



THE LAW OFFICES OF  
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FAMILY WEALTH & LEGACY COUNSELLORS

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### How Do You Handle a Dispute with a Nursing Home?

Disagreements with a nursing home can come up regarding any number of topics, and almost none are trivial because they involve the day-to-day care and life of the resident. Among other issues, disputes can arise about the quality of food, the level of assistance in feeding, troublesome roommates, disrespect or lack of privacy, insufficient occupational therapy, or a level and quality of activities that doesn't match what was promised.

Nursing homes that live up to the ideal of what we want for our parents or ourselves are few and far between. The question is how far you can push them towards that ideal; what steps should be taken in that process; and at what stage does the care become not only less than ideal, but so inadequate as to require legal or other intervention? This can be a hard determination to make, and in some cases may need the involvement of a geriatric care manager. A care manager is a person who is able to make an independent evaluation of the resident and also has sufficient knowledge of nursing homes to know whether the one in question is meeting the appropriate standard of care.

Below is a list of actions a family may take, move down the list as the severity of the problem increases or the facility does not respond to the less drastic actions you take. In all cases, take detailed notes of your contacts with facility staff and record descriptions of your family member and his or her care. Always note the date and the full name of the person with whom you communicate.

- **Talk to staff.** Let them know what you expect, what you care about and what your family member cares about. This may easily solve the problem.
- **Talk to a supervisor**, such as the nursing chief or an administrator. Explain the problem as you see it, doing this with the expectation that the issue will be favorably resolved, and it may well be.
- **Hold a meeting with the appropriate nursing home personnel.** This can be a regularly scheduled care planning meeting or you can ask for a special meeting to resolve a problem that wasn't resolved more informally.
- **Contact the ombudsperson\* assigned to the nursing home.** He or she should be able to intervene and get an appropriate result. Contact information for the Ombudsman Program in your state can be found at: [www.ltombudsman.org/ombudsman](http://www.ltombudsman.org/ombudsman). If the problem constitutes a violation of the nursing home resident's rights, report it to the state licensing agency. This should put necessary pressure on the facility.

- **Hire a geriatric care manager to intervene.** A care manager is an advocate for you who is not as personally involved and who understands how nursing homes function as institutions, they can help you determine what is possible to accomplish and can teach the facility to make the necessary changes.
- **Hire a lawyer.** While a lawyer may be necessary to enforce the resident's rights, the involvement of an attorney may also escalate the dispute to a point where it is more difficult to resolve. This is why this is listed as the second-to-last option. But when all else fails, a lawyer has the tools to make the facility obey the law.
- **Move your relative.** If nothing else works, move your family member to a better facility. This may be difficult, depending on the situation, but it may be the only solution. It does not prevent you from pursuing legal compensation for any harm inflicted on the nursing home resident while at the earlier facility.

*\*ombudsmen (n) A government official who hears and investigates complaints by private citizens against other officials or government agencies.*

The Law Offices of Hoyt & Bryan assists families in the protection of their loved ones by focusing their practice in the areas of Estate Planning, Probate and Trust Administration, Elder Law including Medicaid and VA Planning and Special Needs Planning, Pet Planning, Business Succession Planning and Real Estate. The founders, Peggy Hoyt and Randy Bryan, are both dual board certified by the Florida Bar in Wills, Trusts and Estates as well as Elder Law. Hoyt & Bryan is the only law firm in Florida with the distinction of two attorneys with these certifications. We offer many complimentary educational workshops each week in our Learning Center at The Law Offices of Hoyt & Bryan and monthly workshops in the Auditorium of One Senior Place in Altamonte Springs. For more information please contact our office at 407-977-8080 or visit our website HoytBryan.com.