

VOLUNTEERS IN THE LONG TERM CARE OMBUDSMAN PROGRAM: TRAINING, CERTIFICATION AND LIABILITY COVERAGE

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Long term care ombudsmen often report that their programs are under-funded to effectively fulfill program responsibilities. Increasing demands on the ombudsman program to serve assisted living facilities and to be a presence in facilities having serious financial problems put pressure on ombudsman programs to do more with less. One way that many ombudsman programs meet these challenges is by making use of volunteers in service delivery. Volunteers provide community accountability to facilities and expand the paid ombudsman's capacity to visit multiple facilities. Programs use volunteers in varying capacities: to make friendly visits to residents, to handle low level complaints, and, in some states, to handle all levels of complaints. However, in at least one state, volunteers are prohibited from handling complaints by state law.

The original intent of the ombudsman program was to use volunteers in provision of services. In his vision for the program, Arthur Fleming, U.S. Commissioner on Aging, felt that it was important for community-based volunteers to participate in order for the program to be successful. Ombudsman volunteers would be the eyes and ears of the community, working to ensure that its residents were treated with dignity and respect. In 1988, AARP developed a project to recruit volunteer ombudsmen. AARP has also developed a training manual, "Developing and Managing Long Term Care Ombudsman Volunteer Programs." For more information about AARP's efforts to encourage ombudsman volunteers, contact Louie L. Terango, Program Consultant for Health and Long Term Care at AARP (phone: 202-434-2133).

The National Long Term Care Ombudsman Resource Center received numerous requests in 1999 for information on the training and effective use of volunteers. Several states that do not have volunteer programs have begun to look at the funding needed to develop a successful program. While the Center had information about the number of volunteers, there was no detailed analysis of how volunteers were trained and certified. In addition, several states wanted information about liability insurance for volunteers – what programs were providing coverage and where they were purchasing this benefit.

This study, therefore, is an initial examination of the varied state ombudsman programs, their use of volunteers and the training provided. A simple survey was distributed to all state ombudsmen in the summer of 1999. (Attachment A) Please submit updated information to Center staff so that accurate information can be maintained and distributed.

Analysis

Volunteer Utilization

A large majority of State Ombudsman Programs (87%) utilize volunteers. Of the 52 programs surveyed (50 states, plus the District of Columbia and Puerto Rico), 45 have volunteer programs. The numbers of volunteers in the programs varies enormously among the states from as few as four in Idaho to as many as 3,500 in Iowa. Seven states do not have volunteer ombudsman programs - Alabama, Arkansas, Hawaii, Nevada, South Carolina, South Dakota and Wyoming.

Long Term Care Ombudsman Volunteers

# of volunteers	# of states	% of states
none	7	13
1 – 50	15	28
51 - 100	9	17
101 - 500	16	30
501 - 1,000	2	3
1000 +	3	5

Includes 50 states, Puerto Rico and DC

Of the 45 state programs that use volunteers, 38 states (84%) authorize the volunteers to handle complaints. This means that almost three-fourths of all state programs use at least some volunteers to handle complaints. The seven states that do not utilize volunteers to handle complaints are Delaware, DC, Idaho, Indiana, Iowa, Puerto Rico, and West Virginia. In West Virginia, state statute does not allow volunteers to handle ombudsman complaints.

Training and Certification

Thirty-seven state programs report having a certification process for their volunteers. Among those programs that require certification or that have a specific training program, the process varies, with 42 programs requiring classroom training (between five and 48 hours). Eleven programs require a test for certification, 16 require on-site in facilities training ranging between two and 30 hours. In addition, 18 state programs require continuing education between six and 24 hours annually. Four programs require an internship or probationary period for volunteers.

Liability Insurance

Twenty-five of the programs (55%) that use volunteers provide them with some liability insurance. Volunteers for nine of the programs are protected from liability by state statute. Of the ten, 8 programs have no additional liability protection. Much of the liability insurance for volunteers is provided through the local agencies that house the volunteers. Coverage for older volunteers is available in some communities from the Retired Senior Volunteers Program (RSVP).

Summary

Volunteers are clearly integral to many state long term care ombudsman programs. However, more discussion is needed on the effective utilization and training of volunteers which varies widely from state to state. An important question is the number and qualifications of paid ombudsman staff needed to effectively provide support and guidance to the ombudsman volunteers. The Ombudsman Resource Center hopes that this preliminary study will stimulate discussion about the recruitment and utilization of volunteers as well as providing information on the different strategies that states are using for volunteer training and certification. Samples of training manuals, volunteer forms and other detailed information can be obtained from the Center.

Volunteer Ombudsman Training, Certification and Insurance Coverage December 1999

State	# of Volunteers		Auth. for Complaints		Certification Process for Handling Complaints		Liability Insurance for Volunteers	
	State	Local	State	Local	Yes/No	Description	Yes/No	Who Pays/What Org.
Alabama	0	0	0	0	n/a	n/a	n/a	n/a
Alaska	15	0	15	0	Yes	Classroom trng. & 6 month internship. Must consult w/ STLCO on complaints for 6 months, and can only handle abuse complaints after 6 months	No	Protected by state statute
Arizona	0	122	0	122	Yes	16 hrs. classroom trng., 12 hrs./yr. Continuing trng.	Yes	Dept. of Economic Security
Arkansas	0	0	0	0	n/a	No volunteer program	n/a	n/a
California	0	1400	0	1400	Yes	36 hrs. classroom trng., 12 hrs./yr. Continuing trng., 3-4 months on-site trng. w/experienced ombudsman	Yes	Covered by local Area Agency on Aging policies
Colorado	1	65	0	50	Yes	30 hrs. classroom trng., exam, must sign a code of ethics.	Yes/No	Depends upon the local agency, mostly no
Connecticut	0	187	0	187	Yes	Classroom trng., shadow an experienced volunteer, then be certified to handle complaints depending upon severity of the complaint.	Yes	DSS, Elderly Services Div. provides insurance through the Volunteer Insurance Service, also protected by state statute
Delaware	57	0	0	0	No	15 hrs. classroom trng., on-site visits w/paid staff, 18 hrs./yr. in-service trng.	No	No insurance because just friendly visitors
Wash, D.C.	0	24	0	0	Yes	10 hrs. classroom trng., 2-5 hrs. on-site trng., participate in complaint handling, but have no access to records	Yes	Are covered by the liability policies of the local agencies which support them
Florida	17	500	17	500	Yes	Ombudsman trng. program, on-site trng. (3 complaint investigations, 3 annual inspections)	No	n/a

State	# of Volunteers		Auth. for Complaints		Certification Process for Handling Complaints		Liability Insurance for Volunteers	
	State	Local	State	Local	Yes/No	Description	Yes/No	Who Pays/What Org.
Georgia	0	70	0	17	Yes	24 hrs. classroom trng., 10 hrs. on-site trng. (7 nursing home, 3 personal care home), oral & written exam to handle complaints. Volunteer visitors must also have some classroom and onsite training.	Yes	State Dept. of Human Resources provides a policy, but no volunteers have applied for it.
Hawaii	0	0	0	0	n/a	n/a	n/a	n/a
Idaho	0	4	0	0	No	Friendly visitation only	No	n/a
Illinois	0	350	0	240	Yes	14 hrs. classroom trng. for handling complaints	No	Protected by state statute
Indiana	0	16	0	0	Yes	8 hrs. classroom trng., 16 hrs. on-site trng.	Yes/No	Some agencies that house the volunteers have policies that cover volunteers
Iowa	0	3,500	0	0	No	Not certified but receive 1 trng. session. Don't handle formal complaints, but work on issues at nursing home	No	Protected by state statute
Kansas	0	40	0	40	Yes	30 hrs. classroom trng.	No	Protected by state statute
Kentucky	0	300	0	200	Yes	24 hrs. classroom trng. and exam	No	n/a
Louisiana	0	360	0	60	Yes	Orientation by local coordinator, 26 hrs. classroom trng., 12 hrs. on-site trng., tested by local & state volunteer coordinator	Yes/No	Varies by the local agency
Maine	65	0	65	0	Yes	Interview, 1 day initial trng., 2 hrs. every 6-8 weeks, shadowing a staff person, additional trng. for complex investigations (11 volunteers so far)	Yes	LTCOP pays/Philadelphia Insurance Company
Maryland	0	89	0	89	Yes	In the process of approving new procedures for this	Yes	Covered by local county agencies, Baltimore city requires volunteers to purchase private insurance
Massachusetts	0	375	0	375	Yes	3 days classroom trng. and exam, monthly trng. and bi-annual recertification	Yes	The state pays/CIMA

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	State	Local	State	Local	Yes/No	Description	Yes/No	Who Pays/What Org.
Michigan	0	41	0	41	No	No certification, but do receive 5 hrs. classroom trng., some on-site trng. (2 visits), and quarterly in-service trng.	Yes	Covered under CBC policy

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Minnesota	0	75	0	75	Yes	20 hrs. orientation & 12 hrs. continuing education/yr. Required to work closely with paid ombudsmen.	Yes	State agency/CIGNA
Mississippi	0	26	0	13	Yes	8 hrs. classroom trng. & 8 hrs. continuing education/yr., plus 2 additional inservices	No	Protected by state statute
Missouri	0	335	0	335	No	18 hrs. trng., 3hrs. quarterly trng., on-site supervision, and required to attend state-wide conference (8 hrs.)	Yes	RSVP or area agency pays /CIMA, also protected by state statute
Montana	0	8	0	8	Yes	45 hrs. classroom trng., 16 hrs. recertification trng./yr.	No	Protected by state statute
Nebraska	0	23	0	23	Yes	32 hrs. classroom trng, 3 months probation, 12 hrs. trng. every 2 yrs.	No	n/a
Nevada	0	0	0	0	n/a	n/a	n/a	n/a
New Hampshire	24	0	24	0	Yes	40 hrs. classroom trng., 10 hrs. on-site trng., more complex complaints handled by paid staff	No	n/a
New Jersey	0	179	0	179	Yes	32 hrs. classroom trng. and exam to handle quality of care/life, but don't handle abuse/neglect/ exploitation complaints	Yes	Service provider agency provides
New Mexico	0	112	0	112	Yes	3 day trng., 3 months probation, 1 inservice trng./month, annual meeting	No	Protected by state statute
New York	0	550+	0	550+	Yes	36 hrs. classroom trng. & recommendation of local coordinator to state ombudsman. 4-6 hrs. Medical Record Access Trng.	No	State and local programs will legally represent any volunteer who has acted in good faith
North Carolina	0	1172	0	1172	Yes	15 hrs. classroom trng./ 10 hrs. additional trng./yr.	No	n/a
North Dakota	0	65	0	65	No	Orientation trng. and supervision by re-	Yes	Covered under N. Dakota,

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	State	Local	State	Local	Yes/No	Description	Yes/No	Who Pays/What Org.
						gional ombudsman		Dept. of Human Services/ Dept. of Health pays

Ohio	0	209	0	200	Yes	10 hrs. classroom trng. & exam for intake & low level complaints, 10 additional hrs. & exam for higer level under supervision from paid staff	No	Briefly covered under AARP grant, but not now
Oklahoma	0	219	0	219	Yes	2 day trng., supervision, monthly meetings for continuing education	No	Covered by protection law for ombudmen
Oregon	253	0	160	0	Yes	48 hrs. classroom trng., final exam, on-site trng. w/ experienced ombudsman	No	Indemnified against liability if acting within scope of duties
Pennsylvania	0	167	0	35	Yes	3 day in-depth training	No	Covered by federal volunteer statute
Puerto Rico	0	10	0	0	Yes	30 hrs. classroom trng. and exam	Yes	State Agency pays/ Atlantic Southern Insurance Company
Rhode Island	27	0	27	0	Yes	36 hrs. classroom trng., 3 mos. on-site trng.	Yes	LTCOP pays
South Carolina	0	0	0	0	n/a	In process of developing.	n/a	n/a
South Dakota	0	0	0	0	n/a	Tried to start a program a couple of yrs. ago, but had a lack of resources to follow through & attract volunteers	n/a	n/a
Tennessee	0	237	0	217	Yes	16 hrs. intensive classroom trng. on regulations and conduct	No	n/a
Texas	1	697	0	697	Yes	34 hrs. classroom trng., 3 month internship, 12 hrs./yr. continuing ed.	Yes	Title III omb./CIMA
Utah	0	12	0	10	Yes	30 hrs. classroom trng. & exam, 24 hrs./yr. ongoing recertification trng.	Yes	Covered under volunteer programs at the local

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								AAAs
Vermont	0	26	0	12	Yes	20 hrs. classroom trng. and 30 hrs. on-site trng. Handle low level complaints and medium level w/ supervision	Yes	Covered by Vermont Legal Aid, Inc. malpractice insurance
Virginia	0	375	0	375	Yes	3-day trng., exam, monthly trng., bi-annual recertification	Yes	LTCOP pays/Virginia CIMA

Washington	11	401	2	401	Yes	36 hrs. trng. on facility types, role, resident rights, legal issues, complaint investigation	Yes	LTCOP pays/through the sponsoring agency, S. King County Multi-Service Center
West Virginia	0	9	0	0	No	Prohibited by state law from handling complaints	Yes	provided by the Legal Aid Society of Charleston
Wisconsin	0	55	0	55	No	6 hrs. classroom trng., 2 hrs. on-site trng., 4 hrs. monthly skill training. Volunteers refer serious complaints.	Yes	State blanket liability policy, no cost
Wyoming	0	0	0	0	n/a	n/a	n/a	n/a

Attachment A

Survey Questions

1. How may volunteers currently serve in the ombudsman program in your state? On the local level? On the state level?
2. How many of these volunteers have the authority to handle complaints?
3. Does your state have a certification process that must be completed before a volunteer can handle complaints? Please describe briefly.
4. Do the volunteer ombudsmen have liability insurance? If so, who pays for it and what organization makes it available? (Please note if insurance coverage has been a problem in your state.)

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The Ombudsman Resource Center thanks the State Ombudsmen and their staff for providing us with detailed information on this topic. As always, the Center could not gather and disseminate information without the cooperation of the State Ombudsmen.

ABOUT THE AUTHOR

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ABOUT THE REPORT

For more information about this topic, contact the National Long Term Care Ombudsman Resource Center, National Citizens' Coalition for Nursing Home Reform, 1424 16th Street, NW, Suite 202, Washington DC 20036-2211, 202-332-2275.

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