

NJ State Annual Ombudsman Report for Federal FY2010 (State) - Part I.A

Agency or organization which sponsors the State Ombudsman Program: Ombudsman

Part I - Cases, Complainants and Complaints

A. Cases Opened

Provide the total number of cases opened during reporting period.

3,617

Case: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve, and follow-up.

Part I - Cases, Complainants and Complaints

B. Cases Closed, by Type of Facility

Provide the number of cases closed, by type of facility/setting, which were received from the types of complainants listed below.

Closed Case: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code.

Complainants:	Nursing Facility	B&C, ALF, RCF, etc.*	Other Settings
1. Resident	93	25	7
2. Relative/friend of resident	745	172	16
3. Non-relative guardian, legal representative	29	7	1
4. Ombudsman/ombudsman volunteer	16	0	0
5. Facility administrator/staff or former staff	1,700	442	34
6. Other medical: physician/staff	52	8	2
7. Representative of other health or social service agency or program	55	35	4
8. Unknown/anonymous	89	29	4
9. Other: Bankers, Clergy, Law Enforcement, Public Officials, etc.	29	9	0

Total number of cases closed during the reporting period:

3,603

* Board and care, assisted living, residential care and similar long-term care facilities, both regulated and unregulated

Part I - Cases, Complainants and Complaints

C. Complaints Received

For cases which were closed during the reporting period (those counted in B above), provide the total number of complaints received:

6,526

Complaint: A concern brought to, or initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to health, safety, welfare or rights of a resident. One or more complaints constitute a case.

Part I - Cases, Complainants and Complaints**D. Types of Complaints, by Type of Facility**

Below and on the following pages provide the total number of complaints for each specific complaint category, for nursing facilities and board and care or similar type of adult care facility. The first four major headings are for complaints involving action or inaction by staff or management of the facility. The last major heading is for complaints against others outside the facility. See Instructions for additional clarification and definitions of types of facilities and selected complaint categories.

Residents' Rights**Nursing
Facility****B&C, ALF,
RCF, etc.****A. Abuse, Gross Neglect, Exploitation**

1. Abuse, physical (including corporal punishment)
2. Abuse, sexual
3. Abuse, verbal/psychological (including punishment, seclusion)
4. Financial exploitation (use categories in section E for less severe financial complaints)
5. Gross neglect (use categories under Care, Sections F & G for non-willful forms of neglect)
6. Resident-to-resident physical or sexual abuse
7. Not Used

293	37
42	5
172	27
46	24
25	8
129	40

B. Access to Information by Resident or Resident's Representative

8. Access to own records
9. Access by or to ombudsman/visitors
10. Access to facility survey/staffing reports/license
11. Information regarding advance directive
12. Information regarding medical condition, treatment and any changes
13. Information regarding rights, benefits, services, the resident's right to complain
14. Information communicated in understandable language
15. Not Used

17	3
32	7
0	0
1	0
86	24
1	2
2	0

C. Admission, Transfer, Discharge, Eviction

16. Admission contract and/or procedure
17. Appeal process - absent, not followed
18. Bed hold - written notice, refusal to readmit
19. Discharge/eviction - planning, notice, procedure, implementation, inc. abandonment
20. Discrimination in admission due to condition, disability
21. Discrimination in admission due to Medicaid status
22. Room assignment/room change/intrafacility transfer
23. Not Used

7	1
0	0
17	2
301	133
5	1
2	11
36	9

D. Autonomy, Choice, Preference, Exercise of Rights, Privacy

24. Choose personal physician, pharmacy/hospice/other health care provider
25. Confinement in facility against will (illegally)
26. Dignity, respect - staff attitudes
27. Exercise preference/choice and/or civil/religious rights, individual's right to smoke
28. Exercise right to refuse care/treatment
29. Language barrier in daily routine
30. Participate in care planning by resident and/or designated surrogate
31. Privacy - telephone, visitors, couples, mail
32. Privacy in treatment, confidentiality
33. Response to complaints
34. Reprisal, retaliation
35. Not Used

1	0
42	8
170	20
37	8
34	7
23	1
15	5
22	2
38	2
17	1
17	4

E. Financial, Property (Except for Financial Exploitation)

36. Billing/charges - notice, approval, questionable, accounting wrong or denied (includes overcharge of private pay residents)
37. Personal funds - mismanaged, access/information denied, deposits and other money not returned (report criminal-level misuse of personal funds under A.4)
38. Personal property lost, stolen, used by others, destroyed, withheld from resident
39. Not Used

51	15
20	2
64	47

Resident Care**F. Care**

40. Accidental or injury of unknown origin, falls, improper handling
41. Failure to respond to requests for assistance
42. Care plan/resident assessment - inadequate, failure to follow plan or physician orders (put lack of resident/surrogate involvement under D.30)
43. Contracture
44. Medications - administration, organization
45. Personal hygiene (includes nail care & oral hygiene) and adequacy of dressing & grooming
46. Physician services, including podiatrist
47. Pressure sores, not turned
48. Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition
49. Toileting, incontinent care
50. Tubes - neglect of catheter, gastric, NG tube (use D.28 for inappropriate/forced use)
51. Wandering, failure to accommodate/monitor exit seeking behavior
52. Not Used

532	78
122	12
635	127
2	0
128	64
96	10
27	1
101	2
176	35
104	5
23	0
38	24

G. Rehabilitation or Maintenance of Function

53. Assistive devices or equipment
54. Bowel and bladder training
55. Dental services
56. Mental health, psychosocial services
57. Range of motion/ambulation
58. Therapies - physical, occupational, speech
59. Vision and hearing
60. Not Used

52	2
1	0
12	2
1	1
11	0
23	1
1	0

H. Restraints - Chemical and Physical

61. Physical restraint - assessment, use, monitoring
62. Psychoactive drugs - assessment, use, evaluation
63. Not Used

20	6
9	3

Quality of Life**I. Activities and Social Services**

64. Activities - choice and appropriateness
65. Community interaction, transportation
66. Resident conflict, including roommates
67. Social services - availability/appropriateness/ (use G.56 for mental health, psychosocial counseling/service)
68. Not Used

14	3
8	0
22	4
17	0

J. Dietary

69. Assistance in eating or assistive devices
70. Fluid availability/hydration
71. Food service - quantity, quality, variation, choice, condiments, utensils, menu

33	0
46	1
11	8

72. Snacks, time span between meals, late/missed meals	4	2
73. Temperature	5	0
74. Therapeutic diet	19	3
75. Weight loss due to inadequate nutrition	32	3
76. Not Used		

K. Environment

77. Air/environment: temperature and quality (heating, cooling, ventilation, water, noise)	21	2
78. Cleanliness, pests, general housekeeping	42	13
79. Equipment/building - disrepair, hazard, poor lighting, fire safety, not secure	26	12
80. Furnishings, storage for residents	2	1
81. Infection control	19	5
82. Laundry - lost, condition	5	1
83. Odors	10	7
84. Space for activities, dining	1	1
85. Supplies and linens	8	1
86. Americans with Disabilities Act (ADA) accessibility	0	0

Administration**L. Policies, Procedures, Attitudes, Resources (See other complaint headings, of above, for policies on advance directives, due process, billing, management residents' funds)**

87. Abuse investigation/reporting, including failure to report	65	43
88. Administrator(s) unresponsive, unavailable	17	3
89. Grievance procedure (use C for transfer, discharge appeals)	0	0
90. Inappropriate or illegal policies, practices, record-keeping	201	80
91. Insufficient funds to operate	0	0
92. Operator inadequately trained	0	0
93. Offering inappropriate level of care (for B&C/similar)	0	6
94. Resident or family council/committee interfered with, not supported	0	1
95. Not Used		

M. Staffing

96. Communication, language barrier (use D.29 if problem involves resident inability to communicate)	2	0
97. Shortage of staff	30	11
98. Staff training	9	0
99. Staff turn-over, over-use of nursing pools	2	3
100. Staff unresponsive, unavailable	12	2
101. Supervision	6	4
102. Eating Assistants	0	0

Not Against Facility**N. Certification/Licensing Agency**

103. Access to information (including survey)	0	0
104. Complaint, response to	0	0
105. Decertification/closure	0	0
106. Sanction, including Intermediate	0	0
107. Survey process	0	0
108. Survey process - Ombudsman participation	0	0
109. Transfer or eviction hearing	0	0
110. Not Used		

O. State Medicaid Agency

111. Access to information, application	0	0
112. Denial of eligibility	3	1
113. Non-covered services	0	0
114. Personal Needs Allowance	0	0
115. Services	2	0
116. Not Used		
P. System/Others		
117. Abuse/neglect/abandonment by family member/friend/guardian or, while on visit out of facility, any other person	85	18
118. Bed shortage - placement	0	0
119. Facilities operating without a license	0	0
120. Family conflict; interference	119	39
121. Financial exploitation or neglect by family or other not affiliated with facility	275	79
122. Legal - guardianship, conservatorship, power of attorney, wills	109	29
123. Medicare	0	1
124. Mental health, developmental disabilities, including PASRR	0	0
125. Problems with resident's physician/assistant	0	0
126. Protective Service Agency	0	0
127. SSA, SSI, VA, Other Benefits/Agencies	0	0
128. Request for less restrictive placement	4	0
Total, categories A through P	5,165	1,216
Q. Complaints About Services in Settings Other Than Long-Term Care Facilities or By Outside Provider in Long-Term Care Facilities (see instructions)		
129. Home care	1	
130. Hospital or hospice	94	
131. Public or other congregate housing not providing personal care	0	
132. Services from outside provider (see instructions)	50	
133. Not Used		
Total, Heading Q.	145	
Total Complaints*	6,526	

* (Add total of nursing facility complaints; B&C, ALF, RCF, similar complaints and complaints in Q, above. Place this number in Part I, C on page 1.)

Part I - Cases, Complainants and Complaints**E. Action on Complaints**

Provide for cases closed during the reporting period the total number of complaints, by type of facility or other setting, for each item listed below.

	Nursing Facility	B&C, ALF, RCF, etc.	Other Settings
1. Complaints which were verified:	1,993	601	54

Verified: It is determined after work [interviews, record inspection, observation, etc.] that the circumstances described in the complaint are generally accurate.

2. Disposition: Provide for all complaints reported in C and D, whether verified or not, the number:

a. For which government policy or regulatory change or legislative action is required to resolve (this may be addressed in the issues section)

1	2	0
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b. Which were not resolved* to satisfaction of resident or complainant

153	59	3
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c. Which were withdrawn by the resident or complainant or resident died before final outcome of complaint investigation

117	45	5
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d. Which were referred to other agency for resolution and:

1) report of final disposition was not obtained

24	9	7
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2) other agency failed to act on complaint

0	0	0
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3) agency did not substantiate complaint

0	0	0
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e. For which no action was needed or appropriate

143	51	3
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f. Which were partially resolved* but some problem remained

451	126	11
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g. Which were resolved* to the satisfaction of resident or complainant

4,276	924	116
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Total, by type of facility or setting

5,165	1,216	145
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Grand Total (Same number as that for total complaints on pages 1 and 7)

6,526

** Resolved: The complaint/problem was addressed to the satisfaction of the resident or complainant.*