

PROGRAM AND PRACTICE:

LTCOP ADVOCACY IN ASSISTED LIVING FACILITIES



STATE LTCOP PROGRAM ASSESSMENT: CURRENT ACTIVITIES IN ASSISTED LIVING FACILITIES¹

This resource provides specific points for State LTCO Programs (SLTCOPs) to consider in assessing their current activities to support residents in assisted living facilities (ALFs). Regular program self-evaluation and assessment is critical to ensure that resources are maximized and to identify program strengths and areas for improvement. The lack of federal regulations for ALFs and reliance on often minimal state regulations and enforcement means increasing LTCO presence in these facilities and systems advocacy to strengthen the laws, regulations, and policies responsible for these settings is critical. The prompts provided below are intended to identify core areas of consideration as an introduction to statewide program assessment, not to serve as an assessment process or form.

Statewide Coverage

- How are your statewide resources allocated in order to ensure that residents living in ALFs have access to and knowledge of the ombudsman program and how to contact it?
 - Review your statewide funding formula, grants, local resources, and donations.
 - Have you set a required or recommended number of LTCO per number of LTC beds (beds in nursing homes and assisted living facilities)?²
- Do you have visitation standards or benchmarks for the number of LTCO visits to assisted living facilities (e.g. quarterly or annual visits)? According to the “Instructions for Completing the State Long Term Care Ombudsman Program Reporting Form for the National Ombudsman Reporting System (NORS)” visits on a “regular basis” are no less “than quarterly” and are “not in response to a complaint, by paid and volunteer Ombudsmen.”³
 - If yes, what are they? Is your SLTCOP achieving the standard?
 - Are visitation standards tied to performance measures and/or contracts with local LTCOPs?
 - Do these standards vary depending on the local/regional service area?
 - If not, have you spoken with local LTCO and stakeholders about developing a standard?
- How do you ensure that complaints are investigated, documented and resolved in a timely manner? For example, do you have state policies and procedures regarding complaint response time?⁴
 - How are those requirements communicated to Ombudsman staff and volunteers?
- Does your program address LTCO advocacy services in ALFs in state policies and procedures?
 - Are there additional training requirements specific to LTCO advocacy in this setting?
 - Do volunteer LTCO visit ALFs?

¹ Due to the variation in facility type, terminology and licensure for these facilities by states the term “assisted living facilities” (ALFs) is used in this compendium to refer to all non-nursing homes covered by LTCO such as: board and care facilities, residential care homes, adult foster care homes, and personal care homes.

² The 1995 Institute of Medicine study titled, “Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act” recommends a LTCO staffing ratio of one full-time paid staff LTCO per 2,000 long-term care facility beds.

³ Instructions for Completing the State LTCOP Reporting Form for the National Ombudsman Reporting System (NORS)
http://ltcombudsman.org/uploads/files/support/Instructions_Final_2019.pdf

⁴ Note, the LTCOP regulations at 1327.11(e) require the development of policies and procedures, including standards to ensure prompt response to complaints.

Performance Review and Goals

- Have you established any goals or performance measures to increase all LTCO activities in ALFs (e.g. general outreach, consultations, work with resident and family councils, visits)?
- Review your program’s NORS (National Ombudsman Reporting System) data for information such as:
 - Number of ALF beds compared to nursing home (NH) beds.
 - Percent of NHs and ALFs visited quarterly. How do they compare?
 - Analyze ALF complaint data compared to NHs (e.g. number of closed cases, total complaints, percent verified, resolved complaints per 100 beds).
 - What are the top complaint issues in ALFs? How do they compare with complaint issues in NHs?
 - How does your program’s work in ALFs compare to similar state LTCOPs?
 - Does your program’s data collection system allow you to analyze data by assisted living license type and compare other activities (e.g. consultations to facility staff, work with resident and family councils, etc.)?
- How does the number of regular visits (visits not in response to a complaint) in ALFs compare to those in nursing homes (e.g. percentage of total number of facilities receiving regular visits)? As stated in the compendium [introduction](#) and overview for this [section](#), due to a variety of reasons many state LTCOPs do not currently have the capacity to ensure all NHs and ALFs receive regular visits. However, it is important to review your program data to identify areas of strength and those for improvement. For example, if your program visits 100% of nursing homes regularly and 15% of ALFs, how can you work with your local LTCO to increase coverage of ALFs? What different strategies might you use if your ALF visitation is at 50%? If your program provides regular visits to 100% of ALFs and NHs, but reports significantly fewer ALF complaints, what does that mean for your program?
 - Review several years of NORS data to assess how ALF visits compare to NH visits in your state and to identify trends.
 - Conduct a data review on a monthly, quarterly, semi-annual and/or annual basis and encourage local LTCOPs to do the same.
 - Are LTCO services as accessible to residents in ALFs as they are to residents in nursing homes?
 - How much variation exists in routine visits in ALFs among the local service areas in your state?
 - Does your office provide guidance regarding how to prioritize visits to ALFs (e.g. number and/or type of complaints, location, facility size and/or type, waiver services)? If not, how do LTCO decide which ALFs to visit?
- Review the [AARP State Scorecard on Long-Term Care Services and Supports](#) for information such as:
 - What percent of LTC services are provided in ALFs compared to NHs in the state?
 - How does that compare to the frequency of regular visits to NHs and ALFs?
- Review the [National Study of Long-Term Care Providers](#) which include state level estimates of resident and operating characteristics of assisted living facilities.

Access and Outreach

- How do residents of ALFs learn about the LTCO program and how to contact the program?
 - Are LTCO program posters or other program materials distributed to ALFs? By whom? SLTCOP, LLTCOP, or other?
 - Do LLTCO check for or provide posters and/or other program materials during facility visits?
 - Are outreach materials distributed to other agencies and organizations (e.g. Adult Protective Services, assisted living provider association)?
 - Is information included on the SLTCOP website? Local LTCOP websites?
 - Does the SLTCOP provide community education regarding the role of the LTCOP in ALFs (e.g. community presentations, media outreach)?

- How do you communicate with other stakeholders and represent the interests of ALF residents?
 - Ensure communication and coordination with state level agencies and organizations, such as:
 - State Licensing and Certification Agency
 - State ALF provider associations
 - State Medicaid Agency and other entities responsible for managing the waiver programs
 - Adult Protective Services
 - Protection & Advocacy
 - Agencies and organizations involved in transitions from NHs to the community, including Centers for Independent Living
 - Provider associations
 - Department of Veterans Affairs
 - Do local LTCO communicate with regional stakeholders in order to increase awareness of the LTCOP and represent residents?

- How does the SLTCOP address barriers encountered in providing LTCO services in ALFs?
 - Are laws in place to prevent willful interference and retaliation?
 - Are appropriate sanctions in place with respect to the interference, retaliation, and reprisals?

Systems Advocacy Agenda

Systems advocacy is an essential function of the state Ombudsman and Ombudsman program. LTCO identify trends and issues from their program data, information provided by individuals' experiences with ALFs, and their personal observations to advocate for systems changes to improve quality of life and care. Developing a systems advocacy agenda may be even more critical for those state LTCOPs that cannot provide a regular presence in ALFs.

- Does your current systems advocacy agenda include issues related to ALFs?
 - If not, review your program data to identify trends (e.g. what are the top complaints, consultations) and determine systems advocacy priorities.
 - Identify systems advocacy strategies (e.g. work with the media, collaboration with other organizations concerned with ALF issues, community education, legislative or regulatory action).
- Do you include your local LTCO in systems advocacy?

Resources

Assessment

Self-Evaluation and Continuous Quality Improvement Tool for State and Local Ombudsman Programs

http://ltcombudsman.org/omb_support/pm/program-effectiveness

Data

AARP State Scorecard on Long-Term Care Services and Supports

<http://www.longtermscorecard.org/>

Aging Integrated Database (AGID) - Administration for Community Living

Information from NORS data submitted annually in the Ombudsman Reporting Tool (ORT) and analysis reports include: multi-year complaint trends report, two-year comparison report, top 20 complaints, Board and Care complaint summary. An example of board and care data analysis is available here.

<http://www.agid.acl.gov/>

Centers for Disease Control and Prevention (CDC) National Study of Long-Term Care Providers

Includes state profiles regarding individuals that use long-term care services and facility characteristics (e.g. assisted living and nursing homes).

<http://www.cdc.gov/nchs/nsltcp.htm>

National Ombudsman Reporting System (NORS) Training Materials <http://ltcombudsman.org/ombudsman-support/training#NORS>

Outreach

Ombudsman Advocacy Challenges in Assisted Living: Outreach and Discharge

<http://ltcombudsman.org/uploads/files/support/norc-ombudsman-advocacy-challenges-in-al-2001.pdf>

Supporting Well Informed Consumers: The Role of the Long-Term Care Ombudsman

<http://ltcombudsman.org/uploads/files/support/Sharing-Info-w-Consumers0605.pdf>

Systems Advocacy

Role and Responsibilities of Long-Term Care Ombudsmen Regarding Systems Advocacy (Quick Reference Guide)

State LTCO: <http://ltcombudsman.org/uploads/files/support/systems-advocacy-sltco.pdf>

Local LTCO: <http://ltcombudsman.org/uploads/files/support/systems-advocacy-lltco.pdf>

NORC Systemic Advocacy Resource Page

http://ltcombudsman.org/omb_support/advocacy

Systems Advocacy 101 (webinar recording and materials)

http://ltcombudsman.org/state_home/new_ombs/conference-calls

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