

The Administration for Community Living & Administration on Aging


An Introduction for State Long-Term Care Ombudsman

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Welcome!

- Introductions
 - Purpose of Call:
 - To give new State LTC Ombudsmen an overview of the role of the Administration for Community Living and the Administration on Aging
 - To discuss what State Ombudsmen can expect from ACL/AoA
 - Provide an opportunity for Question & Answer
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ACL Mission

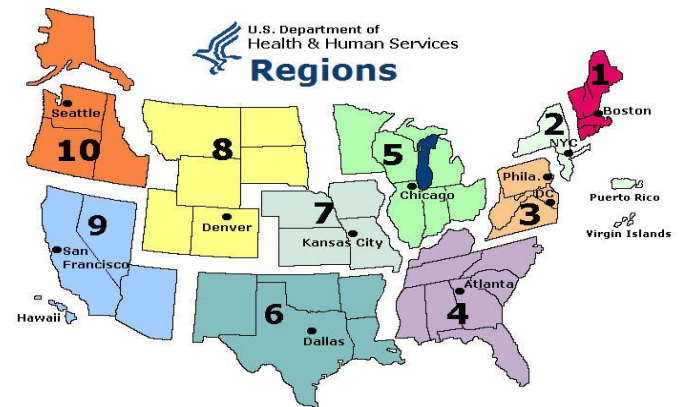
Maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers.



Administration for Community Living

An operating division within the Department of Health and Human Services formed in April 2012

- Administration on Aging (administers the Older Americans Act)
- Administration on Disabilities, which includes the Administration on Intellectual and Developmental Disabilities (DD), Includes:
 - the DD Councils
 - Protection & Advocacy Systems
 - Centers for Independent Living
- Office of the Administrator
 - Includes 10 Regions
- State Health Insurance Assistance Programs (SHIP)



Administration for Community Living, continued

Additional growth as a result of the *Workforce Innovation and Opportunities Act of 2014*

- Assistive Technology (AT) Act Programs
- Independent Living (IL) Programs
- National Institute on Disability and Independent Living Rehabilitation Research (NIDILRR) Programs
- In addition to the group of programs listed above, ACL is also responsible for the Interagency Committee on Disability Research and the Disability, Independent Living, and Rehabilitation Research Advisory Council

ACL Leadership



- Lance Robertson - Administrator & Assistant Secretary for Aging of the Administration for Community Living/Administration on Aging (ACL/AoA). Appointed in August, 2017.



- Mary Lazare - Principal Deputy Administrator. Appointed in June, 2017.



- Edwin Walker - Deputy Assistant Secretary for Aging and Director of the Office of Long Term Care Ombudsman Programs

- Vacant - Deputy Administrator for Regional Operations and Partnership Development



- Julie Hocker, Commissioner - Administration on Disabilities

ACL Reorganization

- On May 9, 2019, ACL published an update to the agency's [Statement of Organization, Functions, and Delegations of Authority](#) in the Federal Register to reflect a reorganization of ACL, which took effect on May 2, 2019, and will be implemented by early August 2019.



Role of the Administration on Aging (AoA)

AoA administers Older Americans Act (OAA):

The OAA lays out duty and function of the Administration:

“serve as the effective and visible advocate for older individuals within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting older individuals;”

- Created, authorizes and funds grants to states
 - State units on aging
 - Area agencies on aging
 - “Aging network” leverages state, local, and other funds
 - State plans

Law, Regulation, Guidance Framework

Law

Older Americans Act

Public Law 109-365
42 U.S. Code Chapter 35

Regulation

45 CFR Parts
1321 and 1324
Titles (III & VII)

45 CFR Part
1321 (Title III)

45 CFR Part
1326 &
1328
(Title VI)

Guidance

Program
Instructions

Data
Collection
i.e. (NORS)

Letters to
states

The Older Americans Act

Title I — Objectives

Title II — Administration on Aging

Title III — Grants for State & Community Programs

Title IV – Training, Research and Discretionary

Title V – Senior Community Service Employment

Title VI – Grants for Native Americans

Title VII – Elder Rights Protection

OAA funded programs

- OAA funds services to individuals age 60+, including:
 - In-home services and supports
 - Nutrition services (congregate and home-delivered meals)
 - Senior centers
 - Caregiver support
 - Services to tribes (American Indians, Alaskan Natives, and Native Hawaiians)
 - Elder rights services, including LTC Ombudsman

Older Americans Act -Title III B

- **Social Services** (Title III-B): (e.g., Adult Day Service, Transportation, Case Management, Legal Assistance, Chore, Homemaker, Personal Care)
- **Nutrition** (Title III-C): (e.g., Congregate & Home-delivered Meals)
- **Health Promotion/Disease Prevention** (Title III-D): Evidence-based programs
- **Family Caregiver Support Program** (Title III-E): (e.g., Counseling, Education, Respite, Gap Filling or other Supplemental Services)
 - Eligibility for Title III-B, III-C & III-D, generally 60+

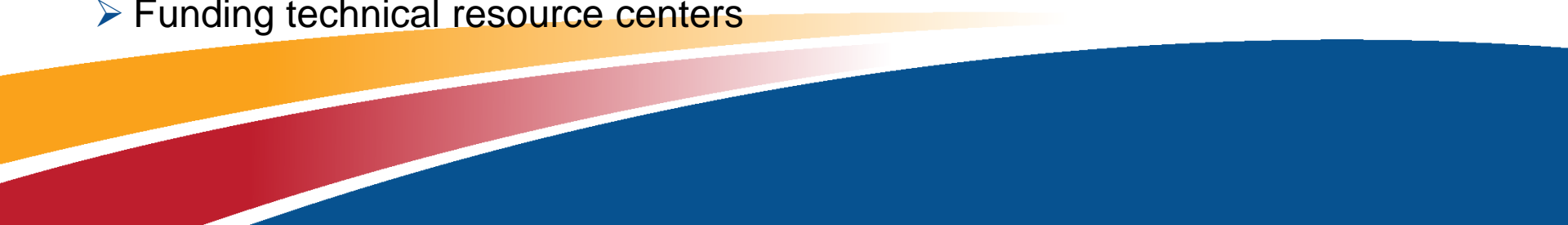
National Ombudsman Resource Center

OAA requires AoA to establish and operate --


- provide training, technical assistance, and information to State Long-Term Care Ombudsmen, representatives of the Office & local entities;
- analyze laws, regulations, programs, and practices; and
- provide assistance in recruiting and retaining volunteers by working with other organizations that have a successful record in recruiting and retaining volunteers.

How ACL/AoA relates to your work

AoA helps states understand and implement the Older Americans Act (OAA) through:

- Issuing grants to states (formula grants under OAA)
 - Reviews and approves the State Plan on Aging
 - Program guidance and interpretations
 - Technical assistance and/or other intervention when issues arise
 - Evaluation of OAA Programs
 - Providing a framework for the National Ombudsman Reporting System
 - Funding technical resource centers
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AoA Program Guidance and Interpretation

- Older Americans Act provisions, especially Section 712
 - Regulation – 45 CFR Part 1324
 - More information, resources and “Frequently Asked Questions” can be found at: <https://acl.gov/programs/Protecting-Rights-and-Preventing-Abuse/Long-term-Care-Ombudsman-Program>
 - National Ombudsman Reporting System (NORS)
 - Letters to States
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AoA Program Guidance and Interpretation, page 2

- Program Instructions (PIs) – Examples relative to LTC Ombudsman Program
 - Certification of minimum funding requirements (annually)
 - Appropriate use of Title VII funds
 - State Plan requirements

ACL - Center for Regional Operations

- Serves as the liaison, advocate and representative for the agency regionally across the United States for all of ACL's programs.
 - Includes working with and connecting stakeholders to other HHS divisions/federal agencies to help advance the development of programs and activities serving older adults, persons with disabilities and their caregivers.
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Office of Long-Term Care Ombudsman Programs

- OLTCOP is organizationally housed within the Administration on Aging and the Office of Elder Justice and Adult Protective Services
 - Edwin Walker serves as the Director of Office of LTC Ombudsman Programs
 - Hilary Dalin – Director of Office of Elder Justice & APS
 - Louise Ryan, Ombudsman Program Specialist



Office of Long-Term Care Ombudsman Programs, page 2

- Support State program operations
- Programmatic lead for National Ombudsman Reporting System (NORS)
- Project Officer for National Ombudsman Resource Center

Current OLT COP Activities

Office of Performance and Evaluation

1. Completion of the **Older Americans Act Performance System** (OAAPS) which replaces the Ombudsman Reporting Tool
 - OAAPS is final and live effective October 1, 2019
 - All state Ombudsmen should have received user access information.

2. **NORS Revised Data Collection** – Effective October 1, 2019
 - Developed training with Ombudsman Resource Center (NORC)
 - https://ltcombudsman.org/omb_support/nors/revised-nors-data-collection

Current OLT COP Activities, page 2

Office of Performance and Evaluation, con't.

3. NORC University of Chicago – completed a LTC Ombudsman **Program Evaluation** Study Design – is completing a “process evaluation” and is starting “outcomes evaluation”
4. Small study to review promising practices in providing Ombudsman services to tribal elders
5. Preparation of materials on AGID to promote the LTCOP –
 - Webinar tomorrow
 - Data Stories
 - <https://agid.acl.gov/>

Current OLTCOP Activities, page 3

OLTCOP and Office of Elder Justice/APS

- **Legal assistance** (IIIB and Legal Assistance Developer) coordination in support of LTCO's
- Elder Justice Coordinating Council – Meeting coming up in December

Other ACL Centers & federal partners:

- ACL Administration on Disabilities: Protection and Advocacy Systems
- Continued work with CMS on **nursing home initiatives and Home & Community Based Services implementation**
- Department of Justice – **Elder Justice Task Forces**

LTC Ombudsman Programs Rule: Table of Contents


45 CFR 1324

- 1324.1 Definitions
- 1324.11 Establishment of the Office of the State Long-Term Care Ombudsman
- 1324.13 Functions and responsibilities of the State Long-Term Care Ombudsman
- 1324.15 State agency responsibilities related to the Ombudsman program
- 1324.17 Responsibilities of agencies hosting local Ombudsman entities
- 1324.19 Duties of the representatives of the Office
- 1324.21 Conflicts of interest

Why Have a Rule?


- Over the years state Ombudsman reported frequent challenges with their ability to fulfill role as required by OAA:
 - An independent problem-solver focused on individual resident interests
 - Ability to perform effective system-level policy advocacy
 - Ability to communicate to the general public and media
 - Full-time position
 - Designate individuals (and local entities)
 - Relationship with local Ombudsman entities
 - Confidentiality of Ombudsman information
 - Access to adequate legal counsel
- The rule addresses many of those identified issues

National Ombudsman Reporting System (NORS)

- Data elements that LTC Ombudsmen are required to collect Sec 712(h) (1)-(3)(b)
 - Cases, Complaints
 - Types of Complaints and outcome (resolution)
 - Funds Expended and sources
 - Conflicts of Interest
 - Staff FTE
 - Numbers of Volunteers and hours
 - Activities: Information & Assistance, Training, facility visits, resident and family councils
 - Systems issues and complaint narrative
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What should a State Ombudsman Expect from the ACL?

You should expect us to:

- Help you be able to do your job as a problem-solver for LTC residents
 - Provide technical assistance regarding NORS, fiscal questions and interpretation of the OAA and LTCO regulations
 - Represent the LTC Ombudsman Program at the federal/national level
 - Represent the interests of residents to other federal agencies
 - so keep us informed!
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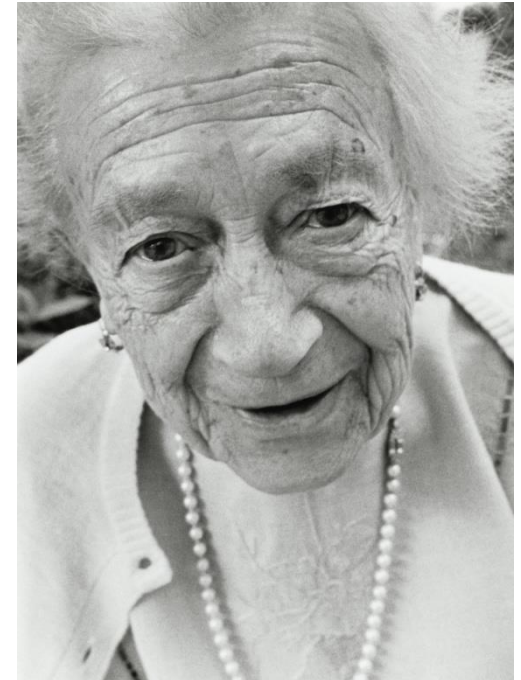


“Our nation has been conducting investigations, passing new laws and issuing new regulations relative to nursing homes

. . . .


If the laws and regulations are not being applied to [the individual], they might just as well not have been passed or issued.”

- *U.S. Commissioner on Aging*
Arthur S. Flemming, 1976



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Questions