



National Association of State Long-Term Care Ombudsman Programs

Long-term Care Ombudsman Response to Abuse, Neglect, and Exploitation

Key Messages for Ombudsmen

- Long-term Care Ombudsmen must get consent from a resident before sharing the person's name or other identifying information with anyone outside of the ombudsman program. Federal law limits disclosure, which applies to all types of information, including abuse, neglect, and exploitation complaints.
- Ombudsmen are not mandatory reporters of abuse. Our role is to serve as the resident's advocate and stay person-centered. That means we take direction from the resident on reporting any complaints on their behalf.
- Usually, when a resident tells an ombudsman about abuse, the resident wants us to help them take action to report. Or, has already reported and wants help with the facility's response. In the rare case that the resident does not want us to report, we explore the resident's concern and offer options for the resident to consider and decide what to do. Most often, this results in the abuse getting reported, but still with respect to the resident's direction.
- If a resident is not comfortable with reporting abuse, ombudsmen consider other strategies. We can talk with other residents to see if they reveal that they have been abused and would be willing to report, and talk with family members and staff about any signs of abuse in the facility. If it is possible to do without compromising the resident's wishes, ombudsmen encourage family and staff members of their duty to report suspected abuse.
- As a resident advocate, it's important to empower the resident, especially in abuse circumstances. This is similar to the role of a victims services advocate. We do not substantiate whether abuse occurred, but we listen and help the resident solve problems related to the situation.
- Ombudsmen are an important part of the elder justice system. We educate the public about residents' rights and reporting requirements, respond to and support the resident when abuse happens, and inform the public and law makers about what needs to change in the system.

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- When a resident can't consent to our help, we turn to a resident representative for consent. When there is no one who represents the resident, an ombudsman applies logic to the situation and works to protect the person. This can include reporting abuse to authorities.
- States are required to develop and use ombudsman policies that are consistent with The Older Americans Act. Policies must address complaint investigation and disclosure. Examples of state policies are available through the National Ombudsman Resource Center.
- When any complainant asks for our help to report abuse, an ombudsman is required to give information about how to report, and to directly help the complainant make a report that is consistent with a resident's – or the resident representative's – direction.

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