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Office of the State Long-Term Care Ombudsman Monthly Report

The Office of the State Long-Term Care Ombudsman (OSLTCO) is a federally mandated state office that provides advocacy for Iowans living in the long term care settings of nursing facilities, residential care facilities, assisted living facilities and elder group homes. The Iowa OSLTCO includes the State Long-Term Care Ombudsman, Local Long-Term Care Ombudsman program (LLTCO), the Volunteer Ombudsman Program (VOP), an Empowerment Specialist and the Managed Care Ombudsman Program (MCOP).

The LLTCO provide direct advocacy to Iowans living in long-term care. The LLTCO focus on resident rights. Residents of long-term care do not lose any of the rights that each of us are entitled to just by virtue of the fact that they are living in a long-term care facility. At the direction and permission of the resident or tenant, LLTCO work toward the complaint resolution desired by the long-term care resident or tenant.

Volunteer Ombudsman also provide direct advocacy to Iowans living in nursing facilities. With resident permission, volunteer ombudsman work to get the resident's desired outcome to a complaint. The VOP program has continued to grow during the COVID-19 pandemic. New volunteer ombudsman orientations are occurring. Volunteer Ombudsman are reentering facilities as the visitation restrictions are being lifted.

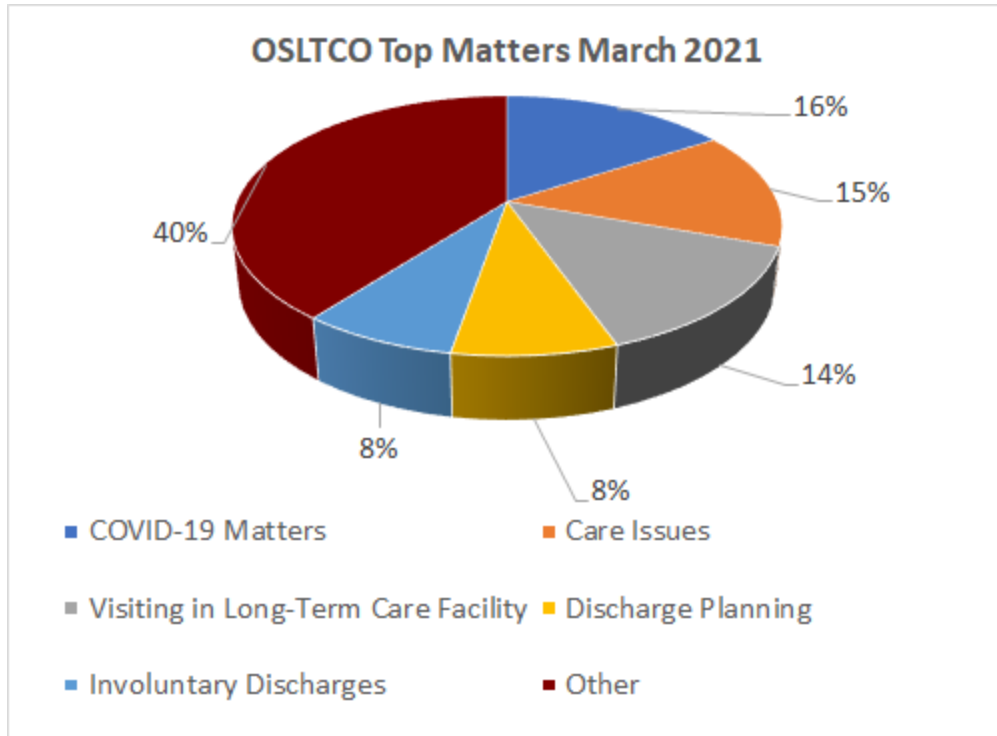
The empowerment specialist program works to allow for self-directed advocacy by residents and tenants through resident councils. The Empowerment Specialist is working directly with residents of Iowa's long-term care facilities to support existing resident councils. The Empowerment Specialist will also work to assist residents by equipping them with the skills they need to establish resident councils in facilities. In addition, the Empowerment Specialist is working to educate facility administration in understanding the facility's obligations to work to resolve issues brought to the facility's attention from the resident council.

The OSLTCO also houses the MCOP which advocates for managed care members who reside in a long-term care facility or who receive services under one of the home and community based services waivers. The MCOP separately publishes a monthly report on the activity of that program.

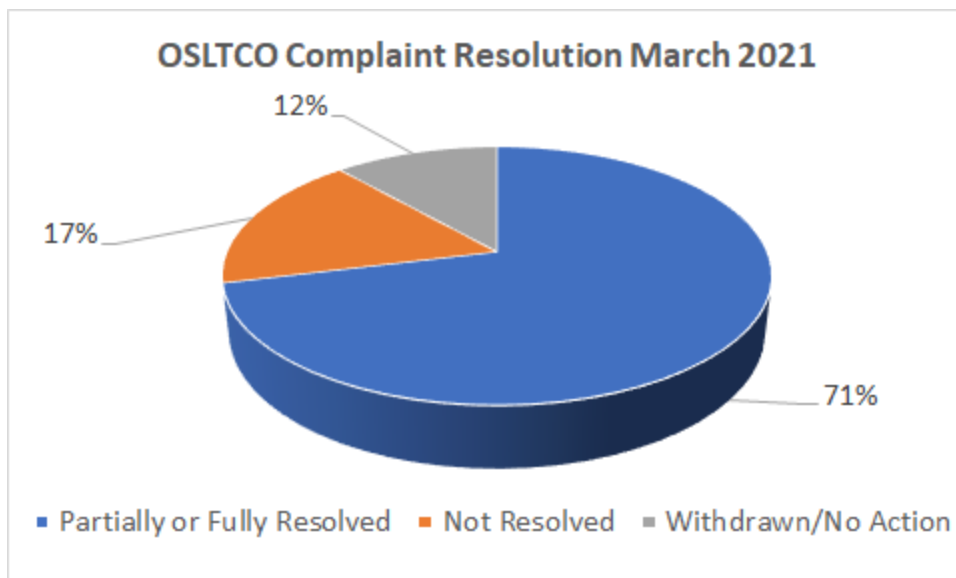
OSLTCO or DIA: Who Does What

Often it is confusing to try to understand which agency performs which services. Residents/tenants and family members often question whether the OSLTCO should be contacted or if outreach should instead be made to the Iowa Department of Inspections and Appeals, Health Facilities Division (DIA). Residents/tenants have the right to contact/communicate with whatever agencies they choose. The OSLTCO can provide education on the roles of each agency. DIA serves as the regulatory authority. DIA can issue fines and citations, and require plans of correction when regulations are not being met. DIA also provides surveys for recertification and licensure of nursing facilities, residential care facilities and assisted living programs. As explained above the OSLTCO provides advocacy services for residents and tenants of long-term care settings, and advocates to get the residents' or tenants' desired outcome. The OSLTCO does not have regulatory authority.

In this monthly report, data is being provided on activities of the LLTCO program for complaints, actions and resolution of matters brought to the OSLTCO by long-term care residents and tenants for March 2021.



The top five matters depicted above, including COVID-19 matters, encompass a total of 60% of all of the matters the OSLTCO looked into during March 2021. The national health emergency of COVID-19, care issues and visiting in a long-term care facility were the top matters looked into by the LLTCO. In March 2021 two nursing facilities were still reporting COVID-19 outbreaks.



During the month of March the OSLTCO was able to partially or fully resolve 71% of reported complaints to the satisfaction of the resident/tenant.

COVID-19 Related Matters

The national health emergency of COVID-19 continues to be one of the top matters worked on by the LLTCO. The landscape has changed recently with as many as 46,829 residents and staff of Iowa’s long-term care

facilities being fully vaccinated according to the Federal Pharmacy Partnership for LTC. Indoor visitation and outings can occur more freely at this time.

Visitation

The LLTCO continues to receive many questions related to visitation in nursing facilities. During March, the Centers for Medicare and Medicaid Services revised [QSO-20-39](#). Paraphrasing the document, visitation should now be the rule and not the exception. However, in the experience of the OSLTCO some long term care facilities are still not getting it. All types of visitation are to be accommodated under the revised QSO. In April, outdoor visitation will be a bit iffy due to weather constraints. In addition, for some residents, outdoor visitation may never be an option due to a resident's health conditions. Nursing facilities need to fine tune their processes and protocols for indoor visits. Nursing facilities cannot require visitors to provide proof of testing or of vaccination to be able to visit residents in facilities. The OSLTCO has been busy sharing information included in the revised guidance with residents, loved ones, and facility staff. All visitors must adhere to the core principles of COVID-19 infection prevention. Visitation needs to be resident centered and privacy during visits must be respected. In addition, according to the Iowa Department of Public Health and Department of Inspections and Appeals guidance issued in March, if a resident is fully vaccinated, they can have close contact with the visitor as long as appropriate masking and hand-hygiene is practiced. Residents and family members continue to voice frustrations with the time limits that are imposed on visits, some being as short as 20 minutes. There have also been questions surrounding when residents need to quarantine and the OSLTCO has been educating residents on the new Center for Disease Control guidelines, which do not require quarantine for short outings of less than 24 hours, or appointments outside of the nursing facility, unless there has been contact with someone known to have COVID-19.

Care Issues

Care concerns continue to be reported to the OSLTCO by family members. When families are allowed to see their loved ones, they often note a weight loss and a lack of assistance with grooming. Residents are reporting that baths or showers are being missed not related to refusals on their part. The residents continue to report slow call light response times and some have been told by staff to "soil themselves" and the staff will provide care later. Family members are reporting their loved ones' rooms are dirty, floors are not swept, garbage containers are overflowing, there is debris on the floors, and dust on furniture. There are reports of missing personal items that had not previously been reported. Residents are voicing occasional concerns that kind and considerate care is not always being provided. There is also a fear of retaliation among the residents, many of whom have chosen not to bring concerns to the attention of the staff. Retaliation in any form should not occur or be tolerated by facility staff. Expressions of loneliness and sadness are common among the residents and some have had to begin medication to help with the symptoms of depression.

Involuntary Discharges

In March, the most frequent reason a nursing facility issued an involuntary discharge was for an emergency discharge situation stemming from behavior. These situations are extremely stressful and the LLTCO work diligently to ensure that residents and their representatives are aware of their appeal rights and the assistance available to them to navigate the process. There continues to be a stay on involuntary discharges from nursing facilities for financial reasons related to Governor Kim Reynolds' Public Health Emergency declaration.

Resident/Tenant Rights

Many residents voice concerns that resident rights have largely been ignored during the past year related to all of the restrictions imposed by COVID-19. The ability of residents to interact with others had changed drastically until recently. Prior to vaccine development, many residents were voicing feelings that they were willing to take their chances of contracting COVID-19 rather than continue to live in isolation from their loved ones. Many residents feel as though they have lost the past year of their lives and question how life will look moving forward. The OSLTCO wants to reassure residents/tenants that we will always help residents/tenants to

exercise their rights and will continue to provide advocacy for residents/tenants. One of the LLTCO was contacted by a resident who was not happy with the visitation requirements posted by the nursing facility. Visiting times were only arranged during the weekdays, which did not accommodate the resident's family members' work schedules. One family member was hard of hearing so visiting in the designated area would not have been ideal. The LLTCO communicated with the facility administrator about the resident's concerns and in room visits during the evenings and weekends were permitted much to the delight of the resident. In another instance, a family member reached out to the OSLTCO because of differences he/she had seen with what the facility's visitation policies said and what was actually allowed for their family. The LLTCO contacted the facility who clarified their policy the same day with updated communication to residents and their representatives. The family member said that the LLTCO worked very quickly to address their concerns and being able to visit a few more days made a meaningful difference to their family and loved one residing at the facility.