

OMBUDSMEN: FREQUENT MISCONCEPTIONS

Federal and state law directs ombudsmen to investigate and resolve complaints, monitor the long-term care system and work toward improving that system. However, other players in the long-term care system -- care providers, regulators and case managers, for example - may not always understand the ombudsman role. Below are some commonly encountered misconceptions about the ombudsman role, followed by explanations of our true role.

- *Myth:* Ombudsmen should just provide social interaction for residents.
Fact: Ombudsmen are not just friendly visitors. Visiting residents is rewarding and beneficial, but it is not the ombudsman's primary function. For ombudsmen, resident visits are a way to open up what are often isolated care homes to routine public scrutiny. Ombudsman visits have a purpose beyond mere socializing. Both federal and state law specify that ombudsmen are to "identify, investigate, and resolve complaints made by or on behalf of residents. . . ." Ombudsmen seek resolutions to both individual and system-wide problems affecting the lives of residents who otherwise would have little power or influence within the long-term care system.
- *Myth:* Ombudsmen should be neutral third parties.
Fact: Ombudsmen are not neutral. The Congressionally mandated Long-Term Care Ombudsman Program is designed to represent resident concerns and interests. Ombudsmen are neutral while they are investigating a complaint and gathering information, but the information they gain must be used to advocate for the residents.
- *Myth:* Ombudsmen just stir up trouble.
Fact: Ombudsmen seek to resolve problems on behalf of residents and to prevent little problems from becoming big ones. Ombudsmen can serve as an early warning system for long-term care facilities. Ombudsmen are not regulators. They do not write public reports with findings of fact or impose sanctions. Rather, ombudsmen work informally to resolve problems with the long-term care facility. Often, residents feel more comfortable complaining to an ombudsman than they do complaining to facility representatives, case managers or even their own families. This may lead to the misperception that the ombudsman is creating the problems when, in fact, the problems were there all along.
- *Myth:* Ombudsmen need to work with long-term care facility staff and case managers when it is in the best interest of the residents to do so.
Fact: Whenever possible, ombudsmen advocate for what the resident wants, even if that is not in the resident's best interest. Ombudsmen seek to work with others in the long-term care system to resolve resident's concerns. However, the resident is the ombudsman's boss, and ombudsmen are bound by strict rules of confidentiality. Therefore, there are times when an ombudsman cannot talk to others in the long-term care system about an issue because the resident has not authorized

the ombudsman to divulge information. In addition, an ombudsman's top priority is to empower residents to exercise their rights and make their own decisions, rather than with what is in the resident's best interest.

- *Myth:* Ombudsmen do not understand the pressures and financial constraints involved in running a long-term care facility.
Fact: Ombudsmen must advocate for the interests of residents, not long-term care facilities. Ombudsmen understand the myriad problems facing long-term care providers. However, the ombudsmen's job is to make the long-term care system more responsive to residents' needs. Ombudsmen cannot allow provider concerns to limit their advocacy. Ombudsmen could advocate for a long-term care facility's interests only if those interests were consistent with the residents' interests. Long-term care providers have their own lobbyists and professional organizations to represent their interests.
- *Myth:* Ombudsmen are volunteers who do not have the professional background or training necessary to understand the difficult medical issues affecting long-term care residents.
Fact: Ombudsmen serve as a consumer presence in long-term care. The Ombudsman Program was not intended to be another government bureaucracy full of "experts." Ombudsmen function as change agents, providing a routine check and balance to bureaucratic power while reinforcing government policy that works. Ombudsmen volunteer to serve in long-term care facilities in their communities because they are concerned about their neighbors who are residents of those facilities. While part of the ombudsmen's investigative process may be to learn about a resident's medical condition, the ombudsmen's primary concern must always be whatever is concerning the resident.