



Office of the State
Long Term Care
Ombudsman

New York State Long Term Care Ombudsman Program

Educating, Empowering, Advocating

December 16, 2020

Goals for today

- Mission and values of the Long Term Care Ombudsman Program (LTCOP)
- Administration and Structure of LTCOP
- Role of Certified Ombudsman (paid staff and volunteers)
- Ombudsman Complaint Investigation Philosophy and Process
- Ombudsman activity during COVID-19 Pandemic

Ombudsman Program Mission

To serve as an advocate and resource for older adults and persons with disabilities who live in long-term care facilities



Ombudsman Program Values

- Resident-Centered Focus
- Confidentiality
- Accessibility
- Prevention
- Resident Empowerment & Autonomy
- Complaint Resolution
- Objectivity



Administration of the LTCOP Program

- The Older Americans Act, administered by the Administration on Community Living (ACL), requires each state to establish an Office of the State Long-Term Care Ombudsman.
- In **New York**, the program is administratively housed within the State Office for the Aging (NYSOFA), and provides advocacy services through a network of regional programs.
 - The NYS LTCOP has 3 Assistant State Ombudsmen who supervise all regional programs and who are overseen by both a Senior Assistant State Ombudsman and the New York State Ombudsman.
 - To manage the 15 regional LTCO Programs from the State LTCOP Office, each ASO is individually assigned to 5 separate regional LTCO Programs.
 - Each regional ombudsman program has a designated ombudsman coordinator who recruits, trains and supervises a corps of volunteers that provide a regular presence in nursing homes and adult care facilities.



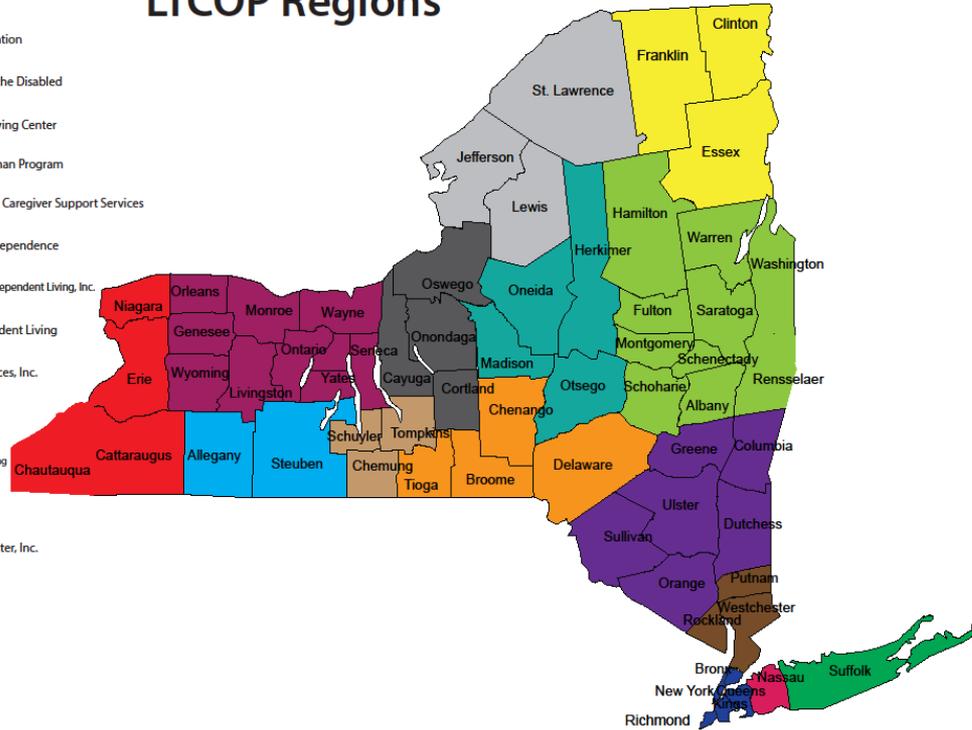
State Office Involvement in Local Program Operations

- ▶ The State LTCOP Office staff, inclusive of the ASOs, are directly responsible for full oversight and monitoring of the total programmatic functioning for each regional LTCOP.
- ▶ Each regional LTCOP is housed within external not-for-profit agency entities (1 Area Agency on Aging) who hold separate contracts with the NYS LTCOP.
- ▶ The local Ombudsman Program Coordinators and Certified Ombudsman Volunteers within each regional program are direct representatives of the State LTCOP Office.



LTCOP Regions

- 1 Family Service League
- 2 Family and Children's Association
- 3 Center for Independence of the Disabled
- 4 Westchester Independent Living Center
- 5 Hudson Valley LTC Ombudsman Program
- 6 Catholic Charities Senior and Caregiver Support Services
- 7 North Country Center for Independence
- 8 Northern Regional Center for Independent Living, Inc.
- 9 Resource Center for Independent Living
- 10 ARISE Child and Family Services, Inc.
- 11 Action for Older Persons
- 12 Tomkins County Office for the Aging
- 13 Lifespan
- 14 AIM Independent Living Center, Inc.
- 15 People, Inc.



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LTCOP by the Numbers

- **15 Regions**
- **Approximately 1500 Long Term Care Facilities**
- **Over 160,000 beds**
- **Includes Skilled Nursing Facilities, Adult Care Facilities and Family Type Homes**
- **Approximately 35 Full Time and 15 Part Time Staff Statewide**
- **Approximately 350 Certified Volunteer Ombudsman**

Responsibilities of a Long-Term Care Ombudsman under the Older Americans Act

- Investigate & Resolve Complaints
- Educate consumers/providers on residents' rights
- Advocate for quality care in LTC facilities
- Promote development of resident/family councils



Ombudsman Authority under the Federal Older Americans Act

- Access to all LTC facilities without interference
- Access to residents and medical records with consent



The NYS LTCOP Poster

Ombudsmen provide all facilities with this poster to be visibly accessible to all residents, employees or other person(s), to make them aware that they may file complaints with, or provide information, to a long term care Ombudsman.

The poster is enclosed in a purple border. At the top, there is a purple rounded rectangle containing the New York State logo and the text "NEW YORK STATE OF OPPORTUNITY" and "Office of the State Long Term Care Ombudsman". Below this, the words "EDUCATING", "EMPOWERING", and "ADVOCATING" are stacked in large, bold, black capital letters. Underneath, a paragraph of text explains the role of ombudsmen. At the bottom, there is a purple rounded rectangle with the website URL, followed by contact information including a local call number and a toll-free number.

 **NEW YORK**
STATE OF OPPORTUNITY

**Office of the State
Long Term Care
Ombudsman**

**EDUCATING
EMPOWERING
ADVOCATING**

Ombudsmen help residents understand and exercise their rights to good care in an environment that promotes and protects their dignity and quality of life

www.ltcombudsman.ny.gov

Call locally: _____
or **1-855-LTCOP NY**
(582-6769)

Or contact:
NYS Long Term Care Ombudsman Program
2 Empire State Plaza
Albany, NY 12223



Ombudsman Roles

- ❖ Listener/Investigator- gathers information, then evaluates facts
- ❖ Educator- on resident rights, responsibilities and regulations, on how to choose a nursing home, on staffing, and on resources in the community
- ❖ Negotiator/Mediator/Collaborator- helps to improve communication and find acceptable solutions, act as a 3rd party facilitator between roommates/other residents and staff
- ❖ Policy Analyst- takes a look at the broader policies that impact resident life



Ombudsman Roles (cont'd.)

- ❖ Consultant – provider of information
- ❖ Advocate – on behalf of residents, as individuals and as groups
- ❖ Referral Agent/Broker - to other agencies who may be better able to help
- ❖ Problem Solver – is thoughtful and assists in resolving resident problems/issues by providing options and resources
- ❖ Systems Change Agent- advocating for concerns of residents and the need for change on a systems level. Working on broader, underlying problems for residents of LTC facilities



Role of the New York State Department of Health (DOH)

Quality of Care

Regulatory compliance based on minimum standards.

DOH's presence is for shorter intervals at least once a year for routine surveys or periodically in response to called in complaints

Sanctions facilities with a deficiencies

Role of the LTCOP

Quality of Life

Goes above and beyond minimum standards to address ANY expression of dissatisfaction.

LTCOP has a regular and more routine presence.

Ombudsmen works with facility staff to resolve complaints.

“Similar, but Different”

SIMILARITIES:

- Both the DOH and the LTCOP are oversight entities for long term care facilities.
- Both have the ability to investigate complaints on behalf of complainants.

DIFFERENCES:

- However, the LTCOP investigates in a much different way than the DOH to identify the root causes of problems to assist in mediation with facility staff to resolve resident complaints **BEFORE** regulatory action becomes necessary.
- With the LTCOP, facilities have an opportunity for significant improvement before receiving a formal citation for a given problem.



- The LTCOP's primary focus is to be resident-centered at all times.
 - The resident is always the first person with whom an Ombudsman must discuss any complaints or concerns.
 - A resident's wishes always remain the focus and priority of any action taken by an Ombudsman



Permission to Act

- Before beginning any investigative work on behalf of a resident, an Ombudsman must receive verbal permission to do so from the resident, or their representative.
- A resident, or their representative, is always first fully informed about how the Ombudsman program can help them.
- The resident, or their representative, then needs to give the Ombudsman Program verbal permission to work on their behalf to resolve their complaints, to review their records if needed, and to reveal their identity and/or information in order to help resolve their complaint. The Ombudsman must then document that verbal permission was granted in their own documentation.

How does an Ombudsman Resolve Complaints on behalf of Residents?

1. Ombudsman meets with the resident/complainant, clarifies the issues, looks at root causes, and brainstorms potential resolutions with the resident

2. If permission obtained from resident/complainant, Ombudsman will gather information about the concerns presented by interviews with staff, observation, and/or review of records.

3. Bring all key staff together with the resident and the Ombudsman. Again determine root cause of the concern.

6. Define a solid plan and timeline to implement the solution

5. Mutually agree on a solution

4. Brainstorm and define potential solutions consistent with resident wishes

7. Execute the solution, and evaluate the solution over time.

8. After trying out the resolution, if it doesn't work, can go back to step 4 to renegotiate an alternative solution with staff to develop and execute a new plan

Certified Ombudsman Requirements

- All Ombudsman (staff and volunteers) must complete a 36 hour certification training
- Volunteers also participate in 6 additional in-services each year
- Volunteers commit to 2-4 hours weekly in a facility

Why Use Volunteers?

Add a level of authenticity to the program, represent the community, and assist in protecting vulnerable older adults;

Represent the grassroots advocacy approach that aligns with the mission of the Ombudsman program;

Provide more eyes and ears in facilities; and

Assist with facility coverage

Volunteer Challenges

- Finding them
- Keeping them
- Commitment to meeting established program expectations
- Skill Set/Temperament
- Consistency

LTCOP During COVID-19

- Remained fully available to residents and families
- Provided facilities, residents and families with letter for accessing the ombudsman
- “Virtual” communication and interaction-advocacy continues but has changed
- Complaint investigations continue
- Provide information and assistance to individuals
- LTCOP return to facilities



Office of the State Long Term Care Ombudsman

1-855-582-6769

<https://ltcombudsman.ny.gov/>

Questions



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