

**Speaker Comments from Annual Meeting -  
WACCRA Annual Meeting Feb. 17, 2017**

**Intoduction of Ms Donna Christensen, WACCRA Lobbyist  
by Jim McClaine**

Donna Christensen is a graduate of the University of Washington with a BA in Political Science and is a graduate of Seattle University School of Law, JD. She is now a professional Lawyer/Lobbyist with WACCRA among her clients. She has represented WACCRA for about 5 months. She has an impressive set of contacts among our legislators and their staffs. \_\_\_\_\_

**Remarks by Donna Christensen**It is an honor to represent WACCRA with its many senior residents. I am concerned with HB 1232, considered a cleanup bill to last year's legislation, codified in RCW 18.390. Our bill passed out of the House Health Care Committee a couple of weeks ago and is currently in the Rules Committee. The bill needs to pass on the House floor by March 8 to move on to the Senate. At that time we will need your help. It will be important for residents to make hot line and office calls as well as sending emails, and letters to demonstrate that residents want this bill passed. We will have talking points available for your use. The more constituents that make these calls the more likely it is the bill passage will be successful. We are up against strong opponents. Change is hard and legislators need a reason to make these changes. The question they must consider is whether this law will help the residents? We are fortunate there is experience and a body of law we can rely on in other states. There is also a continuum of services for long term care and it is important that residents identify CCRCs as a distinct spot on that continuum with its unique legislative protective needs.

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## **Introduction of Ms. Patricia Hunter**

Jim McClaine introduced our speaker Patricia Hunter. She received a Masters Degree in Social Work from the University of Washington in 1996. She is in the 28th year of her career in the “Aging” field. Since 2011, she has served as the Washington State Long-Term Care Ombudsman. She also serves on the Joint Legislative Executive Committee on Aging and Disability. She had handouts that she will provide electronically to Jim McClaine for distribution to WACCRA members.

## **Remarks by Patricia Hunter**

The Ombudsman program is a person-centered consumer protection service that resolves problems and advocates for the rights of individuals residing in Nursing Facilities, Assisted Living Facilities and Adult Family Homes. Each State has one State Long-Term Care Ombudsman that heads the “Office of the State Long-Term Care Ombudsman” (Ombuds). The State Long-Term Care Ombudsman has the authority to designate representatives of the Office (staff and volunteers)

The Nursing Home Ombudsman program was created in the 1970s by US Commissioner on Aging, Arthur Flemming, as part of President Nixon’s initiative to improve conditions amid reports of nursing home resident abuse.

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The discussions to start the program took place with Nixon by Arthur Flemming and Elma Holder on Air Force One. Since its inception, it has been envisioned as an autonomous entity able to represent consumer

interests. There have been challenges to full implementation due to bureaucratic structures and/or political environment of many states. Regulations were not published to fully implement the program and provide a consistent level of consumer protection across states until 2015.

The Ombudsman Program authorities are delineated in the following documents:

Federal Statute: Older Americans Act, Title VII, Section 712. Code of Federal Regulations (CFR) 45 Part 1324. State Statute: Revised Code of Washington (RCW) 43.190. State Regulation: Washington Administrative Code (WAC) 365-18.

Long-term care Ombudsmen identify, investigate, and resolve complaints that are made by, or on behalf of, residents. Complaints may relate to action, inaction, or decisions that adversely affect the health, safety, welfare, or rights of the residents. These complaints may involve the providers, or representatives of the providers, of long-term care services; public agencies; or health and social service agencies. The Ombudsman informs the affected residents about means of obtaining services. Further, the Ombudsman ensures that the residents have regular and timely access to the services and that the residents and complainants receive timely responses to complaints.

The Washington State Ombudsman program has 325 certified Ombuds Volunteers, 16 full-time equivalent staff, 13 regions – 11 Subcontractors local offices, 1 State Office Technical Assistance & Contracted Legal Services person and a budget of \$1.757 million.

The Ombudsman's Office identifies, receives and resolves complaints. There are approximately 68,818 beds in this state's Ombudsman's

jurisdiction. The Office deals annually with 4,501 complaints and performs 53,768 consultations. The Office performs 38,519 volunteer service hours and visited 1,548 Long Term Care facilities. A total of 16,692 visits were made to these Long Term Care facilities.

The Resident Rights Laws and Regulations in Washington State of importance to the Ombudsman program are RCW 70.129 and WAC 388-97.

These rights apply to residents living in long-term care licensed facilities. Residents shall:

Receive appropriate services  
Be treated with courtesy  
Continue to enjoy their basic civil and legal rights  
Have opportunities to exercise reasonable control over life decisions  
Have choice, participation, privacy

Have opportunities to engage in religious, political, civic, recreational and other social activities that foster a sense of self-worth and enhance the quality of life.

## **Complaints**

The top three complaint types in FY 2015 for the facilities indicated.

Nursing Home-Washington State  
1. Discharge/eviction  
2. Failure to respond to requests

for assistance  
3. Care Planning – follow through

ALF/AFH-Washington  
1. Discharge/eviction

2. Not being treated with dignity/respect

3. Questionable billing/charges

Nursing Home-National1. Discharge/eviction2. Failure to respond to requests

for assistance3. Not being treated with dignity/respect

“Board & Care”- National1. Medications – administration, organization of 2. Food Service

3. Discharge/eviction

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In a Washington State survey, 92 percent of residents are satisfied with the Ombudsman program. Another Bill that is important to support is HB 1492. The fines in assisted living facilities are capped at \$100. HB 1492 would remove this cap and make the fines consistent with nursing facilities and adult family homes that permit fines up to \$3000.