Long Term Care Ombudsman and Protection & Advocacy Agencies

Working Together to Support Common Goals
Protection & Advocacy Systems

Provides legally based advocacy to people with all disabilities of all ages

Federally Funded – independent from state

In every State and Territory and a Native American P&A

“client-directed” not “best-interest” standard
“Pursue legal, administrative & other appropriate remedies”

- Authority to address full range of issues caused by discrimination on the basis of disability –

For example - abuse investigations, community monitoring, discharge planning, guardianship issues, access to Medicaid, Medicare, Social Security, housing, transportation, employment, education etc.
P&As have unique authority to access facilities and records

P&As can access most any setting where services and supports are provided for people with disabilities – state hospitals, nursing facilities, residential treatment facilities, group homes, homeless shelters, prisons, schools, sheltered workshops, adult day care...

P&As also have special authority to access patient records.
P&As have eight different programs with different rules and federal funding sources

• 1975 – Developmental Disabilities Act includes P&As
• 1984 – Client Assistant Program (assists people to access vocational rehabilitation services)
• 1986 – Protection & Advocacy for Mentally Ill (PAIMI)
• 1991 – Protection & Advocacy for Individuals Rights (PAIR)
• 1993 – P&A for Assistive Technology (PAAT)
• 2001 – P&A for Beneficiaries of Social Security (PABSS)
• 2001 – P&A for Individuals with Traumatic Brain Injury
• 2002 – Protection and Advocacy for Voting Access (PAVA)
Priority Setting Requirement

- P&As set priorities by obtaining mandatory public input – priorities are available to public
- Investigation of abuse and neglect in facilities is the only mandatory priority
- P&As establish case selection criteria
- P&As have boards and an advisory council
Must Provide a Continuum of Remedies

- Information and Referrals
- Self – Advocacy Skills Training
- Consumer, Family, Provider and Judicial education
- Administrative hearings
- Individual Litigation
- Community and Institutional Monitoring
- Educating Policymakers
- Class Actions and Monitoring of Settlement Agreements
Opportunities for P&A and LTCO Collaboration

- Participation on P&A board and advisory council
- Host joint trainings
- Jointly identify service gaps and brainstorm policy or systemic fixes
- Collect and share data on service needs
- Draft enforceable statutes, e.g. discharge planning, resident rights, etc.
- Refer residents to P&As for legal advocacy
- Create MOU’s to address confidentiality, etc.
50% of the LTCO reported having some to ongoing engagement with P&As.
- transitioning to the community;
- case referrals;
- participation on work groups;
- addressing discriminatory admission policies; and
- policy and legislative work;
Consumer Voice and NDRN Collaborations

- Joint Pre-Admission Screening and Resident Review (PASRR) webinar training - to be posted on ndrn.org and theconsumervoice.org

PASRR requires that prior to admission to a nursing facility, an individual with a Mental illness or intellectual disability must be screened by a professional to determine whether their needs could be met in a less restrictive setting. If an individual remains in the facility, they must be provided with the specialized services and treatment identified in a 2nd level PASRR screen.
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Send me your ideas for additional joint P&A/LTCO trainings 😊