

**HOW TO MAKE CERTAIN THAT YOUR PARENT OR FAMILY MEMBER RECEIVES THE PROPER CARE IN AN OHIO RETIREMENT OR NURSING HOME FACILITY**

<p>Millions of Americans care for an elderly parent or family member who may or may not live with them. These "informal caregivers" provide a substantial portion of the long-term care. They find it extremely difficult to locate a living situation that gives a parent or family member both the assistance they need and the independence they often insist upon.</p> <p>Many times a parent or family member requires an advocate prior to selecting and moving into a retirement or nursing home facility. Most of the time the advocate will be the child of the elderly person.</p> <p>The advocate should perform due diligence even before a parent or family member relocates. It is critical to proactively research and personally visit any potential facility.</p> <p>Once the advocate selects the best option and the parent or family member ("resident") moves in, it is essential that the advocate introduce him or herself to the staff and tell them that the advocate will be at the facility often to check on the resident.</p> <p>A resident has many statutory rights under Ohio law. Too often, the advocate does not know about or does not understand how the resident can be protected. This is why an advocate should contact an attorney who specializes in this area. Ohio law specifically sets forth a resident's rights and remedies which include a safe and clean living environment; to be free from physical, verbal, mental, and emotional abuse; to be treated with courtesy and respect with full recognition of a resident's dignity; to receive adequate and</p>	<p>appropriate medical treatment and nursing care; to have all reasonable requests and inquiries responded to promptly; to ensure a resident's comfort and sanitation; and to obtain from the home, upon request, the name and specialty of any physician or other person responsible for a resident's care or for the coordination of care.</p> <p>It is inevitable that problems will arise. Too often either the resident does not have an advocate or the advocate's time is consumed with a job or family obligations. Unfortunately, the owner of the facility is running a business and often this conflicts with what is in the best interest of the resident. Such a situation can be devastating to the health and welfare of the resident.</p> <p>How can the advocate determine if the facility is providing the resident with proper hygiene, medical and nutritional care? Obviously, if the resident is communicative, he or she can tell an advocate. Otherwise, an advocate can check for signs of mistreatment such as bedsores, stiffening muscles, the use of physical or chemical restraints and evidence of malnutrition and dehydration.</p> <p>What can an advocate do if he or she believes that the resident is being mistreated by the facility? Speak with the staff who are directly involved with a resident's care. Try to focus on finding a solution and avoid being accusatory or angry. Determine when the facility's next care-planning meeting or family-council meeting is scheduled and attend to raise the advocate's concerns.</p> <p>If the issues are not adequately addressed then the advocate should schedule a meeting with the supervisor of the facility and discuss specifics</p>
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about any incidents, including times, dates and other pertinent information. The advocate has every right to demand immediate action.

In the event the advocate fails to resolve the complaints, he or she has the right to file a written complaint with the facility. Every facility is required to follow a formal grievance process, so the advocate should read the written procedures.

If there is no resolution of the problem, the advocate can locate and talk to a long-term care ombudsman in the local area by contacting the Ohio Office of the State Long-Term Care or the National Long Term Care Ombudsman Resource Center. A long-term care ombudsman is authorized to assist the advocate with questions and problems relating to long-term care-nursing homes, assisted living, home care, and adult care homes. The ombudsman can help the advocate understand and exercise a resident's rights that are protected by Ohio law. If the ombudsman reports to the Ohio Department of Health ("ODOH") that a complaint is valid and unresolved, it will conduct its own investigation. The resident or advocate also has the option of filing a complaint directly with the ODOH.

Navigating through a facility's internal grievance process or filing a claim with ODOH can be very confusing for the advocate. The goal of every advocate is the safety and welfare of an elderly parent or family member. Prior to selecting a facility or when a problem arises after the resident moves in, it is strongly recommended that the advocate consult with someone who has experience in protecting the legal rights of a resident. More importantly do not let the resident suffer because of the fear of retaliation by the facility. There is absolutely no reason why a resident should suffer either mentally or physically.

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