



# Ombudsman Outlook: News, Resources, and Tips

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The National Long-Term Care  
Ombudsman Resource Center

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## World Elder Abuse Awareness Day (WEADD): LTCO Role in Advocacy Regarding Abuse

[WEAAD](#) is an annual event launched in 2006 by the International Network for the Prevention of Elder Abuse and the World Health Organization at the United Nations to provide an opportunity for communities around the world to promote a better understanding of abuse and neglect of older persons by raising awareness of the cultural, social, economic and demographic processes affecting elder abuse and neglect.

President Obama issued a [proclamation](#) declaring June 15<sup>th</sup> as World Elder Abuse Awareness Day, and local, state, national, and international organizations and agencies hosted events and activities to raise awareness of elder abuse in recognition of WEAAD (to see examples of LTCO activities for WEAAD visit the "News and Press" section of the NORC [website](#)). Although WEAAD has already passed, several of the public awareness materials on the WEAAD [website](#) can be used year-round to provide information regarding elder abuse, neglect, and exploitation.

In addition to providing information about preventing, identifying, and reporting abuse, LTCO also investigate complaints regarding abuse. As per provisions in the Older Americans Act (OAA), the LTCO shall "identify, investigate and resolve complaints" regarding "action, inaction, or decisions that may adversely affect the health, safety, welfare or rights of the residents" made by, or on behalf of, residents [[OAA of 1965](#), Section 712 (a)(3)(A)].

The OAA does not specifically state that LTCO investigate complaints of abuse, but it doesn't exclude the LTCO from doing so. The final LTCO program rule clearly states that investigating complaints regarding abuse, gross neglect, and exploitation is part of LTCO work; however, the focus of an LTCO investigation, of abuse and any other complaints, is to resolve the complaint to the resident's satisfaction and protect the resident's health, welfare, and rights.

LTCO are resident-centered advocates, directed by resident goals for complaint resolution and federal disclosure requirements; therefore, the LTCO role in investigating allegations of abuse is unique and differs from other entities such as, adult protective services and state licensing and certification agencies. When responding to allegations of abuse, LTCO should exhaust all possible advocacy strategies for the safety not only of the complainant resident, but for the safety of all residents. The technical assistance (TA) [guide](#), Responding to Allegations of Abuse: Role and Responsibilities of the LTCO, provides advocacy strategies for LTCO responding to complaints about abuse when residents do not, or cannot, provide consent.

The [final regulations](#) for the LTCOP expand on the intent of the OAA and gives more detail regarding the role of the LTCO, including the role and responsibilities related to responding to allegations of abuse. In addition to the language of the final rule, the Administration on Aging's (AoA) responses to comments on the proposed rule that were published with the final rule give even more insight into the role of the LTCO. Reviewing the AoA responses provides helpful background information to gain a better understanding of certain aspects of the final rule in order to explain the role and duties of the program to others.

For additional information regarding the final LTCOP rule visit the NORC [website](#) as well as other resources on our [Elder Abuse/Elder Justice](#) issue page.

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### Featured Resource

#### Responding to Allegations of Abuse: The Role and Responsibilities of LTCO

This technical assistance (TA) [guide](#) discusses how LTCO can respond to allegations and observations of abuse, neglect, and exploitation when the resident does not or cannot give consent to pursue the complaint. The guide reviews the federal requirements regarding complaint investigations and disclosure, highlights statements from the Administration on Aging, provides advocacy strategies and additional resources. LTCO can refer to the overview and key points in this [guide](#) to understand and discuss the role of the LTCO when responding to allegations of abuse and review the advocacy strategies and situations during LTCO training.

## New NORC Resources

A brief overview of new resources that have recently been added to the NORC [website](#) is below.

### **[New! Advance Care Planning for Residents - Role and Responsibilities of Long-Term Care Ombudsmen](#)**

This webinar discusses how long-term care ombudsmen can best support a resident who wants to do advance care planning, or for those residents whose wishes are not being respected by the facility, family, or friends, as well as what resources are available for information sharing and advocacy.

### **[New! Supporting Volunteer LTC Ombudsmen and Minimizing Risk](#)**

This webinar discussed how risk management applies to every aspect of managing and supporting volunteer long-term care ombudsmen. Presenters provide tips for screening volunteers, identifying and removing risk, and responding to situations when the actions, or inaction, of a volunteer LTCO negatively impacts your program.

### **[New! Ombudsman Services and Tribal Elders Issue Page](#)**

Ombudsmen are likely to provide information or services to Tribal Elders living in thirty-five states. There are sixteen long-term care facilities in Indian Country, so the majority of Tribal Elders living in long-term care facilities reside in facilities in other communities. This page contains resources and information to increase your effectiveness in serving Tribal Elders.

### **[Updated Long Term Care Ombudsman Program Final Rule webpage](#)**

This page contains information on the final rule, including an overview and side-by-side of the the Final Regulations with the original section language in the proposed rule in chart form. There is also a worksheet where states can fill in their state regulations alongside the federal regulations to identify gaps.

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## News from the Network...

### [Increasing Awareness of Elder Abuse \(Maine LTCOP\)](#)

Due to funding for a project to increase awareness and reporting of elder abuse, the Maine LTCOP implemented a campaign to educate providers and direct care staff regarding the obligations of mandatory reporters. The program created "[Speak Up](#)" posters, brochures, and cards for staff in 355 long-term care facilities that describe the state law regarding mandatory reporting. In addition to the educational campaign the LTCOP will enhance training regarding abuse for their program representatives and refine in-service training for long-term care facility staff.

### [Working with the Media \(Texas LTCOP\)](#)

The Texas LTCOP developed training materials to assist LTCO in communicating with the media. The materials include a presentation titled, [All Things Media](#), presentation [notes](#), a sample [press release](#) and [media advisory](#), and [key messages](#) regarding the LTCOP. For additional tips and examples regarding program promotion, such as [Delivering an Effective Message via Traditional and Social Media](#), visit this [page](#).

### [Legislative Advocacy \(Illinois LTCOP\)](#)

To inform legislators about the role of the LTCOP the Illinois LTCOP developed one page fact sheets individualized with district information for each individual legislator. The fact sheet includes a brief overview of the LTCOP role and responsibilities, the number of constituents living in long-term care facilities in that district, and contact information for the local LTCO and state LTCOP. Examples of the [fact sheets](#) and a presentation regarding [legislative advocacy](#) are available on our website.

### [Music and Memory](#)

#### *California LTCOP*

Last summer, Fox Theater, a historic movie theater in Redwood City, CA, aired the movie *Alive Inside* free to the community to a full theater. Dan Cohen, the social worker and catalyst for the whole project was in attendance, and Michael Rossato Bennett, the filmmaker was available via videochat and both participated in a question and answer session after the viewing. [Alive Inside](#) is an "exploration of music's capacity to reawaken our souls and uncover the deepest parts of our humanity" and shows the "uniquely human connection we find in music and how its healing power can triumph where prescription medication falls short." The documentary follows Dan Cohen "as he

## Calendar of Events

**July 11-15, 2015:** [n4a Conference](#). Philadelphia, PA.

**July 28, 2015:** **Save the Date!** *Identifying, Preventing, and Responding to Bullying in Long-Term Care Facilities*. 3-4:15 ET. Free webinar. Registration information forthcoming.

**August 2-5, 2015:** [Pioneer Network Conference](#). Chicago, IL.

**August 31- September 3, 2015:** [HCBS Conference](#). Washington, DC.

**October 2015:** *Residents' Rights Month*. This year's theme is "CARE Matters." To access Residents' Rights Month materials and view Resident's Voice Challenge submissions visit the Consumer Voice [website](#).

**November 4-7, 2015:** [Consumer Voice Conference](#). Arlington, VA.

## Questions or Ideas?

Do you have any questions or challenges related to LTCO advocacy and program management you want addressed in a future newsletter?

Do you have any suggestions for articles or feedback about this issue? If so, please [let us know](#).

## Save and Share

We encourage you to share this newsletter with your LTCO program. You can forward this email or save and share the PDF version saved on our [website](#).

## Want to receive the Ombudsman Outlook directly?

Did you receive this issue of the Ombudsman Outlook from a colleague or your LTCO supervisor? [Let us know](#) if you want to subscribe and receive our newsletter directly.

fights against a broken healthcare system to demonstrate music's ability to combat memory loss and restore a deep sense of self to those suffering from it."

At the event in Redwood City, Eric Lochtefeld, owner of Fox Theater, raised \$20,000 to be used to train facilities in the Redwood City area on the methods designed by Music and Memory, and begin implementation of the project. Seven facilities in and around Redwood City quickly volunteered to participate in the project increasing the number of facilities in California that are trained and implementing the project from 16 to 23 and growing. Immediately following the event an angel donor whose sister died at a young age of early onset Alzheimer's disease donated \$200,000 towards dissemination of the project throughout long-term care facilities in California. The LTCOP and others involved in the project are currently determining the criteria for accepting applications for this funding and are looking forward to seeing the project proliferate.

*Adapted from submission by Tippy Irwin, Executive Director, Ombudsman Services of San Mateo County, Inc., for more information contact Tippy at [ossmc@ossmc.org](mailto:ossmc@ossmc.org).*

#### Ohio LTCOP

In Ohio, nursing homes can apply to participate in the training required to become a [Certified Music & Memory](#) facility in order to fulfill their licensure requirement of participation in a [quality improvement project](#). The program is funded by \$400,000 collected from nursing home fines (civil monetary penalty funds) and will cover the initial certification costs and starter kits (the starter kits include 5 headphones, 5 new iPod shuffles, 5 AC adapters, one splitter cable, one speaker and one \$25 iTunes gift card) for up to 250 Medicaid-certified nursing homes. The OH LTCOP are assisting with the coordination of this project by delivering starter kits, providing training, and consulting with facilities. The OH LTCOP is applying to the Center for Medicare and Medicaid Services (CMS) for approval to expand the program into an additional 150 facilities during the next fiscal year. Visit the OH Department of Aging Music and Memory [website](#) and the OH Long-Term Care Ombudsman Program [website](#) for additional information.

*This "News from the Network" article will appear in every issue in order to highlight your work and news. We invite and encourage you to [send](#) your advocacy successes, best practices, program management examples, and resources so we can learn from you and share your experience with your peers.*

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## LTCO Volunteer Management

### Selecting the Best Volunteers for Your Program

Volunteer LTCO are invaluable assets to programs and residents. Their work increases resident access to the LTCOP, expands LTCO program services, enhances programs by bringing their individual skills and experiences to the LTCO role, and improves the quality of life and care of long-term care residents and consumers. However, working with volunteers, especially due to the role and responsibilities of LTCO volunteers, exposes your program and those you serve to a variety of risks.

In order to prevent damage to your program's credibility or ability to fulfill its mission, you must reduce areas of risk as much as possible. Risk management is an ongoing process and LTCOPs need to consider and plan for risks in every aspect of their volunteer program, starting with recruitment through the time when volunteers leave the program.

Recruitment and screening is critical to reducing risk. In order to find the best fit for the LTCO role and your program, LTCOPs should "screen in" instead of "screening out" volunteers. Screening someone "in" for your program is being more selective in "choosing" them for your program, instead of just ensuring they meet the minimum qualifications and them "choosing" to volunteer for your program.

### **Recruit the best volunteers for your program**

- Determine how many volunteers you need, how many your program can train and supervise successfully, where you need them (e.g. certain city or county, nursing homes and/or assisted living), and their specific role and responsibilities.
  - Define your target audience and craft a recruitment message accordingly. Consider what attracted your current volunteers.
  - Highlight what volunteers will gain from their experience as a volunteer LTCO (e.g. new skills and knowledge, flexibility in scheduling visits, directly impact individual lives, join a team of advocates and problem-solvers) and illustrate the impact of their advocacy with de-identified case examples and stories.
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## Intake and Screening

- Develop a screening process that includes a streamlined application process, job description, an interview utilizing behavioral based questions that apply to LTCO work (e.g. ask for an example of when they had to resolve conflict or solve a problem), reference checks, and a background check.
- Ask applicants to review the History and Role of the LTCO Program module of the NORC Online Curriculum, Equipping LTCO for Effective Advocacy: A Basic Curriculum prior to orientation and training. In addition to providing the applicant with foundational knowledge of the LTCOP prior to in-person training, by reviewing the online module the applicant has an opportunity to self-select out of the program before you invest a lot of time training them.
- Thoroughly review the position description and discuss and determine any actual or perceived conflict of interest and have applicant sign appropriate forms (e.g. Code of Ethics, Acknowledgement Form).

Visit the NORC website for additional resources and examples for volunteer recruitment and screening: NORC Compendium: [Recruitment Chapter](#) and [Appendices](#) (e.g. program needs assessment, position descriptions, commitment forms), applications and screening [materials](#), program management [forms](#) (e.g. conflict of interest, agreements), recruitment tips and materials in previously recorded [webinars](#).

The recording and materials from the "Supporting Volunteer LTCO and Minimizing Risk" webinar are now available on the NORC [website](#). This webinar discussed how risk management applies to every aspect of managing and supporting volunteer long-term care ombudsmen. Presenters provided tips for screening volunteers, identifying and removing risk, and responding to situations when the actions, or inaction, of a volunteer LTCO negatively impacts a LTCO program.

[Join](#) the LTCO Volunteer Management Network today to connect with your peers, exchange ideas, share resources and talk about LTCO volunteer management.

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## Technical Assistance Hot Topic: A LTCO Witnesses Abuse, Gross Neglect, or Exploitation of a Resident

As discussed in the [article](#) above, LTCO investigate and resolve complaints on behalf of residents, but the LTCO program is unique in that its goal is to resolve the complaint to the "satisfaction of the resident or complainant" as opposed to seeking to "substantiate" a complaint by gathering evidence to prove the allegation occurred ([NORS Instructions](#), AoA). This difference means that the LTCO program does not have the same standard of evidence required for complaint investigation and resolution as other entities, such as Adult Protective Services, state survey agency and law enforcement. The investigation by other entities seeks evidence to demonstrate that laws or regulations were broken. Since the LTCOP's primary goal is to resolve complaints to the satisfaction of the resident, the LTCO seeks resolution "on behalf of a resident regardless of whether violation of any law or regulation is at issue". However, according to the Older Americans Act (OAA) LTCO are also supposed to seek remedies to protect the "health, safety, welfare, and rights of all residents [([OAA of 1965](#), Section 712 (a)(3)(A))].

Based on the duties and requirements for the LTCOP outlined in the Older Americans Act and final LTCOP rule, how should a LTCO proceed if she personally witnesses abuse, gross neglect, or exploitation of a resident? The OAA does not provide direction regarding the disclosure of information and reporting of suspected abuse when a LTCO witnesses abuse or the resident is unable to provide consent. However, the final LTCOP regulations require that state LTCOP procedures for disclosure shall provide that (45 CFR 1327.19):

- The LTCO shall seek informed consent from the resident, or resident representative, and follow resident direction.

If the resident cannot communicate informed consent and does not have a representative, the LTCO shall:

- Open a case with Ombudsman/representative as the complainant,
- Follow complaint resolution procedures, AND
- Refer and disclose information to facility management and/or appropriate agency if:

1. No evidence that resident would not want referral

2. Reasonable cause to believe that disclosure would be in best interest of resident, AND
3. Representative obtains State Ombudsman approval (or follows program policies).

Ombudsmen must employ advocacy strategies when responding to allegations of abuse, where consent is not given, in order to protect resident confidentiality and do their best to ensure resident safety. For advocacy strategies for this situation and others review the *Responding to Allegations of Abuse: The Role and Responsibilities of LTCO* technical assistance guide (our featured [resource](#)).

For detailed information regarding the LTCOP Final Regulations visit the NORC [website](#) for the final rule text, an overview, webinar recordings and additional resources.  
*Some language above adapted from [New Long-Term Care Ombudsman Rule, New Opportunities](#) (Becky Kurtz, 2015 SLTCO Conference).*

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## Quick Tips!

As advocates, problem-solvers, and oftentimes volunteer managers, LTCO speak with facility staff, family members, volunteers, and others in order to address issues and concerns. These conversations can be challenging since an LTCO is often advocating for change due to problems that need to be resolved.

Effective communication is vital in all aspects of LTCO work and is fundamental to successful advocacy and program management. When addressing challenging situations, such as speaking with a volunteer LTCO that is not fulfilling their responsibilities or speaking with a facility staff member that is reluctant to work with you and your program, make sure you are **clear, direct, and prompt** when sharing your concerns.

### **Before speaking with the individual, define the issue.**

Organize your thoughts and approach by defining the issue you want to address, gathering background information that support your points, and identifying your goal for the outcome of the conversation. When applicable to the situation, identify and own what you have done (or not done) that contributed to this issue (e.g. miscommunication with a volunteer).

### **Focus on the problem, not the person and be non-judgmental.**

In order to remain professional and reduce resistance, emphasize the facts related to the problem and use objective language instead of focusing on the specific individual and being judgmental of the behavior. For example, instead of saying, "I'm starting to think you don't even care about volunteering for our program," say, "In the past you've been really prompt in submitting your monthly report and I know you are still visiting your assigned facility and supporting the residents. Is there anything going on that you want to talk about or something we can do to make it easier for you to submit your reports?"

### **Be direct and specific.**

Be as specific and clear as possible. Provide examples that illustrate the issue you want to address. When possible, prioritize your concerns, and address as few as possible at the same time.

### **Describe the issue and do not offer your opinion of why something happened (or didn't happen) unless you know for certain the reason for issue.**

Again, focus on the facts of the situation rather than sharing your opinion about why you think something happened. For example, if you are addressing the lack of response to call lights provide specific dates, shifts, and areas of the facility and ask about how they will address it rather than sharing your concerns and stating it is due to understaffing.

### **Listen to their perspective, identify action steps, and document everything.**

Make sure you actively listen to their perspective and acknowledge what they say by demonstrating that you heard their perspective. For example, reflective listening means you would paraphrase what you heard them say in order to acknowledge what they said and move the conversation forward to resolution and action steps (e.g. "You've recently hired several new aides and they are participating in new staff training and shadowing experienced staff").

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For additional communication tips and training resources review the NORC Training Programs and In-Services [page](#) under "Communication."

Also, providing information and assistance to residents and family members is an important part of LTCO work and sharing tips for effective communication could empower them for self-advocacy. Brief tip sheets regarding communication that LTCO could share with residents and family members are available for in the [appendices](#) of this [paper](#) and a training [manual](#) and [PowerPoint](#) based on the book, "Nursing Homes: Getting Good Care There" could be used during training for Resident Councils and Family Councils.

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