



# Ombudsman Outlook: News, Resources, and Tips

Brought to you by:



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## NORC Planning and Evaluation Questionnaire: Your Input Matters!

If you were one of the over 100 State Ombudsmen and program representatives that provided feedback on our Planning and Evaluation Questionnaire, **thank you!** We value your input and your comments directly impact our planning. Some comments from the evaluation are below as well as links to information that could assist with these requests:

- **Online Training for Program Representatives (including volunteers):** The [NORC Curriculum](#) is available as online training modules and can supplement state program training. The curriculum could also be used as an initial orientation and overview of the program while the volunteer waits for formal training from your program.
- **Free Videos and Materials Regarding Ombudsman Program Advocacy:** There are numerous materials available on the [website](#) regarding ombudsman advocacy and skills training including: a [list](#) of free, webinar programs can use for initial and ongoing training; a free [video](#) with a [training guide](#), [trainee guide](#), and trainee guide [answers](#) regarding advocacy and communication; technical assistance guides ([abuse investigations](#)) with case studies to discuss with program representatives; and webinar recording and materials on a variety of [topics](#).
- **Easier Website Navigation:** We continually work to improve how the website is organized in order to make it easier for you to find what you need. For example, due to feedback on the font color we changed the color of the titles and subtitles from green to blue, we are grouping materials together on individual issue pages (e.g., best practices, information to share with residents, fact sheets, etc.), and cross-posting information on applicable

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NORC is on Facebook  
and Twitter!



### NORC Featured Resource

#### Voting Issue Page

This page has resources and information about the involvement of Long-Term Care Ombudsmen Programs in advocating and aiding in the voting process of long-term care residents.

Click [here](#) to view the page.

pages. Although some materials and videos may seem dated they are still relevant and applicable as the content includes core responsibilities of the program and advocacy skills training. We will continue to implement recommendations we've received. If you can't find something on the website or have suggestions, please let us know by emailing [ombudcenter@theconsumervoic.org](mailto:ombudcenter@theconsumervoic.org).

It is our goal to continue to provide timely information, training, and resources in order to support your work, please [let us know](#) how we can help.

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## New and Updated NORC Resources

### **[NEW! Volunteer Risk Management Considerations for Long-Term Care Ombudsman Programs \(LTCOPs\) Worksheet](#)**

This worksheet provides key points to consider regarding risk management for LTCOPs. The chart highlights areas of risk and tips to reducing risk to help LTCOPs evaluate their programs to identify potential risk, review current program practices, and develop recommendations for improvements. This worksheet is also available as a [Word document](#).

### **[NEW! State Long-Term Care Ombudsman Programs: Organizational Structure Report](#)**

This report is a product of The National Association of States United for Aging and Disabilities (NASUAD) in collaboration with NORC and was supported, in part, by a grant from the Administration on Aging, Administration for Community Living. NASUAD has compiled information from State Long-Term Care Ombudsmen regarding the SLTCOP structure within each state. As states look at their programs, this document provides information to help states assess structural changes that may be made to the program.

### **[NEW! Webinar Materials: Effective Training, Oversight, and Communication: Key Practices to Support Volunteer LTCO and Minimize Risk](#)**

During this webinar presenters share how oversight of volunteer activities (e.g., facility visits, complaint investigation, consultation, reporting), continuing education training opportunities, and performance evaluation can reduce risk and improve program consistency, effectiveness, and advocacy.

### **[NEW! How State Ombudsmen Are Involving Locals in the Implementation of the Final Rule](#)**

NORC asked State Ombudsmen how they were including program representatives (ombudsmen staff and/or volunteers) in the implementation of the LTCOP Final Rule. This graphic highlights the results. 31 out of the 53 state ombudsman programs responded to this query.

## Calendar of Events

**October 2016:** Residents' Rights Month (RRM). This year's theme is My Vote Matters. More information about RRM and the Residents' Voice Challenge is available [here](#).

**November 2-5, 2016:** Consumer Voice Annual Conference. The theme of this year's conference is My Voice Matters. More information about the conference is available [here](#).

## Questions or Ideas?

Do you have any questions or challenges related to LTCO advocacy and program management you want addressed in a future newsletter? Do you have any suggestions for articles or feedback about this issue? If so, [please let us know](#).

## Save and Share

We encourage you to share this newsletter with your LTCO program. You can forward this email or save and share the PDF version saved on our [website](#).

## Want to receive the Ombudsman Outlook directly?

Did you receive this issue of the Ombudsman Outlook from a colleague or your LTCO supervisor? [Let us know](#) if you want to subscribe and receive our newsletter directly.

## Do You Miss The Voice?

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## News from the Network...

### ***The Middle Flint Council on Aging held an Information Picnic (Georgia)***



The theme of the day was “Super Seniors” and ombudsmen from the River Valley Long-Term Care Ombudsman Program set up and ran a game as well as an information booth. The ombudsmen were dressed up as super heroes and performed skits highlighting the services of ombudsmen. More than 1,200 participants attended the picnic.

### ***Melanie McNeil, Lin Chao, Brooke Lovelace, Iowa Center for Disabilities and Development and Deborah Johnson, Bureau Chief, Long Term Care, Iowa Department on Aging present at the Iowa Governor’s Conference on Aging and Disabilities (Georgia and Iowa)***



LTCO no longer receive The Voice (the Consumer Voice weekly e-newsletter) automatically. If you miss the long-term care news from The Voice [subscribe for free](#) or become a [member](#) to receive this publication.

This presentation gave an overview of Iowa's Money Follows the Person Program (MFP). They shared lessons learned and barriers faced with transitioning individuals from facilities into the community. Presenters also highlighted what community capacity efforts are still necessary for transitioning activities to be sustained once MFP ends and MFP participants who had transitioned shared their experiences. In addition, audiences learned how the Georgia Long-Term Care Ombudsman (LTCO) program developed and deployed a Home Care Ombudsman (HCO) service. Melanie described the five year pilot including data about outcomes, the preparation for expansion and statewide deployment. Melanie also shared the nature of advocacy in the HCO role and differences with traditional Long-term Care Ombudsman (LTCO) services, as well as how the two services go hand in hand for residents transitioning to community living.

***SLTCO, Nancy Shaffer, Testifies During the Senate Judiciary Committee Hearing on Financial Exploitation (Connecticut)***



On June 29, 2016 the United States Senate Judiciary Committee held a hearing to help address the growing problem of financial exploitation. Senator Chuck Grassley of Iowa, Chair of the Committee, presided over the hearing, along with minority committee member Senator Richard Blumenthal of Connecticut. The five witnesses all noted that the elders most affected by financial exploitation were those who were isolated from their families. They also discussed the numerous strategies their organizations have already been implementing to combat financial exploitation. Connecticut has expanded its definition of mandatory reporting of financial exploitation to include all staff who are emergency responders and financial bankers who become aware of the situation.

To watch the video and read statements made by Committee members and witness, click [here](#). Visit the NORC [website](#) for information about financial exploitation,

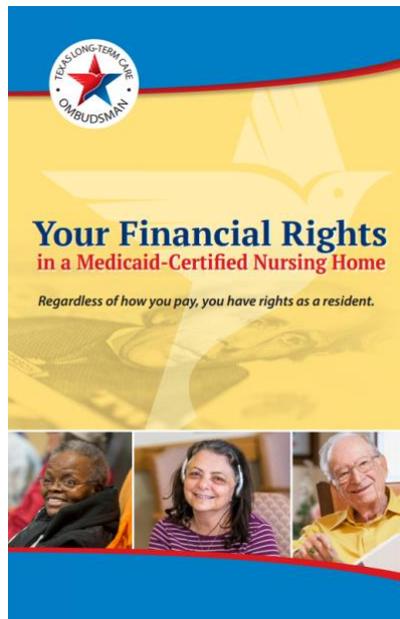
including fact sheets to share with individuals living in nursing homes and assisted living.

***Iowa Ombudsman E-Newsletter Discusses Helping Residents Vote and What Facilities Can and Cannot Do (Iowa)***



The August issue of the Iowa State Ombudsman e-newsletter includes an article explaining how facilities can assist residents when registering to vote and how they can encourage them to provide residents with information about upcoming elections and highlights theme of this year's Residents Rights Month, My Vote Matters. The article also lists specific things facilities are not permitted to do, such as, request an absentee ballot for a resident without his/her knowledge, witness more than one ballot per resident per election, influence a resident's vote or mark a ballot in any way other than instructed by resident. You can read the full article and newsletter [here](#).

***New Resources on Consumer's Financial Rights and the Misuse of Antipsychotic Drugs (Texas)***



The Texas State Ombudsman Program developed these guides for consumers to highlight their financial rights in a Medicaid-certified nursing home, regardless of how they pay. The guide is available in both [English](#) and [Spanish](#). Texas also produced a [brochure](#) educating nursing home residents about the possibility of an improper diagnosis of schizophrenia. This was developed as part of the statewide effort to reduce the inappropriate use of antipsychotic

drugs. Texas has tracked a number of data points related to the issue and are seeing an uptick of new schizophrenia diagnoses. Ombudsmen can distribute this information to residents, councils, family members, and facility administrators.

*This "News from the Network" article appears in every issue in order to highlight your work and news. We invite and encourage you to [send](#) your advocacy successes, best practices, program management examples, and resources so we can learn from you and share your experience with your peers.*

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## TA Hot Topic

### Individual Conflict of Interest

The LTCOP Rule provides more clarity regarding conflict of interest (COI) for the Ombudsman and for representatives of the Office ([LTCOP Rule p. 7766, third column](#)). The Rule lists COIs which cannot be remedied and others for which a remedy may be possible. The Ombudsman is to avoid COI in designating individuals as representatives and must de-designate representatives with a COI that cannot be removed or remedied.

The Rule lists the following examples of individual COI for a State Ombudsman, representatives of the Office, and members of their immediate family:

- (i)** Direct involvement in the licensing or certification of a long-term care facility;
- (ii)** Ownership, operational, or investment interest (represented by equity, debt, or other financial relationship) in an existing or proposed long-term care facility;
- (iii)** Employment of an individual by, or participation in the management of, a long-term care facility in the service area or by the owner or operator of any long-term care facility in the service area;
- (iv)** Receipt of, or right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility;
- (v)** Accepting gifts or gratuities of significant value from a long-term care facility or its management, a resident or a resident representative of a long-term care facility in which the Ombudsman or representative of the Office provides services (except where there is a personal relationship with a resident or resident representative which is separate from

the individual's role as Ombudsman or representative of the Office);

**(vi)** Accepting money or any other consideration from anyone other than the Office, or an entity approved by the Ombudsman, for the performance of an act in the regular course of the duties of the Ombudsman or the representatives of the Office without Ombudsman approval;

**(vii)** Serving as guardian, conservator or in another fiduciary or surrogate decision-making capacity for a resident of a long-term care facility in which the Ombudsman or representative of the Office provides services; and

**(viii)** Serving residents of a facility in which an immediate family member resides.

The following are COIs which cannot be remedied if the individual:

- Has direct involvement in the licensing or certification of a long-term care facility;
- Has an ownership or investment interest in a long-term care facility;
- Receives, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; or
- Is employed by, or participating in the management of, a long-term care facility.

There is an additional prohibited COI for the State Ombudsman. That individual cannot have been employed by or participating in the management of a long-term care facility within the previous twelve months.

States are taking a fresh look at individual COI for staff and volunteers. Some states are finding that individuals who have been serving as a representative of the Office have COIs as defined in the regulations. Avoiding COI in rural areas may be particularly challenging. Another challenge is explaining to a program representative that a COI exists and action is required. The litmus test for a remedy is the impact on the effectiveness and credibility of the work of the program [1324.21 (d)(2)].

The Institute of Medicine's report, Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act, Chapter 4, Conflicts of Interest, has a few statements that may be helpful in considering how to assess the presence or absence of conflict of interest. [Click here for Institute of Medicine Report.](#)

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Individual Conflicts of Interest: The manner in which ombudsmen conduct themselves may be perceived by others as motivated from interest other than the well-being of the resident. Perception of conflict of interest may be a significant problem for the individual ombudsman, even though the ombudsman may believe that his or her actions are motivated primarily to serve the resident. pp. 114 - 115

In determining whether a COI exists and if one does, whether the conflict can be remedied, it may be helpful to think of various scenarios that may arise and how the actions of the representative of the Office could be perceived by the resident, staff, and others, as well as the potential impact on the credibility of the program. The impact on the program may extend to situations where opponents of the program or of a position the program has taken, such as a change in a regulation or a law, may find something to publicize as an example of the bias of the program. If a remedy is agreed upon, consider how frequently the Ombudsman will assess the situation to determine whether the remedy is effective.

It is critical that Ombudsman programs identify, avoid, and remedy conflicts since the appearance of a conflict can damage the public perception and credibility of the program as an independent voice for residents. Periodic review and identification of COI is required. Residents must be able to trust that the Ombudsman has their interest as his or her primary focus, without a sense of loyalty to a previous employer or coworkers. (LTCOP Rule Preamble comments, p.7755)

As programs review and revise policies to address COIs, NORC and ACL/AoA are available as resources. Please share newly developed or revised policies, screening tools, and other COI procedures with NORC.

## **Resources**

[LTCOP Rule, Individual COI on page 7766, third column](#)

The document, [Conflict of Interest and the LTCOP Resource Paper, July 2009](#), is still very applicable and contains examples of state policies and procedures on COI.

[Long-Term Care Ombudsman Program Final Rule Webinar](#)

This March 2015 webinar was presented by Becky Kurtz, Director, Office of LTCO Programs with AoA of ACL, with an introduction by Kathy Greenlee, Administrator, Administration for Community Living; Assistant Secretary, Administration on Aging. View the slides [here](#).

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## Residents' Rights Month - My Vote Matters



This year's theme focuses on residents' right to vote and be engaged in the political process. Consumer engagement, including the right to vote, is a cornerstone in our society. Consumers receiving long-term services and supports retain their voting rights no matter where they live or what type of care they receive. Click [here](#) for additional resources and information about Residents' Rights Month.

Participate in Residents' Rights Month activities and show your support of long-term care consumers' voting rights with this year's Residents' Rights Month products! A toolkit includes 25 Resident President posters (plus instructions), two large My Voice, My Vote, My Right posters and 50 My Vote Matters stickers - \$35. Toolkits are available to purchase [here](#).

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## LTCO Volunteer Management

### *Retention*

Once you've dedicated time, energy, and expense into training someone to be a volunteer representative of the Office, the last thing you want to learn is that they are leaving the program. Nationally the rate of volunteerism continues to decline, individuals are volunteering for shorter periods of time, and turnover is high.

However, there are things you can do to increase volunteer retention and connection to your program. First of all, it is important to understand that "retention is an outcome, not a task. You can take specific steps to recruit, supervise, or recognize volunteers, but you can't set aside an hour or two to retain them. Retention is the end result of a well-organized, welcoming, and meaningful volunteer assignment -- the cumulative effect of doing all the elements of volunteer management right." ([Energlze Inc.](#))

Retention starts with developing an effective volunteer management process, recruiting individuals that are a good fit for your program, providing comprehensive training, explaining the value of their volunteer contributions, and offering ongoing support and encouragement. Examples of

program management practices to improve retention include:

- Provide on-going support
  - Frequent opportunities for training (e.g., continuing education, group meetings, webinars, conference calls, online training, shadowing visits).
  - Encourage peer-to-peer support (e.g., mentor program, joint visits, share volunteer contact information among peers).
- Solicit feedback about the volunteer's experience
  - Training Evaluations
  - Annual Evaluations
  - Exit Interviews
    - Gain ideas for retention by determining why people are leaving. Use a standard exit interview process. One example is Minnesota's exit interview [form](#).
- Establish Connection, Communication, and Control
  - See slide 11 of the "Supporting Volunteer Ombudsmen" presentation for [tips](#).
- Share the impact of their work
  - Volunteers may be discouraged by the amount of reporting that is required to document their program activities. Share the program's data with volunteers so that they see the impact of the program.
- Show your appreciation

## **Resources**

### **Ombudsman Compendium, Retention**

The NORC Ombudsman Compendium is a comprehensive reference tool intended for individuals who are responsible for recruiting, training and retaining effective long-term care ombudsmen (both paid and volunteer). [Click here, then scroll down to Retention.](#)

### **NORC: Quick Tips: Volunteer Program Assessment, Retention and Program Expansion**

This [tip sheet](#) provides specific points to consider during assessment of your current volunteer program, recruitment of potential volunteers and the development of volunteer positions that will suit your volunteers' interests and strengths in order to benefit your program.

### **NORC Volunteer Management Network (Webinars and Calls)**

The NORC website has [webinars](#) and conference calls on the topic of retention of volunteers.

Check out these two in particular:

1. "Effective Training, Oversight, and Communication: Key Practices to Support Volunteer LTCO and

Minimize Risk” shares how oversight, continuing education training, and performance evaluation can reduce risk and improve program consistency, effectiveness, and advocacy.

2. “Volunteer Evaluations: A Tool for Retention” includes evaluation tools and provides tips for using evaluations to keep good volunteers.

### **Volunteer Retention Strategies That Really Work**

This [article](#) includes reasons why volunteers quit and tips for retention.

### **NORC Volunteer Manager Listserv**

If you have thoughts on this topic or any aspect of volunteer management, please join the NORC private listserv for Ombudsmen who manage volunteers. The purpose of this listserv is to promote discussion among your peers and share challenges and successes regarding Ombudsman volunteer management. NORC staff respond to questions and highlight resources, as appropriate. The group is open to staff Ombudsmen who manage volunteer Ombudsmen. The listserv is not open to volunteer Ombudsmen, family members, residents or facility staff. We encourage you to join the listserv and connect with your peers across the country. Email Carol Scott ([cscott@theconsumervoice.org](mailto:cscott@theconsumervoice.org)) to be added to the list, please include the name of your Ombudsman program.

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

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## **Quick Tips!**

The right to vote is a cornerstone in our society. However, the process of voting can sometimes be complicated and confusing. Long-term care facility residents and other consumers receiving long-term care services and supports retain their voting rights no matter where they live or what type of care they receive. These individuals often face unique challenges when attempting to participate in the political process, (e.g., ensuring their voter registration is current, transportation to the polls, using an absentee ballot). Additionally, residents may need assistance completing and submitting their ballot.

The right to vote may be restricted only by a court of law. Staff or family members may not determine that a resident lacks capacity and deny them access to the voting process. Ombudsman programs support all residents’ right to vote and advocate on behalf of residents to ensure they have the opportunity to participate in the election process.

Examples of how programs can assist residents during the election process include:

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- Providing information about the voting process (e.g., when to register, how to register, how to request an absentee ballot, how to find transportation to polling sites, how the facility could become a polling site, connecting residents/staff/family members with outside organizations that could assist residents directly),
- Encouraging resident councils to invite candidates to speak during their meetings,
- Reminding facility staff, residents and family members of residents' right to vote,
- Investigating complaints regarding residents' exercising their right to vote.

### **Advocacy Considerations**

Ombudsman programs advocate for residents to exercise their rights and for others to provide necessary assistance. A resident's ability to exercise his/her right should not be dependent upon a LTCO being present to provide direct assistance. Direct assistance includes helping a resident vote in person, reading the ballot to a resident who is voting, marking the resident's vote and/or submitting the resident's ballot.

Potential ramifications of providing direct assistance to a resident with their ballot include exposing the program to issues that could not only challenge the credibility of the program, but perhaps cause further damage. For example, if an election were contested the assistance provided by a program representative may be challenged, possibly impacting local funding streams for the program or the program's host agency. Other potential issues may include allegations that the representative influenced the resident during the voting process or completed/filed the ballot incorrectly.

### **Resources**

[Fact Sheet – Registering to Vote: For Consumers of Long-Term Care](#)

[Fact Sheet – Casting Your Vote: Alternatives to Tradition Voting For Consumers of Long-Term Care](#)

[Suggestions for Facilities to help their residents VOTE!](#)

[Voting Issue Page](#)

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