



The National **Long-Term Care**  
**Ombudsman** Resource Center

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

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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](https://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



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# Collaboration: Critical Incident Reports

**Incident Injury Report Form**

**Your Personal**

Name \_\_\_\_\_  
Date of birth \_\_\_\_\_  
Nationality \_\_\_\_\_ Gender ☐ Male ☐ Female  
Unit No. \_\_\_\_\_ Street No. \_\_\_\_\_ Street \_\_\_\_\_  
Town/City/Suburb \_\_\_\_\_ State \_\_\_\_\_ Post Code \_\_\_\_\_  
Country \_\_\_\_\_

**DEPLOYMENT**

1. Putting your strategy into action is how your marketing plan should work. ☐ Yes ☐ No

2. The objectives will be based on how you gain sales by acquiring and keeping customers. ☐ Yes ☐ No

3. Marketing strategy's goal is to increase sales and achieve advantage over other competitors. ☐ Yes ☐ No

4. It is a process to allow an organization to focus resources on the greatest opportunities to increase sales and achieve the company's target. ☐ Yes ☐ No

5. You should consider on thinking what your customers need you to do. ☐ Yes ☐ No

6. It should have the details on how your sales are followed up and then to a strong brand equity. ☐ Yes ☐ No

7. The marketing plan should be innovative. ☐ Yes ☐ No

8. You should consider on thinking what your customers need you to do. ☐ Yes ☐ No

9. The strategy of branding you have should be consistent, because a brand is a strong brand equity. ☐ Yes ☐ No

**Objectives**

10. The marketing plan should be innovative. ☐ Yes ☐ No

**Terms & Conditions**

Improvement should be measured regularly and assessed in order for you to know what's beneficial and what is not. This will help you set new targets.

Signature: \_\_\_\_\_

# 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

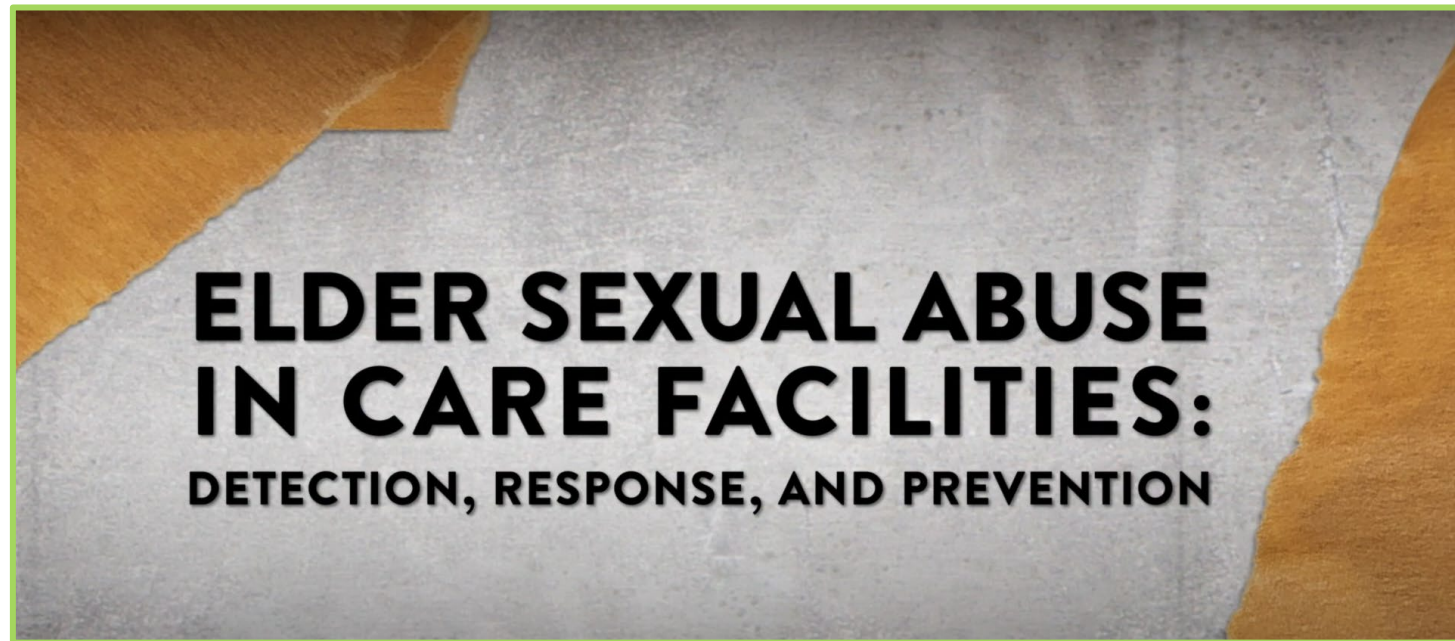
- ▶ More than 16,000 complaints of sexual abuse have been reported since 2000. This only represents cases in which State Long-Term Care ombudsmen were involved in resolving complaints.
- ▶ Growing number of complex and troubling cases in MN, to include sexual abuse of vulnerable adults.
- ▶ The more 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.

# Sexual Abuse Training Project

- ▶ 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 Training

## 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
- ▶ <https://ltcombudsman.org/uploads/files/library/long-term-care-ombudsman-program-what-you-must-know.pdf>
- ▶ About the LTCOP  
<https://ltcombudsman.org/about/about-ombudsman>

## LONG-TERM CARE OMBUDSMAN PROGRAM

## FACT SHEET

### What You Must Know

#### WHAT IS THE LONG-TERM CARE OMBUDSMAN PROGRAM (LTCOP)?

Under the federal Older Americans Act (OAA) every state is required to have an Ombudsman Program that addresses complaints and advocates for improvements in the long-term care system.

Each state has an Office of the State Long-Term Care Ombudsman (Office), headed by a full-time State Long-Term Care Ombudsman (Ombudsman) who directs the program statewide. Across the nation, staff and thousands of volunteers are designated by State Ombudsmen as representatives to directly serve residents.

#### WHAT DOES THE OMBUDSMAN PROGRAM DO?

The Ombudsman program advocates for residents of nursing homes, board and care homes, assisted living facilities, and other similar adult care facilities. State Ombudsmen and their designated representatives work to resolve problems individual residents face and effect change at the local, state, and national levels to improve quality of care. In addition to identifying, investigating, and resolving complaints, **Ombudsman program responsibilities include:**

- Educating residents, their family and facility staff about residents' rights, good care practices, and similar long-term services and supports resources;
- Ensuring residents have regular and timely access to ombudsman services;
- Providing technical support for the development of resident and family councils;
- Advocating for changes to improve residents' quality of life and care;
- Providing information to the public regarding long-term care facilities and services, residents' rights, and legislative and policy issues;
- Representing resident interests before governmental agencies; and
- Seeking legal, administrative and other remedies to protect residents.

#### Ombudsman programs **do not**:

- Conduct licensing and regulatory inspections or investigations;
- Perform Adult Protective Services (APS) investigations; or
- Provide direct care for residents.

#### RESIDENTS' RIGHTS

Ombudsman programs help residents, family members, and others understand residents' rights and support residents in exercising their rights guaranteed by law. Most nursing homes participate in Medicare and Medicaid, and therefore must meet federal requirements, including facility responsibilities and residents' rights. For more information about residents' rights visit <http://ltcombudsman.org/issues/residents-rights> and <http://theconsumervoice.org/issues/recipients/nursing-home-residents/residents-rights>. Rights and care standards for assisted living/board and care facilities are regulated, licensed or certified at the state level.<sup>1</sup> For more information on assisted living visit <http://ltcombudsman.org/assisted-living> and <http://theconsumervoice.org/issues/recipients/assisted-living>. Regardless of the type of facility all residents have the right to be protected from abuse and mistreatment and facilities are required to ensure the safety of all residents and investigate reports of mistreatment.

<sup>1</sup> Some assisted living facilities provide services for residents receiving Medicaid benefits and must meet federal standards for that program.


# 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

<https://acl.gov/programs/long-term-care-ombudsman/long-term-care-ombudsman-faq>

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

<https://ltcombudsman.org/issues/abuse-neglect-and-exploitation-in-long-term-care-facilities>

The National Long-Term Care Ombudsman Resource Center

LTCOP REFERENCE GUIDE

RESPONDING TO ALLEGATIONS OF ABUSE: ROLE AND RESPONSIBILITIES OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

OVERVIEW

Provisions in the Older Americans Act (OAA) state that the Long-Term Care Ombudsman Program (LTCOP) shall “identify, investigate and resolve complaints” regarding “action, inaction, or decisions that may adversely affect the health, safety, welfare or rights of the residents” made by, or on behalf of, residents. <sup>1</sup> Complaints may include, but are not limited to, allegations of abuse, gross neglect, and exploitation. Long-Term Care Ombudsman programs provide resident-centered advocacy and are directed by resident goals for complaint resolution. Due to strict federal requirements, resident and complainant information shared with or gathered by the LTCOP is confidential unless consent is obtained (as described below in the federal requirements). Therefore, the Ombudsman program role in investigating allegations of abuse is unique and differs from other entities such as, adult protective services and state licensing and certification agencies.

In 2016, the Administration for Community Living (ACL) published the State Long-Term Care Ombudsman Programs Final Rule which provides more specific guidance regarding investigating allegations of abuse, including how Ombudsman program representatives should respond if they witness abuse. <sup>2</sup>

The purpose of this guide is to discuss how Ombudsman program representatives can respond to allegations and observations of abuse, neglect, and exploitation when the resident does not or cannot give consent to pursue the complaint. In the absence of resident consent, LTCOP representatives can take other actions to adhere to disclosure requirements and work to ensure the resident receives quality care and is protected from harm. This guide reviews the federal requirements regarding complaint investigations and disclosure, highlights statements from the Administration on Aging, and provides advocacy strategies and additional resources.

KEY POINTS

What is abuse?

Since states have different definitions for abuse, neglect, and exploitation, this guide will use the definitions provided in the National Ombudsman Reporting system (NORS) definitions of complaint codes and unless otherwise stated, we use the term “abuse” to include any willful act of “abuse, gross neglect and exploitation” throughout this resource. <sup>3</sup>

Administration on Aging Statements

In addition to the program requirements regarding disclosure and complaint investigation outlined in the Older Americans Act and the Rule, the Administration for Community Living/Administration on Aging has responded to questions regarding the role of the Office of the State Ombudsman in investigating allegations of abuse.

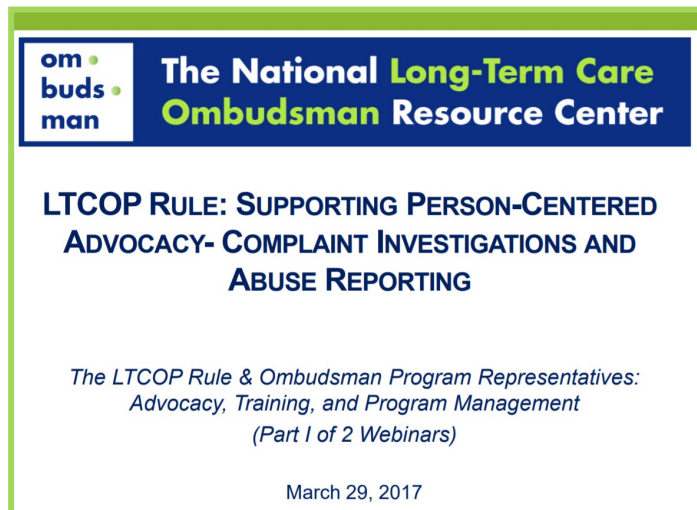
LTCOP Role in Investigating Allegations of Abuse, Gross Neglect, and Exploitation

The primary responsibility of the LTCOP is to investigate and resolve complaints on behalf of residents, but the LTCOP program is unique in that its goal is to resolve the complaint to the “satisfaction of the resident or

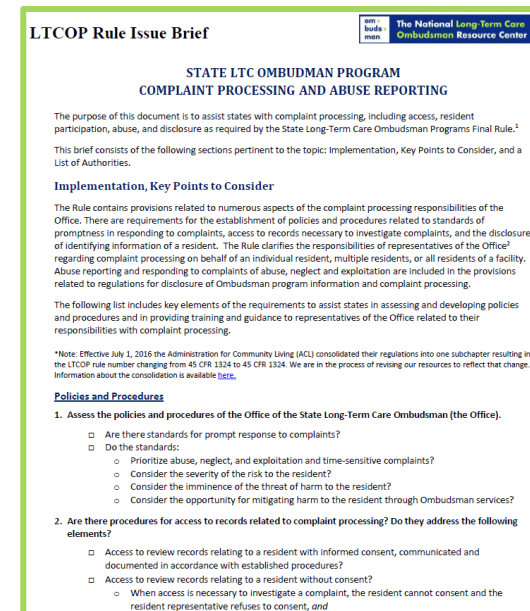
[https://ltcombudsman.org/uploads/files/issues/ane-no-consent-ref-guide-july\\_2018.pdf](https://ltcombudsman.org/uploads/files/issues/ane-no-consent-ref-guide-july_2018.pdf)

# Complaint Processing Resources

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



- ▶ *Ombudsman Program Complaint Processing and Abuse Reporting* (LTCOP Rule Issue Brief)  
<https://ltcombudsman.org/uploads/files/library/ltcop-rule-issue-brief-complaint-p-invest-renumbered.pdf>



# Contact Information

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