



## MESSAGE FROM THE STATE OMBUDSMAN

*Leigh Davis*  
State Ombudsman  
Florida Department of Elder Affairs

With the 2014 legislative session behind us, I wanted to take a moment to share with you a wrap-up regarding the bills that our office monitored closely and attended hearings on.

### *Long-Term Care Ombudsman Program – Did not pass*

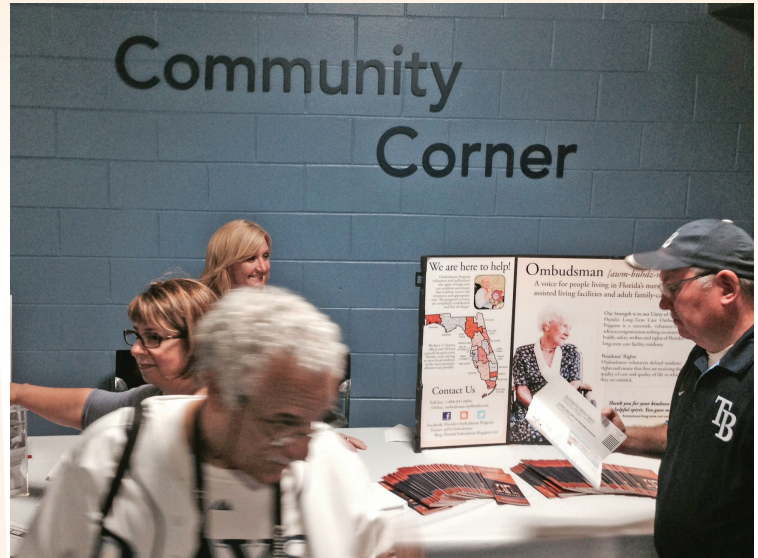
**CS/SB 508 by Sen. Nancy Detert; CS/HB 91 by Rep. Ken Roberson** The bill that proposed to conform Florida's Long-Term Care Ombudsman Program statute to the federal Older Americans Act died in the Senate Appropriations committee.

### *Assisted Living Facilities – Did not pass*

**CS/CS/CS/HB 573, 2nd Eng. by Rep. Larry Ahern and Daphne Campbell** This bill proposed to strengthen assisted living facility regulation and accountability. In the last few hours of the 2014 session, in an attempt to pass multiple health care related bills, the House placed all health care issues on to this bill; however, when the omnibus bill was sent back to the Senate, the Senate did not concur and failed to take up the bill. The bill died on the Senate calendar.

### *Nursing Home Litigation – Passed, Effective Date: June 13, 2014*

**CS/CS/SB 670 by Judiciary Committee, Health Policy Committee, Sen. John Thrasher** This bill specifies that a cause of action for negligence or violation of residents' rights alleging direct or vicarious liability for the injury or death of nursing home resident may be brought against a licensee, its management or consulting company, its managing employees, and any direct caregiver employees or contractors; provides that a claim for punitive damages may not be brought unless there is a showing of evidence that provides a reasonable basis for recovery of such damages when certain criteria are applied; authorizes the Agency for Health Care Administration to revoke the license or deny a license renewal or change of ownership application of a nursing home facility that fails to pay a judgment or settlement agreement; revises procedures for obtaining the records of a resident in conformance with HIPAA.



## LTCOP Selected for Tampa Bay Rays' Community Corner Event

For each Tampa Bay Rays baseball game, one local organization is selected to take part in their Community Corner Event. On May 9, District Ombudsman Manager Annette Perry (pictured above) represented LTCOP at a booth where she promoted the program and our volunteer opportunities through various materials such as brochures and handouts. In addition, the team donated a signed baseball to raffle off as an incentive for patrons to visit the booth.

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### *Guardianship – Passed, Effective Date: July 1, 2014*

**CS/HB 635 by Rep. Kathleen Passidomo, Rep. Matt Caldwell, Rep. Bill Hager, and Rep. Ray Pilon** The bill revises provisions relating to requirements for & court authority concerning requirements for specified guardians to submit to credit history investigation & background 2 screening; authorizes nonprofessional guardian to petition court for reimbursement for costs of investigation & screening; authorizes clerk of court to obtain & review records impacting guardianship assets & to issue subpoenas to nonparties upon application to court; provides requirements for affidavits, notice, & subpoenas; provides for objection to subpoena; authorizes court to require production of records & documents by guardian who fails to submit them during audit; provides for removal of guardian for bad faith failure to submit records during audit; provides that person seeking appointment as guardian may not lawfully deny or fail to acknowledge arrests covered by expunged or sealed record.

### *Offenses Against Vulnerable Persons – Passed, Effective Date: October 1, 2014*

**S/CS/HB 409 by Kathleen Passidomo, Rep. Jim Boyd, Rep. Matt Gaetz, Rep. Debbie Mayfield, Rep. Charles McBurney, Rep. Ray Pilon, Rep. Irv Slosberg, and Rep. Charles Van Zant** This bill revises when an out of court statement by elderly person or disabled adult is admissible in certain proceedings; expands application of the prohibition on fraudulent use of personal identification information of specified victims without consent to include persons 60 years of age or older; deletes requirement that property of elderly person or disabled adult be obtained by deception or intimidation in order to constitute exploitation of such person; specifies additional circumstances that constitute

breach of fiduciary duty and specifies when an unauthorized appropriation occurs; creates presumption that certain inter vivos transfers are a result of exploitation; revises valuation of funds, assets, or property involved for various degrees of offenses of exploitation of elderly person or disabled adult; provides for return of property seized from defendant to the victim before trial in certain circumstances; and creates the Identity Theft and Fraud Grant Program.

### *Background Screening – Passed, Effective Date: July 1, 2014*

**CS/CS/SB 674 by Sen. Aaron Bean** Revises requirements for proof of compliance with level 2 screening standards; requires certain screened employee fingerprints to be retained in national retained print arrest notification program; separates requirements for submission of photographic image for entities not participating in Care Provider Background Screening Clearinghouse, adds additional disqualifying offenses.

While I am extremely disappointed that our bill and the Assisted Living Facilities bill did not pass, I am hopeful that we will see their passage during the 2015 legislative session. I would like to personally thank Deputy State Ombudsman Susan Anderson for all of her assistance and hard work with this year's legislative agenda for the program. As the State Ombudsman, I understand the importance of our program's mission and will continue to work tirelessly advocating before senators and representatives each legislative session for the residents we serve.



Leigh Davis  
State Ombudsman

## ATTA-BOY

Romana Colby should receive a gold star for helping me secure an apartment in the complex where I live that has a ramp and access to the main floor. This has been tremendously helpful. Please recognize her as an asset to the Ombudsman Program.”

“I would like to commend one of your very diligent workers for the aid she has given me in the recent past. Romana Colby should receive a gold star for helping me secure an apartment in the complex where I live that has a ramp and access to the main floor. This has been tremendously helpful. Please recognize her as an asset to the Ombudsman Program.”  
~ Ms. Gale, Holly Hill, Florida

### LINDA O'LEARY Statewide Ombudsman of the Year



State Ombudsman Leigh Davis announced Linda O'Leary, an ombudsman volunteer in the West Central Office, as Ombudsman of the Year.

“Our volunteers are critical to the success of the program and are advocates for the seniors we serve every day,” said Leigh Davis, State Ombudsman. “Through her hard work, Linda consistently demonstrates her dedication to the role of ombudsman.”

Linda joined the program as a volunteer in August 2011 and has served as the West Central Council Chair and training mentor since 2012. She was selected by her peers with the program's West Central Council as their Ombudsman of the Year for her tremendous contributions to the council and the residents they serve. From there, she was voted on by members of the State Council.

“Linda continually seeks out opportunities through speaking engagements to inform the public about the Ombudsman Program and recruit volunteers. Through her numerous assessments on facilities within her area, she has demonstrated her passion for residents and her commitment to ensuring their needs are properly being met,” said Lynn Penley, District Ombudsman Manager.

Linda received a certificate of appreciation and gift at the West Central Council meeting in late April and is slated to formally receive her award from State Ombudsman Leigh Davis and Regional Ombudsman Manager Robin Baker at the annual staff retreat in September.



# Older Americans Month 2014

*Safe Today. Healthy Tomorrow.*

Janice Harvey  
District Ombudsman Manager  
Panhandle

Older adults have made countless contributions and sacrifices to ensure a better life for future generations. Since 1963, communities across the country have shown their gratitude by celebrating Older Americans Month each May. This celebration recognizes older Americans for their contributions and demonstrates our nation's commitment to helping them stay healthy and active.

This year's theme for Older Americans Month was "Safe Today. Healthy Tomorrow." The theme focused on injury prevention and safety to encourage older adults to protect themselves and remain active and independent for as long as possible.

Unintentional injuries to this population result in at least 6 million medically treated injuries and more than 30,000 deaths every year. With an emphasis on safety during Older Americans Month, we encourage older adults to learn about the variety of ways they can avoid the leading causes of injury, like falls.

On May 1 the Panhandle Long-Term Care Ombudsman Council joined the Broadview Assisted Living Facility residents and staff to commemorate and celebrate this special month. Melissa Terhoster, Administrator of Broadview Assisted Living, extended greetings to all attendees and briefly spoke on the importance of Older Americans Month. Janice Harvey, District Ombudsman Manager, involved residents in a discussion on safe practices in their assisted living facility home.

Residents sited handrails, operable call light pendants, fire doors, adequate supervision, eliminating potential fall risks, and receiving their medications as prescribed as some of the ways the facility ensures they are safe. The highlight of the celebration was a game of Residents' Rights Bingo, which was facilitated by Barbara Brandt, a Panhandle Ombudsman. Handouts on fall prevention and safe practices were provided to the facility.

While Florida's Long-Term Care Ombudsman Program provides services, support, and resources to older adults year-round, Older Americans Month



offers an opportunity for us to provide specialized information and services around the important topic of injury prevention. This information will help older adults take control of their safety and live longer, healthier lives.

Throughout the month, Florida's Long-Term Care Ombudsman Program encouraged communities and long-term care facilities to celebrate this special month, conduct activities to honor older Americans, and provide tips on how to avoid injury. To learn more about Older Americans Month, contact your local Long-Term Care Ombudsman Office by visiting [www.http://ombudsman.myflorida.com](http://ombudsman.myflorida.com) or calling 1 (888) 831-0404 to find ongoing opportunities to celebrate and support older Americans.

## University of South Florida Student Volunteer Presents Special Project to Professors

Lynn Penley  
District Ombudsman Manager  
West Central

Natalie Wright has been a volunteer ombudsman for over one year and is finishing the semester at the University of South Florida. In April, she presented her special project to professors and the public at the USF College of Public Health. She worked with the Ombudsman Program all semester to complete her field experience while conducting her project study to better understand influenza vaccination rate coverage and factors influencing these rates in those age 50+ in nursing homes and assisted living facilities. Her recommendation was to promote "vaccination days" in long-term care facilities so all have access to important vaccinations. Natalie plans to graduate with her master's degree in Public Health in December. She looks forward to continuing as a volunteer ombudsman and we look forward to great things from her. A huge thank you to Ricardo Izurieta M.D., DrP.H., USF Advisor, and Lynn V. Penley, District Ombudsman Manager, Field Experience Site Supervisor.



LEFT TO RIGHT: Lynn V. Penley, District Ombudsman Manager, Field Experience Site Supervisor; Natalie Wright, Volunteer Ombudsman; and Ricardo Izurieta, M.D., DrP.H., USF Advisor.



# LOOKING BACK:

## *Volunteer Appreciation Month*

Established in 1974, National Volunteer Week is a program of Points of Light. Points of Light encourages volunteerism through four programs: HandsOnNetwork, GenerationOn, AmeriCorp Alums, and the Points of Light Corporate Institute. National Volunteer Week began in 1974 when President Richard Nixon signed an executive order establishing the week as an annual celebration of volunteering.

Each year, the Long-Term Care Ombudsman Program celebrates Volunteer Appreciation Month by selecting our State-wide Ombudsman of the Year and participating in various local events throughout the state. This year's winner of the Statewide Ombudsman of the Year Award went to Linda O'Leary from our West Central Office. Linda was selected by her peers and unanimously voted as the winner by the state council representatives.

During the East Central Office's council meeting for April, staff presented volunteers with a certificate of appreciation and recognition for their hard work, dedication, and advocacy in serving long-term care facility residents throughout Brevard County. Staff with the North Central Office also presented volunteers with a cake and certificates of appreciation.

The West Central Office celebrated by naming Ram Krishnan and Linda O'Leary as having the most assessments completed for January to April. Volunteers received gift bags from Janine Harris with the Department of Elder Affairs along with appreciation letters from Secretary Corley, Representative Ross Spano, and Senator Tom Lee.

The Panhandle Office held its annual appreciation luncheon on April 16 where volunteers were provided a token of appreciations from the Department and special presentations were given to the District Ombudsman of the Year, Leadership Award, Most Assessments completed, Most Resident Visitations completed, and other awards. Additionally, all volunteers received a flower pot with a plastic egg filled with candy.

While the program works hard to recognize our volunteers each day, Volunteer Appreciation Month in April is an extra special time to showcase all of their hard work and dedication as advocates for the numerous seniors we serve statewide throughout the year.



ABOVE, LEFT TO RIGHT: Michael Phillips, DOM; Sarah Ballew, State Council Representative; Raymond "Sully" Sullivan; Kathy Dillon; Anne Redyke; Kathleen Murillo; Rita Poff, Northwest Florida District Council Chair



TOP ROW:  
Alex Johnstone,  
Ruth Battle-Hall,  
Kevin McKeown

BOTTOM ROW:  
Virginia Sines,  
Philip Weddle, Nina  
Mallis, Lisa Dale

BELOW: Janice Harvey, (STANDING, TOP RIGHT) District Ombudsman Manager, presents certificates to volunteers during a celebration.



LEFT, LEFT TO RIGHT: Helen Anderson, Leila Lindsey, Anne Sleep, Johnny Brown, Henrietta Turner, Dick Brodbeck, JoAnna Emerson, Warren Gagner, Ruth Kovach, Lon Ligon, Earnestine Williams, Dana Darby, Bob Hood, Adele Evans, Stephanie Meadows. Missing: Maria Acosta, Linda and Rick Ford, Ernie Donathan.



# Summary of Top Complaints

Under State law, the Long-Term Care Ombudsman Program is responsible for publishing its complaint data each quarter. The following data reflects verified complaints from cases closed between April 1, 2014 – June 30, 2014. The data also shows the number of these complaints resolved.

## Complaint Data Terms:

**Verified:** It is determined after work (interviews, record inspection, observation, etc.), that the circumstances described in the complaint are generally accurate.

**Not Verified:** It is determined after work (interviews, record inspection, obser-

vation, etc.), that the circumstances described in the complaint are not generally accurate. Verification is determined by the ombudsman.

**Resolved:** The complaint was addressed to the satisfaction of the resident. Resolved is one of several disposition codes used by the program. Resolution is determined by the resident.

To find out more about the Long-Term Care Ombudsman Program's complaint or facility assessment data, call toll-free 1-888-831-0404, and ask to be transferred to a representative in your area. All services are free and confidential.



## Quarter 3

(April 1, 2014 to June 30, 2014)

### Top 5 complaints accepted in Nursing Homes

	#Complaints	#Verified	#Not Verified	#Resolved
Dignity, respect - staff attitudes (0403)	79	23	56	31
Medications - administration, organization (0605)	78	18	60	27
Personal hygiene (includes oral hygiene) (0606)	63	18	45	22
Discharge/eviction (0304)	55	32	23	31
Failure to respond to requests for assistance (0602)	49	22	27	24

### Top 5 complaints accepted in ALF and AFCH

	#Complaints	#Verified	#Not Verified	#Resolved
Menu (1003)	72	25	47	24
Dignity, respect - staff attitudes (0403)	68	23	45	20
Cleanliness, pests, general housekeeping (1102)	60	30	30	27
Personal funds (0502)	57	12	45	19
Medications - administration, organization (0605)	55	22	33	18

## STATEWIDE STATISTICS

Quarter 3 April 1-June 30, 2014

Number of Beds	171,565
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Number of Volunteer Ombudsman	343
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Facility Assessments	1,045
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Facility Visitations	489
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Complaint Investigations	2,474
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## In Memoriam

It is with great sadness that we announce the passing of Florida Ombudsman Donna Courtney on Thursday, June 12. Donna has been advocating for others as a valued ombudsman in Manatee County for eight years. She joined the Ombudsman Program shortly after her husband, and they have made a superb advocacy team for so many. She continued her dedication as she began using a scooter to get around and felt it enhanced her ability to interact with residents. She said, "I have always enjoyed working with and helping the elderly." Her unique sense of humor and caring for others will be missed. We extend our sympathy to her husband, Don, and her family.