

## Using Law and Regulation to Protect Nursing Home Residents When Their Government Fails Them: A Long Term Care Community Coalition Report

### **PART III: THE LONG TERM CARE OMBUDSMAN PROGRAM**

(The following is the portion of our full report pertaining to ombudsman activities. The report in its entirety is available at [www.nursinghome411.org](http://www.nursinghome411.org).)

#### Ombudsman Responsibilities

According to the U.S. Administration on Aging, which administers the Long Term Care Ombudsman Program on the federal level, "Ombudsman responsibilities outlined in Title VII of the Older Americans Act include:

- identify, investigate and resolve complaints made by or on behalf of residents;
- provide information to residents about long term care services;
- represent the interests of residents before governmental agencies and seek administrative, legal and other remedies to protect residents;
- analyze, comment on and recommend changes in laws and regulations pertaining to the health, safety, welfare and rights of residents;
- educate and inform consumers and the general public regarding issues and concerns related to long term care and facilitate public comment on laws, regulations, policies and actions;
- promote the development of citizen organizations to participate in the program;
- provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and
- advocate for changes to improve residents' quality of life and care."<sup>1</sup>

#### Challenges to Ombudsman Program Effectiveness

Unfortunately, political "realities" often prevent a state or local ombudsman program from fulfilling its mandate. A comprehensive study by the Institute of Medicine found:

Although in some states and locales elements of the ombudsman programs are vigorously implemented, the ombudsman program as a whole has not been fully implemented with regard to the provisions of the OAA that call for ombudsman services to be available and accessible to residents of LTC facilities. The committee finds the following:

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<sup>1</sup> [http://www.aoa.gov/prof/aoaprogram/elder\\_rights/LTCombudsman/ombudsman.pdf](http://www.aoa.gov/prof/aoaprogram/elder_rights/LTCombudsman/ombudsman.pdf).

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\* Not all residents of LTC facilities in need of advocacy assistance have meaningful access to the services of an ombudsman.

\* Given the lack of a frequent visitation pattern to LTC facilities by ombudsmen in many parts of the country and little, if any, evidence that other methods are used effectively to build an awareness in the community of the availability of ombudsman services, large numbers of residents of LTC facilities are unaware of, and thus would probably not be able to use, the ombudsman programs' services.

\* For the most part, ombudsmen provide timely responses to complaints. However, serious problems exist in some locales. For example, some state programs serve a large proportion of their LTC residents largely through one central toll-free telephone service. In such cases, it is not unusual for ombudsmen to investigate complaints through telephone inquiries only. Those residents most in need of an ombudsman to assist in protecting their health, safety, welfare, and rights may be reluctant or simply unable to initiate complaints to the ombudsman by such means as telephone calls because they are too frail or cognitively impaired.

\* Implementation of the ombudsman program for residents of nursing facilities has been uneven among and within states.

\* Implementation of the ombudsman program for residents of B&C homes has not been achieved in any significant way except in a small number of states.

\* The ombudsman program activities of too many states are piecemeal, fragmented, and focused primarily on responding to complaints that relate to individual residents of nursing facilities. These states are not in compliance with the spirit of the program provisions as stated in the OAA; the Offices of the State LTC Ombudsman programs do not function as a whole, statewide, unified, integrated program delivering a range of individual, systemic, and educational efforts.

\* AoA has not mandated any level of implementation for the legislated LTC ombudsman program, nor has the agency monitored the states' efforts at implementation. Although

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ombudsman programs vary in the amount of staff and volunteer resources being expended to serve the residents of LTC facilities, no agreed-upon level of effort exists to signify that an ombudsman program has been implemented at a minimum acceptable level in a state. States do not uniformly comply with the essential requirements for operating statewide ombudsman programs, and neither AoA nor any other federal agency employs mechanisms to require such compliance.

\* AoA has not developed technical guidance materials that inform states of the federal government's operational definitions of a fully implemented Office of the State LTC Ombudsman program.

\* Ombudsman programs need competent legal advice and backup, including, when the circumstances call for legal interventions, assistance to LTC facility residents in pursuing issues in the courts and in regulatory hearings. The availability of these services is extremely uneven across the country.

\* Except in a very few states, SUAs have not fulfilled their responsibility to ensure that adequate and independent legal counsel is available to the ombudsman programs for the purpose of providing advice and counsel related to LTC residents.<sup>2</sup>

### Overcoming the Challenges: A Selection of Ombudsman Programs Which Have Undertaken Unusual or Innovative Activities

#### **1. Arizona: State Ombudsman – Robert Nixon: 602-542-6454**

- Recommended in *“Good Guardianship: Promising Practice Ideas on Court Links for Agencies on Aging, Adult Protective Services, and Long term Care Ombudsman”*

- Details:

- a) Homepage:

- <http://www.de.state.az.us/aaa/programs/ombudsman/default.asp>

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<sup>2</sup> *Real People Real Problems: An Evaluation of the Long term Care Ombudsman Programs of the Older Americans Act*, Institute of Medicine (1995) (The homepage of the report is <http://www.nap.edu/catalog/9059.html>, and a summary (covering many substantial issues) can be found here: <http://newton.nap.edu/html/rprp/summary.html>).

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- b) Located in Aging and Adult Administration (under Dept of Economic Security).
  - Innovative Practices:
    - a) Alternatives to Guardianship Program: Maricopa County, Arizona
      - i. Formed by area agency on aging, LTCOP, APS, the public fiduciary, the local probate court, and others to identify alternatives to guardianship and to protect vulnerable adults.
      - ii. Contact: Dawn Savatone (savatone@aaaphx.org)
- 2. California: State Ombudsman – Joe Rodrigues: 916-323-6681**
- Recommended by Mark C. Miller (2004 “Ombudsman Program Involvement in Nursing Home Transition Activities”)
  - Details:
    - a) Homepage:  
<http://www.aging.state.ca.us/html/programs/ombudsman.html>
    - b) Located in Dept of Aging.
  - Innovative Practices:
    - a) The Contra Costa County Ombudsman Program participates in “Providing Assistance to Caregivers in Transition” (PACT)
      - i. 3-year pilot project funded by the AoA that supports, educates and empowers caregivers in moving their loved ones out of an institutional setting.
- 3. Colorado: State Ombudsman – Pat Tunnell: 800-288-1376**
- Recommended by Sherer Murtiashaw (2001 “Ombudsman Initiatives Addressing Neglect and Abuse”)
  - Details:
    - a) Homepage:  
[http://www.thelegalcenter.org/services\\_older.html](http://www.thelegalcenter.org/services_older.html)
    - b) Administered by The Legal Center (private, nonprofit) under a contract with the Dept of Human Services, Division of Aging and Adult Services.
  - Innovative Practices:
    - a) Quality of Care Project: Denver metro area (Donna Singer, Program Coordinator)
      - i. Implemented to help prevent abusive incidents from occurring in the first place by providing training on abuse prevention to CNAs working in nursing homes.

**4. Connecticut: State Ombudsman – Maggie Ewald: 860-424-5200  
(ltcop@po.state.ct.us)**

- Recommended by Barbara Frank (2000 “OMBUDSMAN BEST PRACTICES: Supporting Culture Change to Promote Individualized Care in Nursing Homes”)
- Details:
  - a) Homepage: <http://www.ltcop.state.ct.us/>
  - b) Located in Dept of Social Services, Elderly Services Division
- Innovative Practices:
  - a) Combination of direct services to NH residents, partnerships with the state’s elderly services networks, and rigorous systemic and legislative advocacy
  - b) Assists the Statewide Coalition of Presidents of Residents Councils (SCPRC), an organization of nursing home Resident Council Presidents who empower Connecticut’s 30,000+ nursing home residents for stronger and more effective self-advocacy
    - i. VOICES: a statewide annual conference sponsored by the LTCOP which “Provides an opportunity to members of the Coalition to hear speakers addressing advocacy topics, to receive training on relevant issues, and to participate in an open forum with legislators and public officials to raise the issues and concerns of nursing home residents.”
    - ii. [www.ltcombudsman.org/ombpublic/49\\_352\\_3506.cfm](http://www.ltcombudsman.org/ombpublic/49_352_3506.cfm)
  - c) CT Best Practice - Model Relocation:
    - i. Facing the closure of an inner city nursing facility in Connecticut, LTCOP puts together a model relocation plan to ensure a smooth process in the relocation of residents and protects the health and safety of residents.
    - ii. LTCOP represented residents in all court proceedings and decision making meetings involving the Medicaid Agency and the Office of the Attorney General.
    - iii. [http://www.ltcombudsman.org/ombpublic/49\\_352\\_1009.cfm](http://www.ltcombudsman.org/ombpublic/49_352_1009.cfm)
  - d) 1994-1997 “Breaking the Bonds”:
    - i. Acted as partner and catalyst in a free-standing initiative & collaboration among key stake-holders in the state to improve care for NH residents and

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provide educational programming for staff, surveyors, and ombudsmen to address the areas where providers encountered difficulties in eliminating restraint use.

- ii. Impetus was the large percentage of cases of resident-to-resident abuse coming inappropriately to the SLTCOP

### **5. D.C.: State Ombudsman - Jerry Kasunic: 202-434-2140**

- Recommended by national consumer advocate
- Details:
  - a) Homepage: [http://www.aarp.org/states/dc/dc-lce/a2003-05-08-lce\\_longtermcare.html](http://www.aarp.org/states/dc/dc-lce/a2003-05-08-lce_longtermcare.html)
  - b) Funded by DC Office on Aging & AARP Legal Counsel for the Elderly
  - c) Ranked as 1 of the 2 best Ombudsman Programs in US by Inspector General of the U.S. Department of Health and Human Services
  - d) Works on legal injunctions and has relationships with attorneys
- Innovative Practices:
  - a) 2003 Model Transfer and Discharge Plan – Helped file lawsuit to impose plan
    - i. 1986 Nursing Homes and Community Residence Facilities Residents’ Protection Act: Never implemented
    - ii. [http://www.ltombudsman.org/ombpublic/49\\_468\\_4552.cfm](http://www.ltombudsman.org/ombpublic/49_468_4552.cfm)
  - b) 2003 Broken Promises – AARP report on DC’s DOH inaction
    - i. DOH failed to use city regulations to hire additional monitors, issue violations or impose any fine against nursing homes 2 years after getting the authority
    - ii. [http://www.ltombudsman.org/ombpublic/49\\_468\\_4604.cfm](http://www.ltombudsman.org/ombpublic/49_468_4604.cfm)

### **6. Georgia: State Ombudsman - Becky A. Kurtz, Esq: 888-454-5826**

- Recommended by Sara Hunt (2002 “Ombudsman Best Practices: Using Systems Advocacy to Improve Life for Residents”)
- Details:
  - a) Homepage: <http://www.georgiaombudsman.org/>
  - b) Located in Dept of Human Resources, Division of Aging Services (Elder Rights and Advocacy Section)

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- c) The Director of the Division appoints the LTCO
- Innovative Practices:
  - a) Contributions:
    - <http://www.georgiaombudsman.org/help.asp>
  - b) In-state ombudsman with own advisory board
    - i. promotes broader community involvement in advocacy for long term care residents and in program support
  - c) Participates in the Coalition of Advocates for Georgia's Elderly (2006 priorities):
    - i. Legislative: Grandparents Raising Grandchildren, Criminal Neglect of Adults, Consumer Right to Participate Act, Cause of Death Reporting Requirements
    - ii. Budget: Increase PNA for NH Medicaid Recipients, Funding for Community Care Services Program and non-Medicaid Home/Community Based Services Program
    - iii. <http://www.gcoa.org/>
  - d) 2000 Atlanta LTCOP released report on abuse in nursing homes (grant from ORC)
    - i. Critical of complaint response of Office of Regulatory Services resulting in creation of a new complaint unit and a requirement that surveyors contact the LTCOP during most complaint investigations
    - ii. Contact: Karen Boyles, Atlanta LTCOP (404-371-3800; kjboyles\_alas@yahoo.com)
  - e) Participates in *SALT*, Seniors and Lawmen Together (Gwinnett County):
    - i. LTCOP and adult protective services provided training in elder abuse for police officers & engages in issues advocacy with legislation
    - ii. Also joined Human Services Team: spin-off group to call with case referrals when an immediate response was necessary
    - iii. Contact: Jennie Deese, Staff Ombudsman, Decatur, GA (404-371-3800; jddeese@yahoo.com)

**7. Kentucky: State Ombudsman - John Sammons: 1-800-372-2991  
(JohnM.Sammons@mail.state.ky.us)**

- Recommended by Sara Hunt (Independent Consultant for NCCNHR) & Mark C. Miller (2004 "Ombudsman Program Involvement in Nursing Home Transition Activities")
- Details:
  - a) Homepage: <http://chfs.ky.gov/omb/>
  - b) Located in Cabinet for Health & Family Services, Office of the Ombudsman
- Innovative Practices:
  - a) 2002 Task Force on Quality Long term Care
    - i. Recommended using money from CMPs to support upgrading the LTCOP to full-time status and provide a minimum of 1 full-time ombudsman position for every 2,000 nursing home residents
    - ii. [http://www.ltcombudsman.org/ombpublic/49\\_352\\_3507.cfm](http://www.ltcombudsman.org/ombpublic/49_352_3507.cfm)
  - b) Nursing Home Transition Services: SLTCO serves on the state's Olmstead Advisory Committee & a workgroup developing a training curriculum for direct care workers under a Real Choice Systems Change Grant
    - i. "It's Your Move" Contact: John Sammons (SLTCO, Office of Aging Services, Johnm.sammons@KY.gov, 502-564-6930)

**8. Maine: State Ombudsman - Brenda Gallant: 1-800-499-0229  
(MLTCOP@MaineOmbudsman.org)**

- Recommended by national advocate
- Details:
  - a) Homepage: <http://www.maineombudsman.org/>
  - b) The Maine LTC Ombudsman Program - Independent from State Government
- Innovative Practices:
  - a) Facility Staff Training on:
    - i. Residents' Rights
    - ii. Quality of Life
    - iii. Recognizing/Preventing Abuse & Neglect
  - b) Provides assistance with starting Family Councils
  - c) Advocates for Legislation:
    - i. Criminal background checks & employment restrictions
    - ii. Standard admission contract
    - iii. Elimination of duplicate assessments

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- iv. Improve assessments and delivery of mental health services for the elderly
- d) Testifies before state legislature's "Joint Standing Committee on Appropriations & Financial Affairs" – May 24, 2005

### **9. Missouri: State Ombudsman - Carol Scott: 1-800-309-3282 (scotmwo@dssda.state.mo.us)**

- Recommended by Sara Hunt (2002 "Ombudsman Best Practices: Using Systems Advocacy to Improve Life for Residents") and Sherer Murtiashaw (2001 "Ombudsman Initiatives Addressing Neglect and Abuse")
- Details:
  - a) Homepage: <http://www.dhss.mo.gov/Ombudsman/>
  - b) Located in Dept of Health & Senior Services, Div of Senior Services and Regulation
- Innovative Practices:
  - a) Elderly Abuse & Neglect Hotline Evaluation
    - i. Cooperative effort between the LTCOP and the Missouri Division of Aging's Institutional Services to evaluate public's satisfaction
    - ii. LTCOP collects evaluation form every month
  - b) 2003 Advance Directives booklet
    - i. [http://www.ltcombudsman.org/ombpublic/49\\_352\\_4368.cfm](http://www.ltcombudsman.org/ombpublic/49_352_4368.cfm)
  - c) 1996 SERVE – Serving Elderly Residents who are Victims of Crime:
    - i. Provides victim advocacy to the elder abuse victim residing in LTC facilities (Dorothy Erickson, Executive Director, dlerickson@msn.com)
  - d) 2003 Training on residents' rights for staff and residents
    - i. Defining & reacting to complaints
    - ii. Preventing & diminishing complaints
    - iii. Communicating with residents, families and staff
    - iv. [http://www.ltcombudsman.org/ombpublic/49\\_506\\_4380.cfm](http://www.ltcombudsman.org/ombpublic/49_506_4380.cfm)
  - e) Educational publications and brochures (how to act during surveys, etc.)
    - i. Not sure whether its state or local ombudsman
    - ii. <http://www.dhss.mo.gov/Ombudsman/Publications.html>

**10. Nevada: State Ombudsman – Bruce McAnnany: 702-486-3545  
(dasvegas@govmail.state.nv.us)**

- Recommended by Sherer Murtiashaw (2001 “Ombudsman Initiatives Addressing Neglect and Abuse”) & Mark C. Miller (2004 “Ombudsman Program Involvement in Nursing Home Transition Activities”)
- Details:
  - a) Homepage: <http://www.nvaging.net/ltc.htm>
  - b) Located in Dept of Human Resources, Div for Aging Services
- Innovative Practices:
  - a) 1998 Abuse Video Series:
    - i. Series of 3 videos dealing w/ abuse, neglect and exploitation targeted for use in the police department’s training program.
    - b) Facilitated meetings between residents and facilities to reaffirm the resident’s right to consider other care options and to address the barriers to discharge (Gilda Johnstone)

**11. New Mexico: State Ombudsman – Walter Lombardi: 505-222-4500  
(walter.lombardi@state.nm.us)**

- Recommended by Phillip O’Connor (*St. Louis Post-Dispatch* – “Ombudsmen often feel powerless in efforts to blow the whistle” 10/15/02)
- Details:
  - a) Located in Dept of Aging & LTC Services
- Innovative Practices:
  - a) LTCOP Undercover as Residents in Nursing Homes
    - i. Contact: Michelle Grisham, director of the state agency on aging
    - ii. Found problems, including neglect, verbal and emotional abuse, thefts, residents left sitting for hours in urine and feces, and records being falsified
    - iii. NH industry complained about the visits, but the governor backed Grisham
    - iv. Grisham now has the authority to conduct the undercover visits (written into the state law)

**12. New York: State Ombudsman - Martha Haase: 518-474-7329 or 1-800-342-9871 (m\_haase@ofa.state.ny.us)**

- Details:
  - a) Homepage: <http://www.ombudsman.state.ny.us/>
  - b) Located in Office for the Aging

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- c) Important to remember that the state is very big, and therefore needs a strong state ombudsman to organize the 56 local ombudsman programs.
- Innovative Practices:
  - a) Operation Restore Trust (ORT or Senior Medicare Patrol Project) - coordinated state-federal effort to prevent fraud, waste and abuse in the Medicare/Medicaid programs. A collection of videos detailing the ORT initiative and educates the public on identifying and reporting Medicare/Medicaid fraud, waste and abuse.

### **13. North Carolina: State Ombudsman – Sharon Wilder: 919-733-8395**

- Recommended by Sherer Murtiashaw (2001 “Ombudsman Initiatives Addressing Neglect and Abuse”), Sara Hunt (2001 “Joining Forces for Residents: Citizen Advocates and Long Term Care Ombudsman”) & Mark C. Miller (2004 “Ombudsman Program Involvement in Nursing Home Transition Activities”)
- Details:
  - a) Homepage:  
<http://www.dhhs.state.nc.us/aging/ombud.htm>
  - b) Located in Dept of Health & Human Services, Div of Aging & Adult Services
- Innovative Practices:
  - a) Community Advisory Committees for nursing homes & assisted-living to work to maintain the Residents’ Bill of Rights and promote community involvement and cooperation to ensure quality care
  - b) SLTCOP staff participates in the Nursing Home Transition Work Group designed to assist Medicaid eligible nursing home residents who want to return to the community
    - i. “Transitions” Contact: Denise Rogers (LTCO/Elder Rights Specialist, Division of Aging and Adult Services, Denise.Rogers@ncmail.net, 919-733-8395)
  - c) First Responder’s: A Guide to Abuse, Neglect & Exploitation of Disabled Adults:
    - i. Training program targeted to first responders such as police, emergency room staff, home health, firemen, medics, meals on wheels staff, nutrition sites, LTC facilities, senior services employees, and council on aging.
    - ii. Contact: Lottie M. Massey, Regional Ombudsman, lmassey@centralina.org

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- d) Works with Citizen Action Group, Friends of Residents in Long Term Care (FOR):
  - i. Contact: Carol Teal (ED at FOR) or Wendy Sause (SLTCO, NC Div of Aging)
  - ii. Policy and legislative advocacy

### **14. Oklahoma: State Ombudsman – Esther Houser: 405-521-6734**

- Recommended by national advocate & Sara Hunt (2001 “Joining Forces for Residents: Citizen Advocates and Long Term Care Ombudsman”)
- Details:
  - a) Homepage: <http://www.okdhs.org/aging/glance.htm>
  - b) Located in Dept of Human Services, Aging Services Division
- Innovative Practices:
  - a) FBI honored SLTCO with a citation for their cooperation and assistance in the convictions of the former Oklahoma Deputy Commissioner of Health for bribery and Medicaid fraud and two nursing home owners for money laundering and Medicaid fraud.
  - b) Engages in systemic advocacy
  - c) Publications from Northern Oklahoma Development Authority (NODA) – Area on Aging, including “Know Your Rights”: (<http://www.noda-aaa.com/pages/publications.html>)
  - d) Works with Citizen Action Group, Oklahomans for the Improvement of Nursing Home Care (OK INCH)
    - i. Contact: Jo Anna Deighton
    - ii. All OK INCH members are family members of NH residents

### **15. Oregon: State Ombudsman – Meredith Cote: 503-378-6533 (LTCO.contact@state.or.us)**

- Recommended by Barbara Frank (2000 “OMBUDSMAN BEST PRACTICES: Supporting Culture Change to Promote Individualized Care in Nursing Homes”)
- Details:
  - a) Homepage: <http://www.oregon.gov/LTCO/index.shtml>
  - b) Located in independent state agency "Long Term Care Ombudsman"
  - c) Monitored by the LTC Advisory Committee, appointed by the Governor and legislative leadership (w/in Medicaid)
- Innovative Practices:

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- a) 1995 Gerontologist article: "The relationship between volunteer long term care ombudsmen and regulatory nursing home actions" (Vol 35, Issue 4 509-514)
  - i. Relationship between the presence of Oregon volunteer LTCO and externally handled abuse complaints, survey reports, and regulatory sanctions
- b) Collaborative Restraint Free Care Initiative (RWJ grant):
  - i. Joanne Rader (503-873-6748) and the Benedictine Institute in Mt. Angel, OR coordinated a statewide effort to reduce the use of restraints.
  - ii. Trained providers, surveyors, ombudsmen, protective services workers, and any other parties whose actions could influence the use of restraints on individualized care to reduce restraints.

### **16. Pennsylvania: State Ombudsman – Laurie Sisak: 717-783-7247 (RA-Ombudsman@state.pa.us)**

- Recommended by Barbara Frank (2000 "OMBUDSMAN BEST PRACTICES: Supporting Culture Change to Promote Individualized Care in Nursing Homes")
- Details:
  - a) Homepage:  
<http://www.aging.state.pa.us/aging/cwp/view.asp?a=283&q=252766>
  - b) Located in Dept of Aging
- Innovative Practices:
  - a) 1990 "CARIE" (Philadelphia, PA) – Abuse Prevention Training:
    - i. Center for Advocacy for the Rights and Interests of the Elderly (CARIE), which operates a local ombudsman program in Philadelphia, started an institutional abuse committee to identify the need to engage in abuse prevention and determined to develop a training program for nursing home staff. (Full-time project director, Beth Hudson Keller)

### **17. Texas: State Ombudsman – John Willis: 512-438-4356**

- Recommended by Mark C. Miller (2004 "Ombudsman Program Involvement in Nursing Home Transition Activities")
- Details:
  - a) Homepage:  
[http://www.dads.state.tx.us/news\\_info/ombudsman/index.html](http://www.dads.state.tx.us/news_info/ombudsman/index.html)

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- b) Located in Dept of Aging and Disability Services
- Innovative Practices:
  - a) "Home by Choice"
    - i. Contact: Margaret Matthews (Regional Ombudsman, Area Agency on Aging of Central Texas, Omb12@centexaaa.com, 254-939-1886)
    - ii. LTCOP doesn't actively seek out residents with a potential to transition; however, they respond aggressively to residents' requests for assistance to return to the community, by providing information about options and making referrals, mainly to the independent living centers
  - b) Quality Initiative: Resident-Centered Care
    - i. [http://www.ltcombudsman.org/ombpublic/49\\_352\\_3504.cfm](http://www.ltcombudsman.org/ombpublic/49_352_3504.cfm)
    - ii. [http://www.dads.state.tx.us/news\\_info/ombudsman/bestpractices/index.html](http://www.dads.state.tx.us/news_info/ombudsman/bestpractices/index.html)
  - c) Best Practice on Advocating for Residents in Nursing Home Closures
    - i. [http://www.ltcombudsman.org/ombpublic/49\\_352\\_4374.cfm](http://www.ltcombudsman.org/ombpublic/49_352_4374.cfm)
  - d) Addressing Problems in Nursing Homes
    - i. [http://www.dads.state.tx.us/news\\_info/ombudsman/addressing\\_problems.html](http://www.dads.state.tx.us/news_info/ombudsman/addressing_problems.html)

### **18. Washington State: State Ombudsman – Kary Hyre: 800-422-1384 (karyh@skcmsc.com)**

- Recommended by Sherer Murtiashaw (2001 "Ombudsman Initiatives Addressing Neglect and Abuse")
- Details:
  - a) Homepage:  
<http://www.aasa.dshs.wa.gov/Programs/ombudsmen.htm>  
(and  
<http://www.aasa.dshs.wa.gov/Programs/ombudsmen.htm>  
)
  - b) Located in Department of Social & Health Services, Aging & Disability Services Admin
- Innovative Practice:
  - a) 1996 Criminal Mistreatment - Dependent Persons (legislation)
    - i. Involved in promulgation of legislation that makes mistreatment of elderly a crime under the criminal statutes

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- ii. SLTCO lobbied and testified on legislation's behalf

**19. Wisconsin: State Ombudsman - George Potaracke: 608-246-7014  
(boaltc@ltc.state.wi.us)**

- Recommended by national advocate
- Details:
  - a) Homepage:  
<http://longtermcare.state.wi.us/home/Ombudsman.htm>  
or  
<http://dhfs.wisconsin.gov/aging/BOALTC/LTCOMBUD.HTM>
  - b) Located in Board on Aging & Long Term Care (where Ombudsmen considered state employees in their own government unit)
- Innovative Practices:
  - a) Provider Accountability Consortium interested in legal charges against Medicaid providers, specifically nursing homes, that provide substandard care:
    - i. [http://www.ltcombudsman.org/ombpublic/49\\_352\\_3508.cfm](http://www.ltcombudsman.org/ombpublic/49_352_3508.cfm)
    - ii. Led by US Attorney's Office, 3<sup>rd</sup> District in cooperation w/ other US attorneys in state, LTCOP, Wis. Attorney General's Office, District Attorney's Association, Postmaster General's office, Medicare intermediaries, MA fiscal agent, State Licensing and Certification of MA providers, Dept of Regulation and Licensing, US and Wisconsin Veterans Affairs
    - iii. Meets monthly to review provider citations & identifies cases for further investigation and possible prosecution under federal and/or state statutes in both civil and criminal litigation. Individuals are identified for regulatory action leading to professional licenses suspension and/or revocation. SLTCOP helps identify witnesses willing to be interviewed or deposed. Criminal prosecutions for abuse by caregivers is up by 29% since the DA's organization joined the consortium.

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## Ombudsman Resources

1. National Long Term Care Ombudsman Resource Center  
<http://www.ltcombudsman.org/default.cfm> (see, especially, page on systemic advocacy).
2. The National Association of State Long Term Care Ombudsman Programs [www.nasop.org](http://www.nasop.org).
3. U.S. Administration on Aging, Elder Rights: LTC Ombudsman page  
[http://www.aoa.dhhs.gov/prof/aoaprogram/elder\\_rights/LTCombudsman/Legislation\\_Reg/legislation\\_reg.asp](http://www.aoa.dhhs.gov/prof/aoaprogram/elder_rights/LTCombudsman/Legislation_Reg/legislation_reg.asp).
4. *The Long Term Care Ombudsman Program: Rethinking and Retooling for the Future* (also known as the Bader Report) (2003). Presents the proceedings, recommendations, and background materials from the 2002 retreat of the National Association of State Long Term Care Ombudsman Programs (available at [http://longtermcare.state.wi.us/home/whitepaper03\\_FINAL.pdf](http://longtermcare.state.wi.us/home/whitepaper03_FINAL.pdf)).
5. *Enhancing the Performance of Local Long Term Care Ombudsman Programs* (Toolkit), Carol Estes, et al. (available at <http://www.ltcombudsman.org/uploads/EstesToolkit06.pdf>).
6. Experiences and Challenges of Local Long Term Care Ombudsman Programs in New York State & California: A Qualitative Inquiry (presentation January 16, 2005), Steven P. Lohrer, PhD, et al. (<http://sswr.confex.com/sswr/2005/techprogram/P978.HTM>).
7. *State Long Term Care Ombudsman Provisions. In the Older Americas Act, as Amended in 2000. By Topic, With Policy Interpretations* (available at [www.aoa.gov/prof/aoaprogram/elder\\_rights/LTCombudsman/Legislation\\_Reg/Omb.%20Prov.%20by%20topic.doc](http://www.aoa.gov/prof/aoaprogram/elder_rights/LTCombudsman/Legislation_Reg/Omb.%20Prov.%20by%20topic.doc)).