

# **How to Prevent Elder Abuse and Neglect at Nursing and Skilled Nursing Facilities and other Residential Care for the Elderly (RCFE)**

Charitable non-profit organization Oral Disability Rescue (ODR)

[www.oraldisabilityrescue.org](http://www.oraldisabilityrescue.org)

## **California Ombudsman**

Whenever an issue of elder abuse or nursing home neglect arises, a California ombudsman should be one of the first people you contact. If a senior is not getting treated properly, the only option is to reach out for help.

An ombudsman gives you immediate options in assisting your loved one. Often, it is difficult to move a senior individual right away if they are in a nursing home. Many people often try to file a complaint, which typically ends up going unresolved.

The nursing home administration may ignore your complaints or brush them off with excuses, which is extremely frustrating when you are heartbroken and watching your loved one cope with the effects of abuse. If the administration isn't able to resolve your issue, a California ombudsman can help you get on the right path to a resolution.

## **WHAT IS AN OMBUDSMAN IN CALIFORNIA?**

So, what is the duty of an ombudsman? With a California ombudsman, you gain an advocate for nursing home residents who are dealing with problems in their living atmosphere. They assist with problems like senior abuse in residential care homes, nursing homes, and assisted living communities.

The ombudsman essentially helps senior abuse victims in understanding their rights within the legal system and how to conduct proper conflict resolution with their nursing home or assisted living facility. Their entire job is to deal with complaints and to seek improvements in long-term care. This position was made due to the many abuse issues which vulnerable individuals deal with on a consistent basis.

Decades ago, the government created the Medicaid and Medicare programs. Factors that arose during that time led to a rapid increase in senior abuse. And in 1971, as the number

of elder abuse cases continued to rise, President Nixon decided to make a community-based program to solve the problem.

In 1978, the Nursing Home Ombudsman Program was created through amendments to the Older Americans Act. Three years later in 1981, the government changed the program to include assisted living locations as well. Now, all 50 states are required to have an Ombudsman Program, providing access to the ombudsman elderly abuse victims need.

Whether a nursing home violated an elder abuse law or was negligent in their responsibilities, a California ombudsman will know what to do. They have extensive training in understanding how to deal with complaints and investigate senior abuse reporting. Senior abuse is sadly a common occurrence, so ombudsmen have a great deal of experience in handling elder abuse cases in nursing homes.

### **HOW CAN A CALIFORNIA OMBUDSMAN HELP?**

Elder abuse and neglect are major issues both in California and across the country. These instances are generally handled by providers within the state's Department of Aging.

Through this program, California residents will find ombudsman program branches that are placed throughout the state. Each branch helps with elder abuse reporting and quality of life issues. With the ombudsmen California resources, residents can hopefully get on the path to resolve their quality of care problems and stop any suspected senior abuse.

An ombudsman in California is also an educational resource for everyone who works, lives in, or goes to a long-term care facility. They provide training options for items like mandatory reporting procedures and the rights that residents have as a tenant. An ombudsman can also help people with conflict resolution services as they try to resolve the problem.

Their goal is to look closely at the allegation and determine its credibility. If the accusation is verified, the ombudsman advocates for the individual's wishes to resolve the complaint. And because of this, the ombudsman generally plays the roles of mediator and counselor instead of simply a lawyer.

### **WHAT IS THE ROLE OF A CALIFORNIA OMBUDSMAN IN A LONG-TERM CARE FACILITY?**

Elder abuse in California is something no one should go through. A long-term care ombudsman offers help for problems connected to health, personal preferences, daily care,

and other issues of neglect or oversight. These problems can range from things like dietary concerns to overall poor quality of care.

You can turn to a California ombudsman if you feel your rights or dignity are being violated. The ombudsman helps combat Medicare issues, rehabilitation problems, therapy difficulties, and problems with medical care. They can also help in cases of mental, physical, financial, and verbal abuse.

Even if a nursing home discharges or transfers a resident improperly, an ombudsman can lend a helping hand. They're also able to help if an elderly citizen has been inappropriately treated with the use of physical restraints, drugs, or other chemicals.

When someone goes to a California ombudsman for nursing homes, that individual will be their advocate throughout the process. The ombudsman can only follow the resident's express wishes as they resolve the case, as long as they are within the boundaries of the law. They might work with the nursing home to resolve the problem, but their main goal is to ensure the individual who was wronged is treated fairly.

An ombudsman provides their services for free, so anyone can get help for investigating and reviewing reports of abuse. They keep all complaints confidential as they investigate the long-term care facilities and underlying issues.

Residents can feel confident regarding the quality of support they get as each ombudsman goes through extensive training. They initially complete a supervised internship and 36 hours of training. Moving forward, they must undergo at least 12 hours of continuing education every year.

California ombudsman regulations allow volunteers to serve in this position. With nearly 80% of ombudsman in California doing this voluntarily, odds are the individual you work with is not being paid for these services.

**SO, WHAT POWER DOES A CALIFORNIA OMBUDSMAN HAVE? AND MORE IMPORTANTLY, ARE THEY REALLY ABLE TO HELP YOU OUT?**

An ombudsman is responsible for working directly with the government and law enforcement to investigate cases. When they collaborate with residents, nursing homes, and family members, it is generally as an advocate. Their main role is to protect seniors from mistreatment, abuse, and negligence.

The entire process starts when the ombudsman visits the nursing home in question. These visits are completely random, leaving the nursing home with no clue when the investigation will happen. During this tour, the ombudsman is able to check for common examples of elder abuse and gain an understanding of what is going on in the nursing home or assisted care facility.

The ombudsman searches for warning signs of elder abuse and neglect. And in some cases, a simple visit to the nursing home is all it takes to change the situation. Once the nursing home knows it is being watched, it immediately improves the care it provides to each resident.

Later on, the ombudsman reports their findings to different branches of the government. They also collect and analyze data about various kinds of complaints. After each visit, the ombudsman enters their records into the National Ombudsman Reporting System to help policymakers spot chronic problems.

When it comes to family members and friends, the ombudsman works to communicate problems to the nursing home and find ways to fix them. They are a resource for loved ones and help to resolve these problems before they get out of hand. Through the ombudsman, the resident feels like their complaint is being productively handled.

The signs and symptoms of elder abuse can be difficult to spot. Once you notice the signs of nursing home abuse, you should make a complaint and get the nursing home to resolve the issue. If this does not happen, your local ombudsman can help you get the assistance you need.

No one should have to deal with elder abuse and neglect. Trust your instincts if something feels wrong, and get help. Your ombudsman will help you enforce elderly abuse laws and protect your rights.

## **Federal Regulations**

<https://www.oraldisabilityrescue.org/federal-regulations/>

You should know that Title 22 of the California code is superseded by the Code of Federal Regulations, US Code Title 42:§ 483.55 Dental services.

The facility must assist residents in obtaining routine and 24-hour emergency dental care.

### **(a) Skilled nursing facilities.**

A facility

- (1) Must provide or obtain from an outside resource, in accordance with §483.75(h) of this part, **routine and emergency dental services** to meet the needs of each resident;
- (2) May charge a Medicare resident an additional amount for routine and emergency dental services;
- (3) Must if necessary, assist the resident— (i) In making appointments; and (ii) By arranging for transportation to and from the dentist's office;
- (4) Promptly refer residents with lost or damaged dentures to a dentist.

### **(b) Nursing facilities.** The facility

- (1) Must provide or obtain from an outside resource, in accordance with §483.75(h) of this part, the following dental services to meet the needs of each resident: (i) **Routine dental services** (to the extent covered under the State plan); and (ii) Emergency dental services;
- (2) Must, if necessary, assist the resident— (i) In making appointments; and (ii) By arranging for transportation to and from the dentist's office;
- (3) Must promptly refer residents with lost or damaged dentures to a dentist. [56 FR 48875, Sept. 26, 1991]

## **HOW CAN THE CHARITABLE ORGANIZATION ORAL DISABILITY RESCUE HELP?**

There are times when the Ombudsman is not able to resolve the issues. Or you may have questions that require a legal expert to assist to help you confirm and validate your complaints. In addition, you may want to simply gain a better understanding of your situation and your legal rights. In those cases, you will want to contact the charitable non-profit organization Oral Disability Rescue ([www.oraldisabilityrescue.org](http://www.oraldisabilityrescue.org))

If you have suspected elder abuse, please send an email to [info@oraldisabilityrescue.org](mailto:info@oraldisabilityrescue.org)