

### **Long-term care ombudsman protects residents' rights**

The long-term care ombudsman advocates for residents' rights, quality of life and care in long-term care facilities (nursing homes, boarding homes, adult family homes and veterans' homes).

The long-term care ombudsman has the power, based on federal and state law, to protect residents' rights. Ombudsmen can investigate complaints and work with long-term care facilities to respond to any concerns on residents' behalf.

Residents have rights, nursing home rights, and they are vital to all residents. Without rights in nursing homes, there could be resident abuse, neglect and poor care. Under the Bill of Rights, every person is entitled to certain rights, whether the person is living in a nursing home or living at home.

The residents' bills of rights are just as powerful and important as the Bill of Rights; rights of residents protect the health, safety and welfare for all residents in long-term care facilities.

The long-term care ombudsman was mandated to protect residents' rights, family rights, resident council rights and family council rights. Resident council rights protect the well-being of residents living in long-term care facilities. Family council rights protect the rights of family in long-term care facilities.

The ombudsman offers free nursing home rights information that can assist families in how to choose a long-term care facility. The more information you have about a long-term care facility, the better chance you have to choose a facility that will protect residents' rights, family rights and provide residents quality care.

### **Long-term care ombudsman program**

## The Senior Snippet

Written by Erin LeBlanc

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Ombudsman responsibilities outlined in the Older Americans Act include:

—Identify, investigate and resolve complaints made by or on behalf of residents.

—Provide information to residents about long-term care services.

—Represent the interests of residents before governmental agencies and seek administrative, legal and other remedies to protect residents.

—Analyze, comment on and recommend changes in laws and regulations pertaining to the health, safety, welfare and rights of residents.

—Educate and inform consumers and the general public regarding issues and concerns related to long-term care and facilitate public comment on laws, regulations, policies and actions.

—Promote the development of citizen organizations to participate in the program.

—Provide technical support for the development of resident and family councils to protect the well-being and rights of residents.

—Advocate for changes to improve residents' quality of life and care.

Residents' rights are guaranteed by the federal 1987 Nursing Home Reform Law. The law requires nursing homes to "promote and protect the rights of each resident" and places a strong emphasis on individual dignity and self-determination. Nursing homes must meet federal residents' rights requirements if they participate in Medicare or Medicaid.

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Some states have residents' rights in state law or regulation for nursing homes, licensed assisted living, adult care homes and other board and care facilities. A person living in a long-term care facility maintains the same rights as an individual in the larger community.

### **What are residents' rights?**

Residents' rights guarantee quality of life. The 1987 Nursing Home Reform Law requires each nursing home to care for its residents in a manner that promotes and enhances the quality of life of each resident, ensuring dignity, choice and self-determination.

All nursing homes are required "to provide services and activities to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident in accordance with a written plan of care that ... is initially prepared, with participation, to the extent practicable, of the resident, the resident's family or legal representative." This means a resident should not decline in health or well-being as a result of the way a nursing facility provides care.

*Erin LeBlanc is a long-term care ombudsman serving Logan, Phillips and Sedgwick counties.*

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