



Ombudsman Outlook: News, Resources, and Tips

Brought to you by:



Friday, June 29, 2018
Volume 4, Issue 4

Ombudsman Program Advocacy Regarding Abuse in Long-Term Care Facilities

Ombudsman programs play an important, yet unique, role in responding to and investigating allegations of abuse and educating others regarding abuse in long-term care. This issue highlights new and updated training materials and consumer education resources regarding abuse, neglect, and exploitation.

In 2017, NORC asked State Ombudsmen and LTCO program representatives to respond to a questionnaire titled, *Ombudsman Program Advocacy and Activities Regarding Abuse in Long-Term Care Facilities*. The questionnaire responses highlight barriers to Ombudsman programs addressing abuse, successful practices, and potential topics for future training opportunities and further discussion. Below is a summary of responses.

- 22 State Long-Term Care Ombudsmen and 55 LTCOP representatives from 22 different states responded to the questionnaire.
- The majority of State Ombudsmen responding said their state has an active statewide multidisciplinary group to address elder abuse and 10 states (45%) participate in those meetings on a regular basis.
- 45 program representatives (82%) said their state has an active local or regional multidisciplinary group to address elder abuse and 32 program representatives (71%) participate in those meetings on a regular basis.
- 8 state programs (36%) have regular communication with law enforcement.
- 15 state programs (68%) communicate with the Medicaid Fraud Control Unit (MFCU).
- 9 states (41%) have written agreements with APS.
- Conducting in-services for facility staff about abuse, neglect, and exploitation was the most common activity reported by both State Long-Term Care Ombudsmen (12 states, 55% of respondents) and program representatives (19 program representatives, 35%).

In This Issue

- [LTCOP Advocacy and Abuse in LTC](#)
- [New and Updated Resources](#)
- [News from the Network](#)
- [TA Hot Topic: Witnessing Abuse](#)
- [NORS Corner](#)
- [LTCO Volunteer Management](#)
- [Quick Tips!](#)
- [October is Residents' Rights Month!](#)

NORC is on Facebook and Twitter!



NORC Featured Resource

Residents' Rights Month Materials

Each year, the Consumer Voice develops a packet to help you plan your Residents' Rights events. The packet is completely downloadable and features ready-to-use items,

- Multiple respondents claimed the most significant barrier to preventing, detecting, and reporting abuse in long-term care was the lack of communication and collaboration between the Ombudsman program and Adult Protective Services (APS) and inconsistent involvement of APS.
- The second most common barrier to preventing, detecting and reporting abuse identified by respondents was financial abuse reporting by financial institutions.

[Click here](#) to respond to the 2018 Ombudsman Program Advocacy and Activities regarding Abuse in LTC Facilities questionnaire (respond by July 13).

[Back to top](#)

New and Updated NORC Resources

NEW! [Consumer Voice and NORC On-Demand Training Center](#)

This on-demand education platform allows you to delve into important topics through our online courses. Courses are available for consumers, representatives of long-term care Ombudsman programs, advocates, and family members through your computer or mobile device. There are separate courses created by Consumer Voice and NORC. Consumer Voice courses focus on understanding federal regulations, policies, and advocacy strategies. NORC courses focus on Ombudsman program practices and advocacy.

NORC created a continuing education course that Ombudsman programs can use for on-going education credits for their representatives. Individuals that complete the course will receive a certification of completion. Two continuing education courses are currently available, one regarding Abuse, Neglect, and Exploitation and another regarding Volunteer Management. Additional courses will be added to the Training Center over time. To enroll in a course you must create an account. Watch this [video](#) for an overview of the Training Center. [Step-by-step instructions for enrolling and navigating a course](#) are also available.

NEW! [Volunteer Long-Term Care Ombudsman Program Representative Intake Toolkit](#)

This intake toolkit is designed to assist Long-Term Care Ombudsman programs with the application and screening process for potential volunteer Ombudsman program representatives. The toolkit includes several templates that Ombudsman programs can adapt to meet their individual program requirements. View the full toolkit as a [PDF](#) and by section [here](#).

NEW! [Ombudsman References in Federal Requirements](#)

The resource, Ombudsman References in Federal Nursing Home Requirements, has two charts. The first chart is the nursing home requirements. The second chart contains Ombudsman references in other federal requirements. For additional resources produced by NORC on the Federal Nursing Home Regulations, visit the NORC [website](#).

including promotional materials, activities to celebrate Residents' Rights Month, training tools and resources View the packet on Consumer's Voice's [website](#) and view additional materials related to Residents' Rights on the NORC [website](#).
[Calendar of Events](#)

October 2018

Residents' Rights Month. More information [here](#).

October 22 - 24, 2018 The 2018 Consumer Voice Annual Conference will be held at the Crowne Plaza in Alexandria, VA. More information [here](#).

NEW! [April, May, and June NORC Notes](#)

NORC Notes is a monthly email reminder of available resources on the NORC website and tips for how your program can use them. The [April issue](#) was on Volunteer Retention and Recognition. The [May issue](#) was on Resources for Consumers. The [June issue](#) Elder Mistreatment and Responding to Allegations of Abuse.

UPDATED! [Reference Guide on Resident-to-Resident Mistreatment: Long-Term Care Ombudsman Advocacy](#)

Resident-to-resident mistreatment (RRM) is a serious issue that has a significant negative impact on all residents involved, but incidents are often not reported and investigated. The purpose of this reference guide is to provide an overview of resident-to-resident mistreatment to assist Long-Term Care Ombudsman (LTCO) programs in effectively responding to complaints involving RRM, as well as help prevent RRM and reduce the prevalence of these incidents.

UPDATED! [Training Videos Used by Ombudsman Programs](#)

NORC has updated the list of videos which you might use during certification training, or continuing education. This list was compiled thanks to input received from Ombudsmen, program representatives, and volunteer coordinators.

UPDATED! [NORC Website Now Includes Revised NORS Data Collection Effective October 1, 2019](#)

These are the final revised NORS data collection tables that Ombudsman programs will use to report data starting on October 1, 2019. NORC is in the process of creating new training materials for the revised NORS data codes and activities. The following information is also available on the [ACL website](#). [Introduction: NORS Revisions](#); [Table 1: Case Levels](#); [Table 2: Complaint Codes](#); [Table 3: Program Information](#); [Crosswalk A: NORS Overview](#); [Crosswalk B: Complaint Codes \(Old NORS to Revised NORS\)](#).

UPDATED! [Improving the NORC Website – Updated Program Management and Program Promotion Pages](#)

To simplify the website, we are archiving or revising older materials, reorganizing webpages, and updating the search function. In order to see these changes to the [Program Management](#) and [Program Promotion](#) pages you must clear your browser's cache history. Clearing your cache is simple. In Google Chrome click the three dots that indicate "More" in the top right corner. Then click "More tools" and "Clear browsing data." At the top, choose a time range and be sure to check the box "Cached images and files." Learn about the different sections of the website and how to better navigate the pages with these [helpful tips](#) and visit the [site map](#) to see all pages within our website.

[Back to top](#)

News from the Network...

Missouri Ombudsman Program Representatives Testified in the State House Committee Hearing

Local Ombudsman program representatives in Missouri headed to Jefferson City for their Annual Advocacy Day to represent the voices of those in long-term care. VOYCE representatives have been working to raise awareness for two bills allowing residents to install cameras in their nursing home rooms and bills on mandated reporting by nursing homes of sexual assault to law enforcement. A group from VOYCE testified in the Missouri House committee hearing on the camera bill (Mary Redford and Dick Corbett). Then VOYCE Executive Director, Mary Lynn Faunda Donovan, testified in the Senate House committee on mandated reporting by nursing homes of sexual assault to law enforcement.

Significant media was generated on these bills. Executive Director, Mary Lynn Faunda Donovan, was [interviewed by a local radio station](#) about two new bills allowing cameras in nursing home rooms and the amendments to the bills that were added allowing the facility to turn off the video and audio at the discretion of the nursing home staff and giving facilities final say on whether the resident could install cameras. [Read an additional article here.](#)



Pictured are MO LTCOP representatives at the State Capital.

Ombudsmen from Alaska, Idaho, Kentucky, and Texas Participated in National Volunteer Appreciation Week

April 15 – 21, 2018 was National Volunteer Appreciation week. We asked states to tell us how they were recognizing the volunteers who visit and advocate with and for individuals in long-term care facilities. In Alaska, long-term care ombudsman volunteer, Ray Tinjum, won the Hammett Award for Outstanding Service to Seniors. In Texas, the Alamo Area Council of Governments held a luncheon for agency volunteers. To read more about National Volunteer Appreciation Week, visit the NORC [website](#).

Hawaii State Ombudsman, John McDermott, Spoke to the Health and Human Services Committee

John McDermott, Hawaii State Ombudsman, recently spoke to the Hawaii Health and Human Services Committee during a briefing about unlicensed aging-in-place homes. An article titled, [Why Hawaii's Unlicensed Elder Care Industry is out of Control](#), by the Honolulu Civil Beat discussed the issue and briefing. The article states that three hundred long-term facilities for elderly and disabled people have "closed," but reopened as "aging-in-place homes" that are not required to be licensed. Rep. John Mizuno, chair of the Health and Human Services Committee, said he and health officials have crafted a bill, HB 1911, that would give state health officials more authority to investigate unlicensed care facilities, establish fines for violations, and make it illegal for health care providers to refer patients to unlicensed homes. John McDermott, Hawaii State Ombudsman, said to the committee, "if the Legislature is unable to stop this trend, more licensed facilities will drop out and this will place more seniors at risk."

Georgia Program Representative, Jennifer Almond, presented "Let's Talk About Sex"

Jennifer Almond, who serves as the North Long-Term Care Ombudsman Representative Coordinator in Georgia presented "Let's Talk About Sex" at the Southern Gerontological Society/Georgia Gerontology Society Joint Conference on April 13, 2018. During this poster session, participants learned how important the long-term care facility resident's rights are including the right to sexual expression.

This "News from the Network" article appears in every issue to highlight your work. We encourage you to [send](#) your advocacy successes, program management examples, and resources so we can learn from you.

[Back to top](#)

TA Hot Topic

Witnessing Abuse, Gross Neglect, or Exploitation

Based on the duties and requirements for the LTCOP outlined in the Older Americans Act (OAA) and final LTCOP rule, how should a LTCOP representative proceed if she personally witnesses abuse, gross neglect, or exploitation of a resident?

The Ombudsman program investigates and resolves complaints on behalf of residents, but the LTCO program is unique in that its goal is to resolve the complaint to the "satisfaction of the resident or complainant" as opposed to seeking to "substantiate" a complaint by gathering evidence to prove the allegation occurred (NORS Instructions, ACL).

This difference means that the LTCO program does not have the same standard of evidence required for complaint investigation and resolution as other entities, such as Adult Protective Services, state survey agencies and law enforcement. The investigation by other entities seeks evidence to demonstrate that laws or regulations were broken. Since the LTCOP's primary goal is to resolve

complaints to the satisfaction of the resident, the LTCOP seeks resolution “on behalf of a resident regardless of whether violation of any law or regulation is at issue”. However, according to the OAA the LTCOP also seeks remedies to protect the “health, safety, welfare, and rights of all residents [(OAA of 1965. Section 712 (a)(3)(A)].

The OAA does not provide direction regarding the disclosure of information and reporting of suspected abuse when a LTCOP representative witnesses abuse or the resident is unable to provide consent. However, the final LTCOP regulations require that state LTCOP procedures for disclosure shall provide that (45 CFR 1324.19):

- The representative shall seek informed consent from the resident, or resident representative, and follow resident direction.

If the resident cannot communicate informed consent and does not have a representative, the LTCOP shall:

1. Open a case with the Ombudsman/representative as the complainant,
2. Follow complaint resolution procedures, AND
3. Refer and disclose information to facility management and/or appropriate agency if:
 - No evidence that resident would not want referral
 - Reasonable cause to believe that disclosure would be in best interest of resident, AND
 - Representative obtains State Ombudsman approval (or follows program policies).

LTCOPs must employ advocacy strategies when responding to allegations of abuse, where consent is not given, to protect resident confidentiality and do their best to ensure resident safety. For advocacy strategies for this situation and others review the [Responding to Allegations of Abuse: The Role and Responsibilities of the LTCOP](#) reference guide.

For detailed information regarding the LTCOP Final Regulations visit the NORC [website](#) for the final rule text, an overview, webinar recordings and additional resources. The Frequently Asked Questions ([FAQs](#)) by the Administration for Community Living (ACL) regarding implementation of the LTCOP Rule also provides additional information regarding the role of the Ombudsman program in investigating complaints regarding abuse (see questions 22 and 23).

Some language above adapted from "New Long-Term Care Ombudsman Rule, New Opportunities" (ACL, 2015 SLTCO Conference). Feel free to [contact NORC](#) if you have questions or comments.

NORS Corner

An update regarding the revised NORS data collection system and two new frequently asked questions are below.

Q: When are states required to begin using the updated NORS data collection?

A: Ombudsman programs will start using the revised NORS data collection on October 1, 2019. Links to an introduction to the NORS revisions, tables, and crosswalks are below and on the [NORC](#) and [ACL](#) websites.

- [Introduction: NORS Revisions](#)
- [Table 1: Case Levels](#)
- [Table 2: Complaint Codes](#)
- [Table 3: Program Information](#)
- [Crosswalk A: NORS Overview](#)
- [Crosswalk B: Complaint Codes \(Old NORS to Revised NORS\)](#)

Q: Can states begin training on the revised NORS definitions (Tables 1, 2 & 3) and start using the new codes, definitions, and activities in their current NORS reporting?

A: No, states are to continue to use the current approved NORS form and instructions to ensure consistent reporting. NORC is in the process of creating new training materials for the revised NORS data tables in coordination with an advisory group and ACL. NORC will update the current training materials, create PowerPoints for each training section, and develop a new on-demand training course (part of the new [Consumer Voice/NORC Training Center](#)) and make this available to your programs. Prior to implementation of the updated NORS reporting system (October 1, 2019), please review your current data for trends, errors, and areas for improvement; discuss the importance of accurate and timely reporting; inform your program about upcoming changes; and use the [current training materials](#) and [NORS FAQs](#) to improve consistency in NORS reporting.

If you have questions about transition of your software, please contact Louise Ryan at ACL.

Pilot testing is underway with several states testing the new data collection system. ACL is monitoring and reviewing feedback to ensure the system is working correctly. Prior to implementation, states are confirming that their software is compatible with the new system and NORC will complete the revisions to the training materials and make them available so programs can train their representatives.

[Back to top](#)

LTCOP Volunteer Management

NEW Volunteer Long-Term Care Ombudsman Program Representative Intake Toolkit

NORC has developed a new *Volunteer Long-Term Care Ombudsman Program Representative Intake toolkit* of examples and ideas for the volunteer intake process. The materials are designed to assist programs in keeping potential volunteers engaged as they wait for the certification training, collect conflict of interest information, and ensure programs have a comprehensive intake and screening process.

Volunteer Long-Term Care Ombudsman Program Representative Toolkit – Introduction ([PDF](#))

- I. Letter to Prospective Volunteer Ombudsman Program Representative ([PDF](#))([Word](#))
- II. Key Points for Minimum Volunteer Requirements ([PDF](#))([Word](#))
- III. Ombudsman Program Volunteer Application ([PDF](#))([Word](#))
- IV. Volunteer Reference Interview Form ([PDF](#))([Word](#))
- V. Ombudsman Program Representative Conflict of Interest Form ([PDF](#), [Word](#))
- VI. Volunteer Acknowledgement Form ([PDF](#), [Word](#))
- VII. Interview Questions for Prospective Long-Term Care Ombudsman Volunteers ([PDF](#), [Word](#))
- VIII. Resources ([PDF](#), [Word](#))

[Join](#) the Volunteer Management Network today to connect with your peers, exchange ideas, share resources, and talk about LTCOP volunteer management.

[Back to top](#)

Quick Tips!

Does your program need training materials for your program representatives and consumer education resources regarding abuse, neglect, and exploitation?

Check out our [new and updated resources](#) and use them for Ombudsman program representative training and consumer education!

Online course for Ombudsman programs on Abuse, Neglect, and Exploitation

The purpose of this course is to give you an overview of abuse, neglect, and exploitation and how an Ombudsman can advocate for residents experiencing this. To access this course visit the new [Consumer Voice and NORC Training Center](#), [create an account and enroll in the course](#) titled *Abuse, Neglect, and Exploitation*. For more information on how to access this course, watch this [video](#).

Training Materials on Abuse and the Revised Nursing Home Regulations

Consumer Voice and NORC have created several new training materials on the topic of abuse, neglect, exploitation and misappropriation of property. The materials are based on the revised nursing home regulations. The new materials can be used together as an educational toolkit for training by and for Ombudsman program representatives, for members of resident and family councils, facility in-service training and community education. The materials include: [Video with voiceover](#); [Clickable Prezi presentation without a voiceover](#); [Script](#); [PowerPoint](#); and [Fact sheet](#). All materials are available on the Consumer Voice website [here](#) and on the NORC website [here](#).

Responding to Allegations of Abuse: Role and Responsibilities of the Long-Term Care Ombudsman Program

This [reference guide](#) discusses how LTC Ombudsmen can respond to allegations and observations of abuse, neglect, and exploitation when the resident does not or cannot give consent to pursue the complaint. This guide reviews the federal requirements and the LTCOP rule regarding complaint investigations and disclosure, highlights statements from the Administration on Aging, and provides advocacy strategies and additional resources. Discuss the federal requirements and scenarios with your program.

Additionally, NORC has updated the [list of videos](#) Ombudsman programs use for certification and continuing education training. If you have a video you would like to add to the list, please send the details to cscott@theconsumervoice.org.

Additional information about abuse, neglect, and exploitation is available on the NORC [website](#).

October is Residents' Rights Month!



SPEAK UP:
Know Your Rights
And How To Use Them
National Consumer Voice For Quality Long-Term Care

October is "[Residents' Rights Month](#)," an annual event designated by Consumer Voice to honor residents living in all long-term care facilities. The theme for this year's Residents' Rights Month is, "Speak Up: Know Your Rights and How to Use Them." The theme emphasizes the importance of residents being informed about their rights; being engaged partners in achieving quality care and quality of life; and feeling confident in speaking up about what is important to them. Residents' Rights Month is a time for residents, families, Ombudsman programs, other advocates, and staff to focus on resident-directed care and emphasize the self-determination, choice, and quality of life of each resident.

Residents' Rights Poster Series and Bookmarks Available in the Consumer Voice Online Store

In celebration of 2018 Residents' Rights Month, Consumer Voice has created several new residents' rights-related products. These products are great as volunteer gifts and as giveaways during Residents' Rights Month and can also be used year-round to raise awareness for residents' rights. The new residents' rights poster series features five residents' rights demonstrated by an image and quote from a resident describing why this right is important. These posters can be displayed throughout a facility, office or resident room as a reminder and illustration of residents' rights. The posters are 11"x17" and printed on sturdy, glossy paper. To purchase these materials, visit the Consumer Voice [online store](#).



Residents' Voice Challenge

Please share information with residents about participating in the Residents' Voice Challenge. Residents can participate by sharing their writing or artistic skills by submitting essays, poems, artwork, drawings, or videos related to this year's theme for Residents' Rights Month "Speak Up: Know Your Rights and How to Use Them." Residents are encouraged to answer one of the following questions:

- 1.) What do you want people to know about you and how you like to receive care?
 - 2.) Share an example of how you exercise your rights on an ongoing basis.
-

3.) How do you work with staff, family and other residents to promote quality care and what can they do to help reach that goal?

4.) If you could give one piece of advice to a new resident about exercising their rights, what would it be?

Submissions are due **September 1, 2018**. For guidelines and more information about this year's Resident's Voice Challenge, click [here](#).

[Back to top](#)

State and local long-term care ombudsmen receive this email. If you do not want to receive this e-mail update, [unsubscribe here](#).

Clicking the unsubscribe link will remove you from all Consumer Voice and NORC email lists.

The National Consumer Voice for Quality Long-Term Care - 1001 Connecticut Avenue, NW, Suite 632 - Washington, DC 20036 - telephone: (202) 332-2275 - fax: (202) 403-3473 - info@theconsumervoice.org