



NORC Notes

A monthly reminder of available resources and tips for using them.

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Long-Term Care Ombudsman Program Advocacy in Assisted Living Facilities: Tips for Training Program Representatives

The [LTC Ombudsman Program Advocacy in Assisted Living Facilities Compendium](#) is intended to assist long-term care ombudsman programs (LTCOP) in increasing their effectiveness in advocacy for and with residents in assisted living facilities. One of the first steps in program management is defining training requirements for Ombudsman program representatives working in assisted living facilities (ALFs).



Program Management: Training for Ombudsman Program Representatives

This resource highlights key elements to include in training for Ombudsman program advocacy in ALFs (in addition to initial certification training that addresses the history, role, and responsibilities of the program). Read the tip sheet [here](#).

PROGRAM MANAGEMENT: TRAINING FOR OMBUDSMAN PROGRAM REPRESENTATIVES

One of the first steps in program management is defining training requirements for Ombudsman program representatives (staff and volunteers) working in assisted living facilities (ALFs).¹ This resource highlights key elements to include in training for Ombudsman program advocacy in ALFs (in addition to initial certification training that addresses the history, role, and responsibilities of the program).² Due to the lack of federal regulations, state definitions and regulations for board and care homes or assisted living facilities vary and Ombudsman programs will need to modify their training materials to reflect state specific information.

Key Training Elements

Describe the Setting

What are the names used in your state to categorize care homes which do not meet the definition of a nursing home? (e.g., assisted living, board and care, personal care home, etc.)

- What are the characteristics of this type of care? (e.g., number of residents, type of care permitted, etc.)
- Include the state law/regulations which describe these homes.
- Describe Medicaid and other government payment sources available in your state (e.g., Medicaid waivers (HCBS), Veteran's benefits, etc.). Include your state statistics regarding individuals living in assisted living that are Medicaid beneficiaries or using another benefit to receive services.
 - If applicable, here are some resources to educate representatives regarding the Home and Community Based Services (HCBS) Settings Final Rule (2014):³
 - U.S. Department of Health and Human Services Medicaid Home and Community Based Services [webpage](#)
 - [Overview of HCBS Settings Rule](#)
 - [Key Provisions of the Final HCBS Settings Rule \(January 10, 2014\)](#)
 - The final rule includes requirements for provider-owned or controlled home and community-based residential settings. These requirements include:
 - The individual has a lease or other legally enforceable agreement providing similar protections;
 - The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate the unit;

¹ Due to the variation in facility type, terminology and licensure for these facilities by states the term "assisted living facilities" (ALFs) is used in this compendium to refer to all non-nursing homes covered by the Ombudsman program such as: board and care facilities, residential care homes, adult foster care homes, and personal care homes.

² Training for Ombudsman program representatives is critical for maintaining an effective program. The National Long-Term Care Ombudsman Resource Center develops and collects materials and information that enhance and strengthen the training of paid and volunteer ombudsmen. The NORC Curriculum is designed to help states improve their basic training for program representatives and the teaching methods are based on principles of adult learning and grounded in Ombudsman program values and responsibilities. The [curriculum](#) and other training materials are available on the NORC website: http://ltcombudsman.org/omb_support/training.

³ Links to resources in this section are Medicaid.gov- <https://www.medicaid.gov/medicaid/hcbs/index.html>; CMS Fact Sheet Overview of HCBS Settings Rule- <https://www.medicaid.gov/medicaid/hcbs/downloads/final-rule-fact-sheet.pdf>; CMS Fact Sheet, Summary of Key Provisions- <https://www.medicaid.gov/medicaid/hcbs/downloads/hcbs-setting-fact-sheet.pdf>; NORC HCBS webpage- <http://ltcombudsman.org/issues/home-and-community-based-services>

Key Elements of Training

Describe the Setting

- What are the names used in your state to categorize care homes which do not meet the definition of a nursing home? (e.g., assisted living, board and care, personal care home, etc.)
- What are the characteristics of this type of care?
- Include the state law/regulations which describe these homes
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Understanding the Authority

- The Older Americans Act (OAA) defines “long-term care facilities” as skilled nursing facilities, nursing facilities, board and care facilities and other adult care homes. The OAA states that LTCO must ensure residents of long-term facilities have “regular and timely access” to LTCO services and “that the residents and complainants receive timely responses” from representatives of the LTCO program.⁴ All the LTCO functions, duties, and other requirements (e.g., resident access to program services, complaint resolution, systems advocacy, community education, information and assistance) outlined in the OAA apply to LTCO services for residents of all long-term care facilities. Some Older Americans Act provisions regarding LTCO responsibilities to assist individuals in living in long-term care facilities can be found on page 2 [here](#).

Advocacy in ALFs Versus Nursing Homes: What's the Same, What's Different?

Similarities

- Most residents in both environments are older adults.
- Many of the same services are provided in both setting (e.g., administering medications and providing assistance with activities of daily living).
- Characteristics of assisted living residents are becoming increasingly like those of nursing home residents (e.g., similar acuity levels, many of the residents have some form of dementia).

Differences

- Unlike nursing homes, there are no federal regulations specifically for assisted living facilities and state regulations and enforcement vary. However, there is a federal regulation regarding how states use federal Medicaid funds to pay for home and community based services [Home and Community Based Services (HCBS) final rule].
- Assisted living operators and staff frequently have less training than nursing facility administrators and staff
- Operators in some assisted living facilities are providing care in their own personal time.
- States may or may not have a "Bill of Rights" for assisted living residents.
- Some assisted living facilities serve younger people with mental problems or impaired cognitive functions.

For additional training tips read the tip sheet in its entirety [here](#) and click [here](#) to visit the *LTCO Program Advocacy in Assisted Living Facilities Compendium* for more information and resources. If you have a question, are not able to find a resource, or want to share training materials or program practices related to advocacy in ALFs, please email ombudcenter@theconsumervoice.org.

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National Consumer Voice for Quality Long-Term Care - 1001 Connecticut Avenue, NW, Suite 632 - Washington, DC 20036 - telephone: (202) 332-2275 - fax: (866) 230-9789 - info@theconsumervoice.org