



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

THE LONG-TERM CARE OMBUDSMAN PROGRAM (LTCOP)

Overview of the History, Role, and Responsibilities

What is a Long-Term Care Ombudsman?

- A Long-Term Care Ombudsman (LTCO) is a resident advocate.
- LTCO 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).
- LTCO 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 Long-Term Care Ombudsman Program (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 to Long-Term Care Ombudsman (LTCO)

1987

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

LTCOP Responsibilities

- 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 Ombudsmen...

<p><u>Do not</u> conduct licensing and regulatory inspections or investigations</p>	<ul style="list-style-type: none">• LTCO 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, LTCO will file a complaint with licensing and regulatory.
<p><u>Are not</u> Adult Protective Services (APS) investigators</p>	<ul style="list-style-type: none">• LTCO 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 LTCO will file a complaint about alleged abuse.
<p><u>Do not</u> provide direct care for residents</p>	<ul style="list-style-type: none">• LTCO share information about quality care practices and ways to enhance the quality of life for residents.• LTCO are a resource for staff training and provide information for

State LTCO Programs

- **Who are LTCO?**

- 53 State Long-Term Care Ombudsmen (each state and Guam, Puerto Rico and Washington D.C.)
- Local Long-Term Care Ombudsmen (559 local programs)
- Volunteer Ombudsmen (8,155 certified volunteers in 2014)

- **Volunteer Ombudsmen**

- Not all state and local programs have volunteer LTCO
- Volunteer LTCO duties vary depending on the state program
- Volunteer LTCO may:
 - Investigate complaints, provide in-service training, visit residents, and support resident and family councils.

State LTCO Programs

- **LTCO visit residents in:**
 - Nursing homes and assisted living facilities/board and care homes.
 - In a small number of states, LTCOPs also visit individuals that receive long-term care services in their own home.
- **Do LTCO represent all residents, regardless of age?**
 - OAA programs provide services to individuals 60 and older, but the LTCOP will assist residents younger than 60 as advocacy for individuals younger than 60 will also benefit other residents.
- **How often do LTCO visit?**
 - LTCO regularly visit facilities in order to provide access to the program, but how often depends on the program (e.g. weekly, monthly, quarterly).

LTCO Complaint Investigation

- LTCO investigate individual complaints and address concerns that impact several or all residents in a facility.
- LTCO can address general concerns they personally observe during a visit (e.g. odors, environmental issues).
- During complaint investigations LTCO cannot share information without resident consent. Some residents ask to remain anonymous.
- Investigate to gather the facts, but the main goal is to resolve the issue to the residents' satisfaction.
- LTCO call upon others to fulfill their responsibilities to residents.

LTCO Complaint Investigation

- If the complaint is from someone other than the resident, the LTCO will visit the resident in order to understand the resident's capacity to make decisions.
 - If the resident cannot provide consent, the LTCO will work with the resident's legal representative or follow their state procedure if the resident doesn't have a legal representative.
- Federal law grants LTCO access to resident information (with resident permission) and LTCO are required to keep that information confidential.
- In accordance with federal law, facilities must provide the LTCOP with immediate access to residents.

Type of Complaints

- LTCO 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 (e.g. Medicaid or Medicare benefits).
- LTCO can receive and respond to complaints from individuals other than the resident (e.g. family member), but LTCO still need resident permission to investigate or share information.
- Nationwide, in 2014 the LTCOP investigated 191,533 complaints in nursing homes and board and care facilities.

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 National Long-Term Care Ombudsman Resource Center website to locate your local or state LTCO:
<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 →](#)

