



**FREQUENTLY ASKED QUESTIONS ABOUT THE  
LONG-TERM CARE OMBUDSMAN PROGRAM (LTCOP)**

**What is the role of the ombudsman?**

The primary responsibility of the LTCOP is to serve as the resident advocate. The role of the ombudsman is not to do the job of other agencies, but to get them to do their job in a way that works for residents.

Long-Term Care Ombudsmen...	
<b>Do not conduct licensing and regulatory inspections or investigations</b>	<ul style="list-style-type: none"> <li>• LTCO are knowledgeable of federal and state regulations and will refer to the relevant regulations as they advocate for the highest quality of care and life of residents.</li> <li>• If necessary, with resident consent, LTCO will file a complaint with licensing and regulatory.</li> </ul>
<b>Are not Adult Protective Services (APS) investigators</b>	<ul style="list-style-type: none"> <li>• LTCO provide information regarding preventing and reporting abuse, neglect and exploitation.</li> <li>• LTCOPs do not have the same standard of evidence requirement as APS. LTCOPs attempt to resolve complaints to the residents' satisfaction, not gather evidence to substantiate that abuse occurred.</li> <li>• The LTCOP investigation process regarding allegations of abuse varies by state. However, most LTCOPs refer complaints about abuse to the appropriate state agency.</li> <li>• If necessary, with resident consent, LTCO will file a complaint about alleged abuse or advise another individual to do so.</li> </ul>
<b>Do not provide direct care for residents</b>	<ul style="list-style-type: none"> <li>• LTCO share information about quality care practices and ways to enhance the quality of life for residents.</li> <li>• LTCO are a resource for staff training and provide information for community resources.</li> </ul>
<b>In addition to working to resolve complaints on behalf of residents, ombudsmen:</b>	<ul style="list-style-type: none"> <li>• Educate consumers about residents' rights, good care practices, and other related topics.</li> <li>• Provide information to the public regarding long-term care facilities and services, residents' rights, and legislative and policy issues.</li> <li>• Educate providers about residents' rights, good care practices, preventing abuse and neglect and other issues regarding quality of life and quality of care.</li> <li>• Help develop and support resident and family councils by providing information and assistance in starting or strengthening a council.</li> <li>• Advocate for improvements in the long-term care system that will benefit residents of long-term care facilities.</li> </ul>

### **Who is the Long-Term Care Ombudsman's (LTCO) client?**

The resident is the ombudsman's client. The Older Americans Act (OAA), a federal law that gives ombudsmen their authority, requires ombudsmen to represent the interests of residents. LTCO support resident-centered care and residents guide all LTCO work. The OAA requires that LTCO have resident consent prior to investigating a complaint or referring a complaint to another agency. When someone other than the resident files a complaint, the ombudsman must determine, to the extent possible, what the resident wants.

### **After I bring a concern to the ombudsman, what will the ombudsman do next?**

After receiving the complaint, the ombudsman will visit the resident in order to understand the resident's capacity to make decisions. Many residents, even residents with dementia, are able to express their wishes. If the resident wants the ombudsman to act on the problem the ombudsman will investigate the complaint and continue to communicate with the resident throughout the investigation process.

### **What happens if a resident is not able to give direction to the ombudsman?**

If the resident cannot indicate to the ombudsman what he or she would like and is not able to provide consent, the ombudsman assumes the resident would want his or her health, safety and welfare protected. The ombudsman will then work with you as the complainant.\* However, if the complaint requires the ombudsman to review the resident's health or financial records and you do not have the legal authority to access those records, the ombudsman must request permission from the person who does have proper authority.

*\* If the complainant is not the legal representative for the resident, the ombudsman would speak with the resident's legal representative before proceeding with the complaint.*

### **What are some reasons why the ombudsman may not be able to act on my concern?**

As noted above, one of the reasons would be if the resident did not think there was a problem or did not want the ombudsman to do anything. Other reasons may include:

- The resident does not give the LTCO permission to move forward with the complaint and the complaint does not impact other residents.
- The complaint does not fall within the scope of the LTCOP (e.g. the complaint needs to be investigated by the state agency that regulates long-term care facilities).
- The resident moved out of the facility or passed away before the LTCOP received the complaint.

Although the resident may not provide consent to pursue a complaint there are other actions ombudsmen can take that will both honor her confidentiality and work to ensure that she is receiving quality care and is protected from harm. Such actions may include:

- During future visits the ombudsman asks the resident if she has changed her mind about pursuing the complaint
- If the ombudsman observes the problem themselves they can pursue the complaint as the complainant

### **What are my options if the resident does not feel there is a problem or does not want anything to be done?**

You could speak with the facility staff yourself or file a complaint with the state agency that regulates long-term care facilities. In some cases, if the ombudsman believes your complaint impacts other residents, he or she may pursue a broader investigation that would not reveal your loved one's identity.

### **What does the LTCO investigation include?**

The investigation process depends on the nature of the problem. The LTCO may interview residents, families and staff, observe conditions and care, and review documents. The purpose of the investigation is to determine if there is information to support the complaint and to gather the information needed to try to resolve it to the residents' satisfaction.

### **Will the ombudsman tell the facility staff that I've filed a complaint about my loved one's care?**

Not unless you give your permission. Under federal law, the ombudsman cannot disclose the identity of the person making the complaint unless that person consents. However, depending on the nature of the complaint, the ombudsman's investigation into the problem and efforts to resolve it may be limited if he or she can't reveal your identity. If that is the case, the ombudsman will do as much as possible without revealing your identity and then talk with you about where to go from that point.

### **Will the ombudsman tell me what he or she finds after investigating my complaint?**

Yes, if you are the complainant and the resident allows the LTCO to share the results with you. The resident controls the information that is found during the investigation and this information will only be shared with the resident's consent.

### **What can I do if I have concerns about how my local ombudsman has handled my complaint?**

Start by talking to your ombudsman and explaining your concerns. If you are still dissatisfied after that, speak with the ombudsman's supervisor. If the supervisor's response is unsatisfactory, contact the State Ombudsman. To find the name and contact information for the State Ombudsman visit [www.ltombudsman.org](http://www.ltombudsman.org) and click on "Locate an Ombudsman."