

ROLES, RESPONSIBILITIES, AND OPPORTUNITIES FOR COLLABORATION: LONG-TERM CARE OMBUDSMAN PROGRAM AND LEGAL SERVICES

Individuals receiving care and services in long-term care facilities may encounter challenges for which they need an advocate and legal support. Both the Long-Term Care Ombudsman Program and Legal Services Programs provide important supports and advocacy for residents.

What are the distinct roles of the Long-Term Care Ombudsman Program and the Legal Services Programs?

Long-Term Care Ombudsman Program

The Ombudsman program advocates for residents of nursing homes, board and care homes, assisted living facilities and similar adult care facilities. State Ombudsmen and their designated program representatives work to resolve problems of individual residents and to bring about change at the local, state, and national levels that will improve residents' care and quality of life.

Legal Services Programs

Legal Services programs, including entities funded through Title IIIB of the Older Americans Act, provide critical access to legal support for older people with economic or social need to preserve their independence, choice, and financial security. Legal assistance provided may include access to public benefits, issues with guardians or agents under power of attorney, representation for individuals facing eviction from long-term care facilities, assistance with elder abuse, including fraud and financial exploitation, and more.

Legal Assistance Developers

Legal Assistance Developers are responsible for coordinating a state's legal services and elder rights programs. They incorporate Senior Legal Helplines and other mechanisms into statewide legal services delivery components that enable seniors to access quality legal services in priority issue areas that can include income security, health care financing, consumer fraud, housing, and elder abuse.

What does the LTCOP Rule say about Ombudsman program coordination with the Legal Assistance Developer and Legal Services programs?

In regards to Ombudsman program coordination with other entities, including legal assistance programs, the LTCOP rule says the following [45 CFR 1324.13(h)]:

(h) Through adoption of memoranda of understanding and other means, the Ombudsman shall lead state-level coordination, and support appropriate local Ombudsman entity coordination, between the Ombudsman program and other entities with responsibilities relevant to the health, safety, well-being or rights of residents of long-term care facilities including, but not limited to:

- (1) Area agency on aging programs;
- (2) Aging and disability resource centers;
- (3) Adult protective services programs;
- (4) Protection and advocacy systems, as designated by the State, and as established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 *et seq.*);

- (5) Facility and long-term care provider licensure and certification programs;
- (6) The State Medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));
- (7) Victim assistance programs;
- (8) State and local law enforcement agencies;
- (9) Courts of competent jurisdiction; and
- (10) The State legal assistance developer and legal assistance programs, including those provided under section 306(a)(2)(C) of the Act.

How can the two programs collaborate effectively for individuals receiving their services?

Developing a professional relationship during a “non-crisis” time is an important first step for effective collaboration between State Ombudsmen, the Legal Assistance Developer, and Legal Assistance Providers. State Ombudsmen, Legal Assistance Developers, and Legal Services Providers have many opportunities for communication and coordination including:

- Establishing an understanding of their programs, including statute and regulatory language, populations services and priorities, residential or institutional service settings, geographical/service boundaries, staff and volunteer roles, etc.
- Creating a memorandum of agreement or partnership plan that includes:
 - Agreement regarding the handling of information and assistance calls and referrals between programs especially for
 - Legal services,
 - Coordination of complaint investigations
 - A process for sharing of information when appropriate (e.g., debriefing on complicated cases that involve multiple advocacy and service organizations with the goal of improving future collaborative efforts); sharing of information and reports.
- Sharing opportunities for
 - Joint trainings,
 - Invitations to each program’s trainings,
 - Curriculum and training resources, and
 - Coordinating systems advocacy.
- Considering representation on each program’s advisory boards, where applicable.
- Meeting annually to keep apprised of each other’s priorities. Identify means of coordination that would potentially increase advocacy opportunities available for seniors and persons with disabilities.
- Discussing systemic issues that impact individuals both programs serve and agreeing on action steps, even if the ways the agencies accomplish their tasks differ.

Resources

Note: This resource is part of series of materials regarding Ombudsman program and Legal Assistance Developers collaboration, visit the NORC [website](#) for additional information on this topic.

- NORC Report: *Long-Term Care Ombudsman Program and Legal Assistance Developers Collaboration* - http://ltombudsman.org/omb_support/pm/collaboration/legal-assistance-developers-toolkit
- *Access to Justice for Residents of Long-Term Care Facilities: Opportunities for Collaboration Between Legal Services Providers and Long-Term Care Ombudsman Programs* - <http://ltombudsman.org/uploads/files/support/2013-winter-kurtzparker-long-term-care.pdf>
- NORC Presentation: *Long-Term Care Ombudsman Program Collaborations with Legal Assistance Developers and Title IIIB Legal Assistance* - http://ltombudsman.org/uploads/files/support/2015_NALC_Smetanka.pptx
- NORC Presentation: *Enhancing Collaborations Between Long-Term Care Ombudsmen and Legal Assistance Programs* - [http://ltombudsman.org/uploads/files/support/LTCO-LSC -
_CV_2015_Conference.pptx](http://ltombudsman.org/uploads/files/support/LTCO-LSC_-_CV_2015_Conference.pptx)
- Legal Services Corporation - <https://www.lsc.gov/>

Contact

If you have questions about this brief or would like to share your state's Ombudsman program and Legal Services collaborations, please email ombudcenter@theconsumervoice.org or call 202.332.2275.