WE HAVE UNIQUE ROLES, BUT OFTEN SUPPORT THE SAME CONSUMER:

Long-Term Care Ombudsman Program and Adult Protective Services Collaboration

September 15, 2022  3:00 – 4:30 ET
Housekeeping

- The webinar is being **recorded**.
- Use the **Q&A feature** for questions for the speakers.
- Use the **chat feature** to submit comments or respond to questions from speakers or other attendees.
- Please complete the **evaluation** questionnaire when the webinar is over.
- Links to **resources** will be posted in the chat box and will be posted to the NORC website – [ltcombudsman.org](http://ltcombudsman.org).
Agenda

- Introductions
- Welcome from the Administration for Community Living (ACL)
- Project Overview
- Examples of Collaboration
- Q&A and Chat Discussion
- Closing and Resources
Introductions

- **Hilary Dalin**, Director, Office of Elder Justice and Adult Protective Services, Administration for Community Living (ACL)

- **Beverley (Bev) Laubert**, National Ombudsman Program Coordinator, Office of Long-Term Care Ombudsman Programs, ACL

- **Andrew (Andy) Capehart**, Director, APS TARC

- **Jennifer Spoeri**, Director, NAPSA

- **Stephanie Wheeler**, AK State LTCO and **Sandra Jenkins**, AK APS director

- **Cheryl Hennen**, MN State LTCO and **Lynn Gerard**, Director of Quality Improvement, Education, and Risk Management at Guardian Angels Senior Services (MN)

- **William (Bill) Whited**, OK State LTCO

- **Maria Greene**, Consultant, NORC
Welcome
from the Administration for Community Living (ACL)

Hilary Dalin
DIRECTOR
Office of Elder Justice and Adult Protective Services
Administration for Community Living

Beverley Laubert
NATIONAL OMBUDSMAN PROGRAM COORDINATOR
Office of Long-Term Care Ombudsman Programs
Administration for Community Living
National Long-Term Care Ombudsman Resource Center (NORC)

- Funded by an Administration for Community Living (ACL) grant

- Operated by the National Consumer Voice for Quality Long-Term Care (Consumer Voice) in cooperation with ADvancing States.

- Provide support, technical assistance, and training for state Long-Term Care Ombudsmen and their program representatives.
Greetings from the APS-TARC and NAPSA

https://apstarc.acl.gov/

https://www.napsa-now.org/
Project Overview

**LTCOP and APS Collaboration**

Three listening sessions were held to learn about:

- APS and LTCO program responsibilities
- Collaborative work between programs
- Examples of information sharing
- Significant barriers to effective communication and collaboration
- Consumer resources
Listening Sessions’ Highlights

*States’ Collaborative Work Efforts*

- Staff trainings
- Training of community partners
- Specific training endeavors
- Facility Relocation teams
- Multi-Disciplinary Teams
- Alternatives to Guardianships
- Coalitions
Listening Sessions’ Highlights

**Barriers**

- Lack of introductions and opportunities to get together
- Lack of knowledge about program responsibilities
- Rumors, myths, or truths about how things were done in the past and present by each program
- Bureaucracy hurdles for getting approval for written agreements between programs
Listening Sessions’ Highlights

Opportunities for Improvement

- Cross program training
- Introductions both state and local program staff
- Prioritizing abuse/neglect/exploitation of residents living in facilities
- Development of working agreements
Poll Question

- Does every state APS program have a responsibility to investigate abuse, neglect, or exploitation of people living in nursing homes and residential care communities?
APS Responsibilities

- APS program responsibilities for investigation of adult abuse, neglect, and exploitation (ANE) in long-term care facilities **varies by state**.

**Example**: APS only investigates ANE if the alleged perpetrator of the suspected ANE is someone not employed by the facility. If the alleged perpetrator is a facility employee, the licensing and certification agency and local law enforcement investigate.
Poll Question

Does the Long-Term Care Ombudsman program investigate allegations of abuse, neglect, or exploitation of people living in nursing homes or residential care communities?
LTCOP Responsibilities

- Investigate allegations of abuse, neglect, and exploitation with consent of the resident or their representative.

- LTCOP complaint investigations are not conducted for the purpose of substantiating ANE or to determine if a law or regulation was violated in order to enforce a penalty.

- Information gained from an LTCOP representative’s investigation is to further assist the complainant in resolving or referring the complaint to other authorities such as APS, licensing and certification, and law enforcement.
State Examples
Alaska
Territory of Alaska
Relationship Building
Collaborative Working Agreements
Collaboration: Trainings/Informational Sessions
Collaboration: Home Closures
Collaboration: Critical Incident Reports
Minnesota
ELDER ABUSE: “Elder Abuse in Care Facilities”

- CNN investigation in February of 2017 found more than 1,000 nursing homes were cited for mishandling suspected cases of sexual abuse 2013-2016.

- In November of 2017, the Minneapolis Star and Tribune newspaper ran a series of articles about Minnesotans in nursing homes and assisted living settings that were physically abused, sexually assaulted, had health care needs neglected and were victims of financial exploitation.
Need for Training

► More than 16,000 complaints of sexual abuse have been reported since 2000. This only represents cases in which State Long-Term Care ombudsmen were involved in resolving complaints.

► Growing number of complex and troubling cases in MN, to include sexual abuse of vulnerable adults.

► The more vulnerable adults; people with advanced dementia for example, are particularly vulnerable because they may have trouble identifying or verbalizing maltreatment and may not be believed when they disclose that they have been sexually abuse.
MN LTCOP and other partners developed a comprehensive training program on Elder Sexual Abuse. The training focuses on detecting, responding, and prevention of ongoing sexual abuse of vulnerable adults residing in long-term care settings. Emphasizing a trained and coordinated response to all aspects of sexual abuse, this training brings together the history and experience of health care professionals, State of MN advocates, APS, attorneys, and law enforcement.

The training includes a comprehensive guide for staff, resident, and family councils. Included is a comprehensive set of guidelines on how to look for signs of abuse, what to do if you suspect abuse, what to do if you suspect a crime has been committed, and what to do and not to do in a crime scene.

Sexual Abuse Training Project can be found on the OOLTC website
Elder Sexual Abuse in Care Facilities: Detection, Response, and Prevention – Trailer
Oklahoma
Empowering Choice of Residency – A Path to Avert Involuntary Transfer and Discharges for Failure to Pay

Oklahoma Workgroup

- The workgroup resulted because of collaboration between APS and the Ombudsman Program and the development of a memorandum of understanding (MOU).

- The MOU started as a means for APS and the Ombudsman to understand the laws and regulations governing each program and their limitations.
Empowering Choice of Residency – A Path to Avert Involuntary Transfer and Discharges for Failure to Pay

Oklahoma Workgroup

- Long-Term Care Investigations unit of APS sends referrals to Ombudsman on resident-to-resident abuse, verbal abuse, and other allegations they receive that do not warrant APS intervention.
  - Such as in cases where there is no caretaker abuse, neglect, or exploitation.
  - APS also sends notices of any Court Order on restriction of visitation of a perpetrator to the Ombudsman.

- This increased communication resulted in topics of mutual interests arising and gave credence to the creation of the workgroup.
Empowering Choice of Residency – A Path to Avert Involuntary Transfer and Discharges for Failure to Pay

**Oklahoma Workgroup**

- Convened an Interdisciplinary team to address transfers and discharges.
- We focused on involuntary transfers and discharges for failure to pay.
- Utilized the Georgia Model as a starting point and adapted it to fit Oklahoma’s system.
  - Process mapped a very complex system that many people/programs have a role in;
  - Identified critical junctures;
Empowering Choice of Residency – A Path to Avert Involuntary Transfer and Discharges for Failure to Pay

**Oklahoma Workgroup**

- Created processes and pathways to avert involuntary transfers and discharges;
  - Timeframe for when referrals should be made,
  - Letter from the Director of APS, and
  - Critical steps for approval of hardships within Medicaid policies.
- Completed statewide training via Zoom for the LTCOP, APS, and facility staff.
  - Have done several smaller in-person trainings on the process.
- This all started as a result of collaboration between the LTCOP and APS.
Questions?
Resources
The LTCOP – What You Must Know

- One-page fact sheet


- About the LTCOP
  https://ltcombudsman.org/about/about-ombudsman
Responding to Allegations of Abuse

The Ombudsman program:

- investigates and resolves complaints on behalf of residents
- resolves complaints to the “satisfaction of the resident”
- does not “substantiate” to prove the allegation occurred


Abuse, Neglect, and Exploitation in Long-Term Care Facilities


Complaint Processing Resources

- **LTCOP Rule: Supporting Person-Centered Advocacy – Complaint Investigations and Abuse Reporting** (webinar)
  
  [Link to webinar](https://ltcombudsman.org/omb_support/training/trainings-and-conference-calls/2017)

- **Ombudsman Program Complaint Processing and Abuse Reporting (LTCOP Rule Issue Brief)**
  
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Join NORC’s email list to receive the quarterly *Ombudsman Outlook*, training opportunities, and resources.

Visit [ltcombudsman.org/sign-up](http://ltcombudsman.org/sign-up).
Connect with us!

🌐 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

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