



**The Long-Term Care Ombudsman Program  
Program Milestones  
1972-2016**

- 1972** In implementing President Nixon’s 1971 Eight Point Initiative to improve nursing home care, the Health Services and Mental Health Administration funded nursing home ombudsman demonstration projects in Idaho, Pennsylvania, South Carolina, Wisconsin, and Michigan (through the National Council of Senior Citizens) to “respond in a responsible and constructive way to complaints made by or on behalf of individual nursing home patients.”
- 1973** Additional demonstration projects were started in Massachusetts and Oregon. The Ombudsman Program was transferred to the Administration on Aging (AoA).
- 1975** Amendments to the Older Americans Act authorized funding for state ombudsman programs.
- Following an assessment of the findings and accomplishments of the seven demonstration projects, former Commissioner on Aging Arthur S. Flemming invited all State Agencies on Aging to submit proposals for “to enable the State Agencies to develop the capabilities of the Area Agencies on Aging to promote, coordinate, monitor and assess nursing home ombudsman activities within their services areas.” All states except Nebraska and Oklahoma applied for and received one-year grants ranging from \$18,000 for most states to \$57,900 for New York, which was then the state with the largest elderly population. Total funding was about one million dollars.
- 1976** Dr. Flemming issued the first Ombudsman Program guidance, which said the program would be judged in the first year solely on the basis of the number of community-based ombudsman programs launched and the effectiveness of these programs in receiving and resolving complaints. In explaining this goal, he stated:
- Our nation has been conducting investigations, passing new laws and issuing new regulations relative to nursing homes at a rapid rate during the past few years. All of this activity will be of little avail unless our communities are organized in such a manner that new laws and new regulations are utilized to deal with the individual complaints of older persons who are living in nursing homes. The individual in the nursing home is powerless. If the laws and regulations are not being applied to her or to him, they might just as well not have been passed or issued. (AoA TAM 76-24)*
- The early nationwide program stressed reliance on volunteer, rather than paid, ombudsmen.
- 1977** The Administration on Aging funded the National Paralegal Institute to provide the first training program for state ombudsmen, who were called *ombudsman developmental specialists*. The Administration on Aging awarded the National Council of Senior Citizens a grant to establish six

model projects demonstrating the effectiveness of trained community volunteers “as advocates in the resolution of complaints in nursing homes.”

**1978** In June, AoA Commissioner Robert Benedict announced an Advocacy Assistance grant program which provided additional assistance for the state Ombudsman and Legal Services programs. The focus was on both individual advocacy and systems advocacy. Grants ranged from \$50,000 for most states to \$135,390 for California, which by then had the largest elderly population. To support the state and area agencies in carrying out their advocacy functions, AoA awarded contracts in 1979 and 1980 for five Bi-Regional Advocacy Assistance Resource Centers.

The 1978 Amendments to the Older Americans Act, passed in October, required every state to have an Ombudsman Program and specifically defined ombudsman functions and responsibilities.

**1979** AoA awarded a grant to the newly formed National Citizens’ Coalition for Nursing Home Reform (NCCNHR) to promote citizen involvement to improve the quality of life for nursing home residents and strengthen linkages with the ombudsman network, including providing training and technical assistance.

**1981** Older Americans Act Amendments expanded Ombudsman Program coverage to include board and care homes. The name was changed from Nursing Home Ombudsman to Long-Term Care Ombudsman to reflect this change. Other duties remained substantially the same.

AoA issued a program instruction (AoA-PI-81-8) which provided substantial guidance and direction to the states in the implementation of the ombudsman provisions in the Act.

**1983-84** AoA issued a series of twenty-two papers, which constituted chapters of an Ombudsman Technical Assistance Manual.

**1984** Older Americans Act Amendments made no major changes in the Ombudsman provisions.

The number of local programs and complaints and the amount of program funding and increased substantially; and the number of state and local paid staff and volunteers increased 50% over 1982 levels.

**1987** Older Americans Act Amendments made substantive changes in the Ombudsman Program, including requiring states to provide for ombudsman access to residents and residents’ records; immunity to ombudsmen for the good faith performance of their duties and prohibitions against willful interference with the official duties of an ombudsman and/or retaliation against a resident, employee or other individual for filing a complaint or assisting representatives of the program in the performance of their duties.

**1988** AoA funded the National Association of State Units on Aging (NASUA) to operate the National Center for State Long-Term Care Ombudsman Resources, in conjunction with the National Citizens’ Coalition for Nursing Home Reform.

**1992** Older Americans Act Amendments strengthened the Ombudsman Program and transferred it to a new title in the Act, Title VII Vulnerable Elder Rights Protection Activities, which also included

Programs for Prevention of Elder Abuse, Neglect and Exploitation, the State Elder Rights and Legal Assistance Development Program, and an Outreach, Counseling, and Assistance Program.

**1993** The National Citizens' Coalition for Nursing Home Reform<sup>1</sup> received an AoA grant to operate the National Long-Term Care Ombudsman Resource Center (NORC), in conjunction with the National Association of State Units on Aging (NASUA).

**1994** AoA Regional Offices conducted on-site assessments of the State Ombudsman Programs, issuing their reports in January 1995.

AoA held four training conferences around the country and issued several program instructions and proposed regulations on the new Title VII. AoA also held a major symposium, "Coordination Between Long-Term Care Ombudsman and Adult Protective Services Programs and Related Issues."

**1995** AoA implemented the National Long-Term Care Ombudsman Reporting System (NORS), which provided substantial state and national data on ombudsman cases, complaints and program activities, beginning in 1996.

AoA convened a task force to discuss and develop ways to document the impact of the Ombudsman Program and issued a report on the meeting entitled, "An Approach to Measuring the Outcomes of the Long-Term Care Ombudsman Program."

Ombudsman Programs in California, Florida, Illinois, New York, and Texas participated in Operation Restore Trust, a U.S. Department of Health and Human Services pilot Medicare and Medicaid anti-fraud and abuse effort, which returned \$23 to the Medicare Trust Fund for every \$1 spent; the program was expanded to all states in 1997 and re-named the Senior Medicare Patrol (SMP).

Congress directed the Assistant Secretary for Aging to conduct a study of the state LTC ombudsman programs. AoA subsequently contracted with the Institute of Medicine to perform the study. This study, "Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act," still informs LTC Ombudsman programs today.<sup>2</sup>

**1996** AoA began compiling NORS data from the state reports and issuing several reports to Congress.

**2000** Older Americans Act Amendments retained and updated ombudsman provisions in Titles II, III and VII, including making the conflict of interest provisions more specific; the Ombudsman Title III minimum funding requirement was narrowed from the broad requirement in the 1992 OAA Amendments (making all funds expended in the base year the minimum required) to making only the amount states spent from Title III in FY 2000 as the base.

**2002** The National Association of State Ombudsman Programs (NASOP) received a Helen Bader

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<sup>1</sup> The National Citizens' Coalition for Nursing Home Reform changed its name to the National Consumer Voice for Quality Long-Term Care, commonly known as the Consumer Voice (2007).

<sup>2</sup> *Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act*. 1995. Institute of Medicine. <https://www.nap.edu/catalog/9059/real-people-real-problems-an-evaluation-of-the-long-term>

Foundation grant to convene a retreat: *The Long-Term Care Ombudsman Program: Rethinking and Retooling for the Future*; a report, recommendations and work groups ensued from the retreat.<sup>3</sup>

- 2004** In response to Government Accounting Office (GAO) recommendations, AoA launched NORS Consistency Training, a four-part program to improve the consistency and uniformity in recording case, complaint and other data in the NORS system, nationwide.
- 2006** Older Americans Act was reauthorized with no substantive changes in the Ombudsman provisions. However, the 2006 amendments include the term “assisted living” in the revised definition of “board and care” as it applies to 712 of the Act.
- NASUA published a report titled, “Ombudsman Program Outcome Measures.” The report was part of a grant project funded by AoA (through the NORC grant) and “was designed to identify additional outcome measures that could be used to describe the impact of the ombudsman program’s work on the lives of long-term care residents and the long-term care system as a whole.”
- 2009** Following 2008 work groups focused on systems advocacy and “charting the ombudsman role in a modernized long-term care system,” AoA built substantive Title VII and ombudsman content into state plan guidance and held a two-session “teach-in” for all AoA staff on the Title VII programs, including the LTCOP.
- 2015** Long-Term Care Ombudsman Programs Final Rule was published in February. The effective date was July 1, 2016 to allow states appropriate time to make any changes necessary in order to comply with the final rule. The rule added clarity to many of the program responsibilities and provisions in the Older Americans Act.<sup>4</sup>
- 2016** Older Americans Act Amendments provided more clarity and additional authority to the Long-Term Care Ombudsman Program in several areas. A few highlights of the amendments pertinent to the Ombudsman Program include: authorized the program to serve all long-term care facility residents regardless of their age, to serve residents transitioning from a long-term care facility to a home-care setting, when feasible, clarifies that the program may work to resolve complaints on behalf of residents unable to communicate their wishes, including those lacking an authorized representative, requires programs to actively encourage and assist in the development of resident and family councils in long-term care facilities, clarifies that the program is considered a “health oversight agency” for purposes of the Health Insurance Portability and Accountability Act (HIPAA).

July 1: Effective date of the Ombudsman Program Final Rule.

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<sup>3</sup> *The Long-Term Care Ombudsman Program: Rethinking and Retooling for the Future*. NASOP Retreat. 2003.

<http://www.nasop.org/papers/Bader.pdf>

<sup>4</sup> *State Long-Term Care Ombudsman Programs Final Rule*. Federal Register. February 11, 2015.

<http://ltcombudsman.org/uploads/files/library/2015-01914.pdf>. Resources available on the NORC website regarding the Final Rule  
[http://ltcombudsman.org/library/fed\\_laws/ltcop-final-rule](http://ltcombudsman.org/library/fed_laws/ltcop-final-rule).