Long-Term Care Ombudsman Program

What You Must Know

FACT SHEET

What is the Long-Term Care Ombudsman Program (LTCOP)?

Under the federal Older Americans Act (OAA) every state is required to have an Ombudsman Program that addresses complaints and advocates for improvements in the long-term care system.

Each state has an Office of the State Long-Term Care Ombudsman (Office), headed by a full-time State Long-Term Care Ombudsman (Ombudsman) who directs the program statewide. Across the nation, staff and thousands of volunteers are designated by State Ombudsmen as representatives to directly serve residents.

What Does The Ombudsman Program Do?

The Ombudsman program advocates for residents of nursing homes, board and care homes, assisted living facilities, and other similar adult care facilities. State Ombudsmen and their designated representatives work to resolve problems individual residents face and effect change at the local, state, and national levels to improve quality of care. In addition to identifying, investigating, and resolving complaints, **Ombudsman program responsibilities include:**

- Educating residents, their family and facility staff about residents' rights, good care practices, and similar long-term services and supports resources;
- Ensuring residents have regular and timely access to ombudsman services;
- Providing technical support for the development of resident and family councils;
- Advocating for changes to improve residents' quality of life and care;
- Providing information to the public regarding long-term care facilities and services, residents' rights, and legislative and policy issues;
- Representing resident interests before governmental agencies; and
- Seeking legal, administrative and other remedies to protect residents.

Ombudsman programs do not:

- Conduct licensing and regulatory inspections or investigations;
- Perform Adult Protective Services (APS) investigations; or
- Provide direct care for residents.

Residents' Rights

Ombudsman programs help residents, family members, and others understand residents' rights and support residents in exercising their rights guaranteed by law. Most nursing homes participate in Medicare and Medicaid, and therefore must meet federal requirements, including facility responsibilities and residents' rights.[1] Rights and care standards for assisted living/board and care facilities are regulated, licensed or certified at the state level.[2] Regardless of the type of facility all residents have the right to be protected from abuse and mistreatment and facilities are required to ensure the safety of all residents and investigate reports of mistreatment.

1 For more information about residents' rights visit the Consumer Voice and NORC websites: theconsumervoice.org and ltcombudsman.org.
2 Some assisted living facilities provide services for residents receiving Medicaid benefits and must meet federal standards for that program.

Frequently Asked Questions (FAQs)

Who does the Ombudsman program represent?

The Ombudsman program's mandate is to represent the resident and assist at his or her direction. The Older Americans Act (OAA) requires the Ombudsman program to have resident consent prior to investigating a complaint or referring a complaint to another agency. When someone other than the resident files a complaint, the ombudsman must determine, to the extent possible, what the resident wants.

What happens after I bring a concern to the Ombudsman program?

If someone other than a resident contacts the Ombudsman program with a complaint the ombudsman will visit the resident to see if the resident has similar concerns and wants to pursue the complaint. The ombudsman will explain the role of the program, the complaint investigation process, share information about residents' rights, ask about the resident's quality of life and care, and seek to understand the resident's capacity to make decisions. Many residents, even residents with dementia, are able to express their wishes. If the resident wants the ombudsman to act on the problem, the ombudsman will investigate the complaint and continue to communicate with the resident throughout the investigation process. If the resident cannot provide consent the ombudsman will work with the resident representative or follow program policies and procedures if the resident does not have a representative.[3]

What types of complaints does the Ombudsman program investigate?

Ombudsmen 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 (e.g., Medicaid or Medicare benefits). They can also receive and respond to complaints from individuals other than the resident (e.g. family member), but still need resident permission to investigate or share information.

Do ombudsmen investigate complaints involving allegations of abuse, neglect, and exploitation?

Yes. The Ombudsman program investigates and resolves complaints that "relate to action, inaction or decisions that may adversely affect the health, safety, welfare, or rights of the residents" and that includes complaints about abuse, neglect, and exploitation.[4] Ombudsmen are directed by resident goals for complaint resolution and limited by federal disclosure requirements. Therefore, the Ombudsman program's role in investigating allegations of abuse is unique and differs from other entities such as, adult protective services and state licensing and certification agencies. Ombudsman programs attempt to resolve complaints to the residents' satisfaction (including those regarding abuse) and do not gather evidence to substantiate that abuse occurred or to determine if a law or regulation was violated in order to enforce a penalty. If necessary, with resident consent or permission of the State Ombudsman if the resident can't consent and does not have a legal representative, the ombudsman will disclose resident-identifying information to the appropriate agency or agencies for regulatory oversight; protective services; access to administrative, legal, or other remedies; and/or law enforcement action about the alleged abuse, neglect or exploitation.[5]

Is the Ombudsman program required to report allegations of abuse?

There are strict federal requirements regarding disclosure of Ombudsman program information. Resident-identifying information cannot be disclosed without resident consent, the consent of the resident representative, or a court order. Therefore, these disclosure requirements prohibit Ombudsman programs from being mandatory reporters of suspected abuse.[6]

How do I find more information about the Ombudsman program and contact an ombudsman?

Visit the National Long-Term Care Ombudsman Resource Center (NORC) website (**ltcombudsman.org**) to learn more about the program. Locate an Ombudsman program by clicking "Visit Our Map."

4 Older Americans Act of 1965. Section 712 (a)(3)(A)

3,5,6 For more information about the program's role in responding to complaints, including allegations about abuse, see the Administration for Community Living's Frequently Asked Questions about the LTCO program (acl.gov) and the National Ombudsman Resource Center (NORC) website (ltcombudsman.org).

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