

Unique Characteristics of the Long-Term Care Ombudsman Program

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The Long-Term Care Ombudsman Program

“...serves a vital public purpose. Every year the Long-Term Care Ombudsman Program helps many thousands of individual ...residents ...[and] the program can justly claim to have improved the system of long-term care services.”

Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act

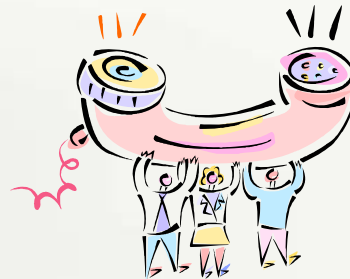
Institute of Medicine, 1995, p. 11



Advocate Ombudsman

Long-Term Care Ombudsmen are Advocates.

- LTCO carry the message for residents.
- LTCO are
 - impartial in gathering information.
 - advocates for residents in seeking resolution.





Long-Term Care Ombudsman Program (LTCOP)

- Is one of a kind within the Older Americans Act (OAA)
- Has several distinctions in definitions that set it apart from other service programs
- Is unique

WORD FROM WASHINGTON





“One of a Kind” Within the Aging Network (OAA)

The Long-Term Care Ombudsman Program

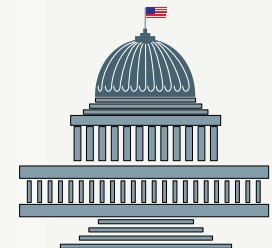
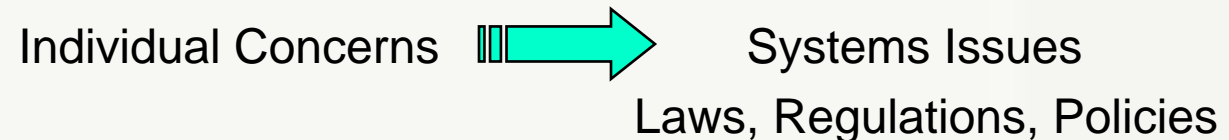
- Operated by Office of the LTCO, headed by a State LTCO, responsible for a statewide program
- Has more strict confidentiality provisions
- Has specific conflict of interest provisions
- Pursues administrative, legal, and other remedies on behalf of residents
- Is protected from willful interference
- Has legal counsel available that is free of conflict of interest



Bottom Line

The LTCOP is unique in OAA because it

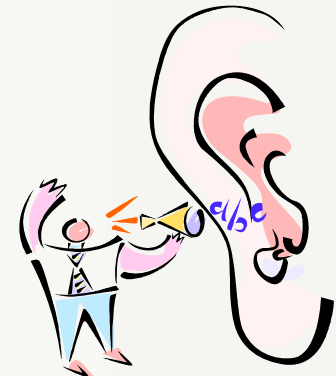
- Addresses concerns of individual residents,
- Calls upon others to fulfill their responsibilities to residents, and
- Gives a public voice to residents' needs by working for legislative and regulatory changes.





Distinctions in Definitions

- Sounds like _____, but it isn't
- LTCOP and other programs use same terms but with different meanings
- Differences in definitions based on OAA



Distinctions = Strength



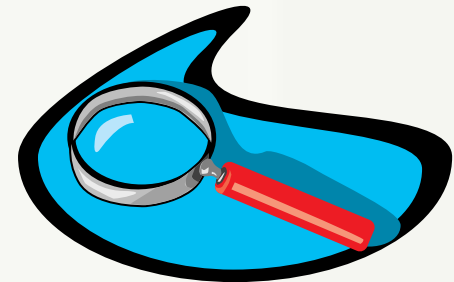
Definitions based on OAA are
the strength of the LTCOP





Investigation

- Agreement on purpose—to determine the facts
- How facts are used can be different with LTCO.
 - LTCOP gather information to resolve issue to resident's satisfaction.
 - Others determine if a law, standard, or regulation has been violated.





Standards Of Evidence in Investigation

- LTCO gather evidence to
 - understand what must be addressed,
 - resolve problem to resident's satisfaction.
- Other agencies gather evidence to
 - determine if legal standards have been violated and
 - take official action if indicated.

Legal standards such as preponderance of the evidence, clear and convincing, or beyond a reasonable doubt





Law As End Or Beginning

- Law as End Point
 - Other agencies are bound by legal standards or regulations such as state survey agencies, Medicaid Fraud and Abuse Control Unit, adult protective services, and police departments.
- Law as Beginning
 - LTCOs use law to see what applies but continue to work to get what resident wants even without a specific law or regulation that directly applies.



Confidentiality

- Lots of agencies and programs have confidentiality policies.
- OAA standards for LTCO are more strict.
 - Not allowed to share confidential information without consent.
 - Federal law takes precedence if state law conflicts.





Conflict Of Interest

- Many agencies and programs have conflict of interest policies.
- The LTCOP has OAA provisions
 - For program placement and
 - For individual ombudsmen.
- Additional dimensions for LTCOP from, *Real People, Real Problems*
 - Loyalty
 - Commitment
 - Control





The Long-Term Care Ombudsman Program

- Represents residents' interests
 - Individual residents
 - Collectively before governmental agencies
- Draws strength from OAA provisions
 - Definitions of terms used by many agencies and programs are different for LTCOP
 - LTCOP definitions add credibility
- Operates differently from other programs by design.
It is Unique!



**Thanks to the
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presentation**



**The National Long-Term Care Ombudsman
Resource Center thanks all ombudsmen who
work so diligently on behalf of long-term care
residents.**