



**STATE LONG-TERM CARE OMBUDSMAN PROGRAMS MANAGING HOME CARE ADVOCACY
November 2012**

The information in this chart was gathered from telephone interviews with State LTC Ombudsmen in the mentioned states during 2011 and early 2012.

State

Alaska		
	Mandate to handle home care complaints?	State statute: “ <i>May</i> investigate and resolve a complaint made by or on behalf of an older Alaskan relating to the long-term care or residential circumstances of the older Alaskan.”
	Handles HCBS complaints?	No. Program currently not handling HCBS cases due to staffing constraints.
	Sources of funding	N/A
	Who program serves	N/A
	How consumers learn about program	N/A
	Staffing (dedicated staff?)	N/A
	Use of volunteers	N/A
	Training topics specifically for home care advocacy (not a comprehensive listing)	N/A
	Policies & Procedures specifically related to home care	N/A
	Organizational placement of investigating ombudsmen	N/A
	Number of complaints	N/A
	Top Complaint Categories	N/A

State

Delaware

Mandate to handle home care complaints?	State statute: Yes
Handles HCBS complaints?	Yes
Sources of funding	Tobacco money; Medicaid
Who program serves	Adults residing in home and community based settings and/or receiving services from providers licensed to provide home and community-based services.
How consumers learn about program	No requirements that ombudsman information be given out. STLCO and HCBSO conducting major education and awareness campaign. Developed brochure.
Staffing (dedicated staff?)	Yes. One full-time staff person.
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	HCBS process, Olmstead, Case managers/ supervisors/ nurses: types of services – waiver v. non-waiver; grievance policy, field visit; provider regulations, client rights; outreach and collaboration; consent forms and HIPAA
Policies & Procedures specifically related to home care	Plan to revisit current LTCOP manual and add addendum as pertinent to include HCBSO and update sections with HCBSO practices.
Organizational placement of investigating ombudsmen	Department of Health and Social Services Office of the Secretary
Number of complaints	22
Top Complaint Categories	Information and Referral/Housing/Medication/Care Plan

State

District of Columbia

Mandate to handle home care complaints?

Handles HCBS complaints?

Sources of funding

Who program serves

How consumers learn about program

Staffing (dedicated staff?)

Use of volunteers

Training topics specifically for home care advocacy (not a comprehensive listing)

Policies & Procedures specifically related to home care

Organizational placement of investigating ombudsmen

Number of complaints

Top Complaint Categories

State

Idaho

Mandate to handle home care complaints?	State statute: The ombudsman shall be responsible for receiving, investigating and resolving or closing complaints made by or on behalf of residents of long-term care facilities or persons aged sixty (60) years or older living in the community.
Handles HCBS complaints?	No. Program is stretched too thin.
Sources of funding	N/A
Who program serves	N/A
How consumers learn about program	N/A
Staffing (dedicated staff?)	N/A
Use of volunteers	N/A
Training topics specifically for home care advocacy (not a comprehensive listing)	N/A
Policies & Procedures specifically related to home care	N/A
Organizational placement of investigating ombudsmen	N/A
Number of complaints	N/A
Top Complaint Categories	N/A

State

Indiana

Mandate to handle home care complaints?	State statute: shall receive, investigate, and attempt to resolve complaints and concerns that: (1) are made by or on behalf of a patient, resident, or client of a long term care facility or a home care service, except for an individual with a developmental disability who is receiving waiver services; and (2) Involve the health, safety, welfare, or rights of a resident or client.
Handles HCBS complaints?	No. State funding not provided to cover non-facility work.
Sources of funding	N/A
Who program serves	N/A
How consumers learn about program	N/A
Staffing (dedicated staff?)	N/A
Use of volunteers	N/A
Training topics specifically for home care advocacy (not a comprehensive listing)	N/A
Policies & Procedures specifically related to home care	N/A
Organizational placement of investigating ombudsmen	N/A
Number of complaints	N/A
Top Complaint Categories	N/A

State

Maine

Mandate to handle home care complaints?	State statute: shall investigate complaints received on behalf of individuals receiving long-term care services provided by home-based care programs, the Medicaid waiver program, licensed home health agencies, assisted living services providers, certified homemaker agencies and licensed adult day care agencies.
Handles HCBS complaints?	Yes
Sources of funding	State general funds.
Who program serves	Individuals receiving long-term care services provided by home-based care programs, the Medicaid waiver program, licensed home health agencies, certified homemaker agencies and licensed adult day care agencies.
How consumers learn about program	Information about LTCOP required to be given out by licensed home health agencies, the “assessing services agency,” the “home care coordinating agency,” independent housing with services providers Independent support services programs
Staffing (dedicated staff?)	No, but has one staff person with care management background who knows home care programs really well. This person will serve as “extra resource” to staff
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	Home care programs; eligibility criteria and process; regulations for all home care programs (e.g. licensed home care agencies, personal care agencies, adult day services; home maker) hiring personal care attendants; administering LTC programs; role of agencies involved in home care; appeals process
Policies & Procedures specifically related to home care	Need to get
Organizational placement of investigating ombudsmen	Within agency housed outside of state government
Number of complaints	FY 2011: 157
Top Complaint Categories	Top complaints: Denial/ reduction/ termination of services; inadequate plans of care; needing more services; co-pays; services don’t meet needs; staffing/provider issues; other miscellaneous complaints

State

Minnesota

Mandate to handle home care complaints?	State statute: Shall (1) gather information and evaluate any act, practice, policy, procedure, or administrative action of a long-term care facility, acute care facility, home care service provider, or government agency that may adversely affect the health, safety, welfare, or rights of any client; (2) mediate or advocate on behalf of clients
Handles HCBS complaints?	Yes
Sources of funding	State general funds.
Who program serves	All home care consumers. “an individual reserving or requesting a home care service
How consumers learn about program	State home care bill of rights requires all home care providers to give out
Staffing (dedicated staff?)	No – ombudsmen cover all settings. There is a dedicated specialist – home care, housing, services
Use of volunteers	Volunteers don’t currently handle home care complaints, but goal is to have them do so. Currently focus is on recruiting volunteers from diverse communities to do outreach in those communities
Training topics specifically for home care advocacy (not a comprehensive listing)	Training is the same regardless of setting.
Policies & Procedures specifically related to home care	Currently no policies/procedures specific to home care. However, may add one on safety and visiting (may need to go in pairs)
Organizational placement of investigating ombudsmen	Within umbrella agency (Department of Human Services) in state government
Number of complaints	600 for FY 2011 (based on “other facility complaints”
Top Complaint Categories	Termination of home care services; termination of tenancy in housing with services in which home care services are being delivered; confusing or inaccurate billing for services; not following service plan or incomplete service plan; staffing problems: lack of staff; staff not completing service plan; untrained staff

State

Ohio

Mandate to handle home care complaints?	State statute: shall receive, investigate, and attempt to resolve complaints made by ... recipients of community based long-term care services
Handles HCBS complaints?	Yes
Sources of funding	State general funds ; ombudsman bed fee (applies to ltc facilities, but money goes to entire program); 9 programs receive MFP funding for transition services
Who program serves	Anyone of any age receiving community based long-term care services (defined as Community-based long-term care services” means health and social services provided to persons in their own homes or in community care settings, and includes any of the following: (1) Case management;(2) Home health care;(3) Homemaker services;(4) Chore services;(5) Respite care;(6) Adult day care;(7) Home-delivered meals;(8) Personal care;(9) Physical, occupational, and speech therapy;(10) Transportation;(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.
How consumers learn about program	Must be given information when enrolling in Medicaid waivers, when receiving services funded through the Older Americans Act, and when receiving state funded home care
Staffing (dedicated staff?)	No
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	Topics covered are same as for facility – work (e.g. training covers regulations for facilities and regulations for home health care agencies.
Policies & Procedures specifically related to home care	No
Organizational placement of investigating ombudsmen	Within AAA, social services agency or other non-profit agency - Process developed to address conflict of interest.
Number of complaints	Need to get
Top Complaint Categories	Staff unresponsive and unavailable; problems with case management agency; staff attitudes

State

Pennsylvania

Mandate to handle home care complaints?	State statute: No authority. Aging Program directive states that an ombudsman shall investigate and seek to resolve complaints made by or on behalf of older individuals who are consumers of long-term care services. However, in HCBS arena, it is interpreted as applying only to clients of adult day centers.
Handles HCBS complaints?	Only in adult day services centers.
Sources of funding	State lottery
Who program serves	Waiver clients of adult day services centers. Ombudsman function as a resource only for individuals receiving Medicaid-funded HCBS services at home. Do not investigate complaints
How consumers learn about program	Adult day services centers must give clients ombudsman brochure and put up poster. Individuals receiving waived services are given ombudsman brochure by care manager
Staffing (dedicated staff?)	No
Use of volunteers	Volunteers used in adult day services centers.
Training topics specifically for home care advocacy (not a comprehensive listing)	HCBS waivers.
Policies & Procedures specifically related to home care	No
Organizational placement of investigating ombudsmen	In AAAs
Number of complaints	Need to get
Top Complaint Categories	In adult day services centers: activities, food, staff attitudes

State

Rhode Island

Mandate to handle home care complaints?	Yes
Handles HCBS complaints?	Yes
Sources of funding	State general funds
Who program serves	Clients of home care providers and home nursing care providers.
How consumers learn about program	Licensed home care providers place ombudsman information in admissions packets.
Staffing (dedicated staff?)	Yes. An RN (other ombudsmen are cross-trained to handle cases when home care ombudsman is not available)
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	For RN: safety, collaboration with Department of Elderly Affairs and mental health providers
Policies & Procedures specifically related to home care	No
Organizational placement of investigating ombudsmen	Outside of state government in a citizen advocacy group.
Number of complaints	39
Top Complaint Categories	financial exploitation, shifts not filled, missing narcotics, employees bringing their children to work

State

Vermont	
Mandate to handle home care complaints?	Yes
Handles HCBS complaints?	Yes
Sources of funding	State general funds; some global commitment waiver funds
Who program serves	Individuals receiving services under the long-term care Medicaid 1115 waiver
How consumers learn about program	Information about ombudsman program given to clients upon enrollment in waiver and whenever there is a proposed denial, reduction or termination of services
Staffing (dedicated staff?)	No
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	Medicaid waiver regulations and Program Manuals, home health regulations, case studies.
Policies & Procedures specifically related to home care	No
Organizational placement of investigating ombudsmen	Outside of state government in legal aid organization
Number of complaints	About 100
Top Complaint Categories	denial/reduction of services; scheduling of workers; not enough staff to provide care called for in plan of care

State

Virginia

Mandate to handle home care complaints?	Yes - State statute: The Department or its designee shall investigate complaints regarding community services that are designed to provide long-term care to older persons and are rendered by the Department of Health, the Department of Social Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the area agencies on aging or any private nonprofit or proprietary agency.
Handles HCBS complaints?	Yes
Sources of funding	State general funds
Who program serves	Any home care client age 60 or older
How consumers learn about program	Information is provided to people receiving Medicaid waiver services and is a part of the materials for the Medicaid “Money Follows the Person” program
Staffing (dedicated staff?)	No
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	General information about where to find home care regulations, home care patients’ bill of rights, the licensing entity responsible for oversight, the interplay between ombudsmen and APS when the complaint is with regard to a person in a private home setting, etc.
Policies & Procedures specifically related to home care	Do not currently have policies and procedures for home care work but are exploring the possible need for developing such policies.
Organizational placement of investigating ombudsmen	AAAs and?
Number of complaints	22
Top Complaint Categories	Failure to treat recipient with dignity/respects- staff attitudes; lack of adequate staff training; lack of a back-up plan by the agency when staff do not show for their shift; abuse – verbal/mental, ;physical, financial, sexual

State

Wisconsin

Mandate to handle home care complaints?	Yes
Handles HCBS complaints?	Yes
Sources of funding	State general funds; Some Medicaid funds
Who program serves	Individuals over 60 receiving services through Community Options Program (Medicaid waiver) and Family Care (managed care)
How consumers learn about program	Information about ombudsman program given to clients upon enrollment in waiver or managed care program and whenever there is a proposed denial, reduction or termination of services
Staffing (dedicated staff?)	No
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	How the managed care organization is structured and operates, contracts, how to apply for benefits, internal grievance processes, state fair hearings; personal safety
Policies & Procedures specifically related to home care	Confidentiality and consent, making home visits
Organizational placement of investigating ombudsmen	Separate state agency within state government
Number of complaints	Need to get
Top Complaint Categories	Denial of benefits, disenrollment, reduction of hours or services, cost-share issues

State

Wyoming

Mandate to handle home care complaints?	Yes
Handles HCBS complaints?	Yes
Sources of funding	State general funds; donations
Who program serves	Any one receiving Medicaid service
How consumers learn about program	Ombudsmen give brochures to wide range of agencies, senior centers, respite programs, home health agencies, APS workers, waiver case managers, civic groups, etc.
Staffing (dedicated staff?)	No
Use of volunteers	No
Training topics specifically for home care advocacy (not a comprehensive listing)	No
Policies & Procedures specifically related to home care	No
Organizational placement of investigating ombudsmen	Outside of state government
Number of complaints	176
Top Complaint Categories	Violation of rights of seniors in senior housing apartments, problems with outside service agencies, need for legal help and cannot obtain it, home and community alternatives, and people preying on seniors for money or use of their property