

United Senior Action Foundation
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Indianapolis, IN 46225
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www.usaindiana.org

ADDRESSING NURSING HOME PROBLEMS

General Guide To Problem Solving Within The Nursing Home

Listed below are some approaches that a family member can take to address a nursing home problem. (Note: these steps do not have to be followed in this order.)

1. Use the facility's grievance procedure.
2. Raise your concerns at the next care plan conference or request a special care plan conference.
3. Discuss the problem with facility staff.
 - Talk with staff supervisors or department heads.
 - Request a special meeting with the administrator.
4. Go up the ladder.
5. Raise the concern at the family council or to the president of the family council.

For guidance and suggestions related to a specific situation:

1. Contact the United Senior Action Foundation Resident Quality and Family Empowerment Project: 800-495-0872.
2. Contact the Indiana Long-Term Care Ombudsman Program: (317) 232-7134 or (800) 622-4484.

Seeking Help Outside The Nursing Home

If one or a combination of the approaches listed above does not resolve the problem you are experiencing, there are organizations, agencies and programs you can turn to for help outside the nursing home. (Note: these are not listed in any particular order.)

1. Indiana Long-Term Care Ombudsman Program

Long-term care ombudsmen serve as advocates for nursing home residents. Ombudsmen work to ensure the health, safety, welfare and rights of residents by:

- Investigating/working to resolve complaints, concerns or problems voiced by residents or their representatives;
- Providing information about residents' rights and facility responsibilities; and
- Working for improvements in the long-term care system.

Ombudsman services are free and confidential. Each facility is covered by a long-term care ombudsman. If you don't know who your local ombudsman is or how to reach your local ombudsman, you can contact the state office:

Indiana Long-Term Care Ombudsman Program
Bureau of Aging and In-Home Services
402 West Washington Street
Room W454
P.O. Box 7083
Indianapolis, IN 46207-7083
(317) 232-7134 or (800) 622-4484

2. Indiana State Department Of Health

The Indiana State Department of Health investigates all complaints about care, treatment, rights, staffing, food and other conditions and services for which the nursing home is responsible. However, the Department of Health only investigates problems that relate to the state and federal regulations governing nursing homes.

You can work for resolution of your problem in two ways:

- a) You can talk to the Department of Health surveyors (inspectors) when they are inspecting the nursing home. You will know they are in the building because signs will be posted. You can ask to speak to the surveyors in private and tell them about your concerns. Providing this information to the surveyors may result in a violation being cited that leads to the correction of the problem.
- b) You can file a complaint with the Department of Health by calling or writing:

Complaint Unit
Division of Long Term Care
Indiana State Department of Health
2 North Meridian St., Section 4-B
Indianapolis, IN 46204
1-800-246-8909

If you file a complaint by phone, it is a very good idea to follow up the call with a written letter.

3. Adult Protective Services (APS)

Adult Protective Services investigators investigate reports of abuse, neglect or exploitation of endangered adults 18 years or older. If you do not know the address of your local APS investigator, you can contact the state office.

Adult Protective Services

Bureau of Aging and In-Home Services

402 West Washington Street

MS 21

Room W454

P.O. Box 7083

Indianapolis, IN 46207-7083

(317) 232-0135

1-800-992-6978

4. Medicaid Fraud Control Unit

The duties of this unit include investigation of abuse and neglect of residents of long-term care facilities and theft of residents' personal funds.

Medicaid Fraud Control Unit

8005 Castleway Drive

Indianapolis, IN 46250

(317) 232-6520

800-382-1039

5. Law Enforcement Agencies.

Local law enforcement agencies are responsible for investigating crimes *wherever* they occur. Should you believe that your loved one has been the victim of a crime in the nursing home, contact a local law enforcement agency immediately.

6. Protection and Advocacy Services

This agency works to address concerns about care, treatment and rights of residents who are developmentally disabled and/or mentally ill.

Protection and Advocacy Services

4701 N. Keystone Avenue

Suite 222

Indianapolis, IN 46205

(317) 722-5555

800-622-4845

7. Licensing Boards

There are a variety of boards that license health professionals such as nursing home administrators, doctors, and nurses. These boards also investigate complaints filed against these health care professionals. To file a complaint you must contact the Consumer Protection Division of the Attorney General's office and obtain a complaint form.

Consumer Protection Division
Office of the Attorney General
402 West Washington Street
Indiana Government Center South
5th Floor
Indianapolis, IN 46204
(317) 232-6330
800-382-5516

8. Legal Assistance

a) Elder law firms

Private attorneys can often help get a problem resolved or can assist you in seeking compensation and justice when your loved one has been harmed or neglected in a nursing home. It is important to get help from an attorney who is knowledgeable about nursing home laws and regulations and who is familiar with issues involving nursing home care. "Elder law" attorneys may be most helpful in this regard as they focus their practice on issues frequently confronted by the elderly and their families.

In Indiana, certain attorneys have been certified as specialists in Elder Law. To find an elder law attorney in your area, you can contact the National Academy of Elder Law Attorneys:

National Academy of Elder Law Attorneys
1604 N. Country Club Rd.
Tucson, AZ 85716-3915
(520) 881-4005

b) Legal Services Organizations

Legal Services Organizations provide free assistance to those who meet certain financial criteria. For more information, contact:

Legal Services Organization of Indiana, Inc.

151 N. Delaware Street
Suite 1800
Indianapolis, IN 46204
(317) 631-9410 or 800-869-0212