What should a State Ombudsman Expect from the Administration for Community Living/Administration on Aging?

Louise Ryan, MPA
Ombudsman Program Specialist, ACL/AoA
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Administration for Community Living

An operating division within the Department of Health and Human Services (April 2012)

• Administration on Aging (administers Older Americans Act)
• Administration for Intellectual and Developmental Disabilities (administers the “DD Act”)
• Center for Disability and Aging Policy
• Center for Management and Budget
• Office of the Administrator
  • Includes 10 Regions
ACL Mission

Maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers.
How ACL relates to your work

ACL/AoA administers Older Americans Act:

- Created, authorizes and funds grants to states
  - State units on aging
  - Area agencies on aging
  - “Aging network” leverages state, local, and other funds

- OAA funds services to individuals age 60+, including:
  - In-home services and supports
  - Nutrition services (congregate and home-delivered meals)
  - Senior centers
  - Caregiver support
  - Elder rights services
AoA helps states understand and implement the Older Americans Act (OAA) through:

- Issuing grants to states (formula grants under OAA)
- Reviews and approves the State Plan on Aging
  Did you know that your work is part of the State Plan on Aging?
- Program guidance and interpretations
- Technical assistance and/or other intervention when issues arise
- Evaluation
- Providing a framework for the National Ombudsman Reporting System
AoA coordinates with NASUAD to provide TASC Planning Zone resources for State Plan development. ([www.nasuad.org](http://www.nasuad.org))

AoA Regional Offices review State Unit on Aging state plans (every 2-4 years):

- Evaluation of state aging population needs
- Description of core and discretionary programs and services to meet the need
  - LTC Ombudsman Program is a “core program” and a “person-centered” service
  - New: FY 2014 Focus Area: elder justice

Assurances related to compliance with OAA
- includes assurance of carrying out a State Long-Term Care Ombudsman program in accordance with section 712.

Goals and objectives for meeting needs of populations served
State Plans & Long-Term Care Ombudsman

Specifically, the plans should address how the state:

- Operates and meets the LTCO program requirements in the OAA (including how the State assures performance of requirements when the LTCO program is not housed within the SUA)
- Integrates LTCO plans into the broader Elder Rights context – as well as coordination with other aging services where applicable (for example, where does the LTCO help the SUA meet its objectives related to core programs and/or consumer control and choice?)
- Expects to measure the results of its goals and objectives.

Additional Resources for Planning:

- “State Long-Term Care Ombudsman Participation in State Unit on Aging Plans” www.nasuad.org/documentation/tasc/State_ltc_ombudsman_participation_in_SUA_plans.pdf
AoA Program Guidance and Interpretation

Older Americans Act provisions, especially Section 712 Regulations

- Notice of proposed rulemaking for LTCO is at Office of Management & Budget
- Current OAA regulations from 1988

FAQs – Common TA Questions on http://aoa.gov/AoARoot/AoA_Programs/Elder_Rights/Ombudsman/Program_Instructions.aspx

Program Instructions (PIs) – Examples relative to LTC Ombudsman Program:
- Certification of minimum funding requirements (annually)
- Appropriate use of Title VII funds
- State Plan requirements
ACL Regional Support Centers

- Technical Assistance to States, AAAs and others in Aging and Disabilities Networks
  - Includes TA letters & visits, examples:
    - Iowa, (systems advocacy),
    - Utah (abuse investigations),
    - California (minimum funding, reimbursement for bankruptcy work)
    - Florida (designation of local ombudsman volunteers, legislative advocacy, and information dissemination)

- State plan assistance and review.
- Generally, your first point of contact with questions for ACL (OLTCO works closely with regions)
- Some RSCs host regular dialogues among SLTCOs in the region.
- Relationship with other HHS agencies on regional level.
- Site visits to States; compliance reviews when necessary
Office of Long-Term Care Ombudsman Programs

• Becky Kurtz, Director
  – Support States’ implementation of OAA grants for LTC Ombudsman programs
  – Advocate for interests of LTC facility residents within federal government

• Louise Ryan, Ombudsman Program Specialist
  – Support State program operations (in coordination with Regions)
  – Programmatic lead for National Ombudsman Reporting System (NORS)
  – Project Officer for National Ombudsman Resource Center (NORC)
Frequent State Issues

• State Ombudsman ability to fulfill role as required by OAA:
  
  – An independent problem-solver focused on individual resident interests

  – Ability to perform effective system-level policy advocacy for residents of LTC facilities (includes recommendations to legislature)

  – Ability to communicate to the general public and media

  – Full-time position (some states have had other elder rights’ protection duties assigned)
Frequent State Issues (continued)

– Designate individuals (and local entities, in many states) to represent the Office of the State Long-Term Care Ombudsman

– Relationship with local Ombudsman entities

– Confidentiality of Ombudsman information

– Access to adequate legal counsel
Current ACL/AOA Activities

• **AoA Office of Performance and Evaluation**
  - contracted for LTC Ombudsman Program Evaluation Study Design with NORC University of Chicago
  - Developed a methodology to evaluate LTCO program:
    • Efficiency and Effectiveness and Outcomes
  - Next step: Implement the evaluation – once funding available
• “NORS Next”
• Assisting States with interest in accessing federal Veteran’s Community Living Centers
• Continued work with CMS on nursing home initiatives, Medicaid Admin claiming and
• ACL/AoA staff - HCBS regulations, PASRR, Olmsted Planning, to name a few
What should a State Ombudsman Expect from the ACL?

You should expect us to:

- Help you be able to do your job as a problem-solver for LTC residents
- Represent the LTC Ombudsman Program at the federal/national level
- Represent the interests of residents to other federal agencies
- so keep us informed!
Contact information:

Becky Kurtz
Becky.Kurtz@acl.hhs.gov
202-357-3586

Louise Ryan
Louise.Ryan@acl.hhs.gov
202-357-3503