



Know Your Rights

A Guide for Kentucky's Long-Term Care Residents

Provided to you by...

The Nursing Home Ombudsman Agency of the Bluegrass

3138 Custer Drive, Suite 110

Lexington, KY 40517

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www.ombuddy.org

The Nursing Home Ombudsman Agency works to advance the rights of long-term care residents in the 17 county Bluegrass Area Development District.

Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford

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Dear Friends,

The Nursing Home Ombudsman Agency (NHOA) prepared this guide to help you and your loved ones become aware of your specific legal rights. This booklet is a summary of your rights as a resident of a facility and as a citizen of the Commonwealth of Kentucky and the United States of America. The information was gathered from both state and federal laws/regulations/educational materials, the National Consumer Voice for Quality Long-term Care www.theconsumervoice.org and National Ombudsman Resource Center libraries, Kentucky's Office of the Attorney General www.ag.ky.gov/consumer, and the resource collection at NHOA www.ombuddy.org.

Residents' Rights place a strong emphasis on individual dignity and self-determination. It is easier to exercise your rights for a better long-term care experience if you are knowledgeable and empowered.

In long-term care, there are many factors that affect your own sense of empowerment. The experience of being sick and living with extreme illness can dampen your sense of self and your capabilities. Sudden changes in health, independence, and living arrangements may cause a sense of powerlessness. New residents (both those planning to stay short-term and those staying long-term) find themselves thrust into a new environment with new rules and social codes. It is not uncommon to have questions about what you are allowed to do and what your rights are. We are here to provide you needed information, support, and encouragement as you exercise your rights.

It is important to know your rights because they are the same rights that your fellow residents have. It is our hope that every resident will feel comfortable to be themselves, freely participate in a community of people, and deal with the problems of everyday life. It is equally important that residents respect each other's differences.

Ombudsmen also understand that you don't want to upset your caregivers, and sometimes you may not have the energy to figure out how to get help. Your ombudsman is here to provide you with information and help you resolve any concerns you may have. Your facility ombudsman will regularly visit you. It is our hope that you will enjoy these visits and feel completely free to ask questions, discuss what is on your mind, or let us help you with any complaints or concerns you may have. We are on YOUR side!

Please read this booklet carefully and keep it for future reference. Your facility ombudsman gave you this booklet to help you understand and exercise your rights. If you have any questions about your rights just ask your ombudsman to explain them to you.

Sincerely,

Denise Kennedy
Bluegrass District Ombudsman
(859) 277-9215
denisekennedy@ombuddy.org

What is the Nursing Home Ombudsman Agency?

The mission of the Nursing Home Ombudsman Agency of the Bluegrass, Inc. (NHOA) is to improve the quality of care for all residents living in long-term care facilities regardless of age, race, color, religion, gender, sexual orientation, gender identity, national origin, and disability.

NHOA's award-winning Ombudsman Program employs ombudsmen to advocate for residents by developing relationships with residents and families. Residents know they have an advocate on their side at all times.

If you have questions or concerns about your ombudsman please contact Denise Kennedy, the Bluegrass District Ombudsman of the Nursing Home Ombudsman Agency of the Bluegrass, Inc. at 1-859-277-9215 or toll free at 1-877-787-0077.

What does a Nursing Home Ombudsman do?

- Protects the rights of all residents
- Identifies, investigates, and works to solve problems
- Provides regular friendly visits to all residents
- Provides services to all residents
- Provides information and assistance to the community
- Monitors government actions affecting residents
- Educates facilities and providers

What can I expect in the first few weeks of moving into a nursing home?

The facility must complete a *comprehensive assessment* within 14 days of your admission to the facility. The purpose of an assessment is to evaluate your physical and mental condition including your ability to perform activities of daily living (ADL) such as eating, dressing, walking, bathing, and communicating. Your personal preferences and habits should also be discussed.

Within 7 days of your assessment, the facility must hold a *care plan conference*. The care plan outlines how the staff will assist you on a daily basis to ensure that you maintain the highest levels of physical, mental, and social functioning.

It is very important that you attend and a loved one attend (if available) to participate in the meeting. You (or your family) can also ask your ombudsman to attend the care plan conference with you.

Who will be taking care of me?

- Certified nursing assistants (CNA) provide most of your day-to-day needs.
- Registered Nurses (RN) and/or Licensed Practical Nurses (LPN) manage your care and supervise the CNAs. The RN or LPN usually distributes your medications.
- Director of nursing (DON) is in charge of all the nursing services in the facility.
- Social services assist in maintaining or improving your ability to manage physical, mental, and psychosocial needs.
 - Director of dietary services oversees your dietary needs.
 - Administrator oversees the operations of the entire facility.

What is a care plan?

A care plan is an agreement between the resident and the facility about how both medical and non-medical care will be provided. For example a care plan may include how nurse aides will help you walk to each meal to build your strength, or can address issues with your roommate. The plans must be reviewed regularly, and revised as needed. Finally, you should feel confident and comfortable with how the plan meets your needs.

What is a care plan conference?

A care plan conference allows staff, residents and/or families to talk about life in the facility. The conference is an ideal time to discuss meals, activities, therapies, personal schedules, medical and nursing care, and emotional needs. You can bring up concerns about daily routines, ask questions, or offer information to help staff provide your care. Each staff member who works with you should be involved in the conference to talk with you about treatment decisions. Nursing homes should only give care that you have agreed to. Be sure you understand and agree with the care plan and feel that it meets your needs. You have a right to a complete and detailed copy of the care plan, and the name of the person you can speak with to change the care plan.

When are care plan conferences held?

Care plan conferences must occur every three months, *and* whenever there is a significant change in your physical or mental health that might require a change in care. If you want a family member, friend, or the ombudsman at the meeting, ask the staff to hold the meeting at a convenient time for them to attend.

A good care plan should:

- Be specific, individualized, and written in a common language that everyone can understand.
- Reflect your concerns and support your well-being, functioning, and rights. It should not label your choices or needs as “problem behaviors.”
- Use a multi-disciplinary team approach and use outside referrals as needed.
- Be re-evaluated and revised routinely.

Who do I contact if I have a problem?

If possible, it is a good idea to write down concerns including a date, time, name, and the problem, and speak with the nursing home staff. You can take your concern to the staff supervisors as well. Many concerns impact other residents, so it may be a good idea to work with the Resident Council or Family Council to help with the problem.

What happens if my problems are not resolved by the facility staff?

Your nursing home ombudsman is an advocate for you and has the power, based on federal law, to intervene on your behalf. Concerns are treated confidentially, and Ombudsmen will *not* act without your consent.

Your ombudsman will investigate to verify the concern, identify the parties involved, and share with you their findings. Next, your ombudsman will explain options for resolving the concern and help identify solutions. After a solution has been discussed with the facility, your ombudsman follows up to ensure agreements remain in effect and that no additional problems arise.

RESIDENT & FAMILY COUNCILS IN NURSING HOMES

What are resident councils and family councils?

Kentucky law gives residents and family members the right to present concerns without retaliation. Medicare and Medicaid certified nursing homes must allow councils to operate and must provide a meeting space in the facility for their activities.

There are two types of councils in nursing homes: a resident council and a family council. A resident council is an organized group of residents who meet, free from facility interference, on a regular basis to discuss concerns regarding the nursing home. Likewise, a family council is an organized group of relatives and friends of the nursing home's residents.

What is the purpose of a resident council and family council?

The main purposes of most councils are to protect and improve the quality of life in the nursing home. The nursing home also receives benefits. Councils allow the nursing home staff to deal directly with family concerns and ideas, to convey needed information to families, and to establish meaningful lines of communication. The nursing home administrative staff may be able to use the family council as a sounding board for new ideas. The facility staff and administration must act upon concerns or grievances that the family council brings to them.

Resident councils give residents an opportunity to talk about concerns with different departments in the nursing home including nursing staff, dietary, and activities. Some examples include:

- Planning activities
- Selecting menu items for meals
- Discussing concerns about staff

Family council gives families a voice in decisions that affect them and their loved ones in the facility. Some examples include:

- Support for families
- Education and information
- Discussion and action on concerns
- Services and activities for residents
- Joint activities for families and residents

Your ombudsman can answer questions about resident or family councils. If your nursing home doesn't have a family council, the ombudsman can help you start one. The ombudsman can always attend a council meeting to help residents and families voice their concerns or to share resources and information.

Highest Practicable Level of Well-Being

Nursing homes are responsible for helping their residents attain or maintain the residents' highest practicable level of physical, mental, and psychosocial well-being. Activities, meals, staff attitudes, the environment, and care should all aim to help residents attain this highest practicable level of well-being.

RESIDENTS' RIGHTS

Residents' Rights were part of the Nursing Home Reform Law enacted in 1987 by the U.S. Congress. Residents' Rights were also incorporated into Kentucky Regulatory Statutes (KRS 216.515). These laws require nursing homes and other long-term care health facilities to promote and protect the rights of each resident. These are their rights as residents of the facility, and as citizens of the United States and the Commonwealth of Kentucky. Residents' Rights place a strong emphasis on individual dignity and self-determination. Nursing homes must meet Residents' Rights requirements to participate in Medicare or Medicaid. *You have at least the following rights:*

The right to be fully informed, including:

- **If you are entitled to Medicaid benefits at the time you are admitted to the facility or when you do become eligible for Medicaid benefits, the facility must inform you in writing of the services for which you may not be charged and those for which you may be charged.**
- **Before, or at the time of your admission and periodically during your stay, the facility must inform you of services available in the facility and of charges for those services. You must acknowledge in writing receipt of this information, and the facility must keep the acknowledgement in your file.**
- **The facility must prominently display in the facility written information (and provide you with oral and written information) about how to apply for and use Medicare and Medicaid benefits and how to receive refunds for previous payments covered by such benefits.**
- **You and your legal representative or interested family member have the right to receive prompt notice before there is a change in your room or roommate assignment.**
- **You have the right to be fully informed in advance about your care and treatment, and of any changes in your care and treatment, and to participate in planning your care and treatment.**
- **You have the right to examine the results of the most recent survey of the facility conducted by Federal or State surveyors and any plan of correction in effect with respect to the facility, as well as all inspection reports of the facility.**
- **The facility must not require residents or potential residents to waive their rights to Medicare or Medicaid.**
- **The facility must not require a third party guarantee of payment as a condition of admission or continued stay in the facility.**
- **The facility must conspicuously post a list of your rights & responsibilities under State law.**
- **The facility shall have written procedures for the submission and resolution of complaints and recommendations by you and your responsible party or your responsible family member or your guardian and shall conspicuously display these policies.**

Your Medical Records

You and your legal representative have the right to access all records pertaining to your care, including current clinical records, within 48 hours of your oral or written request (excluding holidays and weekends).

You also have the right to a copy of your medical record or to purchase additional photocopies. To receive a copy of your medical record, you must submit a written request to the facility. A facility must provide a copy of your records within 48 hours of receiving your written request. Some nursing homes have their own form for you to fill out, but they should honor a letter. In your letter, include a clear statement requesting the records and instructions on how they should get them to you (you could pick them up, have them faxed, or mailed).

The right to participate in your own care, including:

- **You, your physician, and your legal representative or an interested family member must be notified immediately of any serious accident, significant change in your health or mental status, or a decision to transfer or discharge you from the facility.**
- **You have the right to be fully informed in a language you can understand of your total health status, including but not limited to, your medical condition.**
- **You have the right to refuse treatment, to refuse to participate in experimental research, and to make advance directives.**

The right to make independent choices:

- **Prior to or upon your admission to the facility and during your stay, you must be informed (both orally and in writing) in a language that you understand, of your rights and all rules and regulations governing your conduct and responsibilities. You must acknowledge in writing receipt of this information, and the facility must keep the acknowledgement in your file.**
- **You have the right to live in the facility with reasonable accommodation of your individual needs and preferences, except when the health or safety of you or other residents would be endangered.**
- **You have the right to participate in social, religious, and community activities that do not interfere with the rights of other residents.**
- **You have the right to choose your personal attending physician.**
- **You have the right to self-administer drugs if it has been determined that this practice is safe.**

The right to privacy and confidentiality, including:

- **You have the right to personal privacy (including accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups) and confidentiality of your personal and clinical records...but the facility is not required to provide a private room for you.**
- **You may approve or refuse the release of your personal and clinical records to any individual outside the facility except when you are transferred to another health care institution or when release of your records is required by law.**
- **If you are married, privacy must be assured for your spouse's visits. If you and your spouse are both residents in the facility and both consent, you may share the same room.**
- **You have the right to have reasonable access to the use of a telephone where calls can be made without being overheard.**
- **You have the right to privacy in written communications, including the right to send and promptly receive mail that is unopened.**
- **You must be assured of at least visual privacy in multi-bed rooms and in tub, shower, and toilet rooms.**

The right to dignity, respect, and freedom, including:

- **The facility must not charge, solicit, accept, or receive any gift, money, donation, or other consideration as a precondition of admission or continued stay in the facility.**
- **You have the right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat your medical symptoms.**
- **You have the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.**

- **Physical abuse is the intentional infliction of injury or pain, including hitting, slapping, pinching, shoving, force-feeding, and rough handling and careless transfers.**
- **Psychological abuse includes emotional and verbal attacks, including berating, ignoring, intimidating, ridiculing, yelling at, threatening, or isolating a resident.**
- **Sexual abuse is the improper touching or treatment of residents, including unnecessary medical procedures around the genitals, coercion to perform sexual acts, rape, and vulgar or offensive comments or conversations which make a resident uncomfortable.**
- **Exploitation is obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources.**

	Indicators of Care:	Action Steps:
 Green Light Care	<ul style="list-style-type: none"> - Residents look nice & groomed - Residents look busy doing interesting activities in & out of the building - Facility is clean, smells fresh, & is kept at a comfortable temperature - There are enough staff to meet resident needs & call bells are answered quickly - Care plan meetings include residents, their preferences, & their support system - Person Centered Care is obvious & residents are receiving individualized care - Food looks good, smells appetizing, & tastes good - The whole atmosphere feels positive & life-affirming - End of life care is sensitive & hospice-based 	<ul style="list-style-type: none"> - Get to know your ombudsman - Relax & enjoy your visits - Start a family council & invite speakers to come educate families on important issues - Volunteer with the activities department - Invite your social group to have meetings in the facility, including residents - Look for residents who have no family & get to know them - Let the staff know what a good job they are doing
 Yellow Light Care	<ul style="list-style-type: none"> - Residents' rights are often disregarded - Activities are not age appropriate, look boring, & are often cancelled - Residents eat in their rooms because of short staffing - Residents appear to be guarded in communication with visitors - Families talk about complaints not being resolved - Care plan meetings are hurried & participation is not encouraged - Frequent use of temporary staff who do not know the residents - Call bells are not answered promptly or are turned off with an unfulfilled promise to return - Staff is noisy, especially at night 	<ul style="list-style-type: none"> - Work with the ombudsman to address both individual complaints & concerns which affect all residents - Begin to make specific notes of problems which seem to affect all the residents - Visit at odd hours & on weekends & make notes of problems you see - Bring up your concerns at Resident & Family Councils & discuss recommendations for improvement with the administrator - Check the survey report to see if the State is citing the facility for the things you observe
 Red Light Care	<ul style="list-style-type: none"> - Residents are fearful & families are "put down" by administration - Residents appear to be losing weight & mobility - Residents look untidy & smell unclean, especially those in bed - Residents are physically restrained - Residents are slumped in wheelchairs & left alone - Noticeable disregard of residents' rights - Skimpy meals, missing snacks, & increased tube feeding - Care plans are ignored 	<ul style="list-style-type: none"> - Work with the ombudsman to address individual complaints & concerns which affect all residents - Call the Office of Inspector General to report concerns & details (be willing to give names) - Report abuse & gross neglect to Adult Protective Services - Locate contact information for the facility's corporate headquarters & take your concerns there - Invite your local state Congressperson to tour the facility (800) 372-7181 - Consider contacting the media - Consider seeking legal advice

- **The facility must promote care for you in a manner and in an environment that maintains or enhances your dignity and respect in full recognition of your individuality, including privacy in treatment and in care for your personal needs.**
- **You have the right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility.**
- **You have the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising your rights.**
- **If you have been found mentally disabled under State law, your rights are exercised by your guardian.**
- **You have the right to have private meetings with the nursing facility inspectors from the Cabinet for Health Services.**
- **You have the right to be suitably dressed at all times and given assistance when needed in maintaining body cleanliness and good grooming.**
- **Unless you have been found mentally disabled under State law, you cannot be detained against your will. You must be given permission and encouragement to go outdoors and leave the premises as you wish unless a legitimate reason can be found and documented for refusing such activity.**
- **You have the right to refuse to perform services for the facility unless you choose, and the need or desire for work is documented in your plan of care.**

The right to security of possessions, including:

- **You have the right to manage your financial affairs, and the facility may not require you to deposit your personal funds with the facility.**
- **If the facility accepts responsibility for managing your funds, the facility must keep funds over \$50 in an interest-bearing account, separate from the facility's accounts...and...the facility must keep funds of less than \$50 in a separate account such as a petty cash fund.**
- **The facility must maintain a full and separate accounting of your funds held by the facility and must give a statement to you or your legal representative quarterly or upon request.**
- **If you are receiving Medicaid benefits, the facility must notify you when the amount in your account comes within \$200 of the Medicaid limit and of the effect of this on your eligibility.**
- **The facility must purchase a surety bond to assure the security of all your funds deposited with the facility.**
- **You have the right to retain and use personal possessions, including some furnishings and clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.**

- The facility must return your valuables, personal possessions, and any balance of money from your account to you at the time of your transfer or discharge from the facility. In case of your death, these items must be returned to your responsible party or family member, your guardian, or your executor.

Rights during transfers and discharges, including:

- You must be permitted to remain in the facility and not be transferred or discharged from the facility unless it is
 - necessary for your welfare (acute care at a hospital is needed) or
 - because your health has improved and you no longer need nursing home care or
 - because the safety or health of other individuals would be endangered or
 - for non-payment
 - because the facility closes

Notice of your transfer or discharge must be given to you at least 30 days in advance, if you have resided in the facility for 30 days or more, or as soon as practicable if safety or medical reasons require immediate transfer. You may appeal a transfer or discharge.

To file an appeal, you must write or fax a request for a hearing to Secretary, Cabinet for Health and Family Services, 275 East Main Street 5W-A, Frankfort, KY 40621. The fax number is 502-564-7091. You must file this request within 15 days of receiving the involuntary discharge notice.

You are better off if you engage an attorney to help you. If you call the Nursing Home Ombudsman Agency of the Bluegrass (859-277-9215), we will file the request for the appeal and help you connect with Legal Aid of the Bluegrass. We will also help your private attorney, if you prefer.

After you file the appeal, the Cabinet will schedule a hearing which is usually held in your nursing home. At the hearing, you can present information on why the transfer is inappropriate. The burden of proof rests on the nursing home to prove that the reasons for the transfer meet the conditions outlined above.

If the Hearing Office does not approve the discharge, you can remain in the nursing home. If the discharge is approved, you will have to leave the facility. The nursing home is required to help you find another appropriate facility and to provide counseling before the move to minimize the trauma of relocation.

The right to visits, including:

- You must be permitted immediate visits by representatives from the Federal or State governments, your individual physician, representatives from the State Long-Term Care Ombudsman program, and subject to your consent, your immediate family or other relatives.

The right to complain, including:

- **You have the right to voice grievances without discrimination or reprisal, and the facility must make prompt efforts to resolve your grievances.**
- **Representatives of the State Long-Term Care Ombudsman program must be allowed by the facility to examine your medical and social records if you or your legal representative grants permission.**
- **If any of your rights are denied or infringed upon, you shall have the right to take legal action against the facility responsible for the violation. You may be entitled to recover actual and punitive damages, reasonable attorney's fees, costs of the action, and other relief as determined by the court.**
- **You shall be encouraged and helped to exercise your rights as a resident and a citizen. You may voice grievances and recommend changes in policies and services to facility staff and to outside representatives of your choice free from restraint, interference, coercion, discrimination, and reprisal.**

Highest Practicable Level of Well-Being

Nursing homes are responsible for helping their residents attain or maintain the residents' highest practicable level of physical, mental, and psychosocial well-being. Activities, meals, staff attitudes, the environment, and care should all aim to help residents attain this highest practicable level of well-being.

Keeping records

If you have brought a concern to a facility staff person and do not feel it was addressed, start keeping a journal of events, conditions, and surroundings. In your journal, be sure to be factual and objective, using staff names, full dates and times, and specific issues rather than vague or general statements.

- **What happened? Be specific. When did it happen? Include the full date and the time of the incident. Who witnessed the incident or knows about the problem? Where did it happen? What was the response of the facility staff?**
- **Does the facility have a policy or procedure to address this issue?**
- **What have you done so far to try to resolve the problem? Who have you talked to? When? What were the results?**
- **Maintain a file of all correspondence to or from the facility.**
- **Maintain a file of other forms of documentation – photographs, video or audio files, medical records, and facility insurance documents.**

Do I need an attorney?

There are many avenues to follow for problem resolution in nursing homes, but some situations may call for legal assistance. Pursuing legal action against a facility is an emotional process – it is very intense, time-consuming, and expensive – so it should not be a process entered without major consideration. An attorney can advise you of your rights and help you strategize, communicate and negotiate with the facility staff, and assess whether you have a viable case against the facility.

How do I find an attorney?

When looking for an attorney, it is a good idea to find someone who has experience with long-term care issues in addition to trial experience. Ask your friends, family, neighbors, and acquaintances if they have used an attorney for long-term care litigation. You can also visit the Kentucky Bar Association's website at www.kybar.org and use their Lawyer Locator tool.

How do I choose an attorney?

The first time you meet with an attorney you will be asked about what happened so that the attorney can begin to evaluate your case. Be sure to bring the records you have kept of events, concerns, and conversations you have had with facility staff. As the client, you should be asking the attorney questions to evaluate whether he or she will be the best attorney to represent you. Your discussion should include:

- What you have done to address your complaints with the facility.
- What you want the attorney to do, and what other options you may have.
- What you want to get from any action taken.
- How will you be charged?
- How many cases like this has the attorney handled? What were the results?
- How many cases is the attorney currently working on?
- What are your chances of success? What hurdles could arise?
- If you are considering a lawsuit, what does the litigation process look like?
- What will be required of you during the process?

IF YOU HAVE QUESTIONS OR CONCERNS, PLEASE CONTACT:

Nursing Home Ombudsman Agency

3138 Custer Drive, Suite 110, Lexington, Kentucky 40517

Bluegrass District Ombudsman: (859) 277-9215 or toll free 1-877-787-0077

State Ombudsman Program: (859) 277-9215 or toll free 1-800-372-2991

www.ombuddy.org

Adult Protective Services

Abuse Hotline

1-800-752-6200 or 1-877-597-2331

Adult Protective Services (APS) is the agency responsible for investigating complaints concerning abuse, neglect, and exploitation of vulnerable adults as prescribed in Kentucky law KRS 209.

Office of Inspector General - Division of Health Care

275 East Main Street, 5E-A, Frankfort, Kentucky 40621

(502) 564-7963

The Office of Inspector General (OIG) is responsible for regulating and licensing long-term care facilities, as well as investigating complaints in those facilities. When facilities violate resident rights, provide poor care, fail to provide care, or fail to protect residents from predators, OIG can investigate and sometimes provide sanctions against the facility.

Kentucky Office of the Attorney General

1-877-228-7384

The Office of the Attorney General (OAG) houses Kentucky's Medicaid Fraud and Abuse Control Unit, which prosecutes fraud perpetrated by providers against the Medicaid program. In addition to Medicaid fraud, this unit also prosecutes crimes of abuse, neglect, and exploitation of long-term care residents.

Kentucky Bar Association

514 W. Main Street, Frankfort, KY 40601

(502) 564-3795

www.kybar.org

The Kentucky Bar Association maintains listings of attorneys in Kentucky. You can search their website or call and ask for a listing of elder law attorneys in your area.

FOLLOWING UP WITH COMPLAINTS FILED

If you have filed a complaint with Adult Protective Services, the Office of Inspector General, or your local law enforcement, you may be able to follow up to determine what action has been taken on your complaint. Be aware, however, that some agencies, due to procedural policies, may not be able to provide specific information to you. You can also follow up with the resident and/or facility to determine whether the problem has been corrected.

If you have filed a complaint, make note of which agency you contacted, who you spoke to, and what you were told. Keep this record in your resident file described above.

Kentucky Open Records law allows citizens to request records of complaints, investigations, reports, complaint resolutions, statements of deficiencies, Type A or B citations, allegations of compliance, plans of correction, continuous quality assessments and any and all other records pertaining to your facility.

To request records from Adult Protective Services, you must send a letter to the Department for Community Based Services. To request records from the Office of Inspector General, you must send a letter to OIG. For more information about filing an open records request, including a sample letter, you can call the Nursing Home Ombudsman Agency at 859-277-9215 and request a copy be mailed to you, or you can visit the Office of the Attorney General's website at www.ag.ky.gov/civil/consumerprotection/seniors.

YOU CAN MAKE A DIFFERENCE: VOLUNTEER, ADVOCATE, & DONATE

Volunteer as a Friendly Visitor

The Friendly Visitor program matches our trained volunteers with residents in long-term care settings to provide companionship and a connection to their community. Call the Nursing Home Ombudsman Agency at (859) 277-9215 to find out more about volunteering at your local nursing home.

If you or someone you know is lonely ask your ombudsman if there might be a Friendly Visitor for you.

Advocate for Long-Term Care Residents

Join our mailing list and follow us on Facebook to stay informed of potential changes in policies and laws impacting consumers of long-term care. Call us at (859) 277-9215 or email nhoa@ombuddy.org to get our email updates and quarterly newsletters. Know when to speak out and who to contact so you can improve care.

Donate for Long-Term Care Residents

If this book and/or our agency has been a valuable tool for you please consider making a donation to NHOA. Contributions in support of our services are appreciated and your donations are tax deductible. Our information and services are free of charge thanks to our caring donors. It costs approximately \$100 per resident to provide ombudsman (advocacy) services to over 5,000 nursing home residents for a year.

How can you make a donation?

CHECK or MONEY ORDER: Mail checks payable to NHOA to 3138 Custer Drive, Suite 110, Lexington, KY 40517.

CASH: Bring cash donations into our office at 3138 Custer Drive, Suite 110, Lexington, KY 40517.

CREDIT CARD: Visit us at www.ombuddy.org, click on the Donate Now button. Payment information is secure. Become a lifelong supporter by scheduling your donations for secure automatic monthly withdrawal.

PLANNED GIFTS & BEQUESTS: Talk with your estate planner to find the best way to include NHOA in your will or in a lifetime gift or annuity. Gifts of cash, real estate, stocks, bonds, personal property, and life insurance can benefit NHOA after your death and lessen the tax burden on your heirs.

A MEMORIAL or GIFT IN HONOR: Mark a special occasion or remember a loved one with an honor or memorial gift.

CHARITY DESIGNATION: Consider designating donations to the Nursing Home Ombudsman Agency by listing the agency in obituaries. Call us at 859-277-2915 for envelopes and materials.

Cut here-----

Please use this form for cash, check, or money order donations. Please print all information.

Enclosed is a donation of \$_____ for ombudsman services.

My donation is a gift in memory/honor (circle one) of _____.

Send an acknowledgment to: (next of kin)

Name: _____

Address: _____

Your Name: _____

Your mailing address: _____

Your email address: _____

Please keep my gift anonymous