

Ensuring Quality Care In A Nursing Facility

Introduction

Whether for a short or long term stay, nursing home placement can be a traumatic experience for any family. Problems arise in nursing facilities as they do in your own life. However, those residing in nursing facilities may not be able to prevent or resolve problems that can affect the care they receive. It is important to understand residents' rights and the obligations the facility has in meeting the needs of your loved one, as well as what steps to take if you are aware of a problem within the nursing home.

Quality of Care

Nursing homes are regulated at both the federal and state levels. In 1987, the Nursing Home Reform Act was passed outlining requirements nursing homes must follow in order to receive Medicaid reimbursement. The law states that a facility should provide care so residents can, "attain or maintain the highest practical physical, mental, and psychological well being" and that there should be "no diminution in a resident's function unless it is clinically unavoidable."

The interpretation of the law, however, often varies from facility to facility. There are several ways to monitor the quality of care. First, residents must be involved in discussions about their care, unless they are unable to do so. Families should also be invited to participate in care planning, particularly if the resident is not able to take part. A care plan must be established for residents upon their admission to a facility and should be revised every three months, or as the status of the resident changes. The care plan should be a multifaceted description of the wants, needs, and goals that will provide the resident with the highest level of mental, physical and psychological well being. Keeping a good report with staff can also help your family member get the care he/she needs.

Residents Rights

The Nursing Home Reform Law as well as state laws specify certain rights for all residents. These rights should be posted in a highly visible area within the nursing home, and provided in writing to each resident. Among the rights included are the right to be free from restraints and the right to voice a grievance without retaliation.

Role of the Ombudsman

An ombudsman is an advocate that often acts as a liaison between the resident and the nursing home. Each state is required to have an ombudsman and there are many working at a local level as well. Some of the responsibilities of the ombudsman include investigating and resolving complaints made about the facility on the behalf of nursing home residents.

Ombudsmen are trained to resolve problems in a way that prevents retaliation against the resident. They advocate for residents and monitor the implementation of laws and regulations within the nursing home. Ombudsman can provide information about recent surveys of facilities and play an important role in the survey itself. Ombudsmen also work to promote the rights and needs of nursing home residents. The telephone number of the local ombudsman should be posted in the facility. If it is not, contact a CARIE LINE advocate to obtain the number of the closest nursing home ombudsman office.

Role of the State Licensing Office and Certification Office

As mentioned before, nursing homes must follow certain regulations in order to operate legally. In many states, the Department of Health is responsible for surveying facilities to ensure they are following these standards. Survey results must be posted within the facility and deficiencies are required to be corrected.

Where to Go for Help

Being aware of residents' rights is an important first step in preventing problems from arising. However, it does not always guarantee that difficulties will not occur. If your loved one is having a problem in a nursing home, the following information may help in resolving the problem.

First, become familiar with the grievance procedure of the facility. The law states that residents are entitled to a reasonable response to any complaint. It is helpful in the beginning to start within the nursing home, when at all possible. Ask other residents if they are experiencing similar problems. Talk to the staff person in charge and attempt to work the problems out with the person involved. Begin with the easiest and least confrontational encounter. Attempt to remain as objective as possible and remain firm in your approach.

If you do not receive an adequate response from the staff member, try talking to his or her supervisor. If this does not yield results, discuss the matter with the director of nursing or the administrator.

Many facilities have resident and/or family councils. These are groups that meet to share thoughts and experiences, make suggestions and voice concerns about life in the nursing home. The councils may be facilitated by a staff member, such as an activity coordinator, but residents have the right to meet without the staff present. Resident and family councils are good forums for determining if your problem exists on a larger scale within the home and for establishing plans for solving problems.

If these avenues do not resolve the difficulty, or if you are uncomfortable about approaching staff, you may wish to discuss the matter with your ombudsman or legal service provider, and in extreme cases, with the state licensing and certification office. When all else fails, you may consider moving to a different facility.

Call the CARIE LINE at (215) 545-5728 or (800) 356-3606 for more information