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The National **Long-Term Care**
Ombudsman Resource Center

The Who, What, Where, Why, and How of the Long-Term Care Ombudsman Program

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 ADvancing States, formally 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 Program to Long-Term Care Ombudsman Program (LTCOP)

1987

- LTCOP access to resident records (with resident consent)
- States must prohibit willful interference of official LTCOP duties and/or retaliation against a LTCOP representative, 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.

Advocate for changes to improve residents' quality of life and care.

Provide technical support for the development of resident and family councils.

Represent resident interests before governmental agencies.

Provide information to residents about long-term care services.

Seek legal, administrative, and other remedies to protect residents.

Ensure residents have regular and timely access to the LTCOP.

Long-Term Care Ombudsman Program Responsibilities

Do not conduct licensing and regulatory inspections or investigations

- LTCOPs 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.
- If necessary, with resident consent, a LTCOP representative will file a complaint with licensing and regulatory.

Are not Adult Protective Services (APS) investigators

- LTCOPs provide information regarding preventing and reporting abuse, neglect, and exploitation.
- 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.
- 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 LTCOP representative will file a complaint about alleged abuse.
- APS is not required to provide systems advocacy, but the LTCOP is required to do so by the OAA.

Do not provide direct care for residents

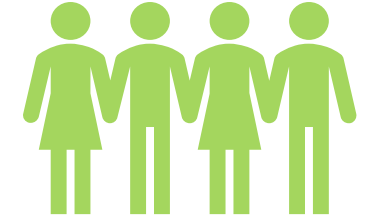
- LTCOPs share information about quality care practices and ways to enhance the quality of life for residents.
- LTCOPs are a resource for staff training and provide information for community resources.

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 LTCOP representative 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)
- ▶ **446 local Ombudsman entities**
- ▶ **1,835 full-time staff**
- ▶ **4,049 certified volunteers donated 231,447 hours of service**
 - ▶ All designated representatives of the Office receive training, including volunteers
 - ▶ Not all programs work with volunteers

*2022 National Ombudsman Reporting System (NORS) data https://ltombudsman.org/omb_support/nors/nors-data

LTCOP Activity Highlights (2022)



Visited **18,618** long-term care facilities at least quarterly



Attended **13,678** Resident Council Meetings and **1,079** Family Council Meetings



6,714 community education sessions



2,054 trainings for LTC facility staff



162,073 instances of information and assistance to LTC facility staff



407,817 information and assistance 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).

National Ombudsman Reporting System (NORS) Complaint Data (2022)

- ▶ In 2022, the LTCOP investigated and worked to resolve 182,864 complaints nationwide.
- ▶ 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.*

Top 10 Nursing Facility Complaints (2022)

1	Discharge or eviction
2	Response to requests for assistance
3	Physical abuse
4	Medications
5	Personal hygiene
6	Symptoms unattended
7	Dignity and respect
8	Personal property
9	Other rights and preferences
10	Food services

Top 10 Residential Care Community Complaints (2022)

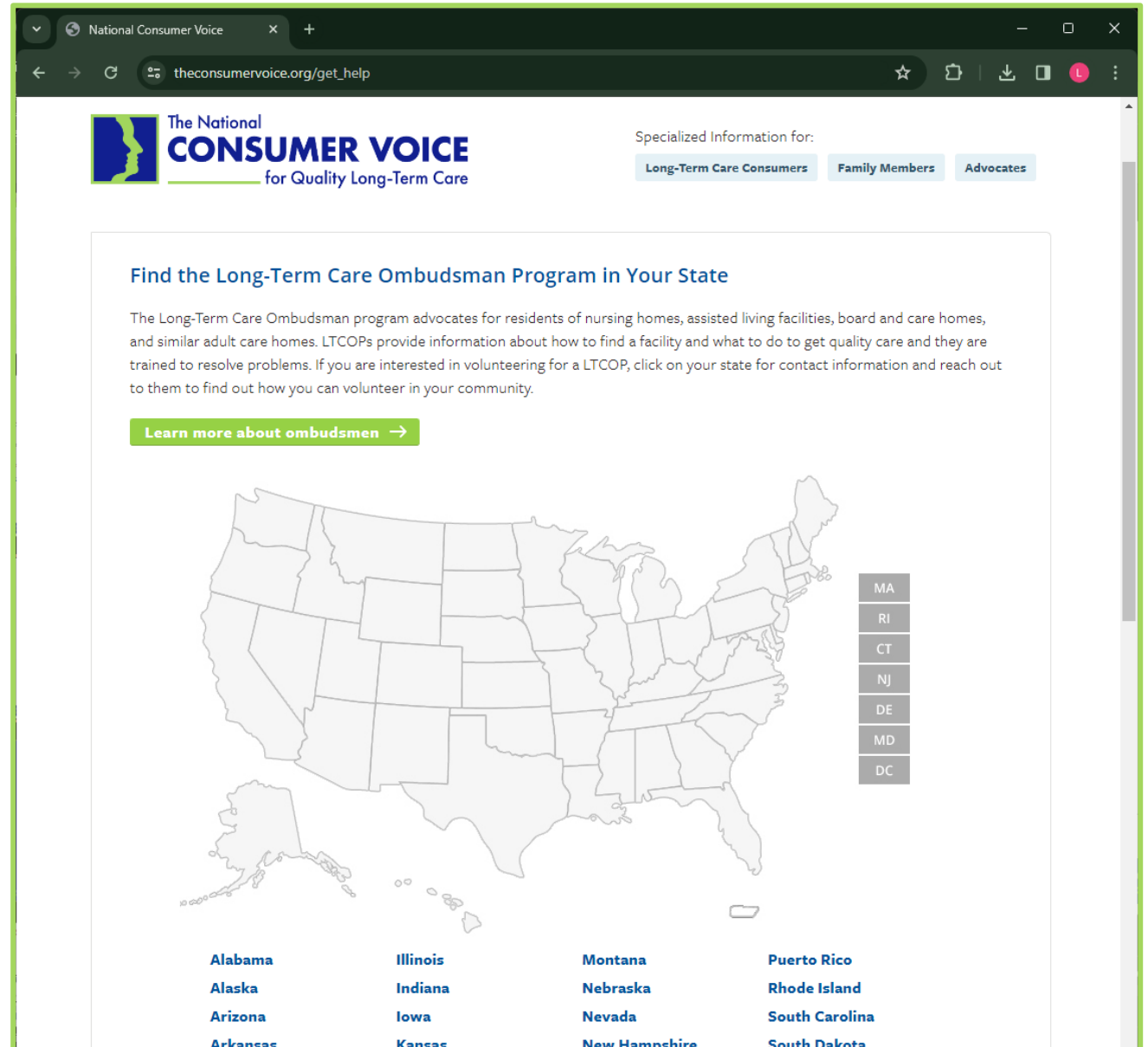
1	Discharge or eviction
2	Medications
3	Food services
4	Administrative oversight
5	Staffing
6	Housekeeping, laundry, and pest abatement
7	Physical abuse
8	Other rights and preferences
9	Personal property
10	Dignity and respect

Get to Know the LTCOP

- ▶ Contact the LTCOP if you know a resident that may benefit from a visit with a LTCOP representative.
- ▶ 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: <https://ltcombudsman.org/>.

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 state LTCOP:
<https://ltcombudsman.org/>





Resources

How NORC Supports Ombudsman Programs

▶ Resource Center

- ▶ Training - e.g., webinars, in-person
- ▶ Technical assistance (TA) - e.g., TA Talks, TA Tips, Virtual Office Hours
 - ▶ 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
- ▶ Ombudsman program examples

▶ Work with LTCOP Associations

▶ Information, not advocacy

- ▶ Information regarding policy, regulations and requirements

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LTCOP REFERENCE GUIDE

RESPONDING TO ALLEGATIONS OF ABUSE: ROLE AND RESPONSIBILITIES OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

OVERVIEW

Provisions in the Older Americans Act (OAA) state that the Long-Term Care Ombudsman Program (LTCOP) shall "identify, investigate and resolve complaints" regarding "action, inaction, or decisions that may adversely affect the health, safety, welfare or rights of the residents" made by, or on behalf of, residents.¹ Complaints may include, but are not limited to, allegations of abuse, gross neglect, and exploitation. Long-Term Care Ombudsman programs provide resident-centered advocacy and are directed by resident goals for complaint resolution. Due to strict federal requirements, LTCOP is confidential unless otherwise required (e.g., shared with or gathered by the LTCOP is confidential unless otherwise required by federal requirements). Therefore, the Ombudsman program role and differs from other entities such as, adult protective services.

In 2014, the Administration for Community Living (ACL) published the Long-Term Care Ombudsman Programs Final Rule which provides more specific guidance regarding how Ombudsman program representatives should respond to complaints. The purpose of this guide is to discuss how Ombudsman programs should respond to complaints and observations of abuse, neglect, and exploitation when they pursue the complaint. In the absence of resident consent, LTCOP may disclose information to the extent necessary to adhere to disclosure requirements and work to ensure the resident is safe and free from harm. This guide reviews the federal requirements regarding Ombudsman programs and provides a summary of statements from the Administration on Aging, and provides a summary of the role of the Ombudsman.

KEY POINTS

What is abuse?

Since states have different definitions for abuse, neglect, and exploitation in the National Ombudsman Reporting System (NORS), otherwise stated, we use the term "abuse" to include any form of mistreatment or exploitation" throughout this resource.³

Administration on Aging Statements

In addition to the program requirements regarding disclosure of information under the Older Americans Act and the Rule, the Administration for Community Living responded to questions regarding the role of the Office of the Ombudsman.

LTCOP Role in Investigating Allegations of Abuse, Gross Neglect, and Exploitation

The primary responsibility of the LTCOP is to investigate and resolve complaints. The LTCOP program is unique in that its goal is to resolve the complaint.

¹ Older Americans Act of 1965, Section 712 (a)(2)(A).
² Published in the Federal Register, 02/11/2015, Vol. 80, No. 28, LTCOP Final Rule <http://www.federalregister.gov/documents/2015/02/11/2015-04551/long-term-care-ombudsman-program-final-rule>.
³ Administration on Aging, Administration for Community Living, Long-Term Care Ombudsman Programs Final Rule, http://ltcombudsman.org/omb_support/ta (2015).

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LTCOP REFERENCE GUIDE

RESIDENT-TO-RESIDENT MISTREATMENT: LONG-TERM CARE OMBUDSMAN ADVOCACY

Terminology and definitions used to describe resident-to-resident mistreatment (RRM) vary, but for this reference guide RRM is defined as "negative and aggressive physical, sexual, or verbal interactions between long-term care residents that (as in a community setting) would likely be construed as unwelcome and have high potential to cause physical or psychological distress in the recipient."¹ Incidents of RRM include physical, verbal, and sexual abuse and are likely to cause emotional and/or physical harm. However, not all incidents of resident-to-resident mistreatment are considered "abuse," meaning that the resident involved did not willfully harm the other resident. Other examples of RRM include: roommate conflicts, invasion of privacy and personal space, verbal threats and harassment, unwanted sexual behavior, using personal property without permission, and destroying personal property.

The purpose of this reference guide is to provide an overview of resident-to-resident mistreatment to assist Long-Term Care Ombudsman (LTCO) programs in effectively responding to complaints involving resident-to-resident mistreatment, as well as help prevent RRM and reduce the prevalence of these incidents.

Learn about Resident-to-Resident Mistreatment (RRM)

Incidents of resident-to-resident mistreatment occur in all types of long-term care facilities, including nursing homes, assisted living and other residential facilities. Although LTCO advocacy approaches may differ depending on the incident, residents involved, type of facility, and size of the facility, the LTCO advocacy strategies and recommendations to prevent and reduce incidents of RRM provided in this resource are applicable to all long-term care communities.

Resident-to-resident mistreatment is a serious issue that has a significant negative impact on all residents involved, but incidents are often not reported and investigated. Research regarding the prevalence of RRM is limited, yet information from a variety of sources suggests RRM occurs frequently. Despite these limitations a variety of possible risk factors for RRM have been identified.² A primary risk factor is cognitive impairment, in fact, one study found that "cognitive impairment, and worsening cognitive impairment in particular, conferred a five-fold risk of mistreatment in victims."³

¹ Jeanne A. Teresi, Mildred Ramirez, Julie Ellis, Stephanie Silver, Gabriel Boratko, Jian Kong, Joseph P. Elmick, Karl Pillemer, and Mark S. Lachs. A staff intervention targeting resident-to-resident elder mistreatment (RRM) in long-term care increased staff knowledge, recognition and reporting: Results from a cluster randomized trial. *International Journal of Nursing Studies* (2013), 444-454.
² Information in charts from: Division of Geriatrics and Palliative Care, Weill Cornell Medical College, Cornell University and Research Division, Hebrew Home at Riverdale. Documentation of Resident-to-Resident Elder Mistreatment in Residential Care Facilities. Mark Lachs, Jeanne A. Teresi, Mildred Ramirez, Karl Pillemer, Joy Salomon, and Kimberly van Halbeek (March 28, 2014) and Elton Cospa. Deaths as a Result of Resident-to-Resident Altercations in Dementia in Long-Term Care Homes: A Needs for Research, Policy, and Intervention. *Journal of Aging and Health* (2014).
³ Tony Rosen, Karl Pillemer, and Mark Lachs. Resident-to-resident aggression in long-term care facilities: An understudied problem. *Aggression and Violent Behavior* (2008), doi: [10.1016/j.avb.2007.12.001](https://doi.org/10.1016/j.avb.2007.12.001)

NORC Website – www.ltcombudsman.org

- ▶ **New ombudsman?**
- ▶ **Library**
 - ▶ Federal Laws and Regulations
 - ▶ Government Reports
 - ▶ LTCOP Research
- ▶ **Events**
- ▶ **Support**
 - ▶ COVID-19
 - ▶ NORC Webinars
 - ▶ NORS
 - ▶ Program Management
 - ▶ Program Promotion
 - ▶ Ombudsman Program Examples
 - ▶ Systems Advocacy
 - ▶ Technical Assistance FAQs
 - ▶ Training
 - ▶ Volunteer Management
- ▶ **Issues**
 - ▶ More than 20 issue pages (e.g., abuse, antipsychotic medications, dementia care, emergency preparedness)



Site Map: <http://ltcombudsman.org/about/site-map>



The National **Long-Term Care**
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Connect with us!

 ltcombudsman.org

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 The National LTC Ombudsman Resource Center

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