



## **Ombudsman Program and Protection & Advocacy Agency Collaboration**

### **Roles, Responsibilities, and Opportunities for Collaboration: Long-Term Care Ombudsman Program and Protection & Advocacy Programs**

Persons with disabilities receiving or in need of long-term services and supports have available nationally at least two advocacy organizations – Protection and Advocacy (P&A) and the Long-Term Care Ombudsman program (LTCOP). Individuals living in long-term care facilities may encounter challenges and opportunities with which they need an advocate.

Ideally, P&As and Ombudsman programs can conduct outreach to residents of long-term care facilities so that when advocacy is needed the residents are informed of the services these programs provide.

### **What are the distinct roles of the Protection and Advocacy program and the Long-Term Care Ombudsman program?**

#### **Protection and Advocacy<sup>1</sup>**

The Protection and Advocacy (P&A) system comprises a nationwide network of congressionally mandated, legally based disability rights agencies. A P&A agency exists in every state and territory. P&A agencies have the authority to provide legal representation and other advocacy services, under all federal and state laws, to all people with disabilities in all settings. The focus of P&A work includes monitoring, investigating, and attempting to prevent abuse and neglect and remedy adverse conditions in large and small, public and private, facilities that provide services for people with disabilities. P&As also work to ensure individuals with disabilities have full access to educational programs, healthcare, accessible housing, transportation, and employment. P&A programs are administratively independent from service providers and state agencies responsible for the provision of services to individuals with disabilities.

#### **Long-Term Care Ombudsman Program**

The Ombudsman program advocates for residents of nursing homes, residential care communities, board and care homes, and similar adult care facilities. State Ombudsmen (Ombudsman) and their designated program representatives work to resolve problems of individual residents and to bring about changes at the local, state, and national levels that will improve residents' care and quality of life.

<sup>1</sup>Information from this section is from the NDRN P&A/CAP Network webpage: <http://ndrn.org/en/about/paacap-network.html>

## What does the LTCOP Rule say about Ombudsman program coordination with P&As?

In regard to Ombudsman program coordination with other entities, including Protection and Advocacy systems, the [LTCOP rule](#) says the following [45 CFR 1324.13 (h)]:<sup>2</sup>

(h) Memoranda of understanding. Through adoption of memoranda of understanding or other means, the Ombudsman shall lead State-level coordination, and support appropriate local Ombudsman entity coordination, between the Ombudsman program and other entities with responsibilities relevant to the health, safety, well-being, or rights of residents of long-term care facilities including:

(1) The required adoption of memoranda of understanding between the Ombudsman program and:

- (i) Legal assistance programs provided under section 306(a)(2)(C) of the Act (42 U.S.C. 3026(a)(2)(C)), addressing at a minimum referral processes and strategies to be used when the Ombudsman program and a legal assistance program are both providing program services to a resident;
- (ii) Facility and long-term care provider licensure and certification programs, addressing at minimum communication protocols and procedures to share information including procedures for access to copies of licensing and certification records maintained by the State with respect to long-term care facilities.

**(2) The recommended adoption of memoranda of understanding or other means between the Ombudsman program and:**

- (i) Area agency on aging programs;
- (ii) Aging and disability resource centers;
- (iii) Adult protective services programs;
- (iv) Protection and advocacy systems, as designated by the State, and as established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.);
- (v) The State Medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));
- (vi) Victim assistance programs;**
- (vii) State and local law enforcement agencies;
- (viii) Courts of competent jurisdiction;
- (ix) The State Legal Assistance Developer as provided under section 731 of the Act. (42 U.S.C. 3058j) and as set forth in subpart C to this part; and
- (x) The State mental health authority.

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<sup>2</sup> 45 CFR 1324.13 (h) of the [LTCOP Final Rule](#). Additional information is available on the [NORC website](#). Bold emphasis added by NORC.

## **How can the two programs collaborate effectively for individuals receiving their services?**

State Ombudsmen and State Directors of P&As have many opportunities for communication and coordination including:

- Establishing an understanding of the uniqueness of their programs such as, statute language, populations served and priorities, residential or institutional service settings, geographical/service boundaries, staff and volunteer roles, etc.
- Creating a memorandum of agreement or partnership plan that includes:
  - agreement regarding the handling of Information and Assistance calls and Referrals (I&A&R) between programs especially for
    - legal services,
    - coordination of complaint investigations, and
  - grievances reported about either program.
  - a process for sharing of information when appropriate (e.g., debriefing on complicated cases that involve multiple advocacy and service organizations with the goal of improving future collaborative efforts); sharing of statistical information and reports.
- Sharing opportunities for
  - joint trainings,
  - invitations to each program's trainings,
  - curriculum and training resources, and
  - coordinating systems advocacy.
- Considering representation on each program's advisory boards, where applicable.
- Meeting annually to keep apprised of each other's priorities (P&As review priorities annually). Identify means of coordination that would potentially increase advocacy opportunities available for seniors and persons with disabilities.
- Discussing systemic issues that impact individuals both programs serve and agreeing on action steps, even if the ways the agencies accomplish their tasks differ.
- When applicable, encouraging and helping facilitate, initial introductions and regular communication between Ombudsman program representatives (e.g., regional and local ombudsmen) and local P&A staff and volunteers.



## Resources

### National Disability Rights Network

The National Disability Rights Network (NDRN) is the non-profit, voluntary membership association for the P&A and Client Assistance Program (CAP) agencies. NDRN's mission is to promote the integrity and capacity of the P&A/CAP national network and to advocate for the enactment and vigorous enforcement of laws protecting civil and human rights of people with disabilities. NDRN also provides training and technical assistance to the P&A/CAP network through the Training and Advocacy Support Center (TASC).

### National Long-Term Care Ombudsman Resource Center

The National Long-Term Care Ombudsman Resource Center (NORC) provides support, technical assistance, and training to the 53 State Long-Term Care Ombudsman Programs and their statewide networks. NORC's objectives are to enhance the skills, knowledge, and management capacity of the State programs to enable them to handle residents' complaints and represent resident interests (in both individual and systemic advocacy). Funded by the U.S. HHS ACL AOA, the Center is operated by the National Consumer Voice for Quality Long-Term Care (Consumer Voice).



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