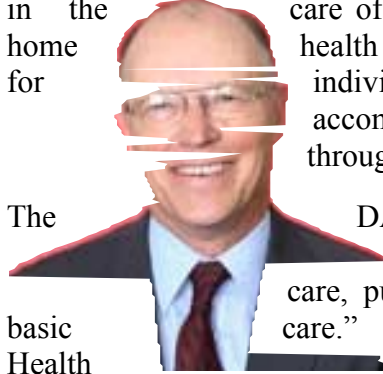


DADS in the Long-Term Care Facility

By Alan Abraham, Member, TSHL Human Services Committee

It is the Department of Aging and Disability Services (DADS) mission “to protect the health, safety, welfare and rights” of persons in the Texas population who are elderly or disabled and who are living in the care of a licensed service provider, including a nursing home, assisted living, home health and day care, state supported Living Centers, an intermediate care facility for individuals with intellectual disability, and hospice. This broad mission is accomplished in two very distinct ways, one through **enforcement**, the other through **problem-solving**. <http://www.dads.state.tx.us/>



The DADS *surveyor* system is based on the coercive force of law, using licensure, regulations, registries and inspections to hold institutions of care, public and private, accountable to government-sanctioned “standards of care.” These “standards,” as enumerated in the Texas Human Resources and Health and Safety codes, radiate common sense in mandating what is essential to the welfare of any consumer of care. Another commonsense measure in the codes allows DADS, via a Trust Fund and provisional Trustee protocol, to keep an institution of care open when it’s doors are in danger of closing because of some fiscal misstep or misfortune. DADS also participates in the Texas Information and Referral Network (www.211texas.org), encouraging institutions serving elderly and disabled clients to register those needing evacuation assistance during a disaster in the state’s **Transportation Assistance Registry**.

When in its *surveyor* mode, DADS will process as many as 17,200 complaints in a single year. Compliance to regulations is their guide.

The DADS *ombudsman* system, however, musters agency resources toward a different outcome. Regulations fade to the rear, although never completely out of sight, while resident-to-ombudsman conferencing or family-to-ombudsman, sometimes even nursing home staff-to-ombudsman conferencing, takes center stage where complaints are resolved through problem-solving. In Texas, priority is given to nursing home residents but not to the exclusion of clients in other provider settings such as assisted living and home health services. Complaints are handled one-on-one, only occasionally involving a facility’s staff. You can read about the ombudsman’s role in Title 6, Chapter 101 of the Texas Human Resources Code and the Texas Administrative Code, Title 40, Chapter 85. http://www.dads.state.tx.us/news_info/ombudsman/

In addition to direct problem-solving, ombudsmen, only by invitation, may attend “care plan” meetings,” where an interdisciplinary team is reviewing a resident’s total plan of care. Also, when invited, ombudsmen may attend resident and family councils. They also serve as resource persons at in-service training events for staff. In whatever capacity of serving, the ombudsmen’s objective is a constant: the welfare and dignity of the consumer of care.

In Texas there is a state director, called the Texas Long-term Care Ombudsman, who oversees and resources the Managing Local Ombudsmen, who are assigned one each to the state’s twenty-eight Area Agency on Aging service districts. The program also supports a corps of Volunteer Ombudsmen who are certified practitioners after completing a regiment of training. At the end of fiscal year 2012, there were 1001 Volunteer Ombudsmen scattered across Texas.

The ombudsman’s casework leads to advocacy as well. Staff and volunteers alike work with regulatory agencies, advocacy organizations, care providers, policymakers and law enforcement to

initiate changes to our state's long-term care system.

DADS provides a Long Term Care Quality Reporting System (QRS) to help consumers find and compare providers in a geographic area. Go to: <http://facilityquality.dads.state.tx.us> or use the DADS **Consumer Information Hotline** at 1-800-458-9858. After identifying a provider or providers who might meet your needs, it is advisable to plan site visits and make your own, "real time" assessments.

Are you interested in learning more about the needs, services and potential of "third age" generations? The TSHL offers an online education program. Please click on www.tshlacademy.org and review the courses.

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