

# Protecting Long-Term Care Residents' Rights in Florida: Statutory and Practical Tools

October 18, 2023  
12 p.m. - 1:30 p.m.

## Agenda

**Introduction:** Description of the Long-Term Care Advocacy Project (LTCAP) and the Long-Term Care Ombudsman (LTCO) Program (5 minutes)

**How to Help Residents Who are Told They Cannot Get More Therapy** (20 minutes)

Speaker: Toby Edelman, Center for Medicare Advocacy

Description: One of the main complaints and concerns of residents is that they need more therapy—including physical, speech, and occupational therapy—but they have been “told” that they are no longer eligible because they are not improving or simply that no more therapy is covered. This training will identify the questions that need to be asked, what authority governs these coverage determinations, and how to challenge denials and reductions.

**Addressing Unmet Civil Legal Needs of a Long-Term Care Resident: Roadmap of a Success Story** (15 minutes)

Speaker: Maria Carrubba-Fuentes, Bay Area Legal Services

Description: Many long-term care residents have pressing legal needs unrelated to living in a facility. For example, a resident may want to revoke a DPOA or deal with issues related to their homestead property or individual rights. While these civil legal issues may not impact the residents' stay in the facility, they are often critical to preserving their rights and assets.

**Involuntary Discharges from an ALF: What Rights ALF Residents Have and The Rights ALF Residents Need** (15 minutes)

Speakers: Ellen Cheek, Bay Area Legal Services, & Jo-Ann Quiles, Florida Long-Term Care Ombudsman Program

Description: Panelists will discuss cases demonstrating the legal and practical options for advocates under the current law and the advocacy necessary to enhance the protections of ALF residents facing involuntary discharge.

**Anatomy of a Successful Nursing Home Discharge Case** (30 minutes)

Speakers: Jim Kowalski, Jacksonville Area Legal Aid, & Katy DeBriere, Florida Health Justice Project

Description: Session will describe how to defend a nursing home eviction from a Long-Term Care Ombudsman referral to the final hearing. This presentation will cover investigating claims, initiating the fair hearing process, undertaking discovery, and conducting a fair hearing on behalf of nursing home residents.



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