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Strengthening the Aging Network Factsheet

*Overview of Long-Term Care Ombudsman
Program*

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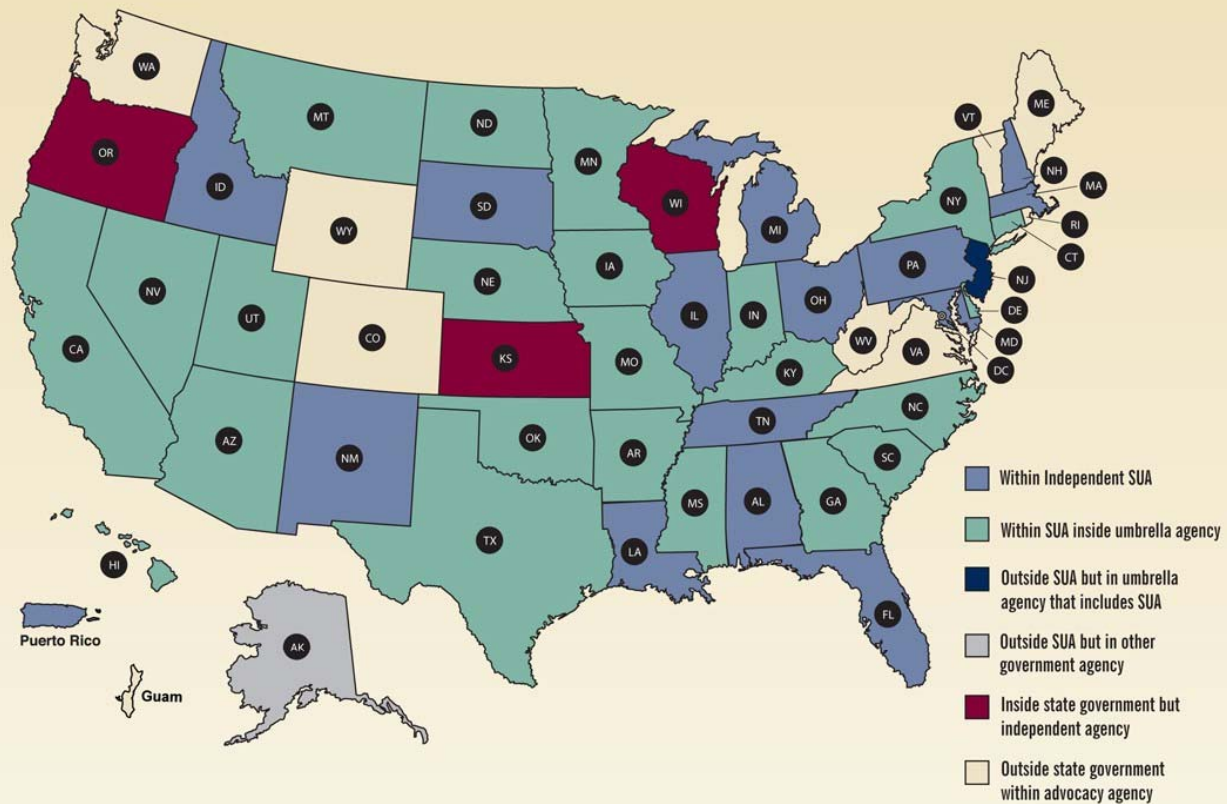
The Long Term Care Ombudsman Program (LTCOP) is intended to act as trusted intermediary between an organization and some internal or external constituency while representing the broad scope of constituent interests.

The organizational placement of the Office of the State Long-Term Care Ombudsman influences the program in matters ranging from financial and other support to its ability to conduct its duties effectively, and efficiently.

Federal law [Older Americans Act (OAA) Section 712 (42 U.S.C. 3058g)] requires State Agencies on Aging to “establish and operate an Office of the State Long-Term Care Ombudsman; and carry out through the Office a State Long-Term Care Ombudsman program.” “The State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.” The OAA gives states the responsibility for oversight in certain areas of activity.

States have responded to this requirement in various ways. Most states house the program within the SUA. In these states, the State Ombudsman may report directly to the director of the state unit or may be organizationally located in a unit within the agency. Other states contract with not-for-profit organizations, such as legal centers, citizen advocacy organizations, or the state’s association of area agencies on aging. One has placed it within a state office that also contains other forms of ombudsman agencies. A 2010 review determined that at least thirteen states’ LTCOPs are in independent agencies separate from the SUA. The figure, below, provides a national overview.

Location of Long-Term Care Ombudsman Programs in States*



Within Independent SUA: Alabama, Florida, Idaho, Illinois, Louisiana, Maryland, Massachusetts, Michigan, New Hampshire, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, New Mexico

Within SUA inside umbrella agency: Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Hawaii, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New York, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, Utah

Outside SUA but in umbrella agency that includes SUA: New Jersey

Outside SUA but in other government agency: Alaska

Inside state government but independent agency: Kansas, Oregon, Wisconsin

Outside state government within advocacy agency: District of Columbia, Colorado, Guam, Maine, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wyoming

*Information from *Long-Term Care Ombudsman Program: Structure, Responses, Quality and Funding, 2003 and Administration on Aging*

Successful programs that are housed within agencies other than the State Unit on Aging have clear authorizing language stating that the host agencies have little or no authority over the program but are housed for administrative purposes only.

Beyond ombudsman's responsibility to advocate for individuals, LTCOs must engage in systems advocacy to ameliorate less than optimal practices and policies affecting the welfare and rights of long-term care facility residents. In some states, policies clearly delineate that the State agency is the administrative home of the program but that the State Ombudsman may bring resident concerns and systems flaws to the attention of legislators, state administrators, and the media. It is a best practice for the director of the State Unit on Aging to systematically meet with relevant incoming state officials to explain the unique role of the SLTCO in advocating for change. In all states having a good working relationship between the State Agency's management and a SLTCO who participates in and leads systems advocacy efforts, the State Ombudsman has a clear path to the head of the State Unit on Aging to explain issues, to assure that the agency head is aware of positions and statements of the SLTCO, and that the SLTCO knows the concerns of the SUA.

State ombudsman programs have different ways of achieving sufficient autonomy to fulfill their systems advocacy responsibilities. In some states the Ombudsman is a registered lobbyist and is also a state employee. In other states where the State Ombudsman is a state employee, such as Indiana, Kansas, and New Hampshire, the ability of the State Ombudsman to initiate contact with legislators and to represent the interests of residents without securing prior approval or any censoring of comments, is clear in state law.

There may be times when an ombudsman program initiates legal action or joins in a lawsuit; Washington State and the Washington, DC programs are examples of programs that have done this.

Effective systems advocacy requires communication, coordination, and the ability to be unimpeded and uncensored when it is necessary to make its position known. This is at the heart of the ombudsman concept, whether it is the long-term care ombudsman or the classical ombudsman model. Effective systems advocacy also requires a data collection and reporting system that yields reliable, statewide information.

For More Information

Please download a copy of [State Long-Term Care Ombudsman Program: A Primer for State Aging Directors and Executive Staff](#)



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