

## ROLES, RESPONSIBILITIES, AND OPPORTUNITIES FOR COLLABORATION: LONG-TERM CARE OMBUDSMAN AND PROTECTION AND 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>**

P&A programs are located in each state and U.S. territory and work on the individual and systems level to protect the personal and civil rights of individuals with disabilities. P&A programs provide legal representation and other advocacy services to secure the rights of persons with all types of disabilities wherever they reside. 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. The 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, board and care homes, assisted living facilities and similar adult care facilities. State Ombudsmen 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.

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

In regards 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)** Through adoption of memoranda of understanding and 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, but not limited to:

- (1)** Area agency on aging programs;
- (2)** Aging and disability resource centers;
- (3)** Adult protective services programs;

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

<sup>2</sup> 45 CFR 1324.13 (h) of the [LTCOP Final Rule](#). Published in the Federal Register February 11, 2015. Additional information is available on the NORC website [http://ltcombudsman.org/library/fed\\_laws/ltcop-final-rule](http://ltcombudsman.org/library/fed_laws/ltcop-final-rule).

- (4) 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.*);
- (5) Facility and long-term care provider licensure and certification programs;
- (6) The State Medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));
- (7) Victim assistance programs;
- (8) State and local law enforcement agencies;
- (9) Courts of competent jurisdiction; and
- (10) The State legal assistance developer and legal assistance programs, including those provided under section 306(a)(2)(C) of the Act.

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

Developing a professional relationship during a “non-crisis” time is an important first step for effective collaboration between State Directors of P&As and State Ombudsmen. 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

*Note: This resource is part of series of materials regarding Ombudsman program and P&A collaboration, visit the NORC [website](#) for additional information on this topic.*

Administration on Intellectual and Developmental Disabilities (AIDD) - State Protection and Advocacy Systems  
<http://www.acl.gov/programs/aidd/Programs/PA/index.aspx>

Administration for Community Living, Administration on Aging- Long-Term Care Ombudsman Program  
[http://www.aoa.gov/AoA\\_programs/Elder\\_Rights/Ombudsman/index.aspx](http://www.aoa.gov/AoA_programs/Elder_Rights/Ombudsman/index.aspx)

National Disability Rights Network- P&A/CAP Network  
<http://www.ndrn.org/en/about/paacap-network.html>

National Long-Term Care Ombudsman Resource Center  
<http://ltcombudsman.org/>

Collaborations between Long-Term Care Ombudsmen and Protection & Advocacy Agencies  
<http://ltcombudsman.org/uploads/files/support/ltcop-pa.pdf>

## Contact

If you have questions about this brief or would like to share your state's Ombudsman program and P&A collaborations, please email [ombudcenter@theconsumervoice.org](mailto:ombudcenter@theconsumervoice.org) or call 202.332.2275.

This project was supported, in part, by grant number 90OM002, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.