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The Office of the Ombudsman for the Institutionalized Elderly (O.O.I.E) works to preserve the health, safety, welfare and protect the rights of New Jersey residents age 60 and older who live in long-term health care facilities. The program seeks to ensure that residents receive quality care as they age. The Office is in, but is independent of, the NJ Department of the Treasury.

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Guidance. Support. Advocacy.

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The Beacon News from New Jersey's Long-Term Care Ombudsman



There are major initiatives evolving at the state and federal levels that promise to change how the State of New Jersey approaches such issues as end-of-life planning and the delivery of long-term care services and supports to the state's elderly citizenry. The NJ Office of the Ombudsman for the Institutionalized Elderly (OOIE) is providing input on -- or is actively participating in -- all of these initiatives.

In this quarter's edition of *The Beacon*, Policy and Legislative Affairs Director Elizabeth Speidel discusses the state's effort to obtain approval from the federal government to move long-term care services and supports (including nursing home care and in-home health care services) into a managed care environment for people on Medicaid. This will mean that Managed Care Organizations (MCOs) as insurers would be responsible for paying for these services rather than the state paying directly for them on a fee for service basis. Dozens of meetings of consumers, advocates, providers and other key stakeholders are currently taking place to help ensure that this transition is smooth and that consumers needs are addressed every step of the way.

On the legislative side, we are also working in cooperation with the National Association of State Long-Term Care Ombudsman Programs (NASOP) to educate federal legislators about the importance of reauthorizing the Older Americans Act, which partially funds the OOIE. At the state level, we are working with state legislators to ensure that legislation currently being considered to facilitate end-of-life decision-making for incapacitated, unbefriended individuals includes provisions to ensure the due process and civil rights of each individual.

We also continue to expand our work to reinvigorate the state's 14 Regional Ethics Committees. In this issue of *The Beacon*, Amy Brown, who heads up this area for the OOIE, discusses the office's ongoing efforts to provide end-of-life and residents rights training to long-term care facility staff and other professionals. Also, Amy discusses the office's National Healthcare Decisions Day activities which included us partnering with several long-term care providers to emphasize the importance of advance care planning.

May is Older American's Month. So, it is appropriate that this month the OOIE will host its first-ever Staff and Volunteer Training Conference. On the first day, our dedicated and highly experienced professional investigators will receive training updates on evolving current issues such as cultural competency, LGBT rights, and advocating for people with advanced dementia. The next day, our volunteers will receive advocacy training from the Washington, D.C.-based National Ombudsman Resource Center and other accomplished speakers and trainers. This promises to be an exciting and informative two-day conference that will bring national best practices to our excellent front-line advocates here in New Jersey.

James W. McCracken
 James W. McCracken

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Dates to Remember

- May**
- Older Americans Month
- June 15**
- World Elder Abuse Awareness Day
- July 6-12**
- Alzheimer's Awareness Week

“It’s not enough to be compassionate. You must act.” -Tenzin Gyatso

Money Follows the Person and OOIE: Perfect Together

The OOIE has recently joined an effort by the State of New Jersey to move people from nursing homes back into the community. Through the federally-funded Money Follows the Person (MFP) program, the state receives extra money from the federal government if they move people who are living in nursing homes or in state developmental centers into an appropriate community placement. The OOIE has been asked to help spread the word that some seniors living in nursing homes may be eligible to move into the community with the proper supports.

In New Jersey, the Money Follows the Person program is a joint partnership between the NJ Department of Human Services, Division of Developmental Disabilities (DDD) and the NJ Department of Health and Senior Services, Division of Aging and Community Services (DACS). The DDD is focusing primarily on moving people with developmental disabilities from state institutions and DACs and the OOIE are focusing on moving people from nursing homes into homes in the community.

"The trend nationally and here in New Jersey, is to move people from the most restrictive to the least restrictive environment," said Ombudsman James W. McCracken. "The Ombudsman's office is guided, as always, by consumer choice. If someone wishes to leave a nursing home and live in the community, it is essential that they have the services and supports they need to



make that successful transition. Our role is to make sure that as many people as possible know that these services and supports are available." In order to assist in this effort, the OOIE is seeking funds from the federal government to hire staff dedicated solely to educating residents, their families, health

care professionals and the public at large about the MFP program.

In the meantime, OOIE volunteer advocates have been briefed on the benefits of MFP and have been provided with flyers from the MFP program. During meetings this spring with the DACS Money Follows the Person nurses, OOIE volunteers were asked to be on the look-out for nursing home residents who have expressed a desire to move back into the community.

"We know that returning home is not a realistic possibility for every single person receiving care in a nursing home. So we do try to manage expectations," said McCracken. "But we also know that there are many people who will benefit from this program but

who probably don't know, or whose families are not aware, that living at home with the proper plan of support is a highly viable option."

OOIE volunteers have already made about a dozen referrals to DACS MFP staff, said McCracken.

“An enlightened citizen is an indispensable ingredient of the infrastructure of democracy.”
- Barbara Jordan

Policy and Legislative Update

OOIE takes stand on issues affecting NJ seniors

Our office has been busy working on a number of policy and legislative issues to ensure that elderly in New Jersey are receiving quality care.



END-OF-LIFE ISSUES

In our view, advance care planning is an essential residents’ rights issue. What could be more important than to have one’s wishes respected at the end of life? For this reason, the OOIE was actively engaged in activities associated with National Healthcare Decisions Day (page 5) and we have been working with a statewide group of stakeholders to implement the recently passed Physicians Orders for Life Sustaining Treatment or POLST law.

POLST is another advance planning tool designed for those who wish to further design their preferences for healthcare. POLST is a medical order that doctors or advance practice nurses fill out with patients and is based on the person’s current medical condition and wishes stated verbally or in written advance directives. The POLST document

identifies the type of care that individuals want to receive. The goal of POLST is to ensure effective communication between health care practitioners and individuals receiving care so that decisions are sound and based on individuals’ understanding of their conditions, their prognoses, the benefits and burdens of care, and, most importantly, their goals of care.

MANAGED LONG TERM CARE SUPPORTS AND SERVICES

We are also engaged in statewide stakeholder meetings regarding the state’s Comprehensive Medicaid Waiver. New Jersey is actively pursuing a policy to rebalance the long-term supports and services system (spending equal amounts on both nursing home care and home and community-based care). One aspect of that effort is working with the federal government to shift New Jersey’s Medicaid long-term supports and services to managed care. This basically means that people on Medicaid who are in nursing homes or other long-term care facilities would be enrolled in HMOs and that those HMOs would pay for those long-term care services and supports, not just acute medical care.

In order to ensure a smooth transition to managed care, the state is convening workgroups to develop contract language with HMOs, which are now referred to as

Managed Care Organizations or MCOs. Our office is serving on three of the four workgroups – Assessment to Appeals, Access to Services, and Quality Monitoring. We are most particularly concerned with ensuring that:

- individuals can access protective and advocacy services if they are the victims of abuse, neglect, or exploitation;
- the states and MCOs effectively communicate with and educate individuals about their options and their rights;
- the process is transparent for consumers;
- and all those who need and would benefit from holistic care management receive it.

OLDER AMERICAN’S ACT RE-AUTHORIZATION

The Older Americans Act (OAA) is the federal law that governs long-term care ombudsman programs as well as many programs that provide critical services to seniors (such as nutrition services for people in the community). Congress is currently working on amendments to the law, and we have been following the process to ensure that residents in long-term care facilities continue to receive services to enhance their ability to make choices for themselves and to have their rights are protected.

“Disciplining yourself to do what you know is right and important, although difficult, is the highroad to pride, self-esteem, and personal satisfaction.” - *Margaret Thatcher*

Take Our Children to Work Day 2012

OOIE encourages Tomorrow's Advocates

On April 26, 2012, the OOIE celebrated “Take Our Children to Work Day” with a full day of activities for the children of OOIE employees.

OOIE was delighted to be a part of a strong program of events organized in partnership with the Department of Treasury. The day was designed to give children real-life experience in the workplace.

Seven children from OOIE participated in a Treasury Department-wide conference to learn about Treasury’s other offices (OOIE is in but independent of Treasury) and how we all connect.

Back at the office, the OOIE visitors were able to interact with parents and co-workers learning and understanding how OOIE assists elderly people living in long-term care facilities.

Lead by OOIE staffer Nikia Nixon, who spearheads the office’s annual “Take Our Children To Work Day”, the children learned that giving, caring, and having compassion for others is not limited to home but also extends to one’s occupation.

Children are educated about the concerns of elder abuse by nurse consultant James Plastine.



Participants interviewed senior staff member Sharon Sniderman about the procedures of the Office.



June 15, 2012 is

World Elder Abuse Awareness Day



Each year, hundreds of thousands of older persons are abused, neglected, and exploited. In addition, elders throughout the United States lose an estimated \$2.6 billion or more annually due to elder financial abuse and exploitation, funds that could have been used to pay for basic needs such as housing, food, and medical care. Unfortunately, no one is immune to abuse, neglect, and exploitation. It occurs in every demographic, and can happen to anyone- a family member, a neighbor, even you. Yet it is estimated that only about one in five of those crimes are ever discovered.

World Elder Abuse Awareness Day (WEAAD) was launched on June 15, 2006 by the International Network for the Prevention of Elder Abuse and the World Health Organization at the United Nations. The purpose of WEAAD is to provide an opportunity for communities around the world to promote a better understanding of abuse and neglect of older persons by raising awareness of the cultural, social, economic and demographic processes affecting elder abuse and neglect. WEAAD serves as a call-to-action for individuals, organizations, and communities to raise awareness about elder abuse, neglect, and exploitation.

“Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it’s the only thing that ever has.” - *Margaret Mead*

Active Spring for Volunteer Advocate Program

The OOIE Volunteer Advocate Program has joined a handful of other states in requiring criminal history background checks, which include a fingerprint screen, for all new volunteers.

“Since our volunteer advocates provide direct resident contact and support, OOIE has implemented criminal background checks as a valuable screening tool for potential volunteers,” said Deirdre Mraw, the OOIE statewide volunteer coordinator. “Criminal background checks help ensure that our volunteers are honest, safe and qualified. This adds another layer of protection as we advocate for this vulnerable population.”

After filling out an initial application and undergoing a preliminary interview with an OOIE regional volunteer coordinator, prospective volunteers are asked to fill out a form consenting to a criminal history background check and are directed to a company that takes fingerprints and submits them to the NJ State Police.

The results will be available from the State Police approximately 7-8 business days from the date of fingerprinting. Once the criminal history background check is completed, the volunteer will begin their formal 32 hours of training.

MORE MONEY FOLLOWS THE PERSON

At the quarterly volunteer advocate meetings in March, trainers from OOIE and the Office of Community Choice Options (DHSS) educated OOIE volunteers about their participation in an important federal initiative called Money Follows the Person (MFP). This MFP program provides enhanced federal money to participating states for every person it transitions from institutional setting to a home/community based setting. This process includes extensive counseling and assessment, a housing search, and assistance to acquire all of the medical and social resources the person needs to make a successful transition.

OOIE volunteers will play an important role in this project - identifying potential candidates for the program. Since the training, OOIE volunteers have identified several nursing facility residents who have expressed an interest in moving to a less restrictive environment. The volunteers work closely with social workers to make sure that these referrals are made and that the residents receive counseling about their options.

PARTNERING WITH AARP NJ

OOIE is partnering with AARP New Jersey to recruit volunteers to achieve its goal of placing one volunteer advocate in each of New Jersey's more than 360 nursing homes. Since the beginning of the year, OOIE has attended several local AARP outreach events to promote OOIE services generally and to specifically tout the Volunteer Advocate Program. OOIE looks forward to future collaboration with AARP New Jersey to raise awareness among the state’s active senior population about this important volunteer opportunity.

CELEBRATE OLDER AMERICAN’S MONTH – VOLUNTEER!

Since it is Older American’s Month, the OOIE urges anyone who is interested in becoming a volunteer advocate to contact the office at 609-826-5053.

There are currently about 180 volunteer advocates in the state but at least twice that number are needed in order to have an advocate assigned to every nursing facility. “There is a significant unmet need out there,” said Ombudsman McCracken. “I urge anyone who is interested in making a meaningful contribution to the lives of elderly New Jersey residents to give us a call – today!”



“We could never learn to be brave and patient, if there were only joy in the world.”

-Helen Keller

Education and Outreach on End-of-Life issues

OOIE has continued its commitment to training and educating long-term care workers to deal with difficult ethical conflicts, especially around medical treatment at end of life.

From January through May 2012, OOIE held 7 trainings throughout New Jersey and educated more than 500 long term care professionals. The training, *How to Make Ethical Decisions at the Bedside*, is presented by bioethicist Dr. Helen Blank and teaches participants to identify ethical issues and to work through them in order to avoid crises and family conflict when facing difficult, heart-wrenching situations. These might include questions about withholding or withdrawing life sustaining medical treatment such as feeding tubes and ventilators, implementing do-not-resuscitate (DNR) and do-not-hospitalize (DNH) orders, or involving hospice.

OOIE continues to hold bi-monthly meetings of New Jersey’s Regional Ethics Committees (RECs) –

Ombudsman McCracken speaks gives opening remarks at ethics training at Fellowship Village.



Bioethicist Dr. Helen Blank leads discussion with participants.

groups of professionals from many disciplines who come together to provide guidance to facilities to deal with the issues mentioned above. There are 10 such groups currently operating throughout New Jersey, which serve as an important resource to the long-term care community. OOIE provides guidance and support to the RECs and brings these groups together regularly so that they can exchange information, share experiences, and provide feedback on the ethics support and education they give to the provider community. A contact list of the Regional Ethics Committees can be found here: <http://nj.gov/ooie/pdf/EthicsCommitteeList.pdf>.



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Follow our blog at ProtectingSeniors.blogspot.com

“You can’t do anything about the length of your life, but you can do something about its width and depth.” -Evan Esar

In keeping with its emphasis on prevention and education, the Ombudsman visited three New Jersey nursing facilities to mark National Healthcare Decisions Day (NHDD) on April 16, 2012.

NHDD is a day dedicated to promoting advance care planning and discussing health care goals for patients and residents of long-term care facilities.

At each facility, the Ombudsman presented an educational video, *Anna’s Story*, which depicts an elderly woman who winds up with a feeding tube, ventilator, and dialysis, who (through her voiceover) explains that she never wanted this intrusive medical treatment. The video highlights the importance of advance care planning, most importantly having conversations with loved ones about what kinds of medical treatment residents do or do not want at the end of their lives. Information on do-not-resuscitate (DNR) and do-not-hospitalize (DNH) orders, and Physician Orders for Life Sustaining Treatment (POLST) was distributed at these community meetings.

OOIE’s ethics work has been featured recently on New Jersey Spotlight, The Philadelphia Inquirer, and McKnights Long-term Care News.

Staff Attorney Amy Brown answers questions during a presentation on the importance of Advance Care Planning.



The OOIE congratulates the following facilities and organizations for their efforts to promote advance care planning as part of National Healthcare Decisions Day:

OOIE presented NHDD programs at:

House of the Good Shepherd, Hackettstown
Seabrook Village, Tinton Falls
Friends Village, Woodstown

OOIE attended events on April 16, 2012 at:

Bright View Greentree, Marlton,
with Assemblyman Herb Conaway and Jerry Rothkoff (elder law attorney) and Samaritan Hospice.

Pitman Manor, Pitman, with Victoria Dalton (attorney) and Samaritan Hospice

Spring Oak Assisted Living of Vineland,
Vineland, with South Jersey Legal Services

Other agencies that participated in NHDD:

Masonic Home, Burlington
NJ Veterans Memorial Home at Paramus
Willow Creek Rehab and Care Center, Somerset