



NEWSLETTER

Colorado Coalition for Elder Rights & Adult Protection

A Project of the Colorado Nonprofit Development Center

www.ccerap.org

MISSION: To promote statewide understanding of elder/adult abuse and the rights and protections available to elder and at-risk adults.

July, August, September 2009

Building a Better Life for Colorado's Aging Population

Protecting and Promoting the Rights of Older Adults

The Colorado Long-Term Ombudsman Program

The Colorado Legal Assistance Developer Program

(The Legal Center for People with Disabilities and Older People)

Training Seminar

Wednesday, July 15, 2009

Aurora City hall

(1.5 hours recertification credit for Ombudsman Training)

Next Meeting/Seminar of CCERAP

Wednesday, July 15, 2009

9:00 am – 11:00 am

Aurora City Hall

Aurora Room – First Floor, South

15151 E. Alameda Parkway

Aurora, CO

Seminar

Building a Better Life for Colorado's
Aging Population

*"Protecting and Promoting the Rights
of Older Adults"*

Guest Speakers

Shelley Hitt, Colorado Long-Term
Care Ombudsman

Mary Catherine Rabbit, Esq., Colorado Legal
Assistance Developer for the Elderly

The Legal Center for People with Disabilities
and Older People

Colorado's Protection and Advocacy System

Seminar/Meeting Schedule

8:30 am – 9:00 am Refreshments, Coffee

9:00 am – 11:00 am Training, including Q & A

Networking: Please bring brochures, flyers of
programs to distribute (about 40 copies). There
will be time for announcements.

Directions to Seminar/Meeting:

I-225 to Alameda Ave.

East on Alameda about 1/2 mile to Chambers Rd

Left on Chambers Road 1 block

Left into City Hall parking lot

*Parking garage is available on west side or park
in lot on east side.*

Aurora Room—First Floor, south end of building.

Please register at ccerap@comcast.net

or call 1-800-773-1366

*Provide name, title, organization,
email and phone number.*

Walk-ins are welcome.

The Colorado Long-Term Care Ombudsman and the Legal Assistance Developer Programs work in tandem to serve Colorado's seniors, their families, and professionals working with elders. The Legal Center for People with Disabilities and Older People in Denver is the "home" for these efforts; however, local Ombudsmen and Legal Assistance Developers are located throughout the state in each AAA Region. (See page 4)

Join Shelley Hitt, Colorado Long-Term Care Ombudsman, and Mary Catherine Rabbit, Esq., Colorado Legal Assistance Developer for the Elderly, as they explain how these two programs provide a vital safety net for older people.

Topics covered at the July 15 training seminar:

- What services are provided by these two programs?
- How can social workers, attorneys, legal staff and healthcare professionals utilize these services as they work with seniors and their families?
- When and how do these programs interface with other professionals such as law enforcement, adult protective services, and attorneys?
- What are the most pressing current legal issues facing the elderly?
- What are the new provisions for Colorado's Uniform Power of Attorney Act (HB-1198)?

Who Should Attend?

- Long-Term Care Ombudsmen
- APS Supervisors and Caseworkers
- Elder Law Attorneys
- Long-Term Care Facility Staff
- Advocacy Organizations
- Law Enforcement Officers
- Local District Attorney Offices
- Geriatric Case Managers, Social Workers

Inside...

- Colorado's Long-Term Care Ombudsman Program
- What is an Ombudsman?
- Colorado's Legal Assistance Developer Program
- Power of Attorney... Good Advice
- Local Ombudsmen and Legal Assistance Developers by Region
- Residents' Rights
- Durable Medical Equipment Fraud
- Visit CCERAP's Website
- Becoming a Volunteer Ombudsman
- New Coordinator
- CCERAP Steering Committee

Colorado's Long-Term Care Ombudsman Program



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The Colorado Long-Term Care Ombudsman Program is a statewide advocacy program for residents of long-term care facilities. The State Ombudsman office is located in The Legal Center and operates through a contract with the Aging and Adult Services Division of the Colorado Department of Human Services. There are 16 local programs that operate within or in conjunction with the Regional Area Agency on Aging (see page 4 for local contacts).

The program is authorized by state and federal law to investigate complaints made by (and on behalf of) residents of long-term care facilities. During the fiscal year 2008, the Colorado Long-Term Care Ombudsman handled 8,880 complaints. Ombudsmen handle and resolve complaints at the lowest possible level, thus reducing the need for agency action or litigation. A copy of the 2008 Ombudsman Annual Report is available on The Legal Center website: www.thelegalcenter.org. The 2008 Annual Report is a joint report with the Colorado Legal Assistance Developer Program and was distributed to members of the Colorado General Assembly during the 2009 General Session.

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What is an ombudsman?

- ❖ A person who is concerned with protecting the civil and human rights of elderly persons in long-term care facilities.
- ❖ A problem solver and a mediator.
- ❖ A resource.
- ❖ An objective investigator of complaints.

Who can use the ombudsman service?

- ❖ Residents in any long-term care facility. This includes nursing homes and assisted living residences.
- ❖ Friends and relatives of long-term care residents.
- ❖ Long-term care staff members and administrators with resident-related concerns.
- ❖ The community-at-large.

What can the Ombudsman do?

- ❖ Provide a place where the long-term care facility resident or family can discuss a problem and receive assistance.
- ❖ Help long-term care residents obtain the appropriate legal, social, recreational, physical and emotional services necessary for quality-of-life with dignity.
- ❖ Assist long-term care staffs to meet the needs and concerns of those who use their facilities.
- ❖ Educate the community about the long-term care system.
- ❖ Identify gaps in services provided, report findings and help achieve equitable solutions.
- ❖ Advocate for needed improvements in legislation and policies affecting long-term care.

When do you use the ombudsman?

- ❖ To report a problem or concern.
- ❖ To learn more about the Colorado Ombudsman Program.
- ❖ To seek information about long-term care facilities.
- ❖ When you have questions about:
 - Facility services or standards
 - Medicare coverage
 - Residents rights
 - Transfer

Colorado's Legal Assistance Developer Program

Under the Older Americans Act (OAA), every State Unit on Aging must have the capacity to undertake certain functions with respect to legal assistance. The OAA requires the State agency to provide assurance that each State will assign personnel (one of whom shall be known as the Colorado Legal Assistance Developer- CLAD) to provide State leadership in developing legal assistance programs for older individuals throughout the State. This office is also housed at The Legal Center.

The Legal Assistance Developer is required to play numerous roles and to have a broad and specialized knowledge of laws and policies affecting older Americans. At various times, the CLAD may be called upon to act as administrator, legislative interpreter, negotiator, diplomat, legal scholar, public speaker, writer, teacher, data-gatherer, head-hunter, reporter and in-person client referral service. The CLAD must stay abreast of changes in state and federal legislation and regulations affecting the delivery of legal services to older persons, as well as in the many substantive areas of law that affect them.



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A Legal Assistance Developer Can Help Families with a Power of Attorney

There are fears that, in these bad economic times, power of attorney abuse will rise. Fortunately, in Colorado, each AAA region has a Legal Assistance Developer to provide guidance and information to families and the elderly.

Good advice for families considering a power of attorney:

Choose someone trustworthy and capable. Pick someone that you would trust with your life. You also need to make sure that you choose someone capable of carrying out the responsibilities that go along with having the power of attorney. This person should have good math and reading skills, be responsible about paying their bills and be emotionally stable.

Consider joint power of attorney. You can give power of attorney to one person, but you can also grant joint power of attorney. This protects against one party taking advantage of you. Some people give one child power of attorney and make another executor of the estate. Power of attorney only lasts as long as you are alive. Afterward, the executor has control of the estate.

Make sure you have regular accounting sessions. Meet monthly or quarterly to check that your power of attorney is paying bills and not siphoning money.

You can always revoke power of attorney. You may have had bad luck with our original decision, but there is no reason you have to stick with it. If you are in a bad situation and do not know whom to turn to, call your local government's Office on Aging and it will steer you in the right direction.

Remember, this is business, not personal. It's not about love; it's about trustworthy financial stewardship on your behalf. Don't be afraid of being rude and don't be afraid to ask the tough questions. You must ask questions in order to protect yourself.

Visit CCERAP's website (www.ccerap.org) to download a printable version of "Powers of Attorney – A Guide for Service Providers." Click on "Publications"; scroll down to "Power of Attorney".

Local Contact Information

Region Counties	Lead Ombudsman	Legal Assistance Developer
1 Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	Sandy Baker, 970-867-9409, sbaker@necalg.com	Mark Earnhart, Esq., 970-522-4135 mark@earnhartlaw.com
2A Larimer	Tina Barker, 970-498-7754, tbarker@larimer.org	Nancy L. Wallace, Esq., 970-221-5602 nwallace@frii.com
2B Weld	Raegan Maldonado, 970-353-3800, ext. 3324 rmaldonado@co.weld.co.us	Pete Archuleta, Paralegal, 970-353-3800, ext. 3330 parchuleta@co.weld.co.us Charles (Chuck) Connell, Esq., 970-353-2507 lawconnell@aol.com
3A Adams, Arapahoe, Denver, Jefferson, Douglas	Penny Cook, 303-480-6799, pcook@drcog.org	Peter Komlos-Hrobsky, Esq., 303-837-1313, 303-866-9391, pkhrobsky@colegalserv.org
3B Boulder	Janet Ibanez, 303-441-1170, jibanez@bouldercounty.org	Joel Hayes, Esq., 303-449-5562 jhayes@colegalserv.org
4 El Paso, Park, Teller	Scott Bartlett, 719-471-7080, sbartlett@ppacg.org	Theresa Kilgore, Esq., 719-471-0380, tkilgore@pcisys.net
5 Cheyenne, Elbert, Kit Carson, Lincoln	Debby Conrads, 719-348-5562 dconrads@prairiedevelopment.com	Terry Baylie, Coordinator, 719-348-5562 baylie@prairiedevelopments.com
6 Baca, Bent, Crowley, Kiowa, Otero, Prowers	Celestino Santistevan, 719-383-3166 celestino.santistevan@state.co.us	Randa Davis-Tice, Esq., 719-336-8286 davicelaw@msn.com
7 Pueblo	Patrick Craig, 719-583-6123 craigp@co.pueblo.co.us	Roberto Silva, Esq. and Bob Keating, Esq. 719-545-6708 rsilva@pcisys.net and bkeating@pcisys.net
8 Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache	Billie Ann Washburn, 719-852-2274 bwashburn@amigo.net	Ana Maria Guevara, Esq., 719-589-4993 anaguevera@amigo.net
9 Archuleta, Dolores, La Plata, Montezuma, San Juan	Barbara Elliott, 970-259-1967 sjb93@animas.net	Arthur Jacobs, Esq. (Durango), 970-385-7378 ajacobs@colegalserv.org Michael Green, Esq. (Cortez), 970-565-6362 hgoffice2006@hotmail.com
10 Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miquel	Jane Poulos 970-527-7055 mjpoulos@hotmail.com	Patty Bennett, Pro Bono Coordinator 970-249-7202 uvla@montrose.net
11 Garfield, Mesa, Moffat, Routt, Rio Blanco	Dave Norman 970-248-2717 dave.normam@mesacounty.us	Sherri Ferree, Pro Bono Coordinator 970-276-2161 - sferee@colegalserv.org Kathy Boelte, Esq. (Grand Junction) 970-243-7949 - kboelte@colegalserv.org
12 Eagle, Grand, Jackson, Pitkin, Summit	Jean Hammes 970-468-0295 ext. 107 aaa12@nwc.cog.co.us	Sherri Ferree, Pro Bono Coordinator 970-276-2161, sferee@colegalserv.org Lea Martinez, Pro Bono Coordinator 719-486-3238, lmartinez@co.lake.co.us Patricia Craig, Coordinator 970-668-9642 or 970-668-9612, pcraig@amigo.net
13 Chaffee, Custer, Fremont, Lake	Steve Holland 719-539-3341 s-holland@qwestoffice.net	Jeanna Baitlon, Esq. (Salida) 719-539-4251 jbaitlon@colegalserv.org Theresa Kilgore, Esq. (Colo. Springs) 719-471-0380 tkilgore@pcisys.net
14 Huerfano, Las Animas	Carol Reynolds 719-738-2205, creynolds@sccog.net	Devon McFarland, Esq. (Trinidad) 719-846-4480, rosecol@earthlink.net Dennis M. Malone, Esq. (Trinidad) 719-846-4428, dennis@colocounsel.com Garrett Sheldon, Esq. (Walsenburg) 719-738-3535, garrett.sheldon@hotmail.com

Ombudsmen and Legal Assistance Developers Protect Residents' Rights

Residents have the right to:

- ✓Receive adequate and appropriate health care.
- ✓Civil and religious liberties including:
 - The right to vote
 - The right to participate in activities both inside and outside the facility
 - Knowledge of choices and the right to independent personal decisions
 - The right to encouragement and assistance from staff in the fullest possible exercise of these rights
- ✓Present grievances to the facility's staff, to governmental officials, or to any other person without fear of reprisal including:
 - The right to participate in resident council
 - The right to be informed of the address and telephone number for the State Health Department and the local Ombudsman; the facility shall post these numbers
- ✓Manage his or her own financial affairs.
- ✓Be fully informed of services available at the facility and the related charges.
- ✓Be adequately informed of medical condition and proposed treatment including:
 - The right to refuse medication and treatment
 - The right to participate in care planning
 - The right to review and obtain copies of his or her medical records
- ✓To have private and unrestricted communication with any person of choice including:
 - The right to privacy for telephone calls
 - The right to receive mail unopened
 - The right to private consensual sexual activity
- ✓To be free from mental and physical abuse.
- ✓To freedom of choice in selecting a health care facility.
- ✓To have copies of the facility's rules and regulations including a copy of these rights.
 - If the resident does not speak English, the right to an explanation of rights and responsibilities in a language the resident can understand
 - The right to see facility policies, upon request, and state survey reports on the facility
- ✓To be transferred or discharged for medical reasons or his or her welfare.
- ✓To have privacy in treatment and in caring for personal needs, confidentiality in the treatment of personal and medical records, and security in storing and using personal possessions.
- ✓To be treated courteously, fairly, and with the fullest measure of dignity.



DME Fraud is Possible in Long Term Care Settings
By Richard Jackson, Health Care Consultant,
Colorado Senior Medicare Program (SMP), Division of Insurance

The Colorado SMP is currently embarking on a Durable Medical Equipment (DME) fraud awareness campaign. DME fraud is a kind of fraud that can victimize Medicare consumers in various settings, at home, in clinics, and even as patients in a nursing facility.

The following are some examples of potential fraud activity that could happen in long term care facilities:

- Kickbacks for Medicare or Medicaid referrals, double billing, and charges for supplies that are not medically needed.
- Adult diapers (not a Medicare covered product) improperly billed as expensive prosthetic devices called “female external urinary collection devices.”
- Receipt of Medicare reimbursement for shipment of products to the nursing facility which were not medically necessary and often not used. For example: nursing facility accepts delivery of incontinence kits, removes the diapers and other items useful in general patient care, and discards the remainder of the kits.
- Obtaining information on the death of nursing facility residents and immediately back dating orders of medical supplies in quantities consistent with Medicare’s 30- day limitation on after-death shipments.
- Suppliers offering “free” equipment such as scooters, wheelchairs.

It’s to be noted that many of these fraudulent arrangements profit medical suppliers, but nursing facility management and staff are sometimes involved in these schemes too. The suppliers engaged in the schemes avoid detection by sometimes bribing nursing facility administrators and staff through the payment of kickbacks and other illegal remuneration.

False claims submitted to Medicare or Medicaid may subject the individual or organization to criminal prosecution, civil penalties including treble damages, and exclusion from participation in the Medicare and Medicaid programs.

The Colorado SMP Medicare Fraud Program works to detect and report Medicare and Medicaid fraud in order to help consumers and the federal government avoid paying for unnecessary or fraudulent services or equipment. The Colorado campaign has recently created a consumer brochure encouraging consumers and others to report potential or suspected occasions of DME fraud. If you or your organization would like some of these brochures to distribute to consumers, call 303-894-2268 and let us know how many you want and where to send them.



To report possible Medicare fraud, call 1-800-503-5190.

Visit CCERAP’s Web site (www.ccerap.org) to find...

Updated Fraud and Scam Alerts

CCERAP’s Newsletter Archive

Information on Training Opportunities

Podcasts of Prior Trainings

Links to Organizations Serving and Advocating for the Elderly

Aging Resources

Media Library (Training and Informational Videos Are Available for Loan)

Want to Become a Volunteer Ombudsman?

Highly qualified and trained volunteers are the heart of Colorado's Ombudsman Program. Volunteers regularly visit nursing homes and assisted living residences, talking with residents to help resolve concerns, and educating staff, residents and family alike. The benefits of volunteering are limitless; you are helping seniors living in long-term care facilities obtain the highest quality of life possible. It requires patience, compassion and objectivity, and is a great way to use skills acquired through past experience or gain new skills that will benefit you in the future.

To qualify as a volunteer ombudsman and begin the certification training, you must complete a screening process which includes an interview with the ombudsman volunteer coordinator, completion of an application, criminal background investigation and character reference checks. To begin the application process for the volunteer ombudsman program contact your region's Area Agency on Aging (see page 4 for local contacts).



*Marcy Greenslit
Volunteer Ombudsman
Larimer County, Colorado*

Being A Volunteer Ombudsman

Being a volunteer ombudsman has been a rewarding experience. But I get frustrated at times, too. I enjoy visiting with seniors in nursing and assisted living facilities, but the challenge is seeing the boredom, loneliness, and apathy in some of

the residents. It becomes difficult to advocate for oneself once these behaviors become ingrained. Being an ombudsman, my job is to empower the residents and staff to aid in solving problems and conflicts and hopefully to make a difference in their lives. Once residents realize that they can be their own strongest advocate and can make decisions for themselves regarding their care, they are empowered. That is the best contribution I can make.

***Upcoming CCERAP Training
July 15, 2009***

September 16, 2009

(See back page for details)

Please mark your calendars and invite others!

Hello!

You may have noticed a new name and address in this newsletter. I began as Coordinator, CCERAP, in March. Although I am on a steep learning curve, (and have some big shoes to fill) I am very grateful to Pat Stanis, Colorado Adult Protective Services, and to Kathy Rickart, previous Coordinator, for all their help and guidance.

My professional background includes education, marketing, public relations, media, advocacy, and community outreach. After retirement (Colorado Department of Agriculture), I served as an educator for a major health organization focusing on seniors and also developed a community outreach program for a long-term care facility. I am currently a Volunteer Ombudsman for Larimer County and I serve on the Advisory Council for Larimer County's Office on Aging.

It is an honor to serve as Coordinator for CCERAP. Please feel free to contact me with your ideas, comments and suggestions as we work together for the benefit of Colorado's seniors, their families, and their communities.

Helen Davis

Coordinator, CCERAP

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ccerap@comcast.net

The Coalition Steering Committee is made up of the following members:

Sara Canfield

Morgan County Adult Protective Services, 970-542-3530

Shelly Hitt

Colorado Long Term Care Ombudsman, 303-733-0300

Saori Kimura

Long Term Care Options 720-974-2440

Audrey Krebs

Colorado Division of Aging and Adult Services, 303-866-2846

Barbara Martin-Worley

Colorado State University Cooperative Extension,

Denver County 720-913-5266

Amy Nofziger *Director, AARP ElderWatch, 720-947-5306*

Vaughn Pepper *Westminster Police Department,*

303-430-2400 x4415

Pat Stanis *Colorado Adult Protective Services, 303-866-2834*

J.D. Wykstra *Aurora Police Department, 303-739-6349*

Colorado Coalition for Elder Rights and Adult Protection programs are available to all without discrimination.

Would you prefer to have your quarterly newsletter emailed?

Because of CCERAP's limited funding (and rising postal rates) we are encouraging subscribers to receive the quarterly newsletter by email. If you would like the CCERAP newsletter sent to you electronically, please send us your name, title, organization and email address to:

ccerap@comcast.net

Subject: Email address for newsletter

or call: 1-800-773-1366

"Thank you" to the Colorado Division of Insurance for sponsoring the newsletter!

Newsletter sponsored by the Colorado Division of Insurance, Senior Assistance Program

UPCOMING MEETING SCHEDULE:
July 15, 2009
"Building a Better Life for
(Aurora City Hall)
Colorado's Aging Population"
September 16, 2009
(Keystone Conference Center)
"Crimes Against At-Risk Adults"
For more information, visit our
web site: www.ccerap.org

CCERAP is a project of the Colorado Nonprofit Development Center

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