

How to Participate in **RESOLVING CONCERNS IN ASSISTED LIVING HOMES**



Mission Statement

We are responsible for establishing and enforcing standards for the operation of health care facilities. Through education, inspection, investigation and enforcement, we assure that the public receives care from providers that promotes their health and enhances the quality of their lives, their dignity and their autonomy. ☺



PEOPLE CARING FOR PEOPLE
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4300 Cherry Creek Drive South
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*"It is not difficult to have a home atmosphere. It only takes a little time, love,
creative thinking, and a family of people who truly care and respect each other."*

—Joyce Hunnison-Berger, R.N., Administrator, The Valley Inn, Mancos, Colorado

How to Participate in Resolving Concerns in Assisted Living Homes

If you or a relative live in an assisted living home, it is possible that problems with care and services may arise. To prevent problems from arising or to “nip them in the bud,” the best tool is open communication.

Ideas for Maintaining Good Communication on a Regular Basis

☉ Address the Problem as Soon as Possible:

Try to bring issues to the attention of staff as soon as they arise. Do not wait until you have accumulated a number of things and are feeling very angry. The sooner you communicate, the better your communication will be.

☉ Participate in the Development of the Board and Care Plan:

Assisted living homes are required to develop a board and care plan that identifies care needs and behaviors, and the services used to address identified needs. Ask to participate in the board and care planning process. Bring a list of things you would like to have included in the board and care plan. Mention the need for revisions in the plan if care needs change and the home has not already identified the need for such changes.

☉ Develop and Maintain Good Relationships with Staff Who Provide Care:

Develop and maintain good relationships with care givers, managers and others who have daily contact with you and your loved one. Voice concerns calmly and factually. Ask staff to explain what and why certain care is being provided.

☉ Making Use of House Meetings or Resident Councils:

All assisted living homes are required to have a process by which residents and families can express concerns. Large assisted living homes must have monthly Resident Council meetings. Smaller homes, with fewer than 17 resi-

dents, must have quarterly house meetings. Some problems can be addressed at such meetings. All homes are required to keep minutes of the meetings. Ask to see the minutes. Perhaps your concern is similar to that of others. You may wish to pursue the development of a family council or call for a meeting; particularly if the residents of the home are unable to express concerns themselves, or you know of other family members with similar concerns.

If problems persist, you can contact the home’s manager or operator to resolve the issues. State laws give you the right to complain to staff or outside sources without fear of discrimination or retaliation.

Here are Some Helpful Guidelines:

☉ Work up the Chain of Command:

When you have a care problem, it is good practice to work up the “chain of command.” For example, if you are concerned about a care problem, you might talk directly with the care giver. If that contact is not effective, contact the staff person’s supervisor, and next the home’s manager. Ask for a meeting with the staff involved in your concern. If the facility has a social worker on staff, consider bringing your concern to the social worker.

☉ You May Need to Contact the Owner (or, in larger facilities, the Governing Board):

If the manager and other staff members do not satisfactorily address your concerns, you may contact the owner. **The home should have written policies explaining how to file a complaint. These should be posted in the facility.** It is best to put your complaint in writing, date it, and ask for a written response. By putting your complaint in writing, you can later show others that you gave the facility an opportunity to address your concern.

☉ Contact the State or Local Ombudsman:

If you still feel the home is not responding to your concerns, contact either the local ombudsman or the State Ombudsman.

Ombudsmen are people who are trained to advocate/problem-solve for residents and their families. The name and phone number of the local ombudsman should be posted in the home. If you are not sure who your local ombudsman is, call the State Ombudsman's Office at the Legal Center at 303-772-0300 or (toll-free) at 1-800-288-1376.

☉ How the Ombudsmen Can Help:

The ombudsmen can help resolve a care problem; they can also answer your questions about facility services, regulations and your rights as a resident. There is no charge for these services. Ombudsmen visit the assisted living homes at least quarterly.

How to File a Formal Complaint With the Colorado Department of Public Health and Environment (CDPHE)

If previous steps fail, file a complaint with the Colorado Department of Public Health and Environment, Health Facilities Division by calling 303-692-2800. A complaint can also be filed in writing. Write to:

Attention:
Assisted Living Program
Colorado Department of Public Health
and Environment
HFD-A2
4300 Cherry Creek Drive South
Denver, CO 80246

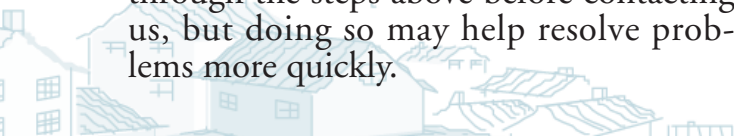
The CDPHE contracts with several local health departments to conduct inspections and complaint investigations. If the home with which you have a concern is located in an area where the state has a contract with a local health department, the complaint will be referred to the local health department to conduct the investigation.

- ☉ You can file a complaint any time within a year of the circumstances you are complaining about. But it is best to do so as soon as possible. You don't have to go through the steps above before contacting us, but doing so may help resolve problems more quickly.

- ☉ The CDPHE will investigate complaints related to residents' rights, care issues, abuse, dietary and environmental concerns. Complaints related to billing, insurance, and contractual concerns are not addressed by the CDPHE.

Provide as Much of the Following Information as Possible:

- ☉ Who you talked to and worked with in the facility. It is very important to make note of the names of the individuals you talked to regarding the issue. Many staff wear name tags—make it a practice to look at them and address those persons by name whenever the opportunity arises in the home. Using people's names helps improve communication.
- ☉ Who, what, when, where, and how of the occurrence. Include dates, times, names, places, frequency, and the people or staff members involved. If any other resident(s) has been affected, be sure to include his or her name. It is always better to include too much information than too little.
- ☉ Your full name, address, and daytime telephone number and where you can be reached. **YOU HAVE THE RIGHT TO REMAIN ANONYMOUS IF YOU SO CHOOSE.** Although efforts are made to protect anonymity, anonymity cannot always be guaranteed in order to conduct a thorough investigation.
- ☉ If there are witnesses or other parties who wish to provide information about your complaint, include their names, addresses and daytime phone numbers so they too can be contacted.
- ☉ You will be contacted to acknowledge receipt of your complaint.
- ☉ At the completion of the investigation, you will be contacted by telephone or letter and be provided with the findings of the investigation.



- Ⓞ If you are dissatisfied or have questions about the investigation, you can contact the Administrator of Residential Programs and your concerns will be reviewed. If necessary, a subsequent investigation may be conducted.
- Ⓞ If you are still dissatisfied, you may forward information to the Division's Director or Deputy Director. Please include specific information as to why you are dissatisfied.

Inspections of Assisted Living Homes:

The CDPHE (or in some cases, the local health department) inspects assisted living homes to assure their compliance with state regulations.

- Ⓞ Assisted living homes are inspected annually
- Ⓞ All inspections are unannounced
- Ⓞ During these inspections, surveyors find out if the facility meets licensure requirements by following state regulations
- Ⓞ The regulations have been developed to protect you and to help assure that you get the care and services you need. That is why surveyors spend time talking to the residents, observing their care and observing staff interactions with residents.
- Ⓞ The surveyors evaluate the residents' day to day life in the home:

They want to know about the home's staff, medications, food, activities and how the home responds to problems brought to their attention. They also want to know if the facility is a comfortable place to live. For example, is help provided with walking, bathing, dressing, getting in and out of bed, for toileting, and getting to and from activities?

What Surveyors Do:

- Ⓞ Surveyors conduct a tour of the home.
- Ⓞ They talk with residents about their care and day-to-day life. For residents who cannot have such a conversation, family members might be interviewed by the surveyors.
- Ⓞ They review residents' records.
- Ⓞ They meet with key staff of the home.
- Ⓞ They observe interactions between resident and staff.

Why and How You Should Participate in a Survey:

Talking with residents and families is a key part of the survey because residents and families know the most about life and care in the home. It is very important for you to talk to the surveyors very frankly about your views of the home's performance and any problems. The home's performance is evaluated primarily on how it cares for you as a resident, or your loved one.

Don't Wait Until a Survey if You Have a Problem:

If you have an immediate concern at a time when there is not a survey going on and the problem is not getting resolved after being brought to the attention of the home, it is best not to wait. Proceed by contacting the local ombudsman or the CDPHE.

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We at the Health Facilities Division take our oversight role very seriously. We do all we can to help you resolve your problems by working with residents, family members, ombudsmen, facility staff, health care professionals and other agencies. Please contact us when you need our help. Our phone number is 303-692-2800.