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.
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? (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.

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. 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.