

**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)	293	37
2. Abuse, sexual	42	5
3. Abuse, verbal/psychological (including punishment, seclusion)	172	27
4. Financial exploitation (use categories in section E for less severe financial complaints)	46	24
5. Gross neglect (use categories under Care, Sections F & G for non-willful forms of neglect)	25	8
6. Resident-to-resident physical or sexual abuse	129	40
7. Not Used		

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

8. Access to own records	17	3
9. Access by or to ombudsman/visitors	32	7
10. Access to facility survey/staffing reports/license	0	0
11. Information regarding advance directive	1	0
12. Information regarding medical condition, treatment and any changes	86	24
13. Information regarding rights, benefits, services, the resident's right to complain	1	2
14. Information communicated in understandable language	2	0
15. Not Used		

**C. Admission, Transfer, Discharge, Eviction**

16. Admission contract and/or procedure	7	1
17. Appeal process - absent, not followed	0	0
18. Bed hold - written notice, refusal to readmit	17	2
19. Discharge/eviction - planning, notice, procedure, implementation, inc. abandonment	301	133
20. Discrimination in admission due to condition, disability	5	1
21. Discrimination in admission due to Medicaid status	2	11
22. Room assignment/room change/intrafacility transfer	36	9
23. Not Used		

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

24. Choose personal physician, pharmacy/hospice/other health care provider	1	0
25. Confinement in facility against will (illegally)	42	8
26. Dignity, respect - staff attitudes	170	20
27. Exercise preference/choice and/or civil/religious rights, individual's right to smoke	37	8
28. Exercise right to refuse care/treatment	34	7
29. Language barrier in daily routine	23	1
30. Participate in care planning by resident and/or designated surrogate	15	5
31. Privacy - telephone, visitors, couples, mail	22	2
32. Privacy in treatment, confidentiality	38	2
33. Response to complaints	17	1
34. Reprisal, retaliation	17	4
35. Not Used		

**E. Financial, Property (Except for Financial Exploitation)**

36. Billing/charges - notice, approval, questionable, accounting wrong or denied (includes overcharge of private pay residents)	51	15
37. Personal funds - mismanaged, access/information denied, deposits and other money not returned (report criminal-level misuse of personal funds under A.4)	20	2
38. Personal property lost, stolen, used by others, destroyed, withheld from resident	64	47
39. Not Used		

**Resident Care**

**F. Care**

40. Accidental or injury of unknown origin, falls, improper handling	532	78
41. Failure to respond to requests for assistance	122	12
42. Care plan/resident assessment - inadequate, failure to follow plan or physician orders (put lack of resident/surrogate involvement under D.30)	635	127
43. Contracture	2	0
44. Medications - administration, organization	128	64
45. Personal hygiene (includes nail care & oral hygiene) and adequacy of dressing & grooming	96	10
46. Physician services, including podiatrist	27	1
47. Pressure sores, not turned	101	2
48. Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition	176	35
49. Toileting, incontinent care	104	5
50. Tubes - neglect of catheter, gastric, NG tube (use D.28 for inappropriate/forced use)	23	0
51. Wandering, failure to accommodate/monitor exit seeking behavior	38	24
52. Not Used		

**G. Rehabilitation or Maintenance of Function**

53. Assistive devices or equipment	52	2
54. Bowel and bladder training	1	0
55. Dental services	12	2
56. Mental health, psychosocial services	1	1
57. Range of motion/ambulation	11	0
58. Therapies - physical, occupational, speech	23	1
59. Vision and hearing	1	0
60. Not Used		

**H. Restraints - Chemical and Physical**

61. Physical restraint - assessment, use, monitoring	20	6
62. Psychoactive drugs - assessment, use, evaluation	9	3
63. Not Used		

**Quality of Life**

**I. Activities and Social Services**

64. Activities - choice and appropriateness	14	3
65. Community interaction, transportation	8	0
66. Resident conflict, including roommates	22	4
67. Social services - availability/appropriateness/ (use G.56 for mental health, psychosocial counseling/service)	17	0
68. Not Used		

**J. Dietary**

69. Assistance in eating or assistive devices	33	0
70. Fluid availability/hydration	46	1
71. Food service - quantity, quality, variation, choice, condiments, utensils, menu	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		
<b>P. System/Others</b>		
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
<b>Total, categories A through P</b>	<b>5,165</b>	<b>1,216</b>

**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	
<b>Total, Heading Q.</b>	<b>145</b>

**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
b. Which were not resolved* to satisfaction of resident or complainant	153	59	3
c. Which were withdrawn by the resident or complainant or resident died before final outcome of complaint investigation	117	45	5
d. Which were referred to other agency for resolution and:			
1) report of final disposition was not obtained	24	9	7
2) other agency failed to act on complaint	0	0	0
3) agency did not substantiate complaint	0	0	0
e. For which no action was needed or appropriate	143	51	3
f. Which were partially resolved* but some problem remained	451	126	11
g. Which were resolved* to the satisfaction of resident or complainant	4,276	924	116

<b>Total, by type of facility or setting</b>	<b>5,165</b>	<b>1,216</b>	<b>145</b>
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<b>Grand Total (Same number as that for total complaints on pages 1 and 7)</b>			<b>6,526</b>
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*\* Resolved: The complaint/problem was addressed to the satisfaction of the resident or complainant.*