

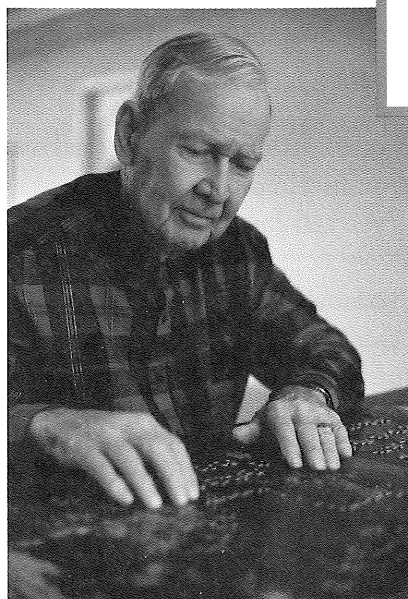
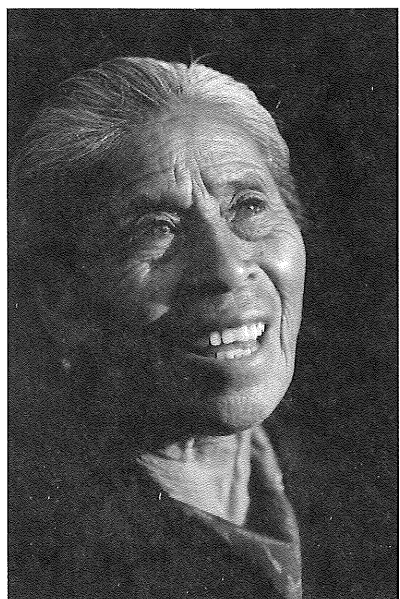
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Office of Ombudsman for Older Minnesotans

## Annual Report 2001



*serving through*  
**advocacy**  
*education*  
**empowerment**



*A Service of the Minnesota Board on Aging*

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## Mission

The mission of the Office of the Ombudsman for Older Minnesotans is to **enhance the quality of life and the quality of care of older adults**. The mission is accomplished by promoting the rights of long-term care residents, home care consumers and Medicare beneficiaries through advocacy, education and empowerment.

Ombudsmen investigate complaints, work to resolve individual concerns, identify problems and advocate for changes to address them. Ombudsmen promote self-advocacy and the development of problem solving skills through education and training for consumers, their families, the community and providers.

## Structure

- **The Minnesota Board on Aging** operates the Office of the Ombudsman for Older Minnesotans. The Board, comprised of 25 citizens appointed by the Governor, provides leadership on issues affecting older Minnesotans.
- **The Office of the Ombudsman for Older Minnesotans was established in statute by the Minnesota legislature in 1987.** Ombudsman services actually began in Minnesota in 1978 under the auspices of the Older Americans Act; the action of the legislature assured greater stability and coordination of services on a statewide basis. The Minnesota legislature has since expanded the scope of client services to include people using home care services and Medicare beneficiaries with certain hospital complaints.
- The Office of the Ombudsman is a **consumer-centered advocacy service**. The individual consumer is always the focus of ombudsman services. Consumers anywhere in Minnesota can reach an ombudsman by calling the toll-free complaint line at 1-800-657-3591.
- The program has **regional ombudsmen** throughout Minnesota in addition to the state office staff located in St. Paul. Services in the Twin Cities are provided by the Advocacy Center for Long-Term Care. A dedicated corps of volunteer ombudsmen work with regional staff to provide services to residents in long-term care facilities. Each designated ombudsman is required to earn 60 hours of continuing education per year.

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## From the director

Corny as it may sound, **volunteers are the heart and soul of ombudsman work.** They are the eyes, ears and voices of people who need help to make their needs known or express a concern. In an era of expanding long-term care needs and fixed resources, volunteers make it possible for this office to represent the interests of many vulnerable people who can no longer speak for themselves.

We are very grateful to our volunteers for

- Countless hours visiting facilities, assisting residents and representing their interests;
- Openness to learning new information; and
- Patience with the bureaucracy of state government.

There are many volunteer opportunities that are easier and more glamorous but few offer the chance to make as great a difference in the lives of others! Ombudsmen volunteers provide residents the opportunity to retain, maintain and begin new relationships.

At a United Nations event celebrating the International Year of Older Persons, Dr. Gunhild Hagestad of Norway said: "Again and again, research has demonstrated that close interconnections with others, especially confidante relationships (like those with residents), play a crucial role in ... health and well-being of elders."

Residents of nursing homes often face immense losses when they enter the door of the facility. They may lose regular and intimate contact with family members, friends and neighbors; physical stamina and health; and, emotional and mental strength. Because of these losses, residents may begin to close down and may become melancholy or depressed as they find it difficult to have conversations or maintain relationships.

We are very grateful to our volunteers for their kindness and compassion and for their commitment to enhancing the quality of life in long-term care facilities.



Sharon K. Zoesch  
State Ombudsman  
2001



*Who are you  
Resident*

pale one?  
in your room alone,  
your face without thought  
your eyes blank  
or asleep  
or asleep seeming  
or hidden beneath your weight of silence

*I see you*

enveloped in the thick loneliness  
you wear close to you  
shawl like  
against of having no hand to hold

*as I stand in your doorway*

waiting to knock  
waiting to walk to you  
across the threshold of that room  
which is yours  
my hands filled with simple things  
for us to share

*Waiting to walk in*

and open our hearts  
with the pleasure of your company

—*Taun Cosentino Relihan*

\* This poem was taken from the book *The Pleasure of Your Company*  
by Debora Cushman Barkan and Taum Cosentino Relihan.

### *Thank you to our wonderful volunteers!*

Mary Allen  
Donald G. Anderson  
Gwen Anderson  
Vila Baker  
Laird H. Barber  
Eleanor Barrett  
Eleanor Bates  
Jean Bauer  
Marion Beck  
Marian Becker  
Doris Benson  
Meartia Bevins  
Denae Blawat  
Julie Bordwell  
Henry Brusacoram  
Nancy Carver  
Dorothy Chizek  
Nancy Christensen  
Pat Cory  
Lorraine Dallmann  
Betty DeWees  
Beverly Dilger-Hanson  
Arla Mae Discher  
David Forest

Jamie Fort  
John Frederickson  
Lois Freiden  
Ruth Fuller  
Dianne Gerhardson  
Mildred Grossaint  
Dariel Grove  
Gwendolyn Grove  
Gerald Gustafson  
Dorothy Harsh  
Bonnie Hook  
Ed Howard  
Ernie Jacobson  
Marion Jacobson  
Vi Johnson  
Cory Jones  
Shirley Kleespies  
Jane Knudsen  
Sharon Knutson  
Tammy Kovarik  
Deborah Kukowski  
Donna Kurth  
Judith Laakkonen  
Alvin Lindstrom

Ralph Long  
Donald Matakis  
Barbara McGinnis  
Lois Meiners  
Wilbur Meiners  
Betty Merritt  
Louise Michaelson  
Eleanor Michelson  
Marvin Michelson  
Robert Morris  
Veryl Morris  
Maureen Munsell  
Marcia Ness  
Ron Nicholson  
Bee Ann Olson  
Martha Palm  
Mildred Paulsen  
Mel Reinke  
Gladys Reynolds  
Kari Robinson  
Gladys Schennum  
Mary Ann Schnell  
Lynda Scholin  
Beverly Scovill

Judith Seitz  
Elsa Skartvedt  
Jack Smith  
May Smith  
Susan Spaeth  
Linda Stingley  
Roxanne Stordahl  
Janet Streff  
Donald Strei  
Virginia Swanson  
Ethel Thorlacius  
Dick Toenyan  
Lu Toenyan  
Eleanor Toutges  
Audrey Trump  
Dennis Twiss  
Mary Ann Ulrich  
Juanit Von Wald  
Nora Wagner  
Katherine Weaver  
Audrey Wiita  
Elsa Young  
Dale Yungk  
Elaine Yungk

## Professional Activities

- 1 Investigate and resolve complaints from consumers living in nursing homes, boarding care homes, their own homes and in assisted living residences.
- 2 Advocate for health and long-term care consumers.
- 3 Mediate disputes between consumers and service providers, government programs and others.
- 4 Promote self-advocacy by educating consumers, their families, health care staff and concerned citizens about consumer safety, rights and laws.
- 5 Monitor the federal, state and local laws and regulations that affect older health care consumers.
- 6 Inform public agencies about the problems that ombudsman clients experience and recommend changes in the laws, rules, regulations and policies that affect these consumers.
- 7 Recruit and train volunteers and promote their participation in advancing the work of the Ombudsman Office.
- 8 Visit facilities to meet with residents and serve as a resource to staff on issues of concern to residents.

## Advocacy Experts

Ombudsmen respond to a wide variety of concerns about health care including:

- Care of service quality
- Abuse and neglect
- Rights violations
- Lost and stolen belongings
- Discharge, eviction or termination of services
- Public benefits programs
- Cost of care

See page 7 for a listing of the concerns ombudsmen investigate most often.

## Contacting an Ombudsman

Call the state office at 1-800-657-3591 (toll free) and you will be put in touch with the ombudsman who serves your area.

If you wish to contact an ombudsman directly, see page 13 for a listing which will give the name and phone number of the person serving your county.

Write or fax the state office at 651-297-5654 and your message will be delivered to the ombudsman serving your area.

Consult with an ombudsman or volunteer advocate when he or she visits your facility.

## Who we serve

### **Any resident of a long-term care facility.**

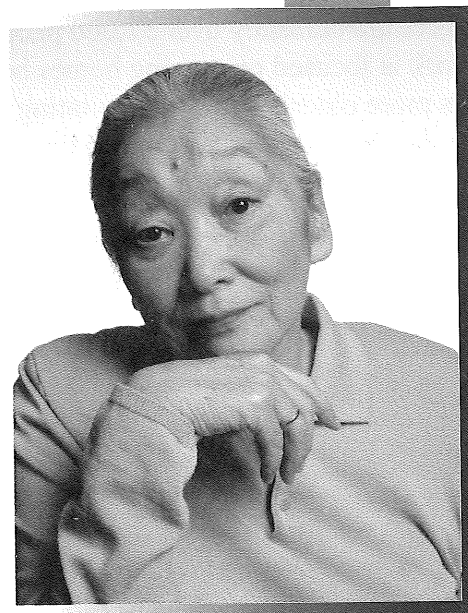
Long-term care facilities include nursing homes and boarding care homes. There are more than 45,000 nursing home and boarding care beds.

### **Any person receiving home care services.**

This includes people living in private homes and in residences such as adult foster care or assisted living facilities. Minnesota has more than 27,000 units of this type of housing. About 8,000 individuals receive publicly assisted services in their homes.

### **Any Medicare beneficiary with a complaint.**

About obtaining hospital services or about being discharged prematurely. In 2001, it is estimated that approximately 600,000 people in Minnesota were eligible for Medicare.



## Profile of Clients Served in 2001

- More than three-quarters of our clients were 65 or older.
  - 12% were between 65 and 74
  - 36% were between 75 and 84
  - 27% were between 85 and 104
- 58% of our clients were female

## Focus on advocacy

An ombudsman is an independent consumer advocate who receives and handles complaints against the government or government-regulated agencies. The ombudsman acts to ensure that the practices of these organizations are fair, reasonable and adequate.

There are currently over 37,000 people living in nursing facilities in Minnesota. Most ombudsman work is focused on nursing homes because those facilities are well established and highly regulated. As more older adults are gravitating toward less institutional settings, it is anticipated that the Office of the Ombudsman for Older Minnesotans will play a more active role in responding to consumer questions or concerns about home care.

### 2001 Complaints Closed: 2,400

- Nursing facilities: 89%
- Board and care or similar adult care home: 6%
- Other: 5%

With the permission of the consumer or the consumer's authorized representative, the ombudsman may investigate complaints, resolve disputes, mediate, negotiate, and make referrals to other agencies or programs. The Office of the Ombudsman for Older Minnesotans has no independent authority to enforce any law or regulation.

### Complainants

- Resident: 23%
- Relative or Friend: 52%
- Staff: 17%
- Others: 8%

Ombudsmen work to understand resident needs and to achieve an outcome satisfactory to the resident.

### Results

- Resolved: 84%
- Withdrawn: 5%
- No action needed: 4%
- Not resolved: 4%
- Other disposition: 3%



## Summary of 2001 Consumer Issues: 2,400 Complaints

### **Resident Rights – 41%**

Problems of admission, transfer and discharge have been the largest single category of complaints for each of the past ten years. These problems have increased as resident needs have become more complex.

- Admission, transfer, discharge
- Autonomy
- Financial issues
- Access, information

### **Resident Care – 35%**

Over the last four years, complaints related to care have increased approximately 50% as providers struggle to recruit and retain quality staff.

- Care
- Staffing
- Abuse
- Therapy, rehabilitation
- Restraints

### **Quality of Life – 12%**

Consumer voices have been loud and clear about the importance of quality of life in long-term care. Creating a homelike environment and giving consumers control over their daily schedules is driving the rapid growth of alternatives to nursing homes.

- Environment
- Dietary
- Activities

### **Complaints About Factors Outside Facility – 7%**

Legal issues such as guardianship, conservatorship, etc. represent about one-third of the complaints in this category. These concerns are becoming more complex and taking increasing amounts of ombudsman time to resolve.

- Certification, licensure
- State medicaid agency,
- System, e.g. guardianship, conservatorship, family conflict, etc.

### **Complaints in Other Settings – 5%**

Outreach to individuals in other settings is limited and relatively new. Most ombudsman activity in these areas focuses on training and technical assistance rather than complaints.



## Reaching out!

An active presence in the community and within individual facilities is most beneficial in providing information to address issues *before* they become problems and in letting consumers and long-term care staff know where to call if there are specific questions or concerns.

The Office of the Ombudsman for Older Minnesotans and its partner, the Advocacy Center for Long-Term Care, are working collaboratively to be an active and visible resource on matters relating to long-term care. That effort takes place in facilities – with residents and staff; with residents and concerned family members on a one-to-one basis; and, via broader community education programs.

### Residents

#### Work with resident councils:

735 instances  
362 facility visits  
6,557 people

#### Work with family councils:

626 instances  
232 facility visits  
3,246 people

#### Consultations to individuals:

3,041 instances  
1,443 hours  
920 individuals

#### Community education:

110 instances  
298 hours  
1,820 people

### Facilities

#### Facility Visits (non-complaint related)

1,883 visits  
3,127 hours  
14,632 residents reached

#### Consultations to Facilities

1,488 instances  
827 hours  
1,085 individuals

#### Training to Facility Staff

213 hours  
1,768 participants

## Focus on improving systems - 2001

Under state and federal law, ombudsmen have a duty to monitor how older persons are affected by laws, rules and regulations governing health care and to recommend appropriate changes and reforms to the legislature, to public and private agencies, and to the community.

The 2001 Minnesota legislative session was extraordinary for the attention paid to long-term care issues. The Office of the Ombudsman for Older Minnesotans provided input throughout the process of conceptualizing, drafting, proposing and passing legislation.

### The Office of the Ombudsman:

- 1 Contributed to the work of the Long-Term Care Task Force**, a tri-partisan group of leaders from the legislative and executive branches, dedicated to rebalancing the long-term care system from one emphasizing institutionalization to one offering community-based options. Elements of particular importance to ombudsmen in the final legislation included:
  - Protections for residents who are moved as the result of the closure or downsizing of nursing homes;
  - Funding to provide salary increases and training opportunities for workers in nursing homes;
  - Studies to determine appropriate standards for the ratio of nurses to residents and staff time needed to investigate reports of maltreatment of vulnerable adults;
  - Requirements to identify, on a county-by-county basis, resources *and* gaps in service for those needing long-term care;
  - Development of profiles of long-term care resources (e.g., nursing homes, assisted living facilities etc) to enable consumers to make comparisons when shopping for services; and
  - Expansion of the Minnesota Board on Aging Senior LinkAge Line® to provide seniors with information on long-term care options.
- 2 Collaborated** with the Alzheimer's Association, the Office of the Attorney General, and providers **to develop and pass legislation** requiring housing with services facilities which market special services for people with dementia to provide detail, in writing, on services. Among particulars to be included: credentials of staff; criteria for deciding who may reside in special units; information on programs for residents; and, details on how the physical environment addresses the needs of residents.
- 3 Supported legislation** requiring housing-with services owners to list the toll-free telephone number of the Office of the Ombudsman for Older Minnesotans in contracts as a resource in the complaint resolution process.
- 4 Testified in support of legislation strengthening the Home Care Bill of Rights** to require that consumers receive at least ten days' advance notice of the notice of termination of a service in most cases.

## Looking ahead – 2002 and beyond

In 1995, there were 576,000 Minnesotans age 65 or older. The Bureau of the Census estimates that number will nearly double by the year 2025.

Older Minnesotans needing long-term care are impacted not only by what happens at the state Legislature in St. Paul but by decisions in Washington, D.C. as well. With the significant economic challenges facing our country, it will be important that the Office of the Ombudsman for Older Minnesotans redouble efforts to ensure that the long-term care needs of older adults are not forgotten as legislators grapple with spending decisions related to terrorism and other serious issues.

Our single, overriding priority at both the state and federal levels will be to **maintain and improve staffing** in long-term care. Experience has shown that well-qualified, professional staff are the single most important factor in determining quality in long-term care. Critical factors include:

- Appropriate staffing levels to ensure adequate attention to resident needs and avoid burnout by the professionals delivering care;
- Adequate compensation, including hourly rate and benefits;
- Training to ensure that staff have the skills to deal not only with medical needs but with behaviors inherent in some diagnoses; and
- Improve continuity of care for residents by reducing staff turnover and excessive reliance on temporary staff.

The 2002 session of the Minnesota Legislature will focus on the revenue shortfall and on the budget for capital improvements. Our emphasis will be on preserving 2001 spending commitments; tracking implementation of policies from the 2001 legislative session; and, developing strategies to improve and assure quality in a variety of long-term care settings.

*Monitoring* and *policy development* activities will focus on:

- Impact on residents of relocation resulting from closures/downsizing of nursing facilities;
- Pass-through of salary and training increases for nursing facility staff;
- Staff time needed to deliver quality long-term care;
- Staff time needed to investigate reports of maltreatment of vulnerable adults;
- Compliance with statute requiring housing with services facilities to disclose particulars of dementia care;
- Development of Quality Profiles for Nursing Homes and other long-term care services;
- Collaborative activities to assure quality in housing-with-services settings; and
- Input from counties on gaps in the long-term care service system.

Information gained from our monitoring activities will be used to develop thoughtful policy and spending recommendations for the 2003 biennial budget session.

## Funding

The work of the Office of the Ombudsman for Older Minnesotans is funded from two primary sources: **the federal government and the state of Minnesota**. In 2001, funds were leveraged by the work of nearly 100 volunteers.

Specific uses for funds include:

- **Older Americans Act:** This federal appropriation supports ombudsman services to *long-term care residents*. Federal appropriations become available on October 1 each year.
- **Minnesota General Fund:** State funds are earmarked to assist *Medicare beneficiaries* and people using *home care services*. The dollars are made available on July 1 each year. The last increase in the state appropriation occurred in 1998.

### 2001 Funding

Older Americans Act:	\$ 977,537
Minnesota General Fund:	\$ 350,000



## Minnesota Board on Aging

The Minnesota Board on Aging allocates federal Older American Act funds for many services that serve the elderly, including the Office of Ombudsman for Older Minnesotans. The Board acts as a leader and policy adviser throughout Minnesota on issues that impact older persons. The Board also serves as the governing body for the Office of Ombudsman for Older Minnesotans.

The Board is composed of 25 governor-appointed members. Board members in 2001 include:

Ken Moritz, Chair Minneapolis	Jayne Hager Dee Northfield	Richard Luk Arden Hills
Leo Amundson Eagan	Susan Holderness Edina	Jeanette Metz Mound
Sandra Anderson Brooklyn Center	Dick Jackson Princeton	Beth Nelson Eagan
Roger Boatman Jacobson	Marjorie Jamieson St. Paul	Daniel Segura Plymouth
Adrienne Breiner Owatonna	David Janovy Mankato	Carolyn Tasker Olivia
Helen Cummings Cass Lake	Ellen Johnson Minneapolis	Robert Waterman Roseville
Larry Fortner Duluth	Kay Jones Minneapolis	Elaine White Moorhead
Betsy Garcia Roseville	Betty Ann 'Penda' Kane St. Paul	
Bette Gysland Ada	Mary Koep Brainerd	

*The Minnesota Board on Aging*  
 1-800-882-6262 or 651-296-2770  
[www.mnaging.org](http://www.mnaging.org)



*Call any ombudsman office toll-free at 1-800-657-3591*

## **Ombudsman Staff**

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for Older Minnesotans**  
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Alice Negratti, Diane Levitt, Sherilyn Moe  
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Beltrami, Clearwater, Itasca, Kittson, Koochiching,  
Lake of the Woods, Mahnommen, Marshall,  
Pennington, Polk, Red Lake, Roseau

Becker, Clay, Douglas, Grant, Hubbard, Otter Tail,  
Pope, Stevens, Traverse, Wadena, Wilkin

Aitkin, Carlton, Cook, Lake, St. Louis

Benton, Cass, Crow Wing, Isanti, Kanabec,  
Mille Lacs, Morrison, Sherburne, Stearns,  
Todd, Wright

Big Stone, Chippewa, Kandiyohi, Lac Qui Parle,  
McLeod, Meeker, Renville, Swift, Yellow Medicine

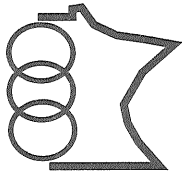
Cottonwood, Jackson, Lincoln, Lyon,  
Murray, Nobles, Pipestone, Redwood, Rock

Blue Earth, Brown, Faribault, Le Sueur,  
Martin, Nicollet, Sibley, Waseca, Watonwan

Dodge, Fillmore, Freeborn, Houston,  
Mower, Olmsted, Steele, Winona

Anoka, Carver, Dakota, Hennepin, Ramsey,  
Scott, Washington

Chisago, Goodhue, Pine, Rice, Wabasha  
(Note: the staff at the State Office provide  
service for these counties.)



*Office of Ombudsman for Older Minnesotans*  
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