

How to Participate in Resolving Health Care Problems in Nursing Homes

Mission Statement of the Health Facilities and Emergency Medical Services Division:

We are responsible for establishing and enforcing standards for the operation of health care facilities. Through education, inspection, investigation and enforcement, we assure that the public receives care from providers that promotes their health and enhances the quality of their lives, their dignity and their autonomy.

If you or a relative live in a nursing home, it is possible that problems with care may arise. To prevent problems from arising or to "nip them in the bud," the best tool is open communication.

Ideas for Maintaining Good Communication on a Regular Basis:

1. **Address the Problem as Soon as Possible:** Try to bring issues to the attention of staff as soon as they arise. Do not wait until you have accumulated a number of things and are feeling very angry. The sooner you communicate, the better your communication will be.
2. **Attend Care Planning Meetings:** Always attend the resident's quarterly care planning meeting. The first care planning meeting should be held within 21 days of admission to the facility. Bring a list of things you would like to have included in the care plan. For future meetings, refer back to the previous care plan to ensure follow-through.
3. **Develop and Maintain Good Relationships with Staff who Provide Care:** Develop and maintain good relationships with nurses, aides and others who have daily contact with you or your loved one. Voice concerns calmly and factually. Ask staff to explain what and why certain care is being provided.
4. **Work with the Family Council or the Resident Council:** Some problems can be addressed by the Family /Council, if there is one. Attend family meetings to see if your concerns would be appropriate for general discussion or Family Council action. If the facility does not have a Family Council and you and/or other family members are interested in having one, you could pursue the idea of creating one. Talk to fellow family members, the social worker and/or the administrator. The Resident Council may also be able to address some of your concerns.

If problems persist, you need to know how to contact the nursing home's administration to resolve the issues. Federal laws give you the right to complain to nursing home staff or outside sources without fear of discrimination or retaliation.

Here are Some Helpful Guidelines:

Work up the Chain of Command:

When you have a care problem, it is good practice to work up the "chain of command." For example, if you are concerned about a nursing problem, you might start by contacting the Nurse Aide and then the Charge Nurse on duty. If that contact is not effective, contact the Director of Nursing, and next the Administrator of the home. Ask for a meeting with any department head involved in your concern. Very often, the person in charge of social services can also help.

You May Need to Contact the Owners or Governing Board:

If the administrator and other staff members do not satisfactorily address your concerns, you may contact the owner or the governing body of the nursing home.

The nursing home should have written policies explaining how to file a complaint/grievance with the facility by contacting the governing body. This information should be posted in the facility. It is best to put your complaint in writing and to ask for a written response. By putting your complaint in writing, you can later show others that you gave the facility an opportunity to address your concern.

Contact the State and/or Local Ombudsman:

If you still feel the facility is not responding to your concerns, contact either the local ombudsman or the State Ombudsman. Every nursing home has an independent ombudsman assigned to it. Ombudsmen are people who are trained to advocate/problem-solve for residents and their families. Many homes have a volunteer ombudsman assigned to a specific facility. That person's name and number, along with the supervising ombudsman's number, should be posted in the facility. **If you are not sure who your local ombudsman is, call the Colorado Long Term Care Ombudsman at 303-722-0300 or (toll free) at 1-800-288-1376**

How Ombudsmen can Help:

They can help resolve a care problem; they can also answer your questions about facility services and standards, Medicare and Medicaid, your rights as a resident and your rights involving transfers. There is no charge for these services and ombudsmen do visit facilities frequently.

How To File a Formal Complaint With the Colorado Department of Public Health and Environment

If previous steps fail, file a complaint with the Colorado Department of Public Health and Environment, Health Facilities and Emergency Medical Services Division, by calling 303-692-2800. A complaint can also be filed in person or in writing. Write to:

Attention: Complaint Program Administrator, Colorado Department of Public Health and Environment, HFEMSD-A2, 4300 Cherry Creek Drive South, Denver, CO 80246

- You can file a complaint any time, but it is best to do so as soon as possible. You do not have to go through the steps above before contacting us, but doing so may help resolve problems more quickly.
- **The department will investigate all complaints related to resident rights, quality of care and life, abuse, dietary and environmental concerns. Complaints related to billing and insurance concerns are not addressed by the department**

Provide as much of the following information as possible:

- Who you talked to and worked with in the facility. It is very important to make note of the name of the individual you talked to regarding the issue. Many staff wear name tags-make it a

practice to look at them and **address those persons by name whenever the opportunity arises in the facility.** Using people's names helps improve communication.

- Who, what, when, where and how of the occurrence. Include dates, times, names, places, and the people or staff members involved. If any other resident(s) has been affected, be sure to include his or her name. It is always better to include too much information than too little.
- Your full name, address and daytime telephone number where you can be reached. Your identity as the complainant is not revealed to the facility by the division.
- The division does accept complaints from anonymous sources.
- If there are witnesses or other parties who wish to provide information about your complaint, include their names, addresses and daytime phone numbers so they can be contacted.
- You will receive a letter acknowledging receipt of your complaint and the investigator assigned to your case will make an effort to contact you by phone for additional information.
- At the completion of the investigation, you will receive a letter containing the findings and a summary of the investigation.
- A copy of the summary of the investigation is kept on file at the department and is available to the public. The summary does not identify names of any individuals involved in the case.
- If you are dissatisfied or have questions about the investigation, call the Complaint Program Administrator and your concerns will be reviewed. If necessary, a subsequent investigation will be conducted.
- If you are still dissatisfied, you may forward information to the division. Please include specific information to why you are dissatisfied.

Nursing Home Inspections

The Colorado Department of Public Health and Environment inspects nursing homes to assure their compliance with federal regulations.

- Nursing homes and hospital-based nursing home care units that participate in Medicare or Medicaid are inspected at least every 15 months by health department teams.
- Facilities are not informed in advance of the survey team's arrival. The first day of an inspection, signs are posted announcing that a survey is in progress.
- During these inspection, surveyors (usually a team of 3 or 4 people) find out if the facility meets federal standards:

These standards have been developed to protect you and to help assure that you get all the care you require. That is why surveyors spend most of their time talking to residents and observing their care.

- The surveyors evaluate residents' day-to day life in the home:

They want to know about the home's staff, medications, food services, activities and how the home responds to problems brought to their attention. They also want to know if the facility is a comfortable place to live. For example, is help provided with walking, bathing, dressing, getting in and out of bed, for toileting and getting to and from activities.

What Surveyors Do:

1. A tour by surveyors begins as they enter the nursing home.
2. They talk with residents about their care and day-to-day life. For residents who cannot have such a conversation, family members might be interviewed by the surveyors instead.
3. They review residents' records.
4. They meet with members of the Resident Council to talk about life in the home.
5. They meet with key staff of the home.
6. They observe interactions between resident and staff.

Why and How You Should Participate in a Survey:

Talking with residents and families is a key part of the survey because residents and families know the most about life and care in the home. It is very important for you to talk to the surveyors very frankly about your views of the home's performance and any problems. The home's performance is evaluated primarily on how it cares for you, as a resident, or your loved one.

Don't Wait Until a Survey if You Have Problems:

If you have an immediate concern at a time when there is not a survey going on and the problem is not getting resolved, it is best not to wait. Proceed to contact the ombudsman and/or the Colorado Department of Public Health and Environment.

We at the Health Facilities and Emergency Medical Services Division take our oversight role very seriously. We do all we can to help you resolve your problems by working with residents, family members, ombudsmen, facility staff, health care professionals and other agencies. Please contact us when you need our help. Our phone number is 303-692-2800.