SYSTEMS ADVOCACY 101

New State LTCO Orientation

March 29, 2016
Overview of Webinar

- What is systems advocacy?
- Role of OSLTCO in systems advocacy
- Review of resources, supporting documents
- Role of NASOP Systems Advocacy Committee
- SLTCO experience with systems advocacy
- Question and Answer
- Closing
What is Systems Advocacy?

- **Advocacy**: the act of pleading for, supporting or recommending

- **System**: combination of things or parts forming a complex or unitary whole or a coordinated body of methods or a scheme or plan of procedure

- **Systems Advocacy**: recommend changes to a system to benefit long-term care residents
  - For example: a long-term care facility, a government agency, an organization, a corporation, policies, regulations and law

Older Americans Act (OAA)

- Represent interests of residents before government agencies
- Seek administrative, legal or other remedies
- Analyze, comment on and recommend changes in laws and regulations pertaining to the health, safety, welfare and rights of residents as the Office of the SLTCO deems appropriate
- Facilitate public comment on laws, regulations, policies and actions
Older Americans Act (OAA)

- Requirements regarding systems advocacy apply to the LTCOP and program representatives, meaning State and Local LTCO.

- As the “head” of the OSLTCO, the SLTCO sets the tone and messaging regarding systems advocacy and may:
  - Create a statewide systems advocacy plan
  - Represent the OSLTCOP in testifying before the legislature
1327.11 Establishment of the Office of the State Long-Term Care Ombudsman

- **1327.11(e) (5) Systems Advocacy Key Points**
  - Policies and procedures must assure that the Office is required (and has sufficient authority) to carry out its statutory responsibilities, as the Office determines is appropriate, and regardless of State lobbying laws.
  - AoA response to a comment acknowledges that systems advocacy has been a challenge in some states, especially when the Ombudsman is a state employee.
  - Clarifies that consultation with the SUA is encouraged--but cannot be used to control positions or communications of the Office.

*content adapted from State Long-Term Care Ombudsman Programs: Final Rule (2015) Overview 45 CFR 1321 and 1327 presentation by Becky Kurtz*
1327.13 Functions and Responsibilities of the State Long-Term Care Ombudsman

- Reiterates functions from OAA, including systems advocacy, and provides further clarification that:

  - Ombudsman fulfillment of systems advocacy function of OAA does not violate federal lobbying restrictions and positions of the Office do not necessarily represent those of the State agency or other agency where the Office is housed.

  - Ombudsman is responsible for providing leadership for “statewide systems advocacy efforts of the Office.”

*content adapted from State Long-Term Care Ombudsman Programs: Final Rule (2015) Overview 45 CFR 1321 and 1327 presentation by Becky Kurtz*
Administration on Aging (AoA) Statements

• Administration on Aging Region V Memorandum to Iowa State Agency (April 26, 2010)

• “The State agency does not have the right to approve the communications that the Ombudsman’s Office chooses to make to policy makers, including a State legislature. However, the OAA does not prohibit [the Agency] from adopting a policy requiring proposed testimony from being shared in advance or circulated for comments or in-put, provided that in the end the ombudsman retains the absolute right to decide what finally should be presented by that Office.”
Role of SLTCO in Systems Advocacy

• **Develop a plan/agenda**
  - Involve LTCOP representatives in systems advocacy

• **Leadership**
  - Develop a systems advocacy agenda/plan
  - “Model” systems advocacy (e.g. provide testimony)

• **Support**
  - Provide training to LTCOP representatives regarding issues and systems advocacy
  - Provide support and assistance to address barriers
Quick Tips!

• **Resources to Review**
  - NASOP White Paper: Systems Advocacy and the LTCOP
  - NASOP Position Statement: Systems Advocacy
  - NORC Curriculum for SLTCO and Self-Study Guides
  - The LTCOP Rethinking and Retooling for the Future (Bader Report)-Appendix V. Systems Advocacy and the LTCOP
  - NORC Quick Reference Guide: Role and Responsibilities of LTCO Regarding Systems Advocacy (*SLTCO and LLTCO briefs*)

• **Resources to help you explain the role of the LTCOP**
  - State LTCO Program: A Primer for State Unit Directors and Executive Staff
  - Systems Advocacy Points of Reference
  - NORC Curriculum: LTCOP History and Role PPT and module
Quick Reference Guide

http://ltcombudsman.org/omb_support/advocacy

QUICK REFERENCE GUIDE FOR LONG-TERM CARE OMBUDSMAN PRACTICE:

ROLE AND RESPONSIBILITIES OF LONG-TERM CARE OMBUDSMEN REGARDING SYSTEMS ADVOCACY

State Long-Term Care Ombudsman

“In addition to working on individual cases and complaints, ombudsmen must address and attempt to rectify the broader or underlying causes of problems for residents of LTC facilities. When working on the systems level, ombudsmen advocate for policy change by evaluating laws and regulations, providing education to the public and facility staff, disseminating program data, and promoting the development of citizen organizations and resident and family councils.”

OVERVIEW

The Older Americans Act (OAA) outlines the responsibilities of the State and their Long-Term Care Ombudsman Programs (LTCOPs), clearly stating that the primary role of Long-Term Care Ombudsmen is to serve as resident advocates. Ombudsmen are charged with serving as the resident advocate in response to individual complaints as well as advocating for the concerns of residents and need for change on a systems level. This quick reference guide will briefly define systems advocacy, review the federal mandate and support for systems advocacy work by Ombudsmen, define several systems advocacy strategies, share examples of Ombudsmen involved in systems advocacy and provide resources for additional information.

KEY POINTS

What is Systems Advocacy?

“Advocacy” means “the act of pleading for, supporting or recommending” and “system” is a broad term that means, “a combination of things or parts forming a complex or unitary whole” or “a coordinated body of methods or a scheme or plan of procedure.” Therefore, “systems advocacy” means to recommend changes to a system (e.g. a long-term care facility, a government agency, an organization, a corporation, policies, regulations and law) to benefit long-term care residents. Effective and credible systems advocacy should generally be supported by data and complaint trends, but can also be in response to policy, regulatory and legislative proposals that could negatively impact residents.
## Systems Advocacy Strategies

<table>
<thead>
<tr>
<th>Procedural</th>
<th>Coalition Building/Partnerships</th>
<th>Issue Advocacy</th>
<th>Legislative Advocacy</th>
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<tbody>
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<td>• Strengthens LTCOP policies, procedures and program tools related to systems advocacy.</td>
<td>• Expand the reach of the LTCOP by developing partnerships, building or joining a coalition with other entities that share an interest in improving long-term care.</td>
<td>• Develop a systems advocacy approach in response to the issues identified after data analysis or a timely “hot topic” issue outside of LTCO complaint data.</td>
<td>• Required to participate in legislative advocacy.</td>
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<td>• Provides information and training regarding the LTCOP role in systems advocacy.</td>
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<td>• Analyze, comment on and monitor the development and implementation of federal, state, and local laws, regulations, and policies related to long-term care.</td>
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## Systems Advocacy Strategies

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<tr>
<td><strong>Procedural</strong></td>
<td>The Texas SLTCO provided training to the 28 Area Agency on Aging (AAA) Directors regarding the LTCOP provisions of the OAA.</td>
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<td><strong>Coalition Building/Development of Partnerships</strong></td>
<td>The Maine LTCOP co-chairs the Maine Partnership to Improve Dementia Care with the state’s LANE (Local Area Network of Excellence).</td>
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<td><strong>Issue Advocacy</strong></td>
<td>The Connecticut LTCOP is the sponsor and partner of the Statewide Coalition of Presidents of Resident Councils and the VOICES Forum. Due to a resident question during the 2005 VOICES Forum, the CT LTCOP created a statewide work group, commissioned a study of the fear of retaliation in nursing homes and created a training video based on the study’s findings.</td>
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<td><strong>Legislative Advocacy</strong></td>
<td>The Washington SLTCO worked closely with other advocates to secure passage of HB 1494. This law provides consumer protections by establishing minimum requirements for elder placement referral agencies regarding fees and refunds, documentation, disclosure statements and intake forms.</td>
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| Preparation                  | • What are the priorities of the OSLTCO and in what areas do you need to respond to as part of your systems advocacy agenda (e.g. do you have clear legislative or regulatory priorities)?  
|                             | • Are you including local LTCOPs in this effort? How will you share your plan and systems advocacy activities? |
| Resources                   | • Do you have internal program resources that could be utilized (e.g. staff or volunteers with skills or expertise related to the issue)?  
|                             | • Will your program need support from external sources? If so, is there a potential for perceived or actual conflict of interest or other concerns when enlisting such support (e.g. university research, experts)? |
| Program Management          | • Is the SLTCO providing leadership and support for local ombudsmen in understanding and making an impact on the pertinent process, system or issue?  
|                             | • Is additional training necessary for the individuals involved? |
| Addressing Potential Barriers| • Is the LTCOP located in an agency or organization that supports the program’s requirement to act on behalf of residents even if the result is a public stance that differs from that of the placement organization or agency?  
|                             | • Is there any opposition to your systems advocacy agenda? If so, do you have responses to their concerns? |
Advocacy Planning Cycle
http://www.wsscc.org/how-advocacy

1. Identify & analyze
2. Set objectives
3. Stakeholder analysis
4. Identify partners
5. Develop messages
6. Select tools
7. Plan activities
8. Monitor & evaluate
9. Advocacy plan
Quick Tips!

• Make it easy for others to get involved (e.g. local LTCO, other partners)

• Create a sense of purpose

• Define clear and specific goals

• Prioritize goals
  • If possible, start with the goal with the greatest potential for success

Joe Rodrigues
California SLTCO
Chair, NASOP Advocacy Committee
NASOP’s Advocacy Committee

Joe Rodrigues, CA State Ombudsman & Advocacy Committee Chair
Role of the Advocacy Committee

• Outlined in NASOP’s Bylaws as one of three standing committees
  • The Advocacy Committee shall study and address issues relating to long-term care. This includes, but is not limited to, promoting the advancement of the ombudsman profession, creating and implementing ombudsman programs, and establishing a positive impact on the lives and needs of long-term care residents. The Advocacy Committee shall be a self-acting committee, who works in conjunction with the membership on various issues relating to long-term care.
Activities of the Committee

• Review and comment on federal legislation
• Review and comment on proposed policies and rules
• Develop “white papers” on selected issues, e.g., *Systems Advocacy and the Long-Term Care Ombudsman Program* from March 2007
• Advocate for NASOP’s appropriations requests with Congress
• Visit and meet with legislators and legislative staff on advocacy issues, e.g., reauthorization of the Older Americans Act
Current & Future Activities

• Seeking additional clarification from AoA/ACL on the Ombudsman rule
• Advocacy on getting the House to pass an OAA reauthorization bill
• Advocacy on increasing appropriations for the LTC Ombudsman Program
• Monitoring of the Federal Register for proposed rules that we may want to comment upon
Review of NASOP Resources

- [www.nasop.org](http://www.nasop.org)
- Position papers, white papers, comments posted on our website
Teresa Holt
Alaska SLTCO
Be Specific About What You Want

1. What is the specific goal you are after?
   - Be specific (this is a very difficult step if you are doing it correctly)
   - Develop a tag line

2. What will change when your goal is implemented?
   - Brainstorm changes that you would like to see as a result of your action
   - How will we know when we have accomplished our goal?
Who is the team? What do they bring?

1. Set a meeting of the partners who will be working on this advocacy effort

2. List the resources that each organization brings to the campaign. Include: money, in kind contributions, number of staff, contacts, facilities, reputation, etc.

3. Is there anyone who should be added to the leadership team/partners group?

4. Determine who will organize team meetings and who will facilitate meetings. Assign other duties
Who will Support Your Initiative?

- Who else has a problem with this same issue?
  - Think of groups outside of your normal community

- Go back to your outcomes and think of groups that will be positively affected by your change

- Identify any groups that might have influence with the policy makers who would support your initiative
Who will be against your initiative?

- Does not have to be a person or group—it can be an idea
  - Specific individuals or groups
  - Public opinion—will raise taxes
  - System obstacles

- Why do they oppose the issue?
  - Helpful to develop counter talking points
  - Reframe issue
  - Is there a way for a win-win?

- How can you counter the opposition?
  - Does anyone on the team have connections with them?
  - Do they listen to reason? data? personal stories?
  - Who has power over them?
Who Has the Power?

**Primary Targets**
- Who has the power to make the change you want?
  - Legislators who are on committees the bill will pass thru
  - State Unit on Aging director or Health and Social Services Commissioner

**Secondary Targets**
- Who has the power over the people with the power to give you what you want?
  - Spouses or family members who are interested in your issue
  - Constituents who are influential with targets
Develop an Action plan

- Who will oversee the implementation of the action plan?
- Strategies to educate partners and supporters
- Strategies to educate identified targets
- Strategies for education of the public
- Visual symbol of your initiative (keys, photos, gumballs)
- Media and Social Media
Never doubt that a small group of thoughtful concerned citizens can change the world... Indeed it is the only thing that ever has.

Margaret Mead
Discussion
The National Long-Term Care Ombudsman Resource Center (NORC)

www.ltcombudsman.org
ombudcenter@theconsumervoice.org

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