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Resident Choice in Care Settings

Aging and Disability Services Division

Marie Coe
State Long-Term Care Ombudsman

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Department of Health and Human Services

Helping people. It's who we are and what we do.



Agenda

1. Role of Ombudsman
2. Long-Term Care Settings
3. Who do we advocate for?
4. Data review
5. Requirements for locked unit admission
6. Challenges
7. Solutions and Advocacy
8. Partners for Change



Role of Ombudsman

- Ombudsmen act as advocates for residents of nursing homes, residential facilities for groups, homes for individual residential care, intermediate care facilities, assisted living facilities and adult day centers.
- Ombudsman are trained to resolve problems and represent the perspective of residents in monitoring laws, regulations, and policies.
- Ombudsman may **ONLY** advocate with consent from the resident or legal representative.
- Nevada Revised Statute NRS 427A.125
- Nevada Administrative Code 427A.010-427A.048



Role of Ombudsman

- Ombudsman visit all licensed facilities monthly for non-complaint visits
 - Provide education and resources regarding resident rights to residents and staff
 - Connect with residents to build relationships and trust
 - Monitor environment
- Ombudsman investigate resident or representative complaints
 - Complaints are received from residents, family, community and more
 - Must receive consent from resident or legal representative
 - Obtain documentation
 - Send referrals to applicable agencies
- Identify systemic advocacy opportunities



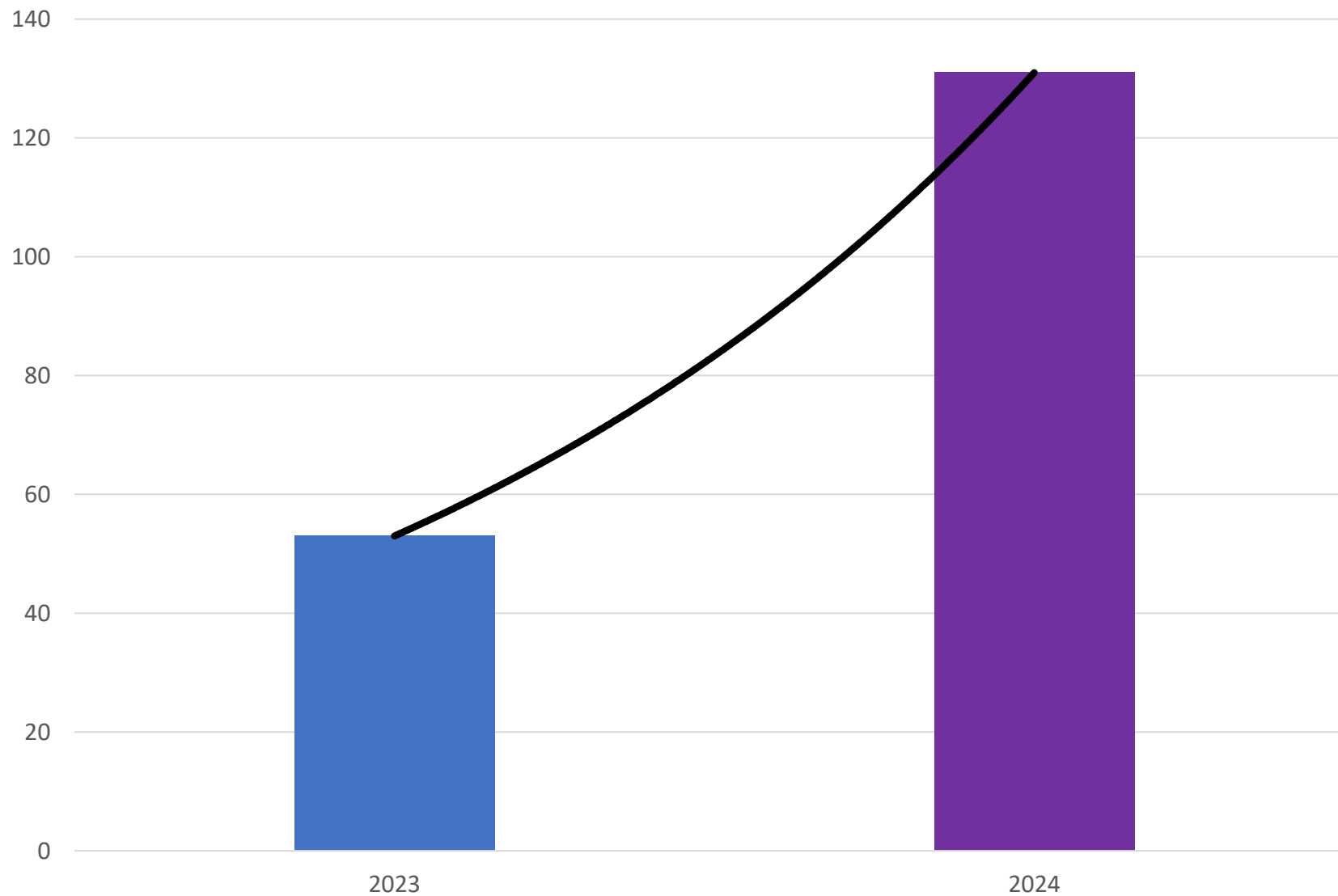
Who do we advocate for?



- Ombudsmen may advocate for residents regardless of age who reside in skilled nursing facilities, residential facilities for groups, intermediate care facilities, homes for individual residential care and adult day centers.
- Residents may be in these settings for a variety of reasons:
 - Rehabilitation – Short-Term
 - Long term skilled needs
 - Mental health services and supervision
 - Memory care settings within skilled nursing or residential facility for groups



Less Restrictive Placement





Current Regulations

- Admission requirements for locked settings, typically known as memory care or secure units, are regulated by state laws and licensing standards.
- The settings are designed to care for residents who have advanced cognitive impairments such as Alzheimer's disease and may be at risk of wandering or significant behavioral needs.





Admission Requirements

- Diagnosis of cognitive condition
 - Assessment by medical provider qualified to determine needs for locked setting
- Behavioral or safety concerns
 - Needs cannot be managed in less restrictive environment (redirection)
 - Care plan reflects attempts to meet needs
 - Assessment for environmental, chemical or social triggers
 - Should not need a long-term psychiatric treatment setting
- Care Plan
 - Personalized and reviewed regularly to adjust as needed
- Consent



Assessment

- Nevada Administrative Code 449.2751
- Residential facility which provides care to persons with Alzheimer's disease:
- Application for endorsement; general requirements.
- 3. If a residential facility provides assisted living services, the written policies that the residential facility is required to develop pursuant to [NAC 449.258](#) must include, without limitation, procedures to be followed:
 - (a) To ensure that the residential facility complies with the requirements set forth in subsections 7 and 8 of [NRS 449.0302](#);
 - (b) By the administrator to ensure that residents of the residential facility whose physical or mental condition is significantly changing over time are identified;
 - (c) To obtain a medical professional to assess and monitor, as necessary, but not less than once every quarter in each calendar year, each resident of the residential facility whose physical or mental condition is declining over time;



Memory Care and Locked Settings

Nevada Administrative Code 449.2754

Residential facility which provides assisted living services:

Application for endorsement; general requirements.

- A residential facility which offers or provides care for a resident with Alzheimer's disease or related dementia **must obtain an endorsement on its license** authorizing it to operate as a residential facility which provides care to persons with Alzheimer's disease. The Division may deny an application for an endorsement or suspend or revoke an existing endorsement based upon the grounds set forth in [NAC 449.191](#) or [449.1915](#).
- A residential facility which provides care to persons with Alzheimer's disease **may admit or retain a resident** who requires confinement in locked quarters.
- (b) Evidence that the facility has established interaction groups within the facility which consist of not more than **six residents for each caregiver during those hours when the residents are awake;**



Resident Choice



- Resident's have the choice of where they would like to live.
 - Settings should be supported by need
 - Resources provided to maintain placement at home and in community
 - Less restrictive if possible
- Locked settings should be last option
 - Valid reason for setting
 - Resident's Physician performing assessment
 - Authority to admit into setting
 - Residents have the right to a second opinion



Challenges and Solutions

- Minimal admission requirements
- Inappropriate placements
- Higher cost for care
- Restrictive setting
- Increased anxiety
- Stronger admission criteria
- Comprehensive care planning
- Team approach
- Transparent approach for care team
- Improve discharge process to include regular assessments



Advocacy

Providers accepting change of process



Educating residents and family regarding care options



Expressing wishes and preferences within legal documents
(POA, Trust, etc.)



Systemic advocacy with State Legislature and Federal Partners



Resident voices heard and respected



Partners for Change

- Long-Term Care Ombudsman Program
 - Possible violation of resident rights
 - Assistance with right for capacity evaluation
 - Admission and Discharge rights
- Legal Aid Programs Statewide
 - Assist to enforce laws regarding inappropriate admission
 - Assistance with updating legal documents
- Education
 - Who needs memory care?
 - What are the services being provided?
 - Can the needs be met in a lower level setting?



Contact Information

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Questions?