.agewisely2009.info](http://www.agewisely2009.info)**

## all for Seniors

RESOURCE AND REFERRAL DIRECTORY OF GREATER CHARLOTTE  
[www.allforseniors-charlotte.org](http://www.allforseniors-charlotte.org)

Centralina Area Agency on Aging is proud to continue our **ALL FOR SENIORS PARTNERSHIP**. This publication, now in its third year, continues to improve with each edition. It includes a growing aging network provider list, facility list as well as consumer check-lists on the various housing and community based services. Each new issue is distinguished by a **new color cover** and cutting edge articles on issues for aging and disabled adults in our state. If you want your business to enjoy increased visibility, contact **Anja Workman**, Editor, at **704-366-1410** to discuss the possibilities!





## GETTING IT RIGHT: Tips for A Pain-Free Transfer/Discharge

Residents in long term care facilities are from all walks of life! Young, old, rich, poor, staying for the long-term and those who in and out quickly for rehabilitation. More than ever, facilities are challenged with meeting the complex needs of diverse people during a facility stay and for helping transition residents back into the community after therapy or when their level of care changes. Most of the time, all goes well and plans to return home are successful or moves to more appropriate levels of care go smoothly. However, when a home decides to evict a resident **INVOLUNTARILY**

(when it's not the resident's idea), then there are specific State or Federal resident rights of **due process** and facility responsibilities that must be followed. Given there are only five (5) available reasons that can be used to discharge a person against their wishes, discharge should be the **last resort, not the first course of action**. Consider these pain-free tips before you make a decision to discharge a resident:

**ADMISSION:** Many issues could be avoided with better admission screening. Getting factual health care information is the only way you can determine if your staff can meet the needs of a potential admission. Don't let a low census, or other pressures force you into taking residents without first knowing more about their needs, backgrounds, financial status and social/medical supports. Get consent to review current medical history and physical as well as past hospital stays, consultations with specialists and facilities to get a full picture of the resident's needs over the last 3-6 months.

**CARE PLANNING:** Care plans are about what the resident wants to accomplish, NOT what the facility wants the resident to do. Talk with residents first and then others they identify to develop a person centered plan that understands and accepts the individual's needs, desires, and abilities. Be sure to document this plan for both the resident and the staff.

**ASK FOR HELP:** When resident issues become too hard for your staff to handle, don't discharge, ASK FOR HELP. Use the local experts in Mental Health, Alzheimer's, law enforcement etc. to assist in addressing problems. Adjust the care plan, give the new plan a chance to work and go back to the drawing board if necessary. If you don't get what you are looking for the first time, ask a supervisor. When in doubt call the Ombudsman to brainstorm possible resources. We work with over 215 homes in 9 counties and have access to state and federal resources. Let us help you help your residents.

**READ THE RULE:** Both adult care homes and nursing homes have specific rules that outline all the requirements for the process of transfer/discharge including the timing of the notice, what forms to use, what documentation is necessary, and what responsibility the facility has in the process. **ALL INVOLUNTARY DISCHARGES MUST INCLUDE THE NOTICE AND APPEAL FORMS.** Help them understand their rights to appeal, and their resources for assistance including the Ombudsman program.

### SIX D/C REASONS:

**1. Resident's needs cannot be met in the facility** - What needs, how have these been evaluated, what attempts have been made to meet the needs, why have they failed, who have you called to assist in training or providing additional support or service, how long have you tried, what ability does the resident have to participate in the care?

**2. Health has improved sufficiently so the resident no longer needs the services provided by the facility.**

A level of care change requires a new FL-2. The resident has the right to appeal changes in Medicare, Medicaid and most insurances. Has the resident participated in all assessments and planning for improvements in their care?

**3. Safety of individuals in the facility is endangered.** What is the pattern of behavior, frequency and intensity? What interventions has the facility put in place to protect residents during the safety issue?

**4. Health would otherwise be endangered.** What efforts to get medical intervention for resident and others has been attempted?

**5. Non-Payment.** What efforts has the facility made to assist the resident with Medicaid, Medicare, and insurance. If there is reason to believe that a resident is being exploited, has the facility made an Adult Protective Service Referral.

**6. The facility ceases to operate.**



## ROWAN COUNTY HOLDS FIRST RESIDENT RIGHTS CELEBRATION

It was a sunny warm day with lots of smiles and happy faces as the residents of Rowan County long-term care facilities celebrated Resident Rights on May 7, 2009 with a luncheon at the Salisbury Civic Center. The theme was: Old Time Country Fair and the community sponsors served up all the fixins for old style hotdogs, popcorn and cotton candy. Each facility was asked to have residents make hats and a special dessert which would be judged. It was evident that residents are very talented based on the homemade baked goods and beautiful hats that showed up. The judges had a very hard time awarding the winners. As one Judge said *"They are all winners"*.

Resident Rights Celebrations are usually in the month of October, but Rowan County residents decided to celebrate in May in conjunction with Older American's Month. Over 130 residents participated in the event along with staff, and volunteers from the Community Advisory Committee, AARP, Home Instead, Gentiva Home Health and Maxim Health Care. They enjoyed great food, fellowship, and fun and most of all, the residents were the honored guests for the day. Residents had an opportunity to visit with old friends and make new ones. There was entertainment for everyone, a former Miss America accordion player; the "Y Wonders" choir and karaoke music from facility staff which gave residents an opportunity to shake a leg or two!

Special awards were given to the oldest and youngest residents; the resident with the most children (he had 12!!!); the winners of the baking and hat contest, and there was a special recognition for Mary Hartley, Community Advisory Committee member who spent an additional 900 volunteer hours at Salisbury Center Nursing Home.



Clara White winner of the oldest resident at 97 years !



Mary Hartley winning her award from Administrator Patrick Foley!

## **Resident Rights 2009—PLANNING STARTS NOW!**

Residents' Rights Week is designated by the National Citizens' Coalition for Nursing Home Reform and celebrated the first full week in October each year to honor residents living in all long-term care communities. It is a time for celebration and recognition offering an opportunity for every community to focus on and celebrate awareness of dignity, respect and the value of each individual resident. Residents' Rights Week is also a time to reflect on the importance of the Nursing Home Reform Law of 1987 which promises quality of life and care and residents' rights for each resident. During this



week NCCNHR encourages everyone to honor the family members, staff, advocates, and residents themselves who promote and ensure that dignity, privacy and other basic human rights are maintained as an integral part of the lives of residents living in long-term care settings. This year's theme is "**Hear Our Voice: Resident's of Long term care facilities Speak Out On Resident Rights**". Counties will begin planning their events this summer for our October celebrations, if you are interested in involving your facility and residents call **1-800-508-5777** and let us know what county you are from.



# Centralina Area Agency on Aging Website!

Centralina Area Agency on Aging is proud to announce its newest resource to the community:

**www.centralinaaging.org**

- Please visit our website regularly for hot topics, trainings for providers or for long term care facilities, community education, as well as information on resources and services throughout our nine county region!



(Continued from page 1)

continues.

The Ombudsman Program is often asked by long-term care facilities we work with to provide direction on non-payment issues. We are also contacted by residents or families who have received a 30-day Notice of Discharge for non-payment and may be asked to advocate for the rights of the resident facing discharge. What we have found, in many cases, is that facility staff have not been given the tools, training, or resources to effectively handle a variety of complex non-payment issues. As a result, the Centralina Ombudsman Program is creating **“A Training Toolkit for Facility Staff: “Protecting Residents from Financial Risk and Potential Discharge.”** This training will educate facilities to effectively address non-payment issues so as to avoid discharge (especially business office staff) and to improve residents’ quality of life by educating staff on recognizing exploitation for their residents.

**Here are some of the key issues the training toolkit will include:**

- \$ The facility’s obligation to ensure an abuse-free environment—your residents must be protected from financial exploitation. A review of the rights of resident’s who wish to remain involved in all financial decisions.
- \$ Ways the facility can educate the family and resident about the limitations of the resident’s payor source, such as “Medicare days.”
- \$ Learn about the resident’s right to appeal decisions made by Federal Programs, including: Social Security, Medicaid, and Medicare, and discover ways you can be a better advocate for your residents.
- \$ Steps the facility should take to prevent accounts from becoming delinquent.
- \$ A review of what information should be included in a past-due notice or pre-discharge letter. Options can be utilized by which the facility may request to become the Organizational Representative Payee if a family member misuses the resident’s Social Security income, or to petition the court for a guardian to be appointed if a resident refuses to pay for services.

We are excited about this training project and hope it will be a helpful resource. To ensure the training toolkit will be useful, we welcome your ideas regarding non-payment issues that leave residents at risk for discharge. Please take a moment to contact Laurie Abounader at [labounader@centralina.org](mailto:labounader@centralina.org) with ideas!

**BE SURE TO SHARE THE OMBUDSMAN OUTLOOK WITH OTHERS IN YOUR AGENCY:**

- \_\_\_\_ Resident/Family Council, \_\_\_\_ C.N.A., \_\_\_\_ Social Worker, \_\_\_\_ Resident Care Director  
 \_\_\_\_ Activities, \_\_\_\_ Marketing/Admissions, \_\_\_\_ Nursing, \_\_\_\_ Administrator  
**FINALLY, POST IT ON THE BULLETIN BOARD** \_\_\_\_\_

