

All Hands On Deck

RESIDENT-CENTERED COMPLAINT RESOLUTION, A COLLABORATIVE APPROACH

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Objectives

- ▶ Participants will be able to identify the regulations related to the Grievance Process.
- ▶ Participants will be able to implement ways to minimize State involvement with resident concerns by improving communication, collaboration, and empowerment by all parties involved in the care of a resident.
- ▶ Participants will be able to identify ways to work more collaboratively with the Long-Term Care Ombudsman.

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Grievance F585

- ▶ Residents' grievances can be about any aspect of a resident's life in the nursing home including whether there are enough staff, how staff treat the resident, the quality or choice of food, residents' rights, or quality of care.



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F585 Grievances

» **F585**

» **§483.10(j) Grievances.**

» **§483.10(j)(1)** The resident has the right to voice grievances to the facility or other agency or entity that hears grievances without discrimination or reprisal and without fear of discrimination or reprisal. Such grievances include those with respect to care and treatment which has been furnished as well as that which has not been furnished, the behavior of staff and of other residents, and other concerns regarding their LTC facility stay.

» **§483.10(j)(2)** The resident has the right to and the facility must make prompt efforts by the facility to resolve grievances the resident may have, in accordance with this paragraph.

» **§483.10(j)(3)** The facility must make information on how to file a grievance or complaint available to the resident.

» **§483.10(j)(4)** The facility must establish a grievance policy to ensure the prompt resolution of all grievances regarding the residents' rights contained in this paragraph.

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**State Operations Manual Chapter 7 –
Survey and Enforcement Process for Skilled Nursing Facilities and
Nursing Facilities**

The nursing home reform regulation establishes several expectations.

» The **First** is that providers remain in substantial compliance with Medicare/Medicaid program requirements as well as State law.

» The **Second** expectation is that all deficiencies will be addressed promptly.

» The **Third** expectation is that residents will receive the care and services they need to meet their highest practicable level of functioning.

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FACT: The Grievance process is the front-line response system for addressing residents' problems.

» Right to voice grievance.

» Grievance without discrimination, retaliation, or fear.

» Swift efforts to resolve grievances.

» Filing a complaint with the Ombudsman.

» Lastly...State Survey Agency...

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Right to Voice Grievance


Complaint process is the front-line response system for addressing problems

Grievances without **discrimination** or **retaliation**, or **fear**.

Swift efforts to **resolve grievances**.

Filing a complaint with the **Ombudsman** or the **State Survey Agency**.

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Health Care Surveyors


The Purpose Of Health Care Surveyors' Position Is To Determine Initial And Continuous Compliance Of Federal Certified Providers With Applicable Portions Of The Code Of Federal Regulations (CFR).

The Survey Process Is Guided By The Federal State Operation Manual (SOM).

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Surveyor Questionnaire

A Survey Was Conducted With The Surveyors Using Relevant Questions About Their Experience With Resident Complaints...



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As A Surveyor, Which Resident Concerns Do You Come Across The Most?

Infection Control ;Quality of Care Concerns; Abuse, neglect...	Infection Control ;Physical Environment; Food and Nutrition...	Quality of Life Concerns; Food and Nutrition; Infection Control...
Nursing Services; Quality of Care; Quality of Life Concerns...	Nursing Services; Resident Rights ;Quality of Care Concerns...	Quality of Life Concerns; Abuse; Nursing Services ;Quality of Care Concerns; Food and Nutrition...

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What innovative ways have you seen facilities address resident complaints related to the following:

As we all know staffing challenges continue to plague LTC - retention programs (financially driven), feeding the floor, being available to staff to listen and respond to concerns. To be perfectly honest, there is not a lot of innovation going on out there, therefore high rates of complaints being funneled to the SA.	Use Of Messaging/Text For Staffing Needs And Family Notification.	Concern Forms And Concern Committee
Facilities...are Not Coordinating Their Internal Processes And Focusing On Bringing Complaints Internally, Then Processing Them Seriously And Per Policy.	Turnover-sign On Bonus, Longevity Pay, Some Even Gave Up Testing For Marijuana...I Can't Think Of Any Other Examples. I Sure Wish I Could...	Facility has food council.

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In 4 Words Or Less, What Is The Missing Factor In Addressing Residents:

Humanity, Honesty, Supervision, Profits	If They Treated The Residents As If They Were Their Own Family Complaints Might Be Less	Lack Of Follow-through	Listening And Understanding The Actual Complaint	Knowledge, Competence, Engagement
Ombudsman Seeing Resident First	Compassion, Decision Making, Quality Of Life	Don't Deny The Complaints, Or Address The Complaints Head-on	Time And Money	Not Proactive, Reactive, Follow Up
Compassion, Task Oriented, Careless, Morale	Empathy, And Obligations.	Compassion, Empathy, Thinking Outside The Box, Having Meaningful Conversations With The Residents And Families.		

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Answer:
 •21 YES

Answer
 •9 No

Are Your Facilities Making Reasonable Modifications To Meet Resident Needs And Preferences?

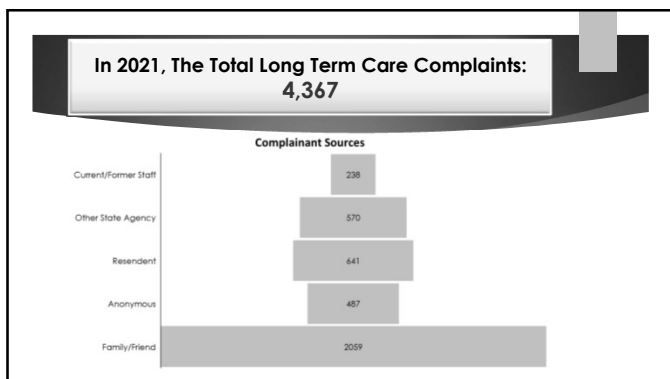
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Do The Facilities Engage The Ombudsman?

Answer: 9 No
Answer: 12 Yes


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SPEAK UP!

► Too often residents and families are hesitant to file a grievance about problems with their nursing home's care or quality of life.



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WE ARE IN THIS TOGETHER!!!

"Individually, we are one drop. Together, we are an ocean." — Ryunosuke Satoro,



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Michigan Long Term Care Ombudsman Program

Role of the Ombudsman

- Resident Empowerment
- Information and Assistance
- Education
- Resident and Family Councils

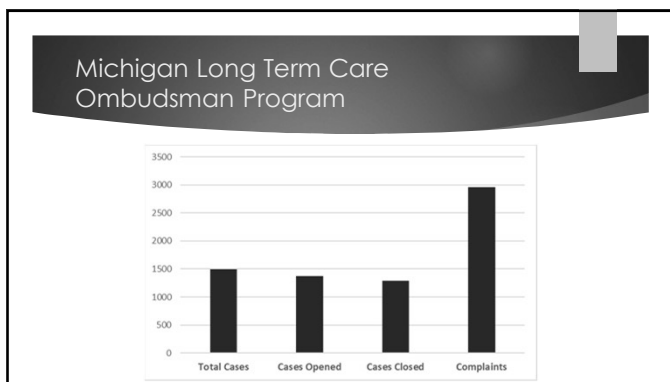
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Michigan Long Term Care Ombudsman Program

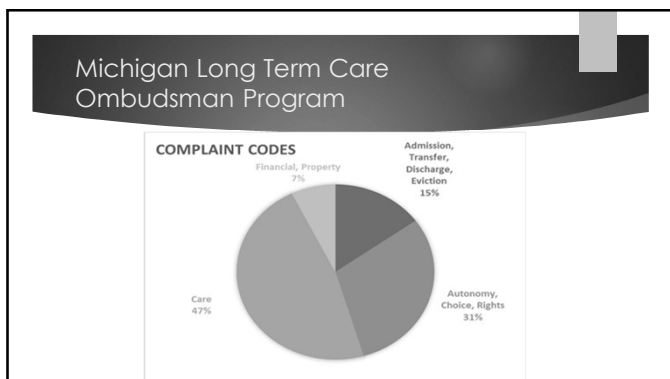
Concerns

- ➔ Residents
- ➔ Family/Friends
- ➔ Staff

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Michigan Long Term Care
Ombudsman Program

Information and Assistance

6,681

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Michigan Long Term Care
Ombudsman Program

Ombudsman Involvement

- ➔ Work Together
- ➔ Be a Resource
- ➔ Creativity
- ➔ Different Perspective
- ➔ Quality and Improvement
- ➔ Communication

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Michigan Long Term Care
Ombudsman Program

Examples

- ➔ Medilodge Abuse Prevention
- ➔ Move Out of State
- ➔ Weekly Visits

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Why Complain?

Why do we complain?

According to Dr. Guy Winch, author, "We complain when we feel there is a significant gap between an expectation and reality."



What creates the gap?

Communication is quite often at the root of the problem.
What best practices can we put in place to reduce and elimination these gaps?

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Being Heard

Communication starts with having a voice and a person or people who will truly listen and receive the message.

Do all stakeholders have a way to truly be heard? Is there trust that all involved feel safe to share?

Stakeholders may include:

Residents
Family Members
Care Providers—CNAs, Nurses, Housekeepers, Activities Professionals, Nutrition Services
Leadership Staff
Agency and Contract Staff
Physicians



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Communication Tools

Resident Communication Tools—How can residents be heard?

- Resident Council—how active is your facility's Council. Does it drive change? If not, why not?
- MBWA—Management by Walking Around—how visible are your leaders? Are they available regularly for residents to speak with and share? Does a trusting relationship exist? Are you open to hearing the concerns?
- Do residents feel comfortable sharing concerns with direct caregiving staff? What happens to the information?



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Communication Tools

Staff and Agency Communication Tools—If facility or temporary staff hear a concern, what do they do with that knowledge?

- Team Huddles—Resident Concerns Section
- Shift to shift report—How thorough is it? Do caregivers receive a list for each shift of tasks? Can a section for concerns be added, particularly if agency staff is working and may not know who to go to?
- Example: Did this resident express any concerns during your shift?
- Who reviews and follows up? Follow-up is essential.

Did this resident express any concerns during your shift?

- ☐ Yes
☐ No

If yes, please check the nature of the concern stated:

- ☐ Activities of Daily Living
☐ Food
☐ Staffing/Wait Times
☐ Mood
☐ Other _____

Thank you for providing this valuable information.

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Addressing the Gaps

If complaints originate from gaps that exist between expectations and reality, and communication tools can help identify concerns, how do you then help to bridge those gaps?

- Honesty—Does leadership converse regularly with residents and family members? Are the facility's goals and challenges communicated, as well as plans to improve? Would attending Resident Council aid in communication?
- Inclusion—Are residents and family members part of the team? Are they included in problem identification and problem solving? Just by opening up and expanding communication, the gaps can be made smaller.
- Relationships—Forming a relationship and knowing each other as people. In a facility that acts together as a small community, concerns and issues are solved together. Foster relationships across all stakeholders.
- Quality Standards—What are the facility's standards? Does the facility have the staffing to meet those standards? Are complaints likely in the current environment? What adjustments should be made to admissions, staffing patterns, complexity of care needs, etc.? In your role, do you have a voice to express what the challenges are and make those changes?

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Changing the Perception of Complaints



Long Term Care has never been for the faint of heart. The last two years have pushed us to new levels of "character building."

When feeling depleted already, what is the response to receiving a complaint or concern?

- > Negativity?
- > Anger/Fight?
- > Fear/Fight?
- > Frustration?

Can that perception change to one of opportunity or growth? Your team is watching and will mirror what leaders do.

- > Open up communication with an unhappy party right away. Allowing it to fester will only make it grow. No concern is too small or irrelevant to the person making the concern, even if you have things that feel so much bigger going on.
- > Help your team to gain confidence in conflict resolution and not to shy away from discussing concerns and keeping communication open.

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The Chronic Complainer

- The coffee is too hot.
- The coffee is too cold.
- This mattress is too firm.
- This mattress is too soft.
- You took too long to answer my light.
- You came back before I was done using the restroom.
- This food is too bland.
- This food is too spicy.

What is the Motivation for a Chronic Complainer?

- Negative attention is better than no attention?
- Lifelong pattern
- Has our environment compounded the problem?
- Are loneliness, helplessness, and boredom affecting this individual?
- Is this individual's only purpose in life to complain? What other purpose can be found? What positives can be reinforced?
- Is a visit from a State Surveyor or the Ombudsman better than no visitors at all? Can we help this individual to foster more quality relationships within your facility's community?

"Loneliness, helplessness, and boredom are painful and destructive to our health and well-being."—The Eden Alternative Principle 1

To chronic complainers I say:
"good to see you" instead of
"how are you?"

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Resource Materials

- State Operations Manual for Nursing Homes
- CMS Critical Element Survey Pathways
- The Compliance Store "Resident and Family Grievances"
- "Haleigh's Almanac" by the Eden Alternative
- "Life Worth Living" by Dr. William H. Thomas M.D.

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Audience Case Studies

HOW WOULD YOU RESPOND?

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Case Study 1 – L Horvath

Peri Care

- ▶ A resident's family is very active in their loved ones care. The resident is non-verbal and relies on the family to communicate needs. The family often will request that care be performed in a manner acceptable to them.
- ▶ The families most recent request is that a clean wash cloth is used for each peri care task. This will require the nursing home to use multiple wash cloths during a single peri care event.
- ▶ The family is complaining that a single wash cloth is being used for each event.

▶ **How would you resolve?**

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Case Study 2 – Bagby

Next study title

- ▶ A new resident's family complained to the Quality department that everything they were doing at the facility was wrong.
- ▶ The food is the wrong food.
- ▶ The therapists aren't pushing hard enough in therapy.
- ▶ Not enough staff- the hospital had way more staff than the facility
- ▶ Family wanted bed rails, just like the hospital.

▶ **How would you resolve?**

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Thank you for your kind attention.

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Case Study 3 – Lead person

Next study title

► Scenario

► Scenario

► Scenario

► How would you resolve?

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Case Study 4 – Lead person

Next study title

► Scenario

► Scenario

► Scenario

► How would you resolve?

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