



Addressing Problems in the Nursing Home

Problems can arise even in the best nursing homes. If there are problems, concerns or a complaint about any aspect of the care or treatment of a loved one in a nursing home, a number of different approaches can be taken to resolve those problems.

It is usually a good idea to try to resolve the problems within the facility and at the lowest possible level. If that is not successful, work your way up the nursing home "chain of command." Finally, there are also outside agencies that can provide assistance if the problem is still not resolved. The approach taken will depend on the type of problem and what one may be most comfortable with. However, some cases, such as abuse or neglect, need to be reported immediately to the Indiana State Department of Health and Adult Protective Services.

Before working to solve a problem, gather as much specific and factual information as possible about the concern. Obtain as much of the "who, what, where, when, how and why" information that is available. It is important to be as precise as possible in conveying what is wrong.

Below are some of the approaches that may be taken to address the problem within the facility.

CARE PLAN CONFERENCE

Raise the concern at the next care plan conference or request a special care plan conference. The care plan is a "road map" to quality of life and quality of care for each resident and outlines goals and objectives for meeting the resident's needs. It is an excellent forum for voicing any concerns you have. Care plan conferences must be held at least quarterly, but you always have the right to call for a special care plan conference.

It is very helpful to prepare for the care plan conference. Prior to the meeting think of: results you are seeking, the kinds of questions to raise, the points to make, and some possible solutions that can be proposed.

FACILITY'S GRIEVANCE PROCEDURE

Use the facility's grievance procedure. Every facility is required to have policies for investigating and responding to complaints. Find out what that procedure is (the social worker should be able to provide this information). Make sure to be as specific and detailed as possible when describing the concern.

FAMILY AND RESIDENT COUNCILS

As a family member, raise the concern at the family council or to the president of the family council. The family council is the voice of families in the nursing home and can be a good way

to solve problems in the facility. Talk with the president of the council and ask that the problem be discussed at the next meeting. Even better, attend the council meeting and raise the issues yourself.

Working with the family council is a particularly good approach because it can provide "safety in numbers." The problem can be raised without facility staff knowing who has voiced the concern.

As a resident, take concerns to the resident council or to the president of the resident council. The council is the voice of residents in the nursing home and can be an excellent way to solve problems in the facility. There is almost always a time during every council meeting where residents have a chance to talk about any problems they might be experiencing. The council will discuss how to address the problem. In most cases, general concerns voiced at the council are shared with facility staff so that staff can take appropriate steps to solve the problem.

Take problems to the council if you are wishing to remain anonymous and not wanting staff to know who has raised a concern. In some facilities councils may have formed grievance committees to whom you may take concerns or problems.

STAFF MEMBERS

Discuss the problem with the staff member directly involved. Facility staff cannot know that you are having a problem if you don't tell them.

When having a concern, talk to the staff person right then or shortly afterward. Once the problem is brought to his or her attention, the staff member may be able to solve the problem quite easily.

In some cases, the staff person involved may not do anything about the problem or may not have the authority to solve the problem or make the requested change. If this is the case, talk with the staff supervisor or department head.

STAFF SUPERVISORS

Talk with staff supervisors. In order for a staff supervisor to help address concerns, they will need as much information as possible about the problem. Before going to talk with a supervisor, take some time to think about the concern.

- Who is responsible for the problem?
- Is it a specific staff person? If so, who?
- When does the problem occur?
- Where does it occur?
- What do you think is causing the problem?
- What have you tried already to do to correct the problem?

Think of all those "Who", "What", "Where", "When", "Why", and "How" questions.

Be as specific as possible. For example, instead of saying to the food service supervisor, "The food here is terrible", try to pinpoint what it is about the food that is the problem.

- Is the food cold?
- Are you not offered substitutes when you don't eat a certain food item?
- Is the food too bland?

ADMINISTRATOR OF THE NURSING HOME

Talk to the administrator. If talking with the staff supervisors or department heads did not solve the problem, make an appointment to meet with the administrator who is responsible for the overall management of the nursing home.

It is a good idea to take notes about what is agreed to in this conversation and to follow up the meeting with some type of note or written letter summarizing what was agreed upon.

FACILITY OWNER, ETC.

Go even further up the ladder by taking your concerns to the person above the administrator. This could be the facility owner, corporate regional director, etc. Write a letter to this person and send a copy to the administrator. This sometimes gets the attention of the administrator when other avenues have failed.

To obtain the name of the ownership of the facility, inquire from staff within the facility or contact your local ombudsman.

Hopefully one or a combination of the approaches listed above will resolve the problem. However, if that is not the case, please contact one of the following organizations, agencies or programs outside the nursing home for help.

The following contain organizations, agencies and programs you turn to for help outside the nursing home.

ELDER LAW FIRMS

Assistance from an attorney knowledgeable about nursing home laws and regulations can often speed up the resolution of a problem. In addition, litigation is an avenue that can be pursued when a resident has been harmed.

To locate an Elder Law Firm contact Elder Law Resources at www.naela.org.

LONG TERM CARE OMBUDSMAN PROGRAM

The Indiana Long-Term Care Ombudsman Program is an advocacy program for nursing home residents that works to ensure the health, safety, welfare and rights of residents. Services provided by the Long-Term Care Ombudsman Program are free and confidential.

A local ombudsman is available in all parts of Indiana to provide this assistance. If you don't know how to reach the local ombudsman, call the Ombudsman Hotline at 1-800-644-4484.

The Ombudsman for Elkhart, Kosciusko, LaPorte, Marshall and St. Joseph counties may be reached at 1-800-552-7928.

STATE DEPARTMENT OF HEALTH

The Indiana State Department of Health is responsible for inspecting nursing homes approximately once a year and for investigating complaints. You can work for resolution of the problem in two ways:

Talk to the Department of Health surveyors (inspectors) when they are inspecting the nursing home. You will know they are in the building because signs will be posted. Ask to speak to the surveyor in private and tell them about the concerns. Providing this information to the surveyors may result in a violation being cited and may lead to the correction of the problem.

File a complaint with the Department of Health. The Department of Health prioritizes all the complaints it receives and investigates them according to the assigned priority. Life-threatening conditions are investigated within 48 hours.

Complaints can be filed in writing via the internet or by phone. Complaints should be sent to:

Complaint Unit
Long-Term Care Division
Indiana State Department of Health
2 North Meridian
Indianapolis, IN 46204
complaints @ isdh.state.in.us
The phone number is 1-800-246-8909
or (317) 223-7442.

When filing a complaint, be sure to be as specific as possible and provide the investigators with complete information. For example, it is important to say more than just, "There is not enough staff."

Describe in detail the problem, how it is effecting the resident(s), what staff members are involved, when and where the problem occurs, etc. It is also a good idea to state that you wish to be contacted by the complaint investigator at the time of the investigation and provide phone numbers where you can be reached.

Discussion with the compiling investigator allows you to provide additional information directly to the person conducting the investigation.

ADULT PROTECTIVE SERVICES

This program investigates suspected abuse, neglect and exploitation of adults 18 years or older. Contact the local investigator or call the State Adult Protective Services Hotline at 1-800-992-6978.

INDIANA LEGISLATORS

Write personal stories to your legislators indicating problems with local long term care facilities. State legislative action impacts the long term care industry in many ways, and local representatives may be influenced by your input.

Obtain a legislative directory by contacting the local Agency on Aging, the local ombudsman or via internet at www.state.in.us/legislative.

**Provided by your local ombudsman
REAL Services/Area 2 Agency on Aging
1151 S. Michigan Street
P. O. Box 1835
South Bend, IN 46634
1-800-552-7928**

**Serving:
Elkhart County
Kosciusko County
LaPorte County
Marshall County
St. Joseph County**

"Adapted from fact sheets provided by National Citizen's Coalition for Nursing Home Reform and Severns Associates, Elder Law firm."