THE HISTORY AND ROLE OF
THE LONG-TERM CARE OMBUDSMAN PROGRAM

Self-Study Guide

Developed by Sara S. Hunt, Consultant
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ABOUT THE AUTHOR

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ABOUT THE GUIDE

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STATE LONG-TERM CARE OMBUDSMAN SELF-STUDY GUIDE

The History And Role Of
The Long-Term Care Ombudsman Program

Understanding the history and role of the Long-Term Care Ombudsman Program (LTCOP) will help you understand how and why the program operates as it does. This knowledge will provide an orientation and a foundation for your daily work as a State Long-Term Care Ombudsman (SLTCO). This self-study guide will walk you through the SLTCO curriculum module on the history and role of the LTCOP.

This module will cover:

• why the LTCOP was developed,
• the primary responsibilities of state and local long-term care ombudsmen (LTCO), and
• the unique characteristics of the LTCOP.

The purpose of this Self-Study Guide is to:

• provide an understanding of the history and role of the LTCOP,
• help you focus on specific aspects of the LTCOP in your state,
• raise your awareness of issues that might be encountered, and
• assist you in thinking about your leadership role as a SLTCO.

You will need the following materials to complete this module. All of these are included on this CD except for the video. If you do not have the video, contact Julie Meashey, Ombudsman Specialist, National Long-Term Care Ombudsman Resource Center (NORC), by phone (202)332-2275 or email, jmeashey@nccnhr.org.

• Advocates for Residents’ Rights video distributed by the National Long-Term Care Ombudsman Resource Center
• “The History and Role of the Long-Term Care Ombudsman Program” chapter for the Ombudsman Desk Reference and distributed as part of this guide
• PowerPoint presentations:
  • History and Responsibilities of the Long-Term Care Ombudsman Program
  • Code of Ethics for Long Term Care Ombudsmen
  • Unique Characteristics of the Long-Term Care Ombudsman Program
• Handouts included in this Self-Study Guide
  • “Code of Ethics for Long Term Care Ombudsmen”
  • “The Long Term Care Ombudsman Program”
  • “Celebrate 30 Years of the Long Term Care Ombudsman Program”
Use this guide to work through the *Ombudsman Desk Reference* chapter, “The History and Role of the Long-Term Care Ombudsman Program.” Instructions precede each activity and are linked to specific sections of content in the chapter.

This guide might raise questions you cannot answer. That is all right! It might also prompt ideas about activities that will become long-term goals. As you work through the guide keep track of your questions and ideas. Please discuss areas of uncertainty or questions with your SLTCO mentor or with Julie Meashey. The NORC web site contains numerous resources related to many of the areas mentioned in this guide. The site is another point of reference, www.ltcombudsman.org.

← is used to identify “key” points or tips pertinent to the SLTCO role related to the topic being examined.
Advocates for Residents’ Rights:  
The Older Americans Act Long Term Care Ombudsman Program

Watch the video, *Advocates for Residents’ Rights: The Older Americans Act Long Term Care Ombudsman Program*, then use your own words to briefly describe what you learned regarding the following points.

1. The role of the Long Term Care Ombudsman (LTCO)

2. The purpose of the Long Term Care Ombudsman Program (LTCOP)

3. Five skills ombudsmen need. Indicate the ones you personally want to strengthen.
   1.
   2.
   3.
   4.
   5.

4. Characteristics of LTCO. Identify the ones you need to cultivate or refine.

5. Your questions about being a State Long-Term Care Ombudsman.
The Big Picture: Introduction to LTCOP Activities, National and State

1. Read Section I, “Introduction,” in the *Ombudsman Desk Reference* chapter, “The History and Role of the Long-Term Care Ombudsman Program.”

2. Look at the last National Ombudsman Reporting System (NORS) report from your state and consider how your state compares to the national statistics. If you want more detailed or recent national statistics, check the Administration on Aging web site: www.aoa.gov

- Does my state’s LTCOP report show activities in each of the categories contained in the introduction? If not, why not?
- In my state are more activities focused on providing information to individuals or on investigating complaints?
- Is my state’s LTCOP more involved with resident councils or family councils? How does this compare with the national report?
- In my state, where are the majority of training activities focused: ombudsmen, facility staff, the community?

3. Jot down any questions you have after this quick review of NORS statistics.

- Questions about the national data.
- Questions about the data from my state.

As a SLTCO you need to periodically examine LTCOP data from your state to assist with program administration, training, systems advocacy, and planning.
The LTCOP: Why It Began and Its Role

1. Read Sections II and III, “How the Long-Term Care Ombudsman Program Began,” and “The LTCOP Under the Older Americans Act,” in the Ombudsman Desk Reference chapter, “The History and Role of the Long-Term Care Ombudsman Program.”

2. What strikes you about the history of the program?

3. How will you explain why the LTCOP was developed to someone else?

4. How will you briefly explain the purpose of the LTCOP to someone who has never heard about it? (Be sure to use non-technical terms that will convey the intended meaning to another person. Avoid overstating what the program can deliver such as improving the quality of care for residents.) Write your statement and try it on some friends and colleagues.

5. How is the LTCOP structured in your state? Sketch an organization chart.

6. How is the designation of entities (local programs) and of individuals (LTCO) handled?
   - Is the designation process in your state consistent with the one delineated in the Older Americans Act (OAA)?
   - Jot down questions you need to research.
7. How are LTCOP resources focused—prevention or intervention activities or a balance?
   • Do the LTCOP activities in your state cover the range of responsibilities from individual complaints to systems issues?
   • Who is responsible for which types of activities?
   • How does the LTCOP build on individual advocacy activities to address systems issues?
   • As a SLTCO how can you provide leadership and support in each of the areas of advocacy?

8. Read the OAA provisions regarding the LTCOP. These are found in a document entitled, “State Long-Term Care Ombudsman Provisions In the Older Americans Act, as Amended in 2000 By Topic, With Policy Interpretations,” and included in the materials accompanying this guide. Additional information on the OAA, PL 106-501, and links to the entire OAA are available on the NORC web site: www.ltcombudsman.org click on “Library,” then “The Basics” for a list of documents.

9. Review any state laws, regulations, and policies regarding the LTCOP in your state.
   • Are there any differences between the state documents and the provisions in the OAA?
   • List any areas where there are conflicts between the federal and state provisions.
10. View the slide show PowerPoint presentation, *Responsibilities of the Long-Term Care Ombudsman Program*.

11. How can you provide leadership in the various areas of responsibilities?

12. Which areas of responsibility do you want to discuss with your mentor or need to seek resources for further understanding and assistance?

- As a new SLTCO consider ways to exhibit leadership, ask questions, or if necessary, reiterate your responsibilities under the OAA from the early days of your tenure. Remaining silent can make raising issues later more difficult if it appears you have been agreeing with the status quo.

- Set priorities. If you identify LTCOP elements that need to be improved or changed, develop a list but do not expect to accomplish everything at one time.
LTCO Code of Ethics

1. Watch the PowerPoint slide show, Code of Ethics for Long-Term Care Ombudsman, and/or read the Code of Ethics on the following page.

2. Which, if any, provisions might be difficult for you to uphold?

3. How can you continually model upholding self-determination for clients?

4. How do you model the Code of Ethics behaviors and principles when providing technical assistance to and/or interacting with local LTCO?

5. What guidance on ethical issues is provided to LTCO in your state via policies, training, or supervision?

6. Where can LTCO turn for assistance in working through ethical issues?

7. How can you help others realize ethical dimensions of ombudsman actions?

8. Consult the NORC web site for resources pertinent to ethical issues, www.ltcombudsman.org, the Ombudsman Resource List and under “Support,” “Training,” the West Virginia Program Guidance papers.
Code of Ethics for Long Term Care Ombudsmen

The National Association of State Long Term Care Ombudsman Programs

1. The ombudsman provides services with respect for human dignity and the individuality of the client, unrestricted by considerations of age, social or economic status, personal characteristics, or lifestyle choices.

2. The ombudsman respects and promotes the client’s right to self-determination.

3. The ombudsman makes every reasonable effort to ascertain and act in accordance with the client’s wishes.

4. The ombudsman acts to protect vulnerable individuals from abuse and neglect.

5. The ombudsman safeguards the client’s right to privacy by protecting confidential information.

6. The ombudsman remains knowledgeable in areas relevant to the long term care system, especially regulatory and legislative information, and long term care service options.

7. The ombudsman acts in accordance with the standards and practices of the Long Term Care Ombudsman Program, and with respect for the policies of the sponsoring organization.

8. The ombudsman will provide professional advocacy services unrestricted by his/her personal belief or opinion.

9. The ombudsman participates in efforts to promote a quality, long term care system.

10. The ombudsman participates in efforts to maintain and promote the integrity of the Long Term Care Ombudsman Program.

11. The ombudsman supports a strict conflict of interest standard that prohibits any financial interest in the delivery or provision of nursing home, board, and care services, or other long term care services that are within their scope of involvement.

12. The ombudsman shall conduct himself/herself in a manner that will strengthen the statewide and national ombudsman network.

2 In the Code of Ethics, client refers to the range of consumers served by LTCO such as residents, their families members, and individuals who are seeking information about long-term care facilities.
Unique Aspects of the LTCOP

1. Read Section IV, “Unique Aspects of the LTCOP,” in the Ombudsman Desk Reference chapter, “The History and Role of the Long-Term Care Ombudsman Program.”

2. How is the LTCOP different from other ombudsman programs?

3. List any similar issues you have encountered as SLTCO.

4. What regulations or policies are in place in your state to deal with confidentiality and conflict of interest issues?
   - Are they consistent with the OAA provisions?
   - Are these sufficient to address the issues discussed in the paper?
   - What type of training is provided on these regulations or policies? Is this built into ongoing training as well as initial training?

5. Using everyday language, write a brief explanation of the aspects of the LTCOP that make it different from other OAA programs.

6. Do local LTCO and LTCO entities share your understanding of the LTCO role in the areas discussed in this section?

7. How do these unique aspects impact your leadership of an advocate ombudsman program?
Unique Aspects Of The Long-Term Care Ombudsman Program

Hypothetical Situations For Consideration

Read the following situations and think about how you would work through them in a way that is consistent with the OAA responsibilities.

1. As a new SLTCO you’ve read the OAA provisions and many documents from the Ombudsman Resource Center and from your office bookcase. You meet with your supervisor to ask:

   • during the agency’s review of contracts process, when do I, as a SLTCO, make decisions about the proposed contracts for the local ombudsman programs,
   • how do I access specific budget information for the statewide program as well as for each local program, and
   • how do I work with the mail room and copy center because I need to send information to all the ombudsmen within the next week?

   You are stunned when your supervisor tells you that managers at her level, or higher, handle these activities. Of course you can read the proposed contracts but decisions about awarding the contracts are made by upper level management. Anything you want to mail must have prior approval and be included in the routine mailing to the field by the entire agency. This is not what you expected based on your understanding of the OAA.

2. You sit on a task force examining systemic issues regarding the way deaths in nursing homes are handled. The media, spurred on by family members, has called for a review of “standard operating procedures” in the state. As law enforcement officers, surveyors, and adult protective services workers discuss how they investigate various types of complaints, you feel uneasy. You know that ombudsmen do not use the same investigative techniques that these others are describing. You suspect that when you explain how ombudsmen approach investigation everyone at the table will view the program as lacking in professionalism. You are concerned about the program losing credibility.
3. An adult protective services case worker calls you seeking information about a client who lives in an assisted living facility. The worker wants to know what you discussed with the client and your observations. When you say you cannot share that information without the resident’s permission, the case worker raises her voice in reply, *You are refusing to share information with me; yet you expect me to work with you in a cooperative relationship? I’m trying to help this woman! We have confidentiality standards, too, we’re both state employees. You’re just being an obstructionist!*

4. A charge nurse in a local nursing home applies for the local ombudsman position. The nurse calls you. She sounds angry and tells you that she is very upset with the Ombudsman Program in her area. The people responsible for filling the position said they cannot consider her because she is working in a nursing home! The nurse tells you some of her colleagues have immediately become nursing home surveyors after working in a nursing home. Why is the Ombudsman Program different? She only wants to help residents.

Review the key points in this section by watching the PowerPoint slide show, *Unique Characteristics of the Long-Term Care Ombudsman Program*. Consider ways this might be adapted for use in explaining the LTCOP to others.

⇒ Make a list of questions to discuss with your mentor and/or NORC staff or consultants. Be alert for opportunities to clarify the LTCOP role and its basis in the OAA in your interactions with others.

⇒ Be proactive in setting the expectations for the LTCOP role.

⇒ Through leadership, policies, and training, support local LTCO in adhering to the OAA role and responsibilities whenever conflicts or misunderstandings are encountered.
Additional Aspects of LTCOP Management And Resources

1. Read Sections V – IX in the Ombudsman Desk Reference chapter, “The History and Role of the Long-Term Care Ombudsman Program.”

2. List any questions you have. Remember that your SLTCO mentor and the NORC staff and consultants are available to assist you as needed.

3. Read the following sections of this Self-Study Guide entitled, “The Long-Term Care Ombudsman Program,” and “Celebrate 30 Years of the Long-Term Care Ombudsman Program.”

4. Consider asking LTCO in your state what brought them into the LTCOP and why they stay with the program.

Many State LTCO use statements from LTCO and/or specific examples of how LTCO help residents in the annual report of the LTCOP, in testimony, or in printed materials about the program.
THE LONG-TERM CARE OMBUDSMAN PROGRAM

What is the Long-Term Care Ombudsman Program?

The Long-Term Care Ombudsman Program resolves the problems of individual residents in long-term care facilities, provides information and referral about facility selection and quality of care, assists resident and family councils, promotes residents’ rights and represents residents’ needs and interests to public officials. Long-term care ombudsmen visit nursing homes and board and care homes.

Why was the program created and when?

Increasing and widespread public concern about the quality of care in nursing homes and a Presidential initiative prompted the Department of Health, Education and Welfare to award five contracts for ombudsman demonstration programs in 1972. By 1978 the federal Older Americans Act required all states to establish a program.

Where is the program today?

The Administration on Aging, U.S. Department of Health and Human Services, is responsible for the national program. Each state has a Long-Term Care Ombudsman Program operated through, or by, the state’s Agency on Aging. Thus there are some differences in the program between the states. Today all 50 states, the District of Columbia, Puerto Rico, and Guam have an Office of the State Long-Term Care Ombudsman.

Who serves residents as long-term care ombudsmen?

Each state program is headed by a State Long-Term Care Ombudsman. Throughout the state, paid staff and volunteer ombudsmen serve residents. There are over 1,000 paid ombudsmen and more than 11,333 volunteers in the nationwide LTCOP, 8,700 volunteers are certified to handle complaints.

What specific services do long-term care ombudsmen provide?*

<table>
<thead>
<tr>
<th>Ombudsman Activities</th>
<th>Nationwide Data 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Provide information to individuals</td>
<td>282,964 contacts</td>
</tr>
<tr>
<td>• Investigate complaints</td>
<td>261,257 by 158,413 individual complainants</td>
</tr>
<tr>
<td>• Work with resident councils</td>
<td>15,692 events</td>
</tr>
<tr>
<td>• Work with family councils</td>
<td>5,509 events</td>
</tr>
<tr>
<td>• Conduct training for:</td>
<td># of sessions</td>
</tr>
<tr>
<td>- Ombudsmen</td>
<td>9,585</td>
</tr>
<tr>
<td>- Facility staff</td>
<td>7,622</td>
</tr>
<tr>
<td>- The local community</td>
<td>10,109</td>
</tr>
</tbody>
</table>

* 2002 NORS Data, Administration on Aging (most recent information available)
CELEBRATE 30 YEARS of the LONG-TERM CARE OMBUDSMAN PROGRAM

From Demonstration Projects to a Nationwide Program!

A. Created to Serve Long-Term Care Residents

The Long-Term Care Ombudsman Program is unique in its statutory responsibility to serve residents. Ombudsmen resolve problems for individuals, assist resident and family councils and citizen organizations, and represent residents’ needs and interests to public officials. The ombudsman role is often described as one of getting service providers, regulators, and others to fulfill their responsibilities to residents.

B. What Ombudsmen Say About Their Role

“I strive to help residents restore and/or maintain their dignity. For I’ve learned that without dignity, even the absolute best care doesn’t matter—life doesn’t matter.”

Valerie Hopson-Bell, Virginia Local Ombudsman

“I was pleasantly surprised when I got the job that I finally had time to listen to residents and help them resolve their problems and make their own decisions...The greatest experiences I have had working as an ombudsman are listening to people and treating them as a valued human being, working with citizens to become volunteer ombudsmen, and facilitating staff, residents, and families to communicate with each other.”

Vivian Omagbemi, Maryland Local Ombudsman

“I feel so lucky to have had a position [for 21 years] where I could act on my values. Lucky, so lucky to be able to work out solutions for individuals and at the same time work with the finest colleagues to change systems.”

Virginia Fraser, Former Colorado State Long Term Care Ombudsman

“Few other jobs so empower and compel a person to identify and speak the truth in all circumstances, even when doing so may draw criticism, anger, or even punishment. The opportunity to speak up for someone who cannot do so for herself, to advocate for individuals or groups of people who otherwise might have no voice, no ‘seat at the table,’ keeps every day fresh and gives every meeting the potential to be important.”

Esther Houser, Oklahoma State Long Term Care Ombudsman

“Ombudsman advocacy gives me the opportunity to side with our everyday heroes—our parents, teachers, veterans, farmers, laborers, health practitioners, and spiritual leaders. These folks are now also survivors of chronic illness or catastrophic health events who occasionally need a little help to maintain their dignity and autonomy. I am so proud to work with a team of staff and volunteers who recognize these heroes and have the courage to challenge providers to do the right thing; to treat people fairly with dignity and respect for their quality of life while providing quality health care.”

Sharon Zoesch, Minnesota State Long Term Care Ombudsman
“To be in a one of a kind position, in the respective state, brings with it an awesome feeling of importance and provides immense experiences but carries with it great responsibility. Being responsible not only to the local programs but more importantly to the many elderly persons confined in a long term care facility.”

Adrian Wheeler, Tennessee State Long Term Care Ombudsman

C. Why Ombudsmen Stay with the Program

“In the past 27 years I have served the public in various capacities...None of these positions has been more satisfying and rewarding than serving the frail and elderly residents of our long-term care facilities. This is truly a labor of love for me and I know that I speak for all of the volunteers and program staff when I say that our reward comes from knowing that these individuals are better off because of the work we do.”

John Sammons, Kentucky State Long Term Care Ombudsman

“I love the challenge of tilting the windmills of long term care in the resident’s favor.”

Sharon Zoesch, Minnesota Long Term Care Ombudsman

“After 11 years, the work remains challenging and rewarding in addition to being extremely important to all who require long term care services.”

Alice Sessions, Local Ombudsman, Vermont, Chair of the National Association of Local Long Term Care Ombudsmen

“Having people recognize that they have life-skills in solving problems, and then helping them apply those skills in the ‘brave new world’ of a nursing home...both empowers the consumer and provides a sweet reward to the ombudsman who facilitates that process.”

Esther Houser, Oklahoma State Long Term Care Ombudsman

“If ombudsmen can help residents take more time to reflect, take more risks, and make a change for improving the human condition that would last beyond their lifetime, then ombudsmen can look over their years as having been pretty darn good ones!” (These 3 areas are based on research with elders 90+.)

Kary Hyre, Washington State Long Term Care Ombudsman

“It’s the best job in the world.”

Carol Scott, Missouri State Long Term Care Ombudsman, President of the National Association of State Long Term Care Ombudsman Programs
D. What Others Say About Ombudsmen

“I was privileged to know the late Dr. Arthur Flemming, who pioneered the American version of ombudsman to advocate for nursing home residents. I am sure he would be extremely proud of the humanitarian work embodied in today’s nationwide program. He would also support all current efforts to strengthen the network so residents of all long term care facilities gain access to its services. Even though the program’s resources are limited, it is comforting to know that thousands of residents throughout the country benefit greatly from the daily advocacy of ombudsmen, paid and volunteer. Kudos and more power to the program!”

Elma Holder, Founder of the National Citizens’ Coalition for Nursing Home Reform

“The Long Term Care Ombudsman is basically a thankless job, probably the toughest in the aging network...an ombudsman is a ‘professional critic’ and no one likes a critic. The ombudsman speaks beyond particular nursing home problems to address state policies as well.”

Bill Benson, The Benson Consulting Group, formerly the Deputy Assistant Secretary for Aging at the Administration on Aging, excerpt from an interview in the Older Americans Report, April 26, 2002, p. 134

“Good Ombudsmen are the most gutsy, caring, committed people I know, doing the hardest job imaginable. It’s a privilege to work on their behalf as they work on behalf of residents, who often have nobody else to stick up for them and protect their interests.“

Sue Wheaton, Ombudsman Program Specialist, Administration on Aging