THE WHO, WHAT, WHERE, WHY, AND HOW OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

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Director, NORC
• **Use the Red Arrow** to expand or collapse your control panel.

• **Audio:** Select Mic & Speakers to use your speakers for audio or call-in using your phone. Choose the telephone option to see the call-in information.

• **Mute:** All lines are muted.

• **Questions:** Enter questions in this box and we will respond during the Q&A following the presentation or click the **hand icon** and we will unmute your line.

• **Recording:** The webinar recording will be available on our website. We will send a link to the recording and materials in a follow-up email soon.
What is NORC?

- Funded by the Administration on Aging/Administration for Community Living grant
- Operated by the National Consumer Voice for Quality Long-Term Care (Consumer Voice) in cooperation with the National Association of States United for Aging and Disabilities (NASUAD)
- Provides support, technical assistance, and training for state long-term care ombudsman programs and their program representatives:
  - Information, consultation, and referral for Ombudsman programs
  - Training and resources for state ombudsman programs and program representatives
  - Promotes awareness of the role of the Ombudsman program
  - Works to improve ombudsman skills, knowledge, and effectiveness in both program management and advocacy
What is the Long-Term Care Ombudsman Program (LTCOP)?

• LTCOP representatives are resident-directed advocates.

• LTCOPs advocate for quality of care and quality of life of residents in long-term care (nursing homes, board and care/assisted living, other similar adult care facilities).

• LTCOP provisions in the Older Americans Act (OAA) include:
  • Investigate and resolve complaints
  • Provide information to residents, families, staff (e.g. residents’ rights)
  • Advocate for systemic changes to improve residents’ care and quality of life.
History of the LTCOP

1972
• Five Nursing Home Ombudsman Demonstration programs established to focus on nursing home resident complaint resolution

1978
• Older Americans Act (OAA) amendments **required all states** to establish an Ombudsman Program
• Program designed to be a **local, community program** utilizing volunteers

1981
• Duties expanded to board and care homes (e.g., Assisted Living Facilities)
• Name changed from Nursing Home Ombudsman to Long-Term Care Ombudsman (LTCO)

1987
• LTCO access to resident records (with resident consent)
• States must prohibit willful interference of official LTCO duties and/or retaliation against a LTCO, resident or other individual related to LTCOP duties

2015
• Final Regulations for the LTCOP were published in the Federal Register on **February 11, 2015**

2016
• LTCOP Rule was effective **July 1, 2016**
• Older Americans Act was reauthorized
What Does the LTCOP Do?

- Identify, investigate, and resolve complaints made by or on behalf of residents.
- Provide information to residents about long-term care services.
- Provide technical support for the development of resident and family councils.
- Advocate for changes to improve residents’ quality of life and care.
- Represent resident interests before governmental agencies.
- Seek legal, administrative, and other remedies to protect residents.
- Ensure residents have regular and timely access to the LTCOP.
<table>
<thead>
<tr>
<th>Role of the LTCOP: Long-Term Care Ombudsman Program Representatives</th>
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<tbody>
<tr>
<td><strong>Do not conduct licensing and regulatory inspections or investigations</strong></td>
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<tr>
<td>• LTCO are knowledgeable of federal and state regulations and will refer to relevant regulations as they advocate for the highest quality of care and life for residents.</td>
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<tr>
<td>• If necessary, with resident consent, LTCO will file a complaint with licensing and regulatory.</td>
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<tr>
<td><strong>Are not Adult Protective Services (APS) investigators</strong></td>
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<td>• LTCO provide information regarding preventing and reporting abuse, neglect, and exploitation.</td>
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<td>• LTCOPs do not have the same standard of evidence requirement as APS and are not the “official finder of fact.” LTCOPs attempt to resolve complaints to the residents’ satisfaction (including those regarding abuse), not gather evidence to substantiate that abuse occurred.</td>
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<tr>
<td>• If necessary, with resident consent or permission of the State LTCO if the resident can’t consent and does not have a legal representative, the LTCO will file a complaint about alleged abuse.</td>
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<td><strong>Do not provide direct care for residents</strong></td>
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<td>• LTCO share information about quality care practices and ways to enhance the quality of life for residents.</td>
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<tr>
<td>• LTCO are a resource for staff training and provide information for community resources.</td>
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Who Does the LTCOP Serve?

• Individuals, regardless of age, living in long-term care facilities (e.g., nursing homes, assisted living/board and care, similar adult care facilities).
  • In accordance with federal law, facilities must provide the LTCOP with access to residents.
  • In a small number of states, LTCOPs also visit individuals that receive long-term care services in their own home.

• As resident advocates:
  • The resident guides LTCOP action.
  • The LTCOP needs resident consent prior to taking any action on a complaint or sharing resident information.
  • The LTCOP seeks to resolve complaints to the residents’ satisfaction.
  • The LTCOP represents residents’ interests, both individually and systemically.
  • The LTCOP empowers residents and promotes self-advocacy.

*If the resident cannot provide consent, the LTCO will work with the resident’s legal representative or follow their state procedure if the resident doesn’t have a legal representative.*
Who Represents the LTCOP?*

• 53 State Long-Term Care Ombudsman Programs
  • Each state, Guam, Puerto Rico, and Washington D.C.
  • Program structure varies (e.g., centralized, decentralized)

• 552 local Ombudsman entities

• 1,300 full-time staff

• 7,734 certified volunteers donated 708,323 hours of service
  • All designated representatives of the Office receive training, including volunteers
  • Not all programs utilize volunteers

*2015 National Ombudsman Reporting System (NORS) data [http://ltcombudsman.org/omb_support/training/nors#Data](http://ltcombudsman.org/omb_support/training/nors#Data)
LTCOP Activity Highlights (2015)

- Visited **27,559** long-term care facilities at least quarterly
- Attended **22,281** Resident Council Meetings and **2,073** Family Council Meetings
- **10,821** community education sessions
- **5,054** trainings for LTC facility staff
- **122,213** consultations to LTC facility staff
- **398,057** information and consultation to individuals (residents, family members, others)
LTCOP Complaint Investigations

• LTCOP representatives:

  • Investigate individual complaints and address concerns that impact several or all residents in a facility.

  • Can address general concerns they personally observe during a visit (e.g. odors, concerns about the environment, staff not knocking on resident doors before entering).

  • Cannot share information without resident consent.

  • Investigate to gather the facts, but the main goal is to resolve the issue to the residents’ satisfaction.

  • Call upon others to fulfill their responsibilities to residents.

  • Represent resident needs by working for legislative and regulatory changes (e.g., coordinated systems advocacy lead by the State Ombudsman).

- Nationwide, in 2015 the LTCOP investigated and worked to resolve **199,238 complaints**.

- LTCOPs handle a variety of complaints about quality of life and care.

- Not all complaints are about the care provided by a facility, some complaints are about outside agencies, services, or individuals.

- LTCO can receive and respond to complaints from individuals other than the resident (e.g., family member), but LTCO still need resident permission to investigate or share information.*

*If the resident cannot provide consent, the LTCO will work with the resident’s legal representative or follow their state procedure if the resident doesn’t have a legal representative.
<table>
<thead>
<tr>
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<th>Top 10 Nursing Home Complaints (2015)</th>
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<tbody>
<tr>
<td>1</td>
<td>Discharge/eviction-planning, notice, procedure, implementation, including abandonment</td>
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<tr>
<td>2</td>
<td>Failure to respond to requests for assistance</td>
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<tr>
<td>3</td>
<td>Dignity, respect - staff attitudes</td>
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<td>4</td>
<td>Medications - administration, organization</td>
</tr>
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<td>5</td>
<td>Resident conflict, including roommates</td>
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<td>6</td>
<td>Care plan/resident assessment - inadequate, failure to follow plan or physician orders</td>
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<tr>
<td>7</td>
<td>Food service - quantity, quality, variation, choice, condiments, utensils, menu</td>
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<tr>
<td>8</td>
<td>Personal hygiene (includes nail care and oral hygiene) and adequacy of dressing &amp; grooming</td>
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<tr>
<td>9</td>
<td>Accident or injury of unknown origin, falls, improper handling</td>
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<tr>
<td>10</td>
<td>Exercise preference/choice and/or civil/religious rights</td>
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<tr>
<td>Rank</td>
<td>Complaint Description</td>
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<td>Equipment/building - disrepair, hazard, poor lighting, fire safety, not secure</td>
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<td>Cleanliness, pests, general housekeeping</td>
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<td>Accident or injury of unknown origin, falls, improper handling</td>
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<td>Personal property lost, stolen, used by others, destroyed, withheld</td>
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Get to Know the LTCOP

• Contact the LTCOP if you know a resident that may benefit from a visit with a LTCO.

• Contact the LTCOP if you, or someone you know, needs information about long-term care services and supports.

• Share information about the LTCOP with residents, family members, and your colleagues.

• Visit the NORC website for information to share with residents.
Working with the LTCOP

• **Systems Advocacy and Community Education**
  - LTCOPs collaborate with other organizations for systems advocacy and/or community education on topics of shared interest.

• **Individual Advocacy**
  - Federal law grants LTCOP access to resident information (with resident permission) and LTCO are required to keep that information confidential.
  - Respect the residents’ right to complain and their right to contact the LTCOP.
  - LTCOPs cannot share resident information without their consent. Some residents may choose to remain anonymous during the complaint process.
How to Contact the LTCOP

• Nursing homes are required to post contact information for the LTCOP and some states require assisted living facilities/board and care facilities to post information about the LTCOP.

• Visit the NORC website to locate your local or state LTCO: http://www.ltcombudsman.org/
RESOURCES
How NORC Supports LTCOPs…

• Resource Center
  • Training (webinars, in-person)
  • Resources (quarterly Ombudsman Outlook)
  • Clearinghouse
  • Technical assistance (TA) – NEW TA FAQ page http://ltcombudsman.org/omb_support/ta
  • Information to share with consumers (e.g., facts sheets regarding financial exploitation, resident-to-resident mistreatment)

• Work with LTCOP Associations

• Information, not advocacy
  • Information regarding policy, regulations and requirements
NORC Website
www.ltcombudsman.org

New ombudsman?
Library
• Government Reports
• Federal Laws and Regulations
• LTCOP Rule
Events
Support
• Program Management
• Program Promotion
• Training
• Systemic Advocacy
• Volunteer Management
• TA FAQs
Issues
• More than 20 issue pages (e.g., abuse, antipsychotic medications, dementia care, emergency preparedness)

Site Map: http://ltcombudsman.org/about/site-map
NATIONAL CONSUMER VOICE FOR QUALITY LONG-TERM CARE (CONSUMER VOICE)
Consumer Voice
www.theconsumervoice.org

• Information for:
  • Long-Term Care Consumers (individuals living in nursing homes, assisted living, and home and community based services consumers)
  • Family Members
  • Citizen Advocates

• News & Updates
• Policy & Advocacy
Resources for Long-Term Care Consumers

Please click on the links below or to the left to find additional resources for consumers on how to achieve quality long-term care.

- Nursing Home Residents
- Assisted Living Residents
- Consumers of Home and Community-Based Services
- Policy Resources and Information
- Consumer Stories and Engagement

Residents of nursing homes have rights that are guaranteed by the federal Nursing Home Reform Act. The law requires nursing homes to "promote and protect the rights of each resident" and ensure individual dignity and self-determination. Many states also include residents' rights in state law or regulation.

Right to a Dignified Existence
- Be treated with consideration, respect, and dignity, recognizing each resident's individuality
- Freedom from abuse, neglect, exploitation, and inappropriate use of restraint
- Quality of life maintained or improved
- Exercise rights without interference, coercion, discrimination, or reprisal
- A therapeutic environment, and use of personal belongings when possible
- Equal access to quality care
- Security of possessions

Right to Self Determination
- Choice of activities, schedule, health care, and providers, including attending physician
- Reasonable accommodation of needs and preferences
- Participation in developing and implementing a person-centered plan of care that incorporates personal and cultural preferences
- Choice about designating a representative to exercise his or her rights
- Organize and participate in resident and family groups
- Be given, refused, and to discuss treatment

Right to be Fully Informed of
- The type of care to be provided, and risks and benefits of proposed treatments
- Changes to the plan of care, or to medical or health status
- Rules and regulations, including a written copy of resident's rights
- Contact information for the long-term care ombudsman program and the state survey agency
- State survey reports and the nursing facility's patrol
- Written notice before a change in hours or overcharge
- Notices and information in a language or manner in which the understands (Spanish, Italian, etc.)
October 2017 - Residents Rights Month (RRM)
http://theconsumervoice.org/events/residents-rights-month-2017

FREE
- Fact Sheets
- Promotional Materials (e.g., logo, letter to the editor, press release)
- RRM Activity Calendar

RRM Products
- Buttons
- Residents’ Rights Posters
2017 RRM- Resident’s Voice Challenge
http://theconsumervoice.org/misc/2017-rv-entries

- Videos
- Poems
- Artwork
- Stories
NEW- The Resident Advocate newsletter

FREE, quarterly newsletter for residents of long-term care facilities featuring:

- Information on residents’ rights and care issues
- News and updates on national policy
- Self-advocacy tips for obtaining person-centered, quality care

Residents can join the mailing list by emailing: info@theconsumervoice.org.

LTCOPs can download PDF version or order hard copies in a bulk subscription: http://theconsumervoice.org/product/resident-advocate-newsletter-subscription

Issues available for download here: http://theconsumervoice.org/issues/recipients/nursing-home-residents/resident-advocate
QUESTIONS?
The National Long-Term Care Ombudsman Resource Center (NORC)

www.ltcombudsman.org

Connect with us:

The National LTC Ombudsman Resource Center

@LTCombudcenter

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