

## SC Long Term Care Ombudsman Program



South Carolina  
Long-Term Care  
Ombudsman Program  
2011 Annual Report

A. Dale Watson  
State Long-Term Care  
Ombudsman

Lt. Governor's Office on Aging  
1301 Gervais Street, Suite 350  
Columbia, SC 29201  
Toll Free 800-868-9095  
803-734-9900

## **WHAT IS AN OMBUDSMAN?**

A Long Term Care Ombudsman serves as the advocate for residents in long term care facilities. They investigate complaints and negotiate on the residents' behalf to resolve complaints to the residents' satisfaction. This is the only program of its kind that is totally devoted to the concerns of facility residents.

## **BACKGROUND AND AUTHORITY**

The Long Term Care Ombudsman Program is governed by the federal Older Americans Act. The South Carolina Lt. Governor's Office on Aging administers the statewide Long Term Care Ombudsman Program through ten regional offices located throughout the state. These programs are affiliated with Area Agencies on Aging and funded with federal, as well as state and local dollars. There is no charge for services provided by the Ombudsman Program.

## **WHAT TYPES OF ISSUES DOES AN OMBUDSMAN HANDLE?**

- Residents' Rights
- Quality of Care
- Abuse, Neglect, and Exploitation
- Transfer and Discharges

## **WHAT DOES THE LONG TERM CARE OMBUDSMAN DO?**

- Investigate and works to resolve problems or complaints affecting long term care residents.
- Identifies problem areas in long term care facilities and advocates or mediates for change.
- Provide information about long term care and related services.
- Promotes resident, family, and community involvement in long term care.
- Educated the community about the needs of long term care residents.
- Coordinates efforts with other agencies concerned with long term care.
- Visits long term care facilities to talk to residents and monitor conditions.
- Educates residents and facility staff about residents' rights and other issues.

## **VOLUNTEER FRIENDLY VISITOR PROGRAM**

Sixty percent of residents in long term care have no visitors. The Long Term Care Ombudsman Program sponsors Volunteer "Friendly Visitors" who go to facilities on a regular basis, from two to four hours weekly, greet and visit with residents, and help educate residents and families on residents' rights. They help ensure the lines of communication between the residents and staff remains open. Friendly Visitors diminish the sense of isolation experienced by residents, especially those without family. They provide encouragement and assist the resident in achieving a sense of self determination.

## The South Carolina Long-Term Care Ombudsman Program 2011 Accomplishments

The South Carolina Long-Term Care Ombudsman Program served **196** nursing facilities with a total of **20,079** beds and **567** assisted living residences with a total of **18,948** beds.

### A. Dale Watson, as the South Carolina Long-Term Care Ombudsman:

- Served as Chair of the Fatality Review ; a committee of the Adult Protection Coordinating Council (APCC)
- Served on the statewide Nursing Facility Relocation Team, which assists residents when there is a facility closure
- Served on the South Carolina "LANE" Local Area Network for Excellence as part of the national Advancing Excellence in Nursing Homes campaigns
- Responded to **493** calls for information and assistance from consumers, families, local ombudsmen, and AAA staff and other long-term care professionals.
- Conducted **10** training sessions to local ombudsmen

### South Carolina local ombudsmen:

- Investigated **8111** complaints, of which **87%** were resolved to the satisfaction of the resident or complainant
- Conducted **87** training session for facility staff
- Trained **2999** facility staff and/or volunteers
- Conducted **63** community education sessions
- Provided a total of **2993** consultations; **929** to facilities and **2064** to individuals
- Conducted **2301** routine/friendly visits to facilities

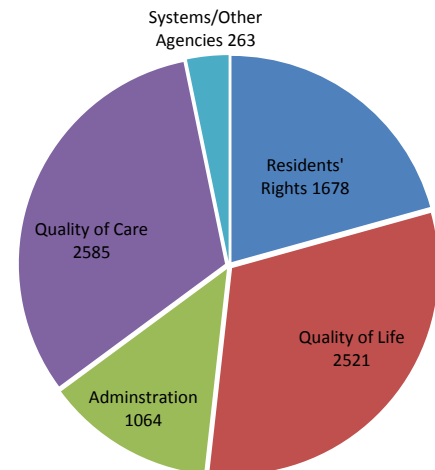
### Top Five Complaints in Residential Care Facilities

1. Accidents, Improper Handling
2. Dignity, Respect-Staff Attitudes
3. Abuse, Verbal/Mental
4. Medication-Administration
5. Supervision

### Top Five Complaints in Nursing Facilities

1. Improper Handling
2. Abuse, Physical
3. Dignity, Respect-Staff Attitudes
4. Gross Neglect
5. Abuse, Verbal

Types of Complaints Made to Ombudsmen in Nursing Homes and Assisted Living Residences in 2011



In 2011, quality of care complaints included 861 accidents/improper handling, 321 issues regarding medication-administration and 302 care plan concerns. The quality of life category include 1804 complaints about abuse, neglect, and exploitation and 717 complaints regarding lack of dignity in care and services. Systems/ Other reflects the residents' need to access legal services for issues such as guardianship, conservatorship and advance directives, as well as problems related to family conflicts and or a desire to live in a less restrictive residential environment.

## **Volunteer Friendly Visitor Program**

In FY 11, the Volunteer Friendly Visitor Program reversed failures of the previous year. While lack of staffing and inability to invest funds in recruiting continues statewide due to financial constraints, and while there has been no significant recruiting for the program this year through AARP due to budget cuts, the Regions have worked diligently to recruit and maximize participation from all inquiries. The most significant help came through AARP, not as a recruiting effort, but as a magazine article in their national magazine that focused on SC's Friendly Visitor Program.

Trident Region (Region 9) replaced their Friendly Visitor Coordinator with an individual with excellent skills and a high level of motivation, resulting in an upswing in their program numbers and volunteer utilization. Pee Dee Region (Region 7) replaced their Volunteer Coordinator right at the end of the year and Waccamaw Region (Region 8) also brought a coordinator on board. While we did not recognize volunteer visits in those regions, training will occur early in the 2011-2012 year and the expectation is to see a significant improvement in those programs in the next year.

The successes for the 2010-2011 year are clear. The program is operating successfully in five regions, including the Appalachia, Catawba, Central Midlands, Trident and Lowcountry regions with coordinator training and program expansion expected in Santee Lynches, Pee Dee, and Waccamaw regions in the next year.

### **The Value of our Volunteers:**

The program ended the year with considerable growth, going from 15 Friendly Visitor volunteers in 2009-2010 to 22 volunteers actively working in the program, a 47% staffing increase. Volunteers made 322 visits, which represents a 67% increase in number of visits from the previous year. Reports from the field show 761.3 hours spent in facilities, which is a 52% increase from the previous year's 499.8 hours. Volunteers visited 3679 residents overall, averaging 11 residents per visits; they also spent an average of 12.4 minutes with each resident. According to the "Independent Sector," the average value of an hour of volunteer time nationally is \$21.79, so the time contribution in SC during the past year amounts to \$16,588.73.

COMMUNITY OMBUDSMAN PROGRAMS	COUNTIES SERVED	TELEPHONE NUMBERS
Region 1: Appalachia	Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg	1-800-434-4036 (Toll Free) 864-242-9733 (Local)
Region 2: Upper Savannah	Abbeville, Edgefield, Greenwood, Laurens, McCormick, Saluda	1-800-922-7729 (Toll Free) 864-941-8070 (Local)
Region 3: Catawba	Chester, Lancaster, York, Union	1-800-662-8330 (Toll Free) 803-329-9670 (Local)
Region 4: Central Midlands	Fairfield, Lexington, Newberry, Richland	1-800-391-1185 (Toll Free) 803-376-5390 (Local)
Region 5: Lower Savannah	Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg	1-866-845-1550 (Toll Free) 803-649-7981 (Local)
Region 6: Santee-Lynches	Clarendon, Kershaw, Lee, Sumter	1-800-948-1042 (Toll Free) 803-775-7381 (Local)
Region 7: Pee Dee/Vantage Point	Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	1-866-505-3331 (Toll Free) 843-383-8632 (Local)
Region 8: Waccamaw	Georgetown, Horry, Williamsburg	1-888-302-7550 (Toll Free) 843-546-8502 (Local)
Region 9: Trident	Berkeley, Charleston, Dorchester	1-800-864-6446 (Toll Free) 843-554-2280 (Local)
Region 10: Lowcountry	Beaufort, Colleton, Hampton, Jasper	1-877-846-8148 (Toll Free) 843-726-5596 (Local)
State Long Term Care Ombudsman's Office		1-800-868-9095 (Toll Free) 803-734-9900 (Local)

## What is a Legal Assistance Developer?

The Legal Assistance Developer (or Legal Services Developer, which is the “working title” in South Carolina) provides state leadership in securing and maintaining the legal rights of seniors. By working with 10 Area Agencies on Aging (Aging and Disability Resource Centers) statewide, the Developer coordinates the provision of legal assistance and ensures that aging staff, ombudsmen, legal providers, and seniors receive technical assistance, training, and other legal support.

Actual legal counsel, advice, and assistance is provided by private attorneys and non-profit legal providers, as well as by Legal Service Corporation entities for individuals who are 60 years or age or older and have the greatest financial or social need.

Older individuals must understand their rights so that they can exercise their choices and they are entitled to benefit from the services and opportunities authorized by law. The Older Americans Act gives priority providing legal services on specific issues, including:

- Income
- Long-term care
- Health care, nutrition, housing, utilities
- Other protective services and defense of guardianship
- Abuse and Neglect
- Age discrimination

Cat Angus, South Carolina’s Legal Services Developer Accomplished in 2011:

Provides information and technical assistance to individuals state-wide on a daily basis.

In the last year, she has responded to more than 546 requests for information and legal assistance from seniors and/or their caregivers. Monitored the legal services delivery system in 9 of 10 regional offices and began development of best practices for provision of services and incorporation into area and state plans.

Completion of a Senior Survey to assess the legal needs of South Carolina’s Seniors. Also completed a survey of Probate Court judges and legal practitioners to better define the views of existing judges on issues including uniformity of procedures, pattern orders, mediation, and jurisdictional issues.

Completion of three DVD videos through collaboration with the Access to Justice Commission, the Greenville Probate Court, and the Supreme Court on Opening an Estate, Completing the Inventory, and Closing the Estate. The videos can be accessed at

<http://www.sccourts.org/selfHelp/Opening%20an%20Estate.wmv>

<http://www.sccourts.org/selfHelp/Inventory%20and%20Appraisalment.wmv>

<http://www.sccourts.org/selfHelp/Closing%20an%20Estate.wmv>

Supported the development of a Supreme Court initiative to open a Self-Help Center Pilot in Newberry County. The center began operating since July 2011 and provides assistance to the public at no charge. Expansion of the pilot to another county is underway at this time.

Requested and oversaw development and presentation of training to Ombudsmen staff on “Targeting: Correct Populations Under the Older Americans Act”, “Negotiation and Conflict Resolution”, “Unauthorized Practice of Law”, “Priority Service Areas of the Older Americans Act”, “Report Writing from a Legal Perspective”, “An Overview of the SC Courts”, and “Legal Issue Spotting Techniques” by Directors from the SC Bar, the Access to Justice Commission, the University of SC School of Law, and private practice attorneys. Active member of the SC Bar Elder Law Committee and three subcommittees including Guardianship/Conservatorship; Legislative; and Outreach.

## **Legal Services/Publicity**

The second year of the Model Approaches to Legal Services Grant from the Administration on Aging saw the compilation of the Needs Assessment survey and the finalization of one of the major components, a DVD series on opening an estate, completing an inventory, and closing the estate. The program also provided opportunities for publicity and public promotion of the Elder Rights Programs of the Lieutenant Governor's Office on Aging. Significant outreach occurred, with 30 legal and educational clinics offered at no charge by attorneys under the auspices of the SC Bar, serving 408 senior citizens.