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The National **Long-Term Care**
Ombudsman Resource Center

***THE WHO, WHAT, WHERE, WHY, AND HOW OF THE
LONG-TERM CARE OMBUDSMAN PROGRAM***

What is NORC?

- **Funded by the Administration on Aging/Administration for Community Living grant**
- **Operated by the National Consumer Voice for Quality Long-Term Care (Consumer Voice) in cooperation with the National Association of States United for Aging and Disabilities (NASUAD)**
- **Provides support, technical assistance, and training for state long-term care ombudsman programs and their program representatives:**
 - Information, consultation, and referral for Ombudsman programs
 - Training and resources for state ombudsman programs and program representatives
 - Promotes awareness of the role of the Ombudsman program
 - Works to improve ombudsman skills, knowledge, and effectiveness in both program management and advocacy

What is the Long-Term Care Ombudsman Program (LTCOP)?

- LTCOP representatives are resident-directed advocates.
- LTCOPs advocate for quality of care and quality of life of residents in long-term care (nursing homes, board and care/assisted living, other similar adult care facilities).
- LTCOP provisions in the Older Americans Act (OAA) include:
 - Investigate and resolve complaints
 - Provide information to residents, families, staff (e.g. residents' rights)
 - Advocate for systemic changes to improve residents' care and quality of life.

History of the LTCOP

1972

- Five Nursing Home Ombudsman Demonstration programs established to focus on nursing home resident complaint resolution

1978

- Older Americans Act (OAA) amendments **required all states** to establish an Ombudsman Program
- Program designed to be a **local, community program** utilizing volunteers

1981

- Duties expanded to board and care homes (e.g., Assisted Living Facilities)
- Name changed from Nursing Home Ombudsman Program to Long-Term Care Ombudsman Program (LTCOP)

1987

- LTCOP access to resident records (with resident consent)
- States must prohibit willful interference of official LTCOP duties and/or retaliation against a LTCOP representative, resident or other individual related to LTCOP duties

2015

- Final Regulations for the LTCOP were published in the Federal Register on **February 11, 2015**

2016

- LTCOP Rule was effective **July 1, 2016**
- Older Americans Act was reauthorized

What Does the LTCOP Do?

- Identify, investigate, and resolve complaints made by or on behalf of residents.
- Provide information to residents about long-term care services.
- Provide technical support for the development of resident and family councils.
- Advocate for changes to improve residents' quality of life and care.
- Represent resident interests before governmental agencies.
- Seek legal, administrative, and other remedies to protect residents.
- Ensure residents have regular and timely access to the LTCOP.

Role of the LTCOP: Long-Term Care Ombudsman Program Representatives

Do not conduct licensing and regulatory inspections or investigations

- LTCOP representatives are knowledgeable of federal and state regulations and will refer to relevant regulations as they advocate for the highest quality of care and life for residents.
- If necessary, with resident consent, a LTCOP representative will file a complaint with licensing and regulatory.

Are not Adult Protective Services (APS) investigators

- LTCOPs provide information regarding preventing and reporting abuse, neglect, and exploitation.
- LTCOPs do not have the same standard of evidence requirement as APS and are not the “official finder of fact.” LTCOPs attempt to resolve complaints to the residents’ satisfaction (including those regarding abuse), not gather evidence to substantiate that abuse occurred.
- If necessary, with resident consent or permission of the State LTCO if the resident can’t consent and does not have a legal representative, the LTCOP representative will file a complaint about alleged abuse.

Do not provide direct care for residents

- LTCOPs share information about quality care practices and ways to enhance the quality of life for residents.
- LTCOPs are a resource for staff training and provide information for community resources.

Who Does the LTCOP Serve?

- Individuals, regardless of age, living in long-term care facilities (e.g., nursing homes, assisted living/board and care, similar adult care facilities).
 - In accordance with federal law, facilities must provide the LTCOP with access to residents.
 - In a small number of states, LTCOPs also visit individuals that receive long-term care services in their own home.
- **As resident advocates:**
 - The resident guides LTCOP action.
 - The LTCOP needs resident consent prior to taking any action on a complaint or sharing resident information.
 - The LTCOP seeks to resolve complaints to the residents' satisfaction.
 - The LTCOP represents residents' interests, both individually and systemically.
 - The LTCOP empowers residents and promotes self-advocacy.

**If the resident cannot provide consent, the LTCOP representative will work with the resident's legal representative or follow their state procedure if the resident doesn't have a legal representative.*

Who Represents the LTCOP?*



- **53 State Long-Term Care Ombudsman Programs**
 - Each state, Guam, Puerto Rico, and Washington D.C.
 - Program structure varies (e.g., centralized, decentralized)
- **552 local Ombudsman entities**
- **1,300 full-time staff**
- **7,734 certified volunteers donated 708,323 hours of service**
 - All designated representatives of the Office receive training, including volunteers
 - Not all programs utilize volunteers

LTCOP Activity Highlights (2015)



Visited **27,559** long-term care facilities at least quarterly



Attended **22,281** Resident Council Meetings and **2,073** Family Council Meetings



10,821 community education sessions



5,054 trainings for LTC facility staff



122,213 consultations to LTC facility staff



398,057 information and consultation to individuals (residents, family members, others)

LTCOP Complaint Investigations

- **LTCOP representatives:**

- Investigate individual complaints and address concerns that impact several or all residents in a facility.
- Can address general concerns they personally observe during a visit (e.g. odors, concerns about the environment, staff not knocking on resident doors before entering).
- Cannot share information without resident consent.
- Investigate to gather the facts, but the main goal is to resolve the issue to the residents' satisfaction.
- Call upon others to fulfill their responsibilities to residents.
- Represent resident needs by working for legislative and regulatory changes (e.g., coordinated systems advocacy lead by the State Ombudsman).

National Ombudsman Reporting System (NORS)

Complaint Data (2015)

- Nationwide, in 2015 the LTCOP investigated and worked to resolve **199,238 complaints.**
- LTCOPs handle a variety of complaints about quality of life and care.
- Not all complaints are about the care provided by a facility, some complaints are about outside agencies, services, or individuals.
- LTCOPs can receive and respond to complaints from individuals other than the resident (e.g., family member), but LTCOP representatives still need resident permission to investigate or share information.*

**If the resident cannot provide consent, the LTCOP representative will work with the resident's legal representative or follow their state procedure if the resident doesn't have a legal representative.*

Top 10 Nursing Home Complaints (2015)

1	Discharge/eviction-planning, notice, procedure, implementation, including abandonment
2	Failure to respond to requests for assistance
3	Dignity, respect - staff attitudes
4	Medications - administration, organization
5	Resident conflict, including roommates
6	Care plan/resident assessment - inadequate, failure to follow plan or physician orders
7	Food service - quantity, quality, variation, choice, condiments, utensils, menu
8	Personal hygiene (includes nail care and oral hygiene) and adequacy of dressing & grooming
9	Accident or injury of unknown origin, falls, improper handling
10	Exercise preference/choice and/or civil/religious rights

Top 10 Board & Care/Assisted Living Complaints (2015)

- 1 Medications - administration, organization
- 2 Food service - quantity, quality, variation, choice, condiments, utensils, menu
- 3 Discharge/eviction-planning, notice, procedure, implementation, including abandonment
- 4 Dignity, respect - staff attitudes
- 5 Equipment/building - disrepair, hazard, poor lighting, fire safety, not secure
- 6 Resident conflict, including roommates
- 7 Cleanliness, pests, general housekeeping
- 8 Accident or injury of unknown origin, falls, improper handling
- 9 Personal property lost, stolen, used by others, destroyed, withheld
- 10 Care plan/resident assessment - inadequate, failure to follow plan or physician orders

Get to Know the LTCOP

- Contact the LTCOP if you know a resident that may benefit from a visit with a LTCOP representative.
- Contact the LTCOP if you, or someone you know, needs information about long-term care services and supports.
- Share information about the LTCOP with residents, family members, and your colleagues.
- Visit the NORC website for information to share with residents:
<http://www.ltcombudsman.org/>.

How to Contact the LTCOP

- Nursing homes are required to post contact information for the LTCOP and some states require assisted living facilities/board and care facilities to post information about the LTCOP.
- Visit the NORC website to locate your state LTCOP:
<http://www.ltcombudsman.org/>

Locate an Ombudsman

Find an Ombudsman, Citizen Advocacy Group (CAG), or other long-term care resources in your state or territory. Citizen Advocacy Groups are concerned citizens who advocate for quality long-term care, services and supports and quality of life for residents and consumers in their locality, state or region.


[Learn more about ombudsmen →](#)




RESOURCES

How NORC Supports LTCOPs...

- **Resource Center**
 - Training (webinars, in-person)
 - Resources (quarterly Ombudsman Outlook)
 - Clearinghouse
 - Technical assistance (TA) – **NEW** TA FAQ page http://ltcombudsman.org/omb_support/ta
 - Information to share with consumers (e.g., facts sheets regarding financial exploitation, resident-to-resident mistreatment)
- **Work with LTCOP Associations**
- **Information, not advocacy**
 - Information regarding policy, regulations and requirements



Ombudsman Outlook: News, Resources, and Tips

Brought to you by:  The National Long-Term Care Ombudsman Resource Center

Friday, September 15, 2017
Volume 4, Issue 1

When Disaster Strikes: Emergency Preparedness and Long-Term Care

Recent natural disasters have significantly impacted several states, including consumers of long-term care services and supports, and like the rest of the country, we have been extremely concerned about all those affected.

These disasters always act as a reminder about the importance of emergency preparedness, both professionally and personally.

In September 2016, CMS published a [final rule](#) regarding emergency preparedness for Medicare and Medicaid participating providers and suppliers.


The final rule applies to all 17 provider and supplier types and requires long-term care providers to:

- (1) create coordinated emergency plans and policies;
- (2) install and maintain emergency power systems; and
- (3) create plans regarding missing residents in the wake of an emergency.

In This Issue

- [When Disaster Strikes](#)
- [New and Updated Resources](#)
- [News from the Network](#)
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- [NORS Corner](#)
- [LTCO Volunteer Management: Volunteer Retention](#)
- [Quick Tips!](#)
- [Residents' Rights Month 2017](#)

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www.ltcombudsman.org

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Specialized Information for:

Nursing Homes Assisted Living/Board & Care Home and Community Based Services

Be Prepared: Emergency Preparedness Resources

In light of recent natural disasters across the country, review important emergency preparedness resources.

Learn more

Locate an Ombudsman, Citizen Advocacy Group and other resources near you Visit our map

News and Press Resource Center Updates

▶ Dehydration—A Silent Signal for Help ▶ New Technical Assistance FAQ Page

Site Map: <http://ltcombudsman.org/about/site-map>

New ombudsman?

Library

- Government Reports
- Federal Laws and Regulations
- LTCOP Rule

Events

Support

- Program Management
- Program Promotion
- Training
- Systemic Advocacy
- Volunteer Management
- TA FAQs

Issues

- More than 20 issue pages (e.g., abuse, antipsychotic medications, dementia care, emergency preparedness)

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

www.ltcombudsman.org

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The National LTC Ombudsman Resource Center



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This project was supported, in part, by grant number 90OMRC0001-01-00, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.