

STATE LONG-TERM CARE OMBUDSMAN PARTICIPATION IN THE DEVELOPMENT OF STATE AGING PLANS

Developed by Jessica Barker and Sara Hunt



1828 L Street, NW, Suite 801 • Washington, DC 20036
Tel: (202) 332-2275 • Fax: (202) 332-2949
E-mail: ombudcenter@nccnhr.org • Web site: www.ltombudsman.org



1201 15th Street, NW, Suite 350 • Washington, DC 20005
Tel: (202) 898-2578, ext. 134 • Fax: (202) 898-2583
E-mail: nyahya@nasua.org • Web site: www.nasua.org

Acknowledgements

ADVISORY COMMITTEE

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ABOUT THE AUTHORS

Jessica Barker is a Policy Associate at the National Association of State Units on Aging, and partners with the National Ombudsman Resource Center in this role. Jessica's expertise is in the area of public health policy, and she is currently pursuing a Masters of Public Health from the University of North Carolina School of Public Health.

Sara Hunt, MSSW, is a consultant for the National Long-Term Care Ombudsman Resource Center with expertise in the areas of ombudsman training, policy development, program management, and care planning and quality of life. Sara was the State Long-Term Care Ombudsman in Louisiana for five years (1981-1986) and has served as a consultant to the Ombudsman Resource Center since 1987. For more than thirty years, Sara has been developing and conducting training programs, most of those for ombudsmen. She is co-author of *Nursing Homes: Getting Good Care There*.

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STATE PLAN OPPORTUNITIES

State Aging Plans provide opportunities for the Long-Term Care Ombudsman Program. The state plan can:

- address the needs of long-term care consumers, including individuals living in facilities,
- clarify the connection between the long-term care ombudsman program and other aging services,
- enhance the coordination between the long-term care ombudsman program and other aging services, and
- increase the visibility of the long-term care ombudsman program as a vital service and resource.

This issue brief will provide examples and tips for State Units on Aging and for State Long-Term Care Ombudsmen on using the state plan to benefit consumers living in long-term care facilities.

STATE PLAN REQUIREMENTS

Each State Unit on Aging develops a State Plan on Aging as required by Section 307 of the Older Americans Act. The State Plan is a comprehensive document for aging services which includes input from consumers. Through a Program Instruction, the Administration on Aging (AoA) provides guidance to the states for the development of their plans. The instruction includes AoA's vision for aging services and for the plan.

The State Plan is required to include assurances about the Long-Term Care Ombudsman Program (LTCOP).

(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.

§ 307 of the Older Americans Act, PL 106-501

http://www.aoa.gov/OAA2006/Main_Site/oa/oa_full.asp#_Toc153957674

ANALYSIS OF CURRENT STATE PLANS AND PLAN DEVELOPMENT

The National Long-Term Care Ombudsman Resource Center (NORC) recently examined two aspects of state plans,

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- the participation of state long-term care ombudsmen in the development of the state plan, and
- the content related to the ombudsman program in the state plan.

This issue brief is based on information from three primary sources: responses to questions about plan development and content, a review of state plans, and interviews with a few state ombudsmen. All state unit on aging directors and state long-term care ombudsmen were invited to provide information about their state planning process and plan content. A total of forty-five states and the District of Columbia and Puerto Rico responded to the questions. A summary of the responses is included as an appendix to this brief. The plans of all fifty states and the District of Columbia were also reviewed. Interviews with a few state ombudsmen were conducted to gather more specific information about beneficial aspects of participating in the state planning process.

There are differences among the states in the purpose and organization of the state aging plan. In some instances, state plans primarily represent policy documents that address state and federal requirements and interests. In other states, the plan is a working document that delineates the details of functions and responsibilities.¹ In either case, there are varied opportunities to include the Long-Term Care Ombudsman Program in the state planning process and to integrate the knowledge and work of this program into the state plan itself.

HIGHLIGHTS

State Long-Term Care Ombudsman (SLTCO) Participation in Plan Development

All but seven states involve the SLTCO in drafting the state plan. The extent of the involvement ranges from submitting or reviewing basic content narrative about the ombudsman program, to participating as part of the management team from the beginning of the planning process through the completion of the plan. In programs that are located outside of the state agency on aging, some SLTCO reported participating in plan development, others reported having minimal input into the plan.

Long-Term Care Ombudsman Program Content

State Plans include information on the program that ranges from a brief description of the program to an overview of the program's accomplishments, the needs of long-term care consumers, and the program goals and strategies for the years covered by the state plan. A content analysis of fifty-one current state plans found that forty-nine plans included content about the program. In these plans, there is a clear

¹ Some of the differences were expected. The comprehensive planning model, developed by NASUA under a grant from AoA, has not yet been implemented by all states. All states do not have the same plan period so there are approved plans in place that are not based on the comprehensive planning model. The model is intended to provide states with the resources to develop state plans that are meaningful, useful documents that provide essential information about what the Aging Network intends to accomplish over the state plan period (usually 2 to 4 years). In addition, AoA periodically issues a Program Instruction (PI) with guidance to the states on developing and submitting state plans and amendments. The PI typically contains focus areas that states asked to include in their state plans. The 2010 PI issued by AoA includes as a focus area, Elder Rights, which encourages states to emphasize their Ombudsman programs. See AoA-PI-09-01 available at http://www.nasua.org/tasc/resource_links/aoa_fed_guide.html.

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correlation between the involvement of the SLTCO and the amount of information about the program in the state plan. The most comprehensive information concerning the program includes future goals and responsibilities that exceed or are more detailed than the program responsibilities listed in the Older Americans Act.

Benefits of SLTCO Participation in Plan Development

From the perspectives of state unit directors and of SLTCO, several benefits were identified when the SLTCO participates in the development of the plan. A few of these are listed below.

SLTCO participation provides:

- information about the purpose of the Long-Term Care Ombudsman Program,
- insight on the types of quality issues and other needs of long-term care consumers,
- inclusion of the needs of frail and vulnerable elders,
- inclusion of services to long-term care consumers as part of the overall aging network services,
- a strategic direction to guide program activities and objectives,
- a template for the expectations of local program activities and objectives,
- outreach strategies to potential consumers and volunteers,
- improved coordination with abuse and neglect prevention activities, and
- protocols for referral between information and assistance, particularly in the area of quality report card or five star rating inquiries.

TIPS FOR STRENGTHENING THE STATE PLAN TO BENEFIT LONG-TERM CARE CONSUMERS

The following tips for state agency directors and for SLTCO come from the survey responses, the analysis of state plans, and interviews with a few SLTCO. When SLTCO participate in the early stages of plan development and are an integral part of the process, the plan reflects more inclusion of long-term care consumers and residents as part of the aging network.

TIPS FOR STATE UNIT DIRECTORS

- Involve the SLTCO in management team discussions to generate ideas for the overall direction of the state plan.
- Utilize the expertise of the SLTCO in developing goals and strategies to address the needs of frail, vulnerable elders, and of elders receiving home and community based services even if the ombudsman program is not the primary service provider to these consumers.
- Involve long-term care consumers, including residents, in providing input into the plan.
- Include applicable ombudsman program goals in different content sections of the plan, particularly

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throughout the Elder Rights Section. Consider additional areas such as training, coordination activities, and review of Area Agency on Aging plans, as appropriate for SLTCO input and/or participation in a goal or strategy.

TIPS FOR STATE LONG-TERM CARE OMBUDSMEN

- Use the state plan development process to advocate for addressing the needs and interests of long-term care residents as part of the aging network's overall responsibility.
- Initiate a discussion with the state unit director about the importance of participating in the plan development.
- Advocate for direct input into the state plan by long-term care residents.
- Use the state plan development process as an opportunity to:
 - o Demonstrate how achieving the objectives of the ombudsman program contributes to the overall objectives and mission of the state agency,
 - o Gain acknowledgement that the program's advocacy for residents in long-term care facilities is integral to advocacy for elders throughout the state,
 - o Strengthen coordination and collaboration with other aging programs or initiatives, including such emerging efforts as Aging and Disability Resource Centers and Nursing Home Diversion,
 - o Highlight and strengthen collaborative efforts between state and local ombudsmen and with regulators, providers and other consumer advocates,
 - o Engage the support of the state unit director and of the broader aging network for the mission and goals of the program,
 - o Assure that the information about the program that is in the state plan is accurate,
 - o Assure that the state plan does not conflict with program goals or responsibilities,
 - o Gain information about what other programs and services are doing that may impact long-term care residents or the Long-Term Care Ombudsman Program's systems advocacy,
 - o Increase your knowledge about funding allocations and potential resources that may be available to the program, and
 - o Increase the public visibility and understanding of the program through the hearing process.
- Use the state plan as a tool for program management by:
 - o Participating in the needs assessment process and the public hearing process to learn more from consumers about systems and care issues and to disseminate information about the program's services,
 - o Sharpening the focus of the program by delineating systems advocacy goals and activities and connecting these goals with those of other aging network programs whenever possible,
 - o Providing direction for long term projects designed to strengthen the program,
 - o Including goals and strategic directions that will guide program activities and objectives at the

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- state and local levels, connect these targets to the program's National Ombudsman Reporting System data,
- o Including all aspects of the program including training for LTCO, outreach to residents, and advocacy,
 - o Assuring that the state plan meets the standards for required services which can be used to monitor local program performance.

SAMPLES OF PLAN ACTIVITIES AND STATE PLANS

There are examples of good practices and innovative approaches in many states. Excerpts of Long-Term Care Ombudsman Program information in state plans are included in this section of this issue brief. These examples demonstrate positive outcomes when the SLTCO participates in the plan development process and the program is integrated into the state aging plan. We know that other states may have similar examples or practices that are noteworthy. These are offered to prompt discussion and ideas.

ACTIVITIES

Synergy Through Collaboration,

example from Esther Houser, Oklahoma State Long-Term Care Ombudsman

One division wide goal of the state agency on aging is to prevent abuse.

The SLTCOP wanted to produce a residents' rights video. This became a state plan goal for the LTCOP and also with the state agency's public relations office. Public relations was working with a state university on another project. The LTCOP accessed university resources and talent to develop the video. It will be distributed to all area agencies on aging and to nursing facilities. "There is a chance that if you get to help shape the vision, you are not as marginalized when it comes to sharing resources."

Input from Individuals in Long-Term Care Facilities,

example from Becky Kurtz, Georgia State Long-Term Care Ombudsman

During the most recent state plan cycle, the state agency on aging contracted with two universities in Georgia to conduct separate types of surveys of current and future/potential consumers of aging services. The SLTCO advocated for long-term care residents to be part of the survey process, worked with the researchers to develop questions and methodology, and worked with the state agency to integrate the long-term care residents' perspectives into the state plan.

Use the link under Georgia State Plan in the following section to connect to the survey results and to learn more about the process for resident input.

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SLTCOP SECTIONS IN STATE PLANS

- The Georgia State Plan offers comprehensive information on the LTCOP, its achievements and future initiatives, pages 41-43. The plan requires local agencies to include a LTCO Annual Plan in their area agency on aging's area plan. The local LTCO plan must meet the standards for each required service. Both the area agency on aging and the State LTCO must approve the plan. They then use the plan to evaluate each local program's performance.

<http://aging.dhr.georgia.gov/portal/site/DHR-DAS/menuitem>

RESOURCES

Older Americans Act provisions for state plans, Section 307: http://www.aoa.gov/OAA2006/Main_Site/oa/oa_full.asp#_Toc153957674

Tools and information related to the planning process: <http://www.nasua.org/tasc/index.html>

Samples of state plans: http://www.nasua.org/tasc/resource_links/state_plans_plan_resources.html

Additional information on the STLCOP participation and content sections in state plans, contact the National Long-Term Care Ombudsman Resource Center, (202) 332-2275, ombudcenter@nccnhr.org.

SUMMARY OF RESPONSES: STATE LONG-TERM CARE OMBUDSMAN PARTICIPATION IN STATE UNIT ON AGING PLANS

In the fall of 2008, NASUA and its partner in operating the National Ombudsman Resource Center, NCCNHR: the National Consumer Voice for Quality Long-Term Care, surveyed State Units on Aging (SUAs) and State Long-Term Care Ombudsman Programs concerning the role that the State Long-Term Care Ombudsman (SLTCO) has in crafting State Plans on Aging.

SURVEY RESULTS

- Thirty-four State Long-Term Care Ombudsman Programs and 33 SUAs responded to the survey.² Both the SUA and the State Long-Term Care Ombudsman Program responded to the survey in 21 states. In 45 states, the District of Columbia, and Puerto Rico either the State Long-Term Care Ombudsman Program or the SUA responded, so the survey results reflect the experience in 47 State Plans.
- Ninety-five percent of the responding SUAs indicated that the SLTCO in their state is involved in the drafting of the State Plan. In contrast, 85 percent of the State Long-Term Care Ombudsman Programs indicated that they are involved with drafting the State Plan.³ Two SUAs and five State Long-Term Care Ombudsman Programs stated that the SLTCO had no involvement in development of the State Plan.
- Ninety percent of respondents to the Ombudsman Program survey indicated that the State Plans on Aging in their states include information about the Ombudsman Program. Two respondents were not sure and two indicated that the State Plan did not include information about the Ombudsman Program. Ninety-seven percent of SUAs indicated that their State Plans include information about the Ombudsman Program. An independent review of the State Plans of all 50 states and the District of Columbia revealed that only three State Plans do not include any mention of the Ombudsman Program.
- SUAs responding to the survey found involvement from the Ombudsman Program to be valuable. In

² While slightly different surveys were sent to the SUA and the State Long-Term Care Ombudsman Program, in five states the SUA and the State Long-Term Care Ombudsman Programs responded to the same survey. In Idaho, Illinois, Michigan and New Jersey, both responded to the SUA survey. In Texas, both responded to the State Long-Term Ombudsman Program survey. Both surveys asked essentially the same questions about State Long-Term Care Ombudsman Program involvement in State Plan development and whether the State Plan contained specific information about the ombudsman program.

³ Nineteen of the 21 states where both the SUA and SLTCOP responded to the survey agreed on the response to this question. One SLTCOP responding in the negative indicated in narrative responses to other questions that it actually does have a role in drafting the State Plan.

Appendix:

fact, no state that responded to this question said anything negative about the participation of the program. One state believes the SLTCO's input is "critical in the development of the specific goals and objectives for [the state's] aging plan."⁴ Another State Director noted that the "the SLTCO plays a broader role as a management team member of our division in crafting the full plan."⁵ Yet another state said that the data the SLTCO provides about the types of complaints and situations that arise "informs the development and implementation of the State Plan's goals and strategies."⁶ Another recognized that the "Ombudsman Program is itself an important part of the services and supports which the State Unit on Aging provides."⁷

- 30 percent of SLTCO did not find the State Plan to be a valuable tool for the Ombudsman Program. Two SLTCO said that they plan for the Ombudsman Program separately from State Plan activities. One indicated that while they are not directly involved in drafting the State Plan, they do provide bullet points, but "without the context for their use."⁸ The respondent further observed that "it is a very disjointed effort...."⁹

- 60 percent of the SLTCOs said that the State Plan is a valuable tool for the Ombudsman Program. Those who commented favorably noted how the plan illustrated collaborative efforts within the agency.

For more information contact:

Jessica Barker or Catherine Rudd
National Association of State Units on Aging
1201 15th Street, NW
Suite 350
Washington, DC 20005
(202) 898-257
www.nasua.org

⁴ Nevada SUA Survey

⁵ Oklahoma SUA Survey

⁶ Alaska Survey

⁷ Nebraska SUA Survey

⁸ Ombudsman program survey from unidentified state.

⁹ Id.