



# FLORIDA OMBUDSMAN PROGRAM

ADVOCATING FOR QUALITY LONG-TERM CARE

## ANNUAL REPORT

FEDERAL FISCAL YEAR 2018





## Program Mission

*“The mission of the Florida Long-Term Care Ombudsman Program is to improve the quality of life for all Florida long-term care residents by advocating for and protecting their health, safety, welfare, and rights.”*

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## Message from the Secretary

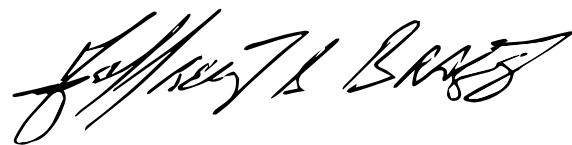
The Long-Term Care Ombudsman Program (LTCOP) plays an essential role in protecting the health, safety, well-being, and rights of residents of long-term care facilities in Florida. LTCOP staff and volunteers are tireless advocates who work to enhance every resident's quality of life through a collaborative resident-centered advocacy program.

There have been several positive changes with the program in recent years, including refocusing efforts to be more resident-centered, encouraging and empowering residents to self-advocate by giving them the counsel and tools needed to resolve their issues directly with the facility.

Additionally, volunteer ombudsmen have significantly increased their presence in the facilities, which has enabled them to assist residents earlier on before matters could escalate and become serious problems.

These outstanding volunteers make a difference every day in the lives of long-term care residents and their families. We are grateful for those who choose to work or graciously give their time in service to benefit others, meeting their needs and improving the communities in which they live.

I could not be more proud to stand with the staff and volunteers of this program. Their commitment and dedication is inspiring, and I thank them on behalf of the Department of Elder Affairs.



Jeffrey S. Bragg, Secretary  
Florida Department of Elder Affairs




## Message from the State Ombudsman

I am honored to serve alongside those who have chosen to stand up each day for some of our most vulnerable citizens and who are committed to improving the quality of life and quality of care of long-term care residents.

In 2017, the State Long-Term Care Ombudsman Council (State Council) recommended the LTCOP develop a guide for residents who would like to create or strengthen a resident council within a facility. We are pleased to announce a new publication, the *Resident Council Handbook*, is currently being distributed to facilities throughout the state. This important resource offers suggestions and tips for residents to advocate for themselves through the vehicle of a council. Resident council members can combine their individual voices into community action and create lasting change. It is my hope that all long-term care facilities in Florida support an active resident council.

Many of us take for granted small comforts such as choosing our meals, choosing what we wear, choosing how we spend our time, and other daily activities. Our volunteers are here, when called upon, to help protect long-term care residents' rights to make individual decisions.

The LTCOP continues to develop resources and provide services to residents, their families and friends, advocates, and community leaders who want to make a difference in the quality of long-term care. This report contains important information about the successes of the program during the past federal fiscal year, legislative proposals for much needed improvements, and central office updates.





Michael D. Milliken, State Ombudsman  
Long-Term Care Ombudsman Program



Program Data

Ombudsman Program in Numbers

	335 Volunteers		13,759 Consultations*
	47,683 Volunteer Hours		5,206 Complaints Investigated*
	9,385 Facility Assessments & Visitations*		225 Resident & Family Councils Attended*
	309,213 Miles Traveled*		\$1,177,293 Estimated Savings to the State**

\*Includes staff and volunteer data.  
\*\*Based on \$24.69 per hour. Value of each volunteer hour as estimated by Independent Sector, 2017.

Quarterly Ombudsman Program Data

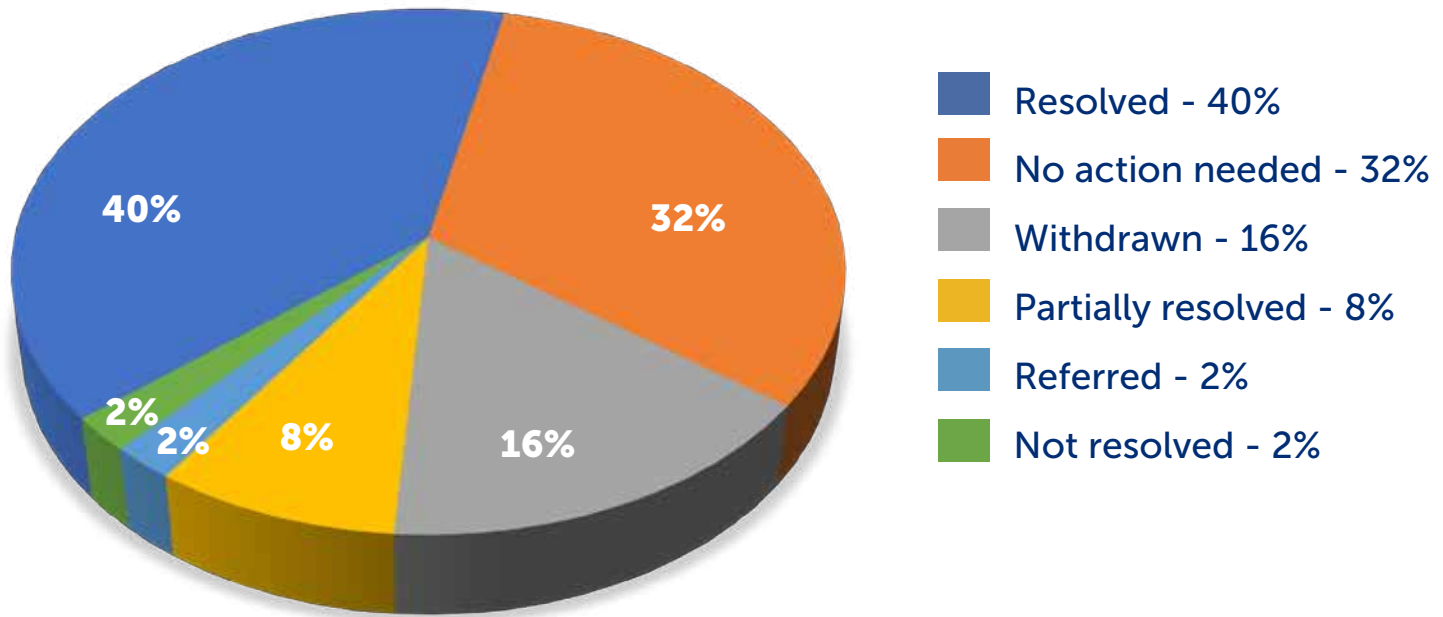
	OCT - DEC	JAN - MAR	APR - JUN	JUL - SEP
Long-Term Care Beds	186,012	186,185	188,159	189,274
Certified Ombudsmen	292	291	286	301
Volunteers in Training	58	51	46	33
Complaint Investigations*	1,192	2,007	2,024	1,916
Facility Visitations**	288	1,198	1,336	1,478
Facility Assessments**	1,551	745	533	569

\*Reflects both initiation and closure dates that may overlap quarterly reporting periods.  
\*\*Number does not reflect assessments and visits conducted during quarterly period and not entered until a later date.

Program Data

Complaint Resolution

A complaint is closed when the issue is addressed to the satisfaction of the resident or complainant. The following chart shows what types of disposition codes were assigned to closed cases in Federal Fiscal Year 2018.

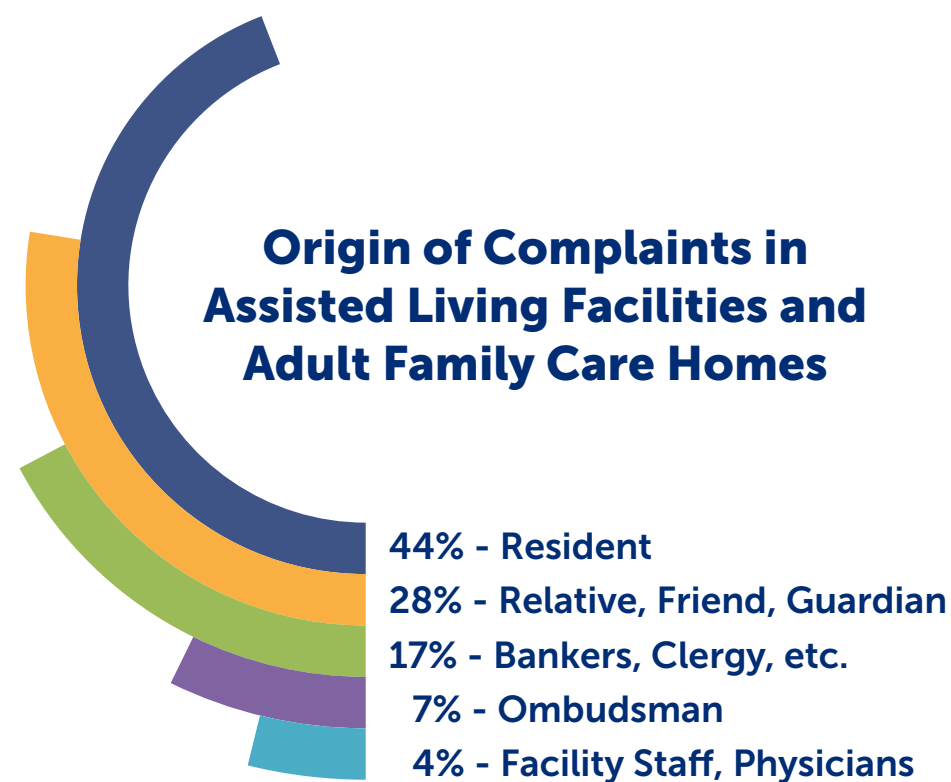
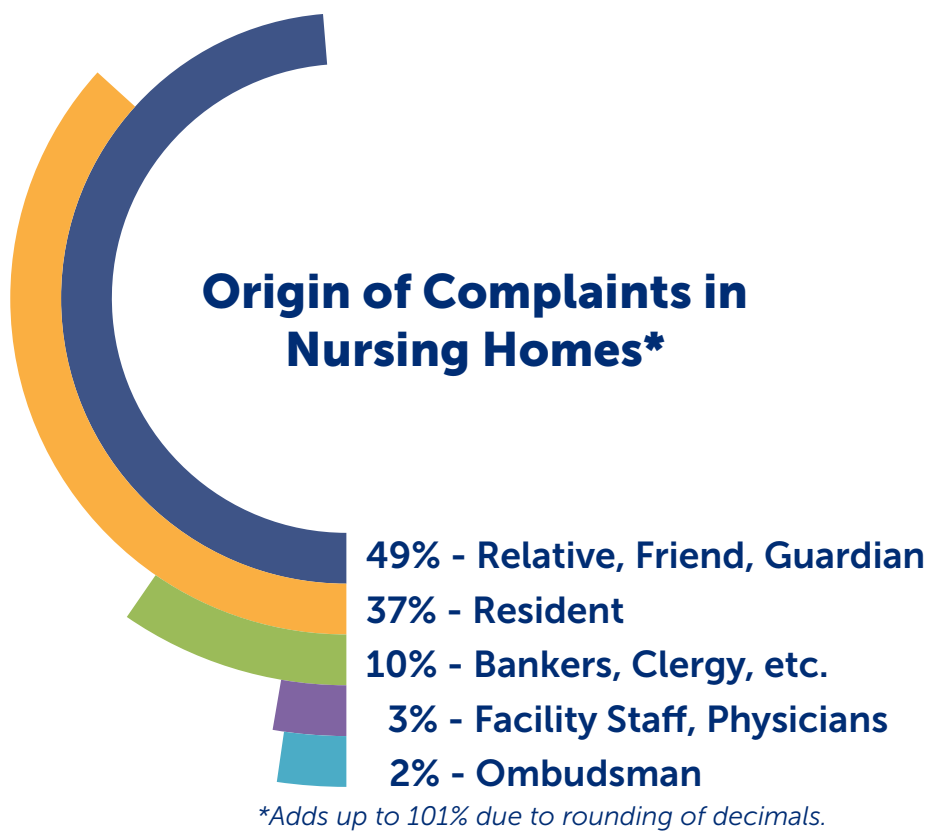


Top 5 Complaints

	Assisted Living Facilities & Adult Family Care Homes	Nursing Homes
1	Medications - Administration, Organization	Personal Hygiene
2	Dignity, Respect - Staff Attitude	Medications - Administration, Organization
3	Menu	Dignity, Respect - Staff Attitude
4	Cleanliness, Pests, General Housekeeping	Failure to Respond to Requests for Assistance
5	Equipment/Buildings	Discharge/Eviction

Program Data

Complaint Origins



Program Data

Program Impact



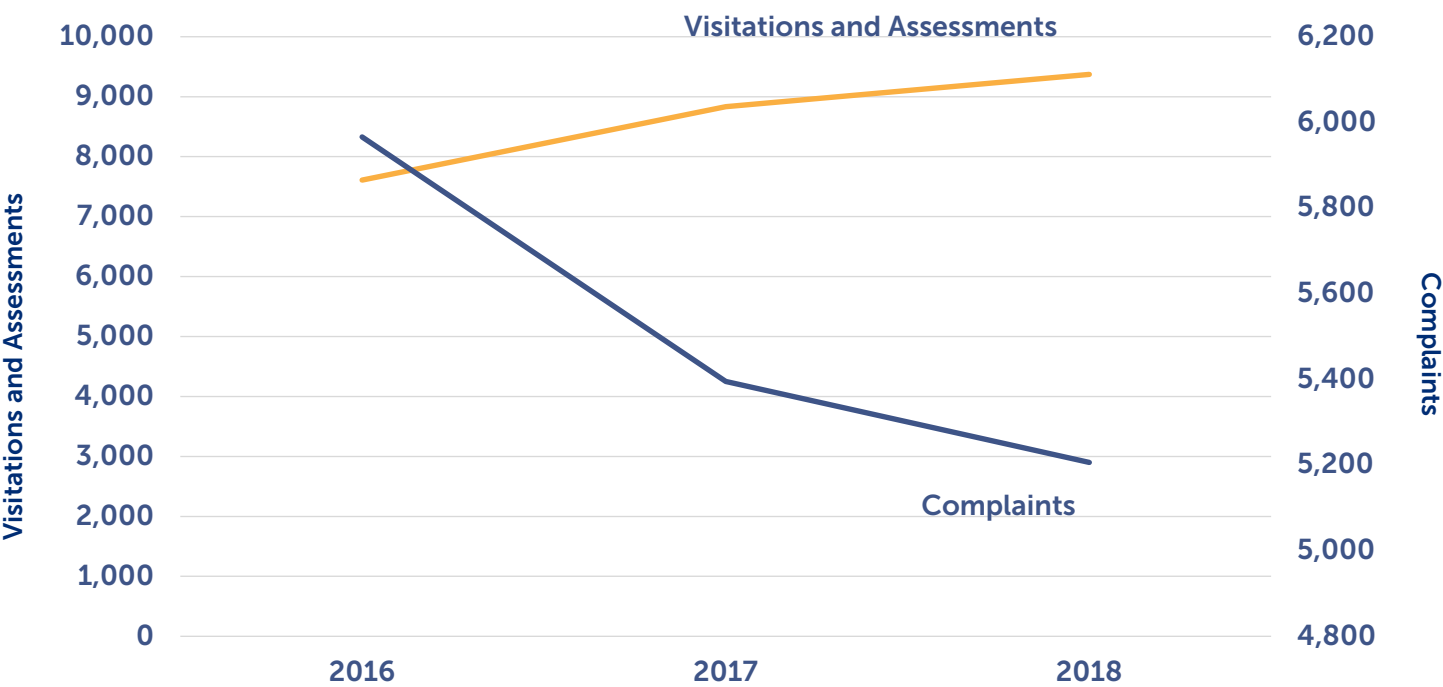
Residents directly affected through assessments and visitations

409,441

Residents directly affected through complaint investigations

47,032

Visitations and Complaints Federal Fiscal Years 2016 - 2018





## Program Highlights and Success Stories

Frail elders and adults with disabilities are often overlooked. Ombudsmen observe what others may not notice and work diligently to see that residents are safe, healthy, treated with dignity, and have their rights respected. The following pages share updates from the State Council and stories from local councils that characterize the work of ombudsmen. The stories are bound together by residents who are able to have a better quality of life and increased quality of care due, in part, to the dedicated advocacy of ombudsmen.



State Council Chair Dennis Jefferson.

### State Council Updates and Discussion

#### Overview

The State Council is composed of volunteer ombudsmen who have been elected by their peers from each of the 18 local ombudsmen councils throughout the state to serve as an advisory body to the State Ombudsman.

#### State Council Chair Elected

The Council conducted its final 2018 meeting in September and voted to re-elect Dennis Jefferson, of First Coast South Council, to the position of State Council Chair for a second term.

#### Prior Year Recommendations and Actions

In 2017, the State Council recommended the program strengthen and support resident councils by developing a resident council handbook to be distributed to all long-term care facilities in the state. The State Ombudsman allocated resources for the development, printing, and distribution of a resident council handbook for residents who would like to create a council within their homes. Distribution of the handbooks began in September 2018. The State Council also recommended in the previous fiscal year that administrative secretary positions be recategorized into permanent career service positions in order to increase job retention among vital support staff. Although funding was not available to create additional career service positions, approvals were authorized for pay increases for many support staff.

#### Discussion

The State Council addressed various issues related to program functions and activities. The following were topics of discussion at the State Council's 2018 quarterly meetings:

## Program Highlights and Success Stories



State Council and Program staff. Back: York Shuler, Betsy McAllister, Lori Berndt, Robin Baker, Marie Brand, Tony Taylor, Jane Spencer, Valerie Nubi-Collins, Choice Edwards, Jim Lynch, Sheila Mitchell, Martin Weissman, Galia Galindo, Robert Cochrane, Michael Milliken. Middle: Nancy King, Michael Phillips, Annette Perry, JoAnna Emerson, Marilyn Kane, Susan Spencer, Terre Anne Lindstamer, Mabel Sherman, Tracie Rayfield, Hanna Fink, Maria Torres, Lynn Penley, Barbara Brayton, Zaynab Salman, Gloria Freyre, Alicia Salinas, Angela Andrews. Front: Wanda Harrison, Lucila Huerta, Lisa Dale, Dennis Jefferson, Jo Ann Quiles.

- Development of generic ID form for recognition of resident council officers;
- Pursuing conforming language and standards for temperature requirements for similarly situated residents in assisted living facilities;
- Response to call lights/bells/buzzers, etc., where the signal is turned off prior to the resident receiving assistance;
- Transfer and discharge issues involving residents hospitalized under the Baker Act;
- Proposal of Resident Bill of Rights in Florida Constitution;
- Effect of legalization of medical marijuana on long-term care residents;
- Smoking guidelines created to assist ombudsmen in navigating complaints involving smoking;
- Emergency generator rule's impact on smaller assisted living facilities;
- LTCOP outreach to local state representatives and senators;
- Life enrichment programs for residents;
- Identifying and remedying frequent resident complaints;
- Access to resident records by ombudsmen;
- Volunteer mentoring peer-to-peer;
- Continuing education requirements;
- Service recognition for volunteers;
- Program retention rates;
- Collaborating with management;
- Developing an Ombudsman Day;
- Ad campaigns and local recruitment; and
- Data requests and processes.



## Program Highlights and Success Stories

### State Council Member-at-Large Mary Darling

Mary worked for years as a paralegal specializing in many areas of law. Her inspiration to help long-term care residents came through caring for her late mother. Mary was a volunteer ombudsman for nine years in North Central District. She has served as State Council Representative, State Council Vice Chair, and Chair of the Recruitment, Retention, and Recognition Workgroup. Mary also volunteers for other organizations by assisting people who have been taken advantage of or scammed.



### State Council Member-at-Large Choice Edwards

Choice has a background in federal housing, urban development, and law. He has served as a State Representative in Indiana, a boardmember of universities and churches, and a founding member of two churches. Choice decided to become an ombudsman after his mother, a long-term care resident, passed away. Before his appointment to the State Council, Choice was a volunteer ombudsman in the North Central District and also volunteered to increase awareness of elder services and opportunities in Central Florida.



## Local Council Success Stories



Northwest Council. Back: Teresa Hall, Paula Kersten, Deborah Pitts, Kathy Roniger. Front: Ray Sullivan, Susan Spencer, Phyllis Tedesco, Rita Poff, Kathy Dillon, Winifred Jones, Michael Phillips.

### Northwest

A power of attorney contacted the local ombudsman for help with obtaining an overdue refund from a facility. An investigation revealed that the facility had not sent the resident a refund within the required 45 days stipulated in Florida Statutes, Chapter 429.24(3)

(a). The ombudsman informed the facility that it was in its best interest to expedite all refunds as statutes authorize a fine equal to three times the refund amount if found not in compliance by the licensing agency. The power of attorney was made aware that this statute also directs half of the fine imposed to be sent to the resident.

## Program Highlights and Success Stories

The power of attorney then filed a complaint with the licensing agency and has since received a sizable check along with the refund amount.

### Panhandle

A resident who used a wheelchair did not have access to appropriate transportation, leading to missed doctor appointments and community activities. Facility staff made several promises to obtain transportation for the resident, but months continued to pass with no progress made. The local ombudsman requested receipts from the facility to determine whether or not a wheelchair accessible vehicle had been ordered. After discovering a vehicle had not been ordered as promised, the ombudsman arranged a meeting to discuss the situation with corporate representatives of the facility. Within a week of the meeting, a new wheelchair accessible van displaying the facility name was parked in the lot.



Panhandle Council. Back: Gale Workman, Andrea Jenkins, Annie Flowers, David Ferguson, Marshall Kapp. Front: Barbara Block, Jan Cuddington, Daniela Wellner.

### North Central

A facility advertised transportation to potential residents in a brochure. Upon moving in, residents discovered the facility did not own a vehicle and contacted the local ombudsman for help. After the ombudsman was told a corporate decision was made against a vehicle purchase, a meeting was arranged with a corporate representative to discuss the brochure containing false advertising. Following the discussion, a van was purchased and residents were able to enjoy getting out once again.



North Central Council. Back: Sharon Lauter, Bob Hood, Barbara Mascari, Wesley Gullidge, Johnny Brown. Front: Nubia Pena, Kathy Glazer, JoAnna Emerson, Betsy Coleman.

***"Thank you so much. This has been an ongoing issue for several months, yet you and your team were able to resolve this in less than a week. Please thank everyone that played a part in this investigation."***

***~ A Resident's Family Member***



## Program Highlights and Success Stories



*Withlacoochee Council. Back: Winston Sherman, Don Hankey, Frank Charles, Emmie Pearson, Marilyn McCabe, Marcy Kelly, Vincent Campano, Phylis Berger, Donna Bragg, Terry Delia. Middle: Janet Bostrom, Marie Brand, Sandy Price, Linda Harmon. Front: Margie Chu, Elaine Dredame, Don Ruths, Chaya Gil, June Pinard, Mary Nichols.*

### Withlacoochee

A facility prohibited two romantically involved residents from spending time together, sharing a room, or even touching without staff supervision. The administrator did not think one of the residents possessed the ability to consent. The local ombudsman attended a care plan meeting with facility staff, both residents, and the residents' families to advocate for the residents' rights to be in a consensual adult relationship. The ombudsman suggested a physician evaluate the ability of the resident to consent. After a physician determined the resident was capable of giving consent, staff agreed to respect the residents' privacy, intimate relationship, and need for physical contact.



*First Coast Council. Back: Russ Jahn, Jo Ann Moore, Jill Moore, Teresa Brantley, Teresa Rummel. Front: Lisa Cohen, Ann Scharboneau, George Moran, Adolphus Nyenkan, Tony Taylor, Art Molina. Kneeling: Tracie Rayfield.*

### First Coast

A family member attended a funeral and sent flowers to the event on behalf of a resident at the resident's request. Later, facility staff would not allow the resident to reimburse the funeral expenses with their Personal Needs Allowance money. The local ombudsman advocated for the resident's right to control how their money is spent. The resident was then able to reimburse their family member.

## Program Highlights and Success Stories



*First Coast South Council. Back: Leonard Dills, Robert Schanker, Laurie Page, Ophelia Beier, Donna Dunn, Kathy Barth, Chris Anderson. Front: Gwen Ruhl, Sandy Martin, Mike Phillips, Kathleen Gagnier, Dennis Jefferson, Ruthie Nickell-Cortes, Romana Colby. Kneeling: Lisa Dale.*

### First Coast South

Facility staff opened packages and personal letters without a resident's consent. The local ombudsman discovered the facility had a policy to open pharmacy packages that were not ordered from the in-house pharmacy. The ombudsman witnessed the resident open some packages in front of staff and noted the packages did not contain any medication. The facility then changed their policy to have a resident be present when suspected pharmacy packages are opened.

### East Central

Facility staff were rationing a few sheets of toilet paper per day to each resident. Residents were forced to purchase extra toilet paper from the facility or outside stores. Staff confirmed the ration policy to the local ombudsman and claimed the administration had implemented it due to the amount of toilet paper used. The ombudsman reminded staff that money the residents pay to live in the facility should go toward meeting all their needs, including toilet paper. The ombudsman then notified the owner there was no toilet paper in residents' bathrooms and advocated for the residents' right to a decent and clean living environment. Within a short time, the facility had stocked all bathrooms with toilet paper at no additional charge to the residents.



*East Central Council. Back: Richard Simon, Valerie Abdalla, Annie Busby, Sue Heydon, Lorraine Werner, Joe Skrzypek, Erin Long, Joanne Vegailla. Front: Maritza Ramos-Pratt, Linda Feld, Ed Feld.*



## Program Highlights and Success Stories



*Brevard Council. Back: Beverly Perreault, Bernadette Gernand, Jo Ann Williams, Alex Johnstone, Ruth Battle-Hall. Front: Philip Weddle, Kim Huerta.*

### Brevard

Two residents had recently married, and staff would not allow the couple to bring a queen bed into their shared room, citing safety concerns. The local ombudsman advocated for the residents to be able to share a bed. Soon after, the facility reached a compromise with the residents by allowing them to share two standard twin beds placed together. The newlyweds were thankful to be able to share a sleeping space.

### Pasco & North Pinellas

A resident with advanced dementia was hospitalized for a short time under the Baker Act. The resident did not have a guardian or power of attorney at the time. The facility refused to allow the resident to return after the hospitalization. The local ombudsman explained to the facility administration that they were required to allow the resident to return. After the administration claimed to not know the requirement, the ombudsman referred the complaint to the licensing agency. It was determined that rules and laws had been broken in an improper discharge. The facility worked to correct its deficiencies and now notifies the local ombudsman of all discharges. The administration now understands that residents must be allowed back into the facility after they have stabilized in the hospital. Afterward, a family member of the resident was granted guardianship over the resident and found placement for the resident at a memory care facility to better serve the resident's needs.



*Pasco & North Pinellas Council. Back: Linda Ford, Rick Ford, Jenny Colbree, Phil Lachapelle, Caroline Daly, Pam Teideman, Kevin Cronin, Jay Thornton, Donna Dernier, Pete Judge. Middle: Terry Lonczak, Marilyn Blauer, Jim Vermiglio, Betty Sarvis. Front: Annette Perry, Jane Spencer.*

## Program Highlights and Success Stories

### Mid & South Pinellas

Water leaked from the ceiling into buckets a resident placed around their room. As months passed, mold began to grow, and the resident had difficulty breathing. The administrator knew about the poor conditions but had not made any efforts to repair the damage. The local ombudsman requested a health inspection of the room. After the inspection, the room was condemned, and the facility finally agreed to make repairs. The room passed health inspections after repairs were completed and the resident was able to return to a clean space.



*Mid & South Pinellas Council. Back: Judy Hunt, June Entwistle, Terri Drake, Mary Bruels, Sue Boone, Ellen Lamparter, Philip Everett. Middle: Sheila Ramsdell, Carol Weideman, Jane Horowitz, Cyndi Floyd, Donna Cottone, Barbara Timo. Front: Michelle Unterberger, Annette Perry, Carol Wallace, Irene Murphy, Darlene Westberg, Mary Stein.*

### Southwest

After a facility closed, the residents were relocated to a new facility and stopped receiving their monthly Personal Needs Allowance. The local ombudsman spoke with the administrator and advocated for the residents to receive their money. The ombudsman's efforts resulted in the facility distributing Personal Needs Allowances to residents, including the amounts owed from previous months.



*Southwest Council. Back: Pat Shehorn, Jim Masch, Ed Christenbury, Jerry Spivak, Kathy Benage, Susan McDevitt, Dick Longo, Jo Hanson, Maggie Byrum, Patty Rutherford. Middle: Sharon Kaskie, Pete Marro, Joy Spivak, Rona Rundgren, Susie Lee, Phyllis Hastings, Joanne Crain, Ruth Ogieste. Front: Vana Prewitt, Marilyn Kane, Ginger Pavloff, Ann Ashworth. Seated: Debbie Shapiro, Tony Flores.*



## Program Highlights and Success Stories



West Central Council. Back: Michael Tracchia, Annette Bellinger, Bob Geller, Ron Dickey, Jim Lynch, John Miller, Jacqueline Hill, Bill Mafadini. Middle: Brenda Pitisci, Dorann Lucas, Don Courtney, Irene Dion, Catherine Page, Dana Clark, Marcia Doscher. Front: Anne Loomer, Teri Balzer, Becky Clemments, Julie Moran.

### West Central

A resident's wheelchair went missing. The local ombudsman advocated for the facility to replace the wheelchair. The resident had also experienced billing issues and complained that staff discussed their financial information in front of others. The ombudsman suggested staff be trained on respecting residents' privacy and advocated for the resident to the billing manager. Soon after, the resident was relieved to receive a new wheelchair and have their billing concerns resolved.

### South Central

An elder involved in a car accident during a hurricane was placed in the first available facility far from their home due to the emergency situation. After the storm, the resident received no assistance from staff to transfer to a facility closer to their home. The resident also had difficulty traveling to search for a new facility. The local ombudsman advocated on behalf of the resident which led to the resident soon being able to move into a facility closer to their family and friends.



South Central Council. Left to Right: Doris Thews, Owen Bailey, Wanda Harrison, Terre Anne Lindstamer, Lillian Bahamonde, Donna Holden, Lee Earls, Samantha Kotz, Linette Geisel.

## Program Highlights and Success Stories



Palm Beach Council. Back: Fakhry Boulos, Margaret Riccardi, Sheila Mitchell, Marty Weissman, Howard Feuer, Joan Elsner, Patrick Cannan. Middle: Flo Lippman, Dan Insdorf, Bru Heron, Joel Levinson, Ken Gordon. Front: Jane Wechsler, Joann Farrell, Jeffrey Novick, Anita Yanuck.

### Palm Beach

Residents who wanted to form a resident council asked the local ombudsman for assistance. The ombudsman informed the administrator that a "resident committee" organized and operated by the facility for administrative purposes was not a true council for residents. The ombudsman arranged a meeting between the facility owner and residents after learning the administrator did not believe residents wanted a resident council. At the meeting, residents voiced their concerns to the owner. Afterwards, a staff member was designated to assist residents in forming their new council. Many residents attended the first meeting and voted for officers to lead the council.

### Treasure Coast

A resident's family member regularly informed facility staff about an ongoing problem of the resident's clothing disappearing. Eventually, the resident had no personal clothing remaining. The local ombudsman arranged for a meeting with the administrator, the resident's family member, and staff to review laundry processes and attempt to locate the missing clothing. After the clothing was not found, the ombudsman recommended that residents' clothing be added to inventory lists in residents' records. The ombudsman also recommended that staff receive additional training about respecting residents' belongings and privacy. The ombudsman's advocacy resulted in the facility establishing new policies and procedures to track residents' clothing. With the new tracking system in place, reports of missing clothing declined.





## Program Highlights and Success Stories

### Broward

Residents complained about dining issues at a facility. The local ombudsman determined most residents liked dining changes introduced by a new chef but wished they could be informed of any changes in advance. The ombudsman found incorrect menus on display and discovered the coffee station had been moved to a new location without residents' knowledge. The ombudsman met with the administrator and chef to discuss the residents' preference to be given advance notice of changes. The ombudsman recommended the chef meet residents to determine what they prefer. In response, the facility began updating menus weekly and residents were able to discuss their dining preferences directly with the chef.



*Broward Council. Back: Shazad Kashar, Cynthia Chambers, Elizabeth Cole, Sharlene Hennis, Gloria Freyre. Front: Sankara Narayanan, Hanna Fink, Ann Garfinkel.*

### North Dade

Multiple complaints were made about poor living conditions in a facility. Upon visiting residents, the local ombudsman observed dozens of chickens roaming freely throughout the building. Chickens flapped in the common areas and perched atop tables and the coffee maker. Residents' rooms had become soiled by chicken waste. The ombudsman spoke to the administrator and notified outside agencies about the unsanitary conditions. The chickens were soon removed, the facility was cleaned, and a chicken removal service was contracted to visit monthly to ensure the property remained chicken-free.



*North Dade Council. Gustavo Franco, Galia Galindo, Diane Aybar.*

## Program Highlights and Success Stories

### South Dade & the Keys

A resident received a discharge notice after making complaints. The resident did not want to leave their home and was concerned the facility was evicting them in retaliation for making complaints. The facility owner told the local ombudsman that the discharge notice was given to the resident before the resident made any complaint. The ombudsman discovered dated records showing the discharge was issued after a complaint investigation began. The ombudsman notified the licensing agency, which resulted in the discharge notice being rescinded and the resident being able to continue living at the facility.



*South Dade & the Keys Council. Left to right: Estela Gallo, Carol Stanley, Iliana Hernandez, Alicia Salinas, Phyllis Ehrlich, Alina Rodriguez, Rosa Suarez.*

## Central Office Updates

- Development of a regularly scheduled webinar, *Ombudsman Corner*, is now available on the training site. Each webinar features guest speakers discussing important topics in long-term care.
- Ombudsman Management Information System (OMIS) was recreated to increase data accuracy and functionality, and to fulfill federal reporting requirements that will go into effect on October 1, 2020.
- OMIS 2.0 is being developed to include fields for activity and training reports

## Program Highlights and Success Stories

that will allow field managers to input data directly into the database. This improvement will significantly reduce the amount of time needed to compile the National Ombudsman Reporting System (NORS) annual report.

- Live webinar trainings and Q&A sessions are now held for field staff throughout the year.
- Online training videos are now closed-captioned.
- Residents' Rights and information about the role of the LTCOP was presented to facility administrators in multiple cities at the Agency for Health Care Administration Assisted Living Facility Joint Training.
- District managers attended a program-wide management training conference.
- A new training module "*Communicating Effectively with Residents*" is currently in development.
- The LTCOP received the 2018 Davis Productivity Award from Prudential for streamlining public records requests into a digital format that increases efficiency and tracking capabilities.
- The LTCOP became a designated Certifying Organization for the Presidential Volunteer Service Award. This status allows the LTCOP to present awards to eligible volunteers on behalf of the President of the United States.
- The LTCOP assisted the Department of Elder Affairs in disaster recovery efforts following Hurricane Michael. Program representatives volunteered at disaster recovery centers, visited residents, and checked on facilities.
- A recruitment and awareness campaign was launched in Duval County to promote resident advocacy and raise public awareness.
- The LTCOP is modernizing computer systems statewide to ensure each office has the equipment and materials necessary to provide outstanding services to long-term care residents.

## 2019 Legislative Proposals

The Florida Long-Term Care Ombudsman Program has a responsibility to analyze, comment on, and monitor the development and implementation of federal, state, and local laws, rules, and regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of long-term care residents and to recommend any changes in such laws, rules, regulations, policies, and actions as the office determines to be appropriate and necessary (Section 400.0065(1)(g), Florida Statutes). The following are legislative proposals developed for the 2019 legislative session.

- Resident Rights 42 CFR 483.10 sets forth the legal rights of nursing home residents. Concerning resident medical records, 42 CFR 483.10(g) states that a resident or his/her legal representative has the right to access all records, including current clinical records, within 24 hours (excluding weekends and holidays) of an oral or written request. Furthermore, after examination of the records, a patient or their legal representative may purchase (at a cost not to exceed the community standard) photocopies of records upon request within a two-day notice. As it stands, Section 400.145(1), Florida Statutes, cannot be reconciled with federal regulation that grants residents prompt access to their records. State statute permits the facility to provide the requested records within 14 working days after the receipt of a request, in contravention to the process outlined in federal law. The LTCOP is proposing a bill to amend Section 400.145(1), Florida Statutes, to conform with federal regulation.
- Assisted living facility residents have little recourse to contest an eviction. The LTCOP is proposing an amendment to Section 429.28, Florida Statutes, that would require assisted living facilities to copy the LTCOP on all Relocation or Termination of Residency Notices. Copying the ombudsman program when a notice is provided to the resident may remedy some of the breaches of the resident agreement and would allow the ombudsman program to advocate on behalf of residents who lack the information necessary to make informed decisions about their options.
- The Quality of Long-Term Care Facility Improvement Trust Fund was created within the Agency for Health Care Administration to support activities and programs directly related to the care of nursing home and assisted living facility residents. It is funded through a combination of general revenues and 50 percent of any punitive damages awarded as part of a lawsuit against nursing homes or related health care facilities (Fla. Stat 400.0238). The LTCOP is proposing a bill that authorizes the Long-Term Care Ombudsman Program to use the Quality of



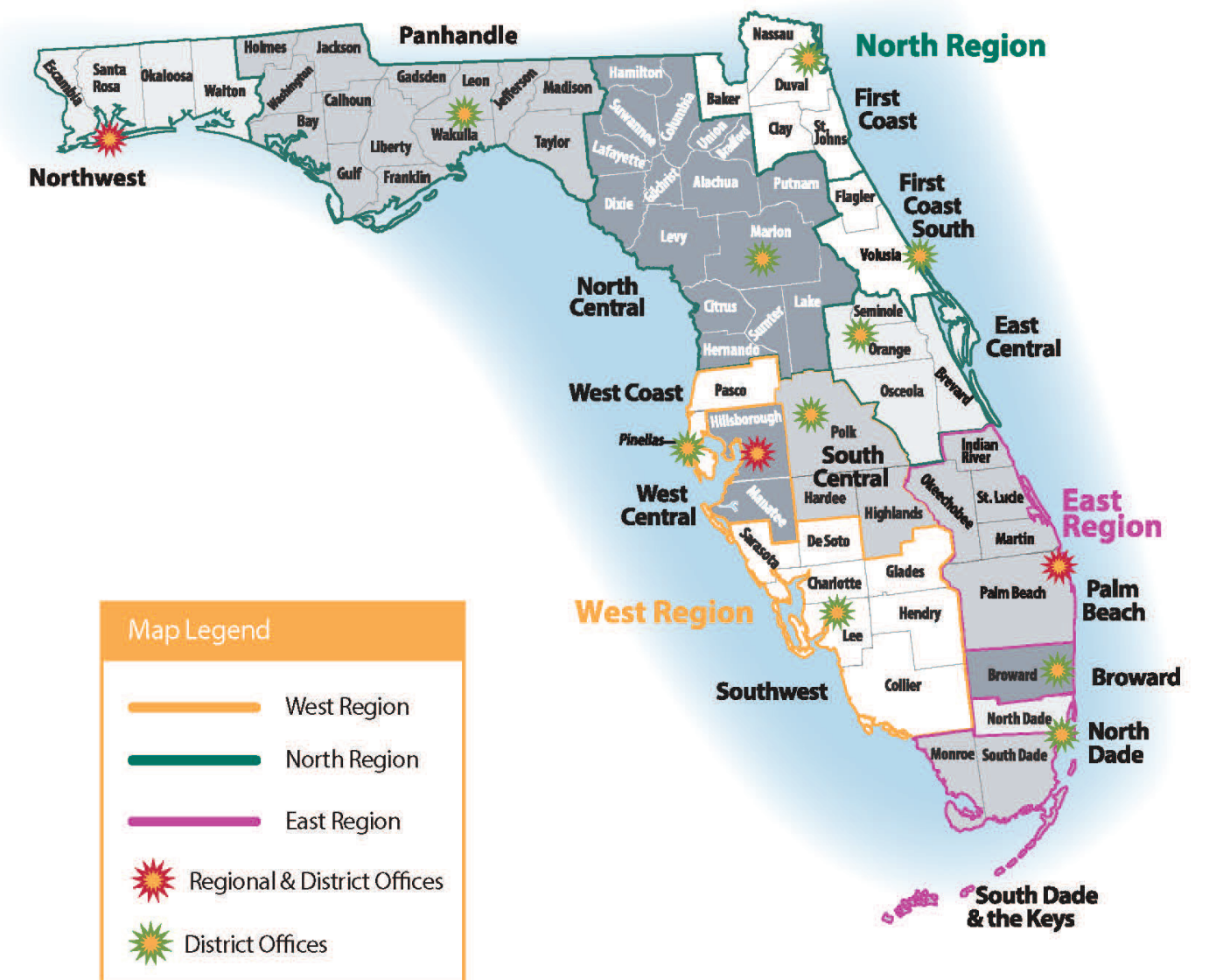
## 2019 Legislative Proposals

Long-Term Care Facility Improvement Trust Fund to expend certain funds on the promotion and support for the formation and active involvement of resident and family councils in assisted living facilities.

- Chapter 119, Florida Statutes, is commonly known as Florida's "Public Records Law." Currently, personal information of ombudsmen is not protected from public disclosure. Ombudsmen investigate complaints made by or on behalf of long-term care residents. Public disclosure of personal information places ombudsmen and their families at risk of retaliation. Protecting the personal information of ombudsmen from Florida's broad public record law is essential for their safety and well-being. The LTCOP is proposing a bill to exempt the personal information of ombudsmen from public disclosure.
- The State Council serves as an advisory body to assist the State Ombudsman in reaching a consensus among councils on issues affecting residents and the optimal operation of the Program. Currently, the State Council elects a chair who serves a one-year term. The chair may not serve more than two consecutive terms. The LTCOP is proposing a bill that adds a year to the one-year term limit for the State Council chair and provides a four-year consecutive service term limit in lieu of two. As the highest officer of the State Council, the chair is responsible for the orderly functions of the council - assuring there is full participation during meetings, that all relevant matters are discussed, and that decisions are made and carried out. The purpose of increasing the term limit is to increase the efficacy of the State Council. The State Council currently meets quarterly, with every other meeting convened as a teleconference. Four quarterly meetings do not provide enough opportunities for the State Council to identify areas of concern, conduct research, hold votes, and coordinate local council action.

## Program Office Locations

Long-term care ombudsmen are available to serve long-term care residents and their families in all 67 counties. The map below shows the 14 district and regional Long-Term Care Ombudsman Program offices throughout Florida. Some offices are co-located within the same space.





# Program Contact Information

**Northwest**

1101 Gulf Breeze Parkway  
Bldg. 3, Ste. 5  
Gulf Breeze, FL 32561  
Phone: (850) 916-6720  
Fax: (850) 916-6722

**Panhandle**

4040 Esplanade Way  
Tallahassee, FL 32399  
Phone: (850) 921-4703  
Fax: (850) 391-1382

**North Central**

1515 East Silver Springs Blvd.,  
#203  
Ocala, FL 34470  
Phone: (352) 620-3088  
Fax: (352) 732-1797

**First Coast**

Midtown Centre Office Park, 3300 Bldg.  
4161 Carmichael Ave., Ste. 141  
Jacksonville, FL 32207  
Phone: (904) 391-3942  
Fax: (904) 391-3944

**First Coast South**

210 N. Palmetto Ave., Ste. 403  
Daytona Beach, FL 32114  
Phone: (386) 226-7846  
Fax: (386) 226-7849

**East Central**

400 W. Robinson St., Ste. S709  
Orlando, FL 32801  
Phone: (407) 245-0651  
Fax: (407) 245-0653

**West Coast**

11351 Ulmerton Rd., Ste. 303  
Largo, FL 33778  
Phone: (727) 588-6912  
Fax: (727) 588-3648

**Central Office**

4040 Esplanade Way  
Tallahassee, FL 32399  
Phone: (850) 414-2323  
Fax: (850) 414-2377

**West Central**

701 W. Fletcher Ave.  
Ste. C  
Tampa, FL 33612  
Phone: (813) 558-5591  
Fax: (813) 375-3932

**Southwest**

2295 Victoria Ave., Rm. 152  
Ft. Myers, FL 33901  
Phone: (239) 338-2563  
Fax: (239) 338-2549

**South Central**

200 N. Kentucky Ave.,  
#224  
Lakeland, FL 33801  
Phone: (863) 413-2764  
Fax: (863) 413-2766

**Palm Beach**

111 S. Sapodilla Ave.  
#125A-B-C  
West Palm Beach, FL 33401  
Phone: (561) 837-5038  
Fax: (561) 650-6885

**Broward**

8333 W. McNabb Rd., Ste. 231  
Tamarac, FL 33321  
Phone: (954) 597-2266  
Fax: (954) 597-2268

**North Dade**

9495 Sunset Dr., Ste. B100  
Miami, FL 33173  
Phone: (305) 273-3294  
Fax: (786) 336-1424

**South Dade**

9495 Sunset Dr., Ste. B100  
Miami, FL 33173  
Phone: (305) 273-3250  
Fax: (305) 671-7247

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