

om •
buds •
man

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.

Long-Term Care Ombudsman Program Responsibilities

Do not conduct licensing and regulatory inspections or investigations

- LTCOPs 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.
- APS is not required to provide systems advocacy, but the LTCOP is required to do so by the OAA.

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)
- **523 local Ombudsman entities**
- **1,297 full-time staff**
- **6,163 certified volunteers donated 543,175 hours of service**
 - All designated representatives of the Office receive training, including volunteers
 - Not all programs work with volunteers

LTCOP Activity Highlights (2018)



Visited **30,020** long-term care facilities at least quarterly



Attended **21,664** Resident Council Meetings and **1,757** Family Council Meetings



9,361 community education sessions



4,287 trainings for LTC facility staff



134,074 consultations to LTC facility staff



409,311 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 (2018)

- Nationwide, in 2018 the LTCOP investigated and worked to resolve 194,516 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.
- 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.*

**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.*

Top 10 Nursing Home Complaints (2018)

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	Personal hygiene (includes nail care and oral hygiene) and adequacy of dressing & grooming
7	Care plan/resident assessment - inadequate, failure to follow plan or physician orders
8	Food service - quantity, quality, variation, choice, condiments, utensils, menu
9	Accident or injury of unknown origin, falls, improper handling
10	Symptoms unattended, including pain, pain not managed, no notice to others of changes in condition

Top 10 Board & Care/Assisted Living Complaints (2018)

- | | |
|----|--|
| 1 | Discharge/eviction-planning, notice, procedure, implementation, including abandonment |
| 2 | Medications - administration, organization |
| 3 | Food service - quantity, quality, variation, choice, condiments, utensils, menu |
| 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 Ombudsman Programs

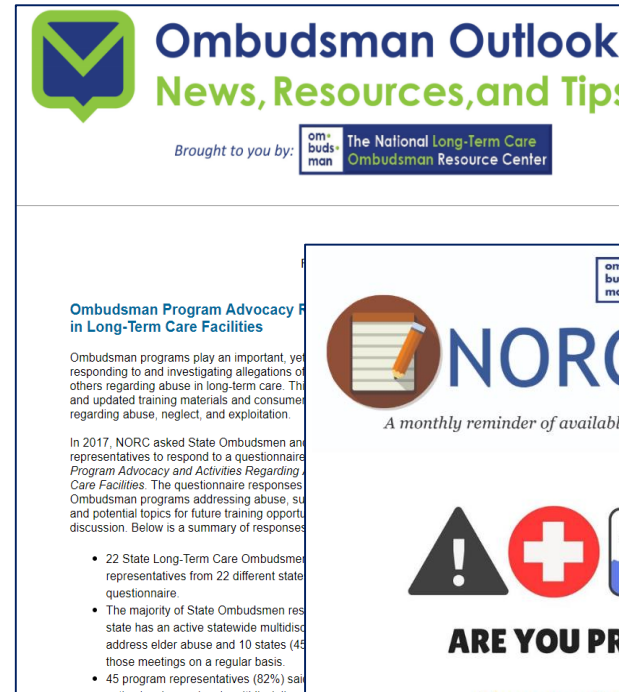
- **Resource Center**

- Training (webinars, in-person)
- Resources (quarterly *Ombudsman Outlook*, monthly *NORC Notes*)
- 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

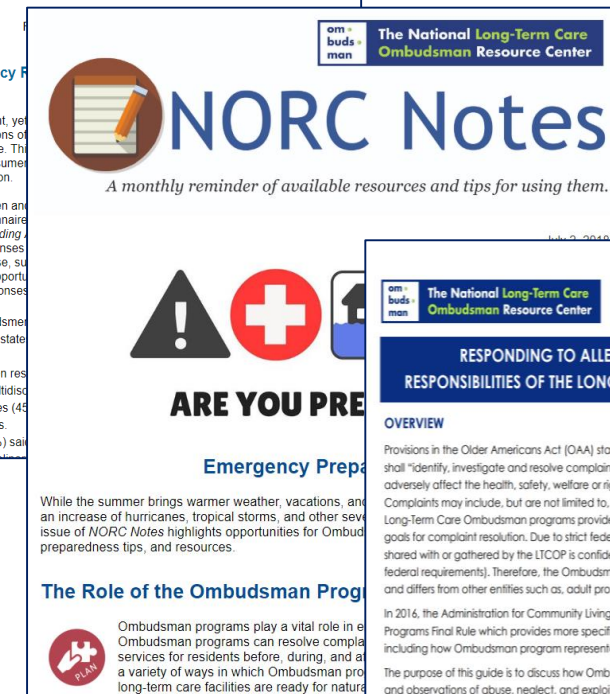
Brought to you by:  The National Long-Term Care Ombudsman Resource Center


Ombudsman Program Advocacy in Long-Term Care Facilities

Ombudsman programs play an important role in responding to and investigating allegations of abuse in long-term care. This issue includes updated training materials and consumer information regarding abuse, neglect, and exploitation.

In 2017, NORC asked State Ombudsmen and representatives to respond to a questionnaire regarding Program Advocacy and Activities Regarding Long-Term Care Facilities. The questionnaire responses provide information on Ombudsman programs addressing abuse, neglect, and potential topics for future training opportunities. Below is a summary of responses:

- 22 State Long-Term Care Ombudsman representatives from 22 different states responded to the questionnaire.
- The majority of State Ombudsmen representatives have an active statewide multidisciplinary address elder abuse and 10 states (45%) hold those meetings on a regular basis.
- 45 program representatives (82%) said that their programs are prepared for natural disasters.



 The National Long-Term Care Ombudsman Resource Center

NORC Notes

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

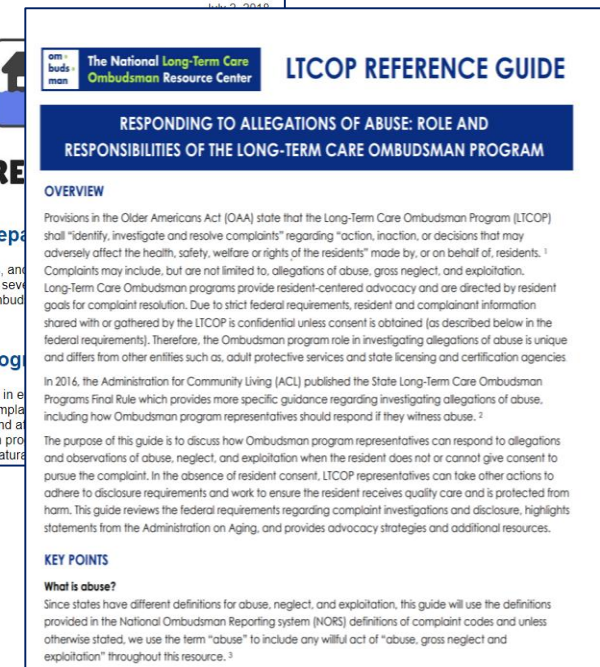
ARE YOU PREPARED?


Emergency Preparedness

While the summer brings warmer weather, vacations, and an increase of hurricanes, tropical storms, and other severe weather events, it is important for Ombudsman programs to be prepared for natural disasters. This issue of *NORC Notes* highlights opportunities for Ombudsman programs to be prepared for natural disasters, and provides tips, and resources.

The Role of the Ombudsman Program

Ombudsman programs play a vital role in ensuring that Ombudsman programs can resolve complaints and provide services for residents before, during, and after a disaster. This issue highlights a variety of ways in which Ombudsman programs can ensure that long-term care facilities are ready for natural disasters.



 The National Long-Term Care Ombudsman Resource Center

LTCOP REFERENCE GUIDE

RESPONDING TO ALLEGATIONS OF ABUSE: ROLE AND RESPONSIBILITIES OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

OVERVIEW

Provisions in the Older Americans Act (OAA) state that the Long-Term Care Ombudsman Program (LTCOP) shall "identify, investigate and resolve complaints" regarding "action, inaction, or decisions that may adversely affect the health, safety, welfare or rights of the residents" made by, or on behalf of, residents.¹ Complaints may include, but are not limited to, allegations of abuse, gross neglect, and exploitation. Long-Term Care Ombudsman programs provide resident-centered advocacy and are directed by resident goals for complaint resolution. Due to strict federal requirements, resident and complainant information shared with or gathered by the LTCOP is confidential unless consent is obtained (as described below in the federal requirements). Therefore, the Ombudsman program role in investigating allegations of abuse is unique and differs from other entities such as, adult protective services and state licensing and certification agencies.

In 2016, the Administration for Community Living (ACL) published the State Long-Term Care Ombudsman Programs Final Rule which provides more specific guidance regarding investigating allegations of abuse, including how Ombudsman program representatives should respond if they witness abuse.²

The purpose of this guide is to discuss how Ombudsman program representatives can respond to allegations and observations of abuse, neglect, and exploitation when the resident does not or cannot give consent to pursue the complaint. In the absence of resident consent, LTCOP representatives can take other actions to adhere to disclosure requirements and work to ensure the resident receives quality care and is protected from harm. This guide reviews the federal requirements regarding complaint investigations and disclosure, highlights statements from the Administration on Aging, and provides advocacy strategies and additional resources.

KEY POINTS

What is abuse?

Since states have different definitions for abuse, neglect, and exploitation, this guide will use the definitions provided in the National Ombudsman Reporting System (NORS) definitions of complaint codes and unless otherwise stated, we use the term "abuse" to include any willful act of "abuse, gross neglect and exploitation" throughout this resource.³

NORC Website

www.ltcombudsman.org

National Consumer Voice State Ombudsman Login f t Shop Our Store Search

Home News About ▾ New ombudsman? Library ▾ Events ▾ Support ▾ Issues

om • buds • man **The National Long-Term Care Ombudsman Resource Center**

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)



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

Connect with us:

www.ltcombudsman.org

ombudcenter@theconsumervoice.org



The National LTC Ombudsman Resource Center



@LTCombudcenter



Get our app! Search for "LTC Ombudsman Resource Center" in the Apple Store or Google Play