

Strategy Brief:

**The Ombudsman Program and
Legislative Advocacy**

Report on National Dialogue Forum #5

Prepared by the National Association of State Units on Aging

National Long-Term Care
Ombudsman Resource Center

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The National Association of State Units on Aging (NASUA) is a private, nonprofit organization whose membership is comprised of the 56 state and territorial offices on aging.

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Foreword

The National Association of State Units on Aging (NASUA), as part of its work in support of the National Long-Term Care Ombudsman Resource Center (NORC), is convening a series of national dialogue forums on issues of importance to long-term care ombudsman programs and state units on aging (SUAs). The National Dialogue Forums provide a venue for state aging directors and state long-term care ombudsmen (SLTCOs) to discuss challenging issues and identify promising practices to more effectively serve long-term care consumers.

NASUA has developed a process for convening the National Dialogue Forums consisting of the steps described below.

Step 1. Convene the Advisory Committee to identify topic areas on which the forums will focus in the coming year. The Advisory Committee consists of equal representation of SUAs and SLTCOs (the membership of the Advisory Committee is listed in Appendix A). Recent dialogue topics have included:

- Advocacy in guardianship.
- Legislative advocacy.
- End of life issues in long-term care.

Step 2. Convene an Issue Identification Panel (IIP) focused on each topic. The IIP will help identify the primary questions for discussion during the National Dialogue Forums. Each IIP consists of approximately 10 representatives of SUAs, state ombudsman programs and other areas germane to the topic (e.g., Adult Protective Services, Centers for Medicare and Medicaid Services, American Bar Association, Independent Living Centers, home and community based services, etc.).

Step 3. Identify promising practices. Promising practices and information on strategies ombudsman programs use to address the dialogue topic will be solicited from SLTCOs via email prior to each dialogue forum. Additional promising practices will be identified during the dialogue forum.

Step 4. Invite all SUAs and SLTCOs to participate in the National Dialogue Forums.

Step 5. Convene the National Dialogue Forum, consisting of a series of teleconferences on each dialogue topic.

Step 6. Develop a strategy brief. Strategy briefs provide highlights of the ideas, challenges and promising practices presented during the dialogue forums and obtained via email from state ombudsman programs. A strategy brief for each dialogue topic will be prepared and disseminated to all SUAs and SLTCOs.

Strategy Brief:

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Introduction

According to the Older Americans Act, as amended, the Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office ---

(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State; (ii) recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and (iii) facilitate public comment on the laws, regulations, policies, and actions.

This strategy brief presents promising practices and strategies identified by ombudsman programs concerning legislative advocacy. The information presented here is based on promising practices identified by state ombudsmen in response to an email solicitation sent to all programs in September 2005 and information provided during the National Dialogue Forum. Due to the sensitive nature of this topic, statements and information attributed to specific individuals are provided with permission. The National Dialogue Forum consisted of two teleconferences held on September 27 and 29, 2005.

An Issue Identification Panel (IIP) comprised of state ombudsmen, state aging directors and the director of the National Ombudsman Resource Center helped develop a set of questions for this National Dialogue Forum on the *ombudsman program and legislative advocacy*. The IIP met via teleconference on August 17, 2005. See Appendix B for the list of IIP members.

Four questions (listed below) were emailed to all state aging directors and state ombudsmen prior to the calls, and were used to guide the discussion during the teleconferences.

The National Dialogue Forum addressed the following questions:

Does the ombudsman program develop a formal public policy/legislative advocacy agenda on an annual or other periodic basis?

What public policy/legislative advocacy activities does the ombudsman program engage in?

Does the state ombudsman and state unit on aging work together on public policy and legislative issues of mutual concern?

What happens when the state ombudsman and state aging director disagree on a public policy issue?

A total of 31 persons from 17 states and the District of Columbia participated in the two teleconferences, including:

- 7 representatives from state units on aging
- 21 state ombudsman program representatives
- 3 representatives from the National Ombudsman Resources Center.

Representatives from both the state unit on aging (SUA) and the ombudsman program in six states (Kentucky, Maine, New York, North Carolina, Oklahoma, Wisconsin) participated in the Forum. National Dialogue Forum participants are listed in Appendix C.

Promising Practices and Discussion Highlights

This strategy brief is divided into four sections that correspond to the questions asked during the National Dialogue Forum conference calls. Section I describes the *processes used to develop public policy/legislative agendas*; Section II provides an account of the types of *public policy/legislative advocacy activities* state and local ombudsman programs engage in; Section III provides *examples of how ombudsman programs and state units on aging work together on public policy/legislative issues* of mutual concern; and Section IV describes *how state ombudsmen and state aging directors handle disagreements* over public policy and legislative issues.

I. Processes used to develop public policy/legislative agendas

Does the ombudsman program develop a formal public policy/legislative advocacy agenda on an annual or other periodic basis?

Among participants on the calls and respondents to the emailed dialogue questions, only eight (8) ombudsmen (District of Columbia, Georgia, Indiana, Maine, Montana, Oklahoma, Rhode Island, Wisconsin) reported that their programs develop a *formal public policy/legislative advocacy agenda*, although several other ombudsman programs described less formal processes to identify legislative priorities. Descriptions of the process used by some of these programs are provided below. Generally, formal agenda setting processes include:

- Identifying issues and setting priorities
- Coordinating with stakeholder groups and coalitions
- Promoting the agenda.

Programs that develop formal legislative agendas typically also produce an annual written document or position statements that describe the program's public policy/legislative agenda. The ombudsman programs that use less formal processes may also perform some of these activities listed above.

Several participants mentioned that legislative advocacy can be a long drawn-out process. Meetings to identify priorities may start in the fall of the year or between legislative sessions, when agencies and organizations begin drafting their agendas and strategies. There may be pre-filing of bills before legislative sessions, and months of committee meetings, public hearings and study commissions after a bill has been introduced.

Ombudsmen generally agreed that legislative sessions can be unpredictable; issues often arise that require the ombudsman program to set aside preplanned agendas and strategies in order to quickly respond to bills that threaten existing policies or laws that protect consumers' health, safety and rights.

Many times we are asked to respond to bills that come up before the legislature as opposed to being the ones that spearhead issues.

Larry Medley
State Ombudsman, West Virginia

At the beginning of each fiscal year, the **District of Columbia** Ombudsman Program meets with program staff and volunteers to identify the top 3 problem areas. Program representatives first canvas resident and family councils to gather input on problems and concerns. The issues identified have included staffing ratios, chemical and physical restraints, verbal abuse and staff unresponsiveness. Ombudsman program staff then discuss the legislative or policy changes needed to address the identified problems. The program's attorney drafts the necessary language for proposed changes and the legislative agenda is shared with the state unit on aging. Finally, the ombudsman

program meets with stakeholder groups (e.g., citizens groups, mental health advocates, resident councils) to present the proposed legislative agenda and solicit support.

The **Maine** Ombudsman Program identifies potential legislative issues through its work with consumers and by talking with program staff. First, the state ombudsman reviews the complaints the program has received in order to identify trends. Next, the program talks with consumers and their families around the state to gather their input about issues they feel need to be addressed. In the past, the program has partnered with AARP to conduct regional meetings to talk about long-term care issues and invite public comment. Once a set of issues has been identified the state ombudsman presents them to the program's board of directors for their approval and support. To promote the legislative agenda, the ombudsman program may hold a press conference, but primarily works through the Elder Issues Partnership, a 30-member network of stakeholder groups (members include the Alzheimer's Association, Legal Services for the Elderly, Home Care Alliance of Maine, Disability Rights Center, University of Maine Center on Aging, Maine Association of Area Agencies on Aging, Maine Health Care Association, Home Care for Maine) the state ombudsman helped establish to support aging related legislation. The program also encourages family members and consumers to offer testimony at legislative hearings, or submit a letter that can be shared with legislative committees, as needed. The program's full-time legal counsel works with the state ombudsman on lobbying and developing a legislative strategy.

The **Oklahoma** Ombudsman Program identifies issues for possible legislative advocacy by reviewing complaints handled on behalf of residents, and examining trends that local ombudsman programs identify as being widespread among facilities. In some instances, issues are based on calls from legislators who request the program's assistance with responding to a constituent or information gathered in connection with a legislative study. The ombudsman program may also attempt to reshape issues that were previously raised in the legislature but were not acted on because they were too complex or controversial. In some years, the program's legislative agenda is creative and progressive; in others, it is more reactive, focused on defending existing rights and protections. The program usually publishes a series of position statements on individual issues rather than a single document that covers all the issues and strategies. The ombudsman program generally promotes its legislative agenda by working with senior groups such as the Oklahoma Aging Partnership (OAP), which develops a legislative agenda each year and is comprised of major senior organizations (e.g., AARP, the Alliance on Aging, the Silver Haired Legislature Alumni Association, and the Department of Human Services' State Council on Aging). The ombudsman program provides consultation to the OAP, including advising the group on which legislators might be most helpful in promoting various legislative issues.

The state ombudsman in **Rhode Island** is a member of the Long-Term Care Coordinating Council, chaired by the Lieutenant Governor. The ombudsman program does not develop its own legislative agenda but brings specific issues it has identified through review of the program's complaint data to the Council in an effort to have it incorporated into a larger statewide legislative agenda. According to the SUA, the

ombudsman program played a significant role in developing a package of nursing home reform bills that was recently enacted by the legislature.

The **Wisconsin** Ombudsman Program reviews its data on an annual basis to determine prevalent systemic problems in long-term care. Generally two or three issues are identified each year. The program's board of directors then prioritizes the issues to pursue legislatively and decides whether or not to pursue those issues jointly with other state agencies and advocacy organizations or to find sponsors to introduce the legislation on behalf of the board. The program presents its priority issues to the Legislative Advocacy Caucus, which is comprised of a wide range of groups and organizations interested in aging, including the state unit on aging, in order to get buy-in from the group. If successful, it becomes part of a larger aging legislative agenda.

II. Public policy/legislative advocacy activities

What public policy/legislative advocacy activities does the ombudsman program engage in?
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This section provides information about the types of public policy and legislative advocacy activities ombudsman programs engage in, how ombudsman programs have built credibility with legislators, the involvement of local ombudsman programs in legislative advocacy, the benefits of tracking legislation electronically and ombudsmen who are registered lobbyists. The discussions focused on public policy/legislative advocacy activities of the ombudsman program at the state level, although most ombudsman programs are concerned about federal developments impacting nursing home residents as well. As the Wisconsin state ombudsman noted, policy discussions about aging issues at the national level ultimately affect consumers at the state and community levels, so it is also important for ombudsmen to be engaged in advocacy about federal legislation and regulations. To do this effectively, ombudsmen need to be able to communicate with their congressional delegations.

Public policy/legislative advocacy activities

Twenty-seven (27) programs responded to a checklist of public policy/legislative advocacy activities conducted at the state and local level. The most frequently cited public policy/legislative advocacy activities at the state level include:

- Responding to legislative and regulatory proposals as needed (26 programs)
- Submitting written comments on state/federal regulations (25 programs)
- Testifying at legislative committee meetings or public hearings (24 programs)
- Coordinating with the aging director/senior staff to develop legislative priorities (23 programs)
- Meeting with legislators (21 programs)

- Participating in coalitions/committees/task forces that conduct legislative advocacy (21 programs)
- Developing issue-specific coalitions and task forces (15 programs)
- Conducting community education to promote the programs' public policy/legislative agenda (12 programs)
- Organizing residents and families to testify at legislative committee meetings or public hearings (11 programs)

The most frequently cited public policy/legislative advocacy activities at the local level include:

- Testifying at legislative committee meetings or public hearings (17 programs)
- Meeting with legislators (14 programs)
- Organizing residents and families to testify at legislative committee meetings or public hearings (13 programs)
- Submitting written comments on state/federal regulations (12 programs)
- Facilitating volunteer involvement in advocacy activities (12 programs)

Several programs commented that while they do testify before legislative committees, it is generally in response to a request to do so. Also, state ombudsmen may work through the local programs whose staff can testify at legislative meetings in order to present the program's perspective and position on issues and proposed legislation that would impact long-term care consumers.

State ombudsmen commented that a significant portion of their time is devoted to developing and/or participating in coalitions that conduct legislative advocacy. These coalitions typically include AARP, legal assistance programs, area agencies on aging, and disability groups. Developing relationships with other advocacy groups and coalitions, especially at the local level, is an important strategy for promoting an agenda that will benefit long-term care consumers.

It is difficult to find the time to track all the bills of interest with a full-time legislature. Coordinating with other advocacy groups and coalitions helps me stay informed on bills of critical importance to long-term care residents.

Sarah Slocum
Michigan, State Ombudsman

The Georgia Ombudsman Program has developed written policies and procedures for assuring that the interests of residents are represented before governmental agencies and policy makers. The program uses the term "issues advocacy" to include such activities as:

- educating advocacy groups, government agencies and policy makers about the impact of laws, policies or practices on long-term care residents;
- facilitating public comment seeking modifications to laws, policies and regulations related to the rights and well-being of residents;
- participating in public hearings or on task forces studying long-term care issues; and,
- providing information on proposed laws or regulations.

The program's policy and procedures also address the state ombudsman's responsibilities related to issues advocacy, identify when it is appropriate to resolve resident complaints through issues advocacy, and provide guidelines for conducting issues advocacy. A copy of Georgia's policy and procedures can be found in Appendix D.

Establishing credibility with legislators

Building credibility with legislators and policy makers is critical to conducting effective legislative advocacy. It requires a combination of education, responsiveness to requests from legislators, ensuring the accuracy of information the program provides, and taking a leadership role in consensus building with diverse stakeholder groups.

The Maine Ombudsman Program has worked hard over the years to establish the program as an expert resource on long-term care, to build credibility in terms of the information that it provides to legislators and to develop consensus on legislative issues among diverse stakeholder groups. For example, three years ago the program worked closely with the state unit on aging to develop language to bar certified nursing assistants (CNAs) convicted of a felony from working in long-term care facilities for a period of 10 years. From talking with representatives at the CNA Registry and local police departments, the program became aware that there were people with criminal backgrounds working in nursing homes. The legislation became a joint effort of the ombudsman program, the state unit on aging, the CNA Registry, local police departments and the state police; it passed without any opposition. The following year, the state unit on aging took the lead in extending that same legislation to personal care attendants who work in other settings. As a result of establishing the ombudsman program's reputation as an expert resource on long-term care, the legislature now routinely looks to the program for information on long-term care issues and how proposed policy or legislation may affect the quality of care or rights of consumers. When asked to do so by legislative committees, the program has also taken a leadership role in developing consensus when there is division among stakeholders over an issue.

I think it's really all about establishing the ombudsman program as the people to go to when there are questions about long-term care, and I think that's something that we should all strive for.

Brenda Gallant
State Ombudsman, Maine

The Oklahoma Ombudsman Program has received positive feedback from legislators for the help the program has provided in response to concerns raised by their constituents. As a result, legislators sometimes contact the state ombudsman regarding specific legislative proposals or to ask the ombudsman's opinion about the potential impact of a legislative proposal on the residents of long-term care facilities. When the ombudsman program is responsive in such situations it's obvious that the program benefits. However, the benefit of such actions extends to the state unit on aging as well, and citizens are more likely to see government as a responsible voice for persons who are vulnerable as a result.

Working with local ombudsman programs

In North Carolina, the state ombudsman shares legislative issues of concern with the regional ombudsmen, and the regional ombudsman association then develops a legislative agenda. In Oklahoma, the state ombudsman meets with regional ombudsmen quarterly to keep them updated on the lifecycle of various pieces of legislation. Regional ombudsmen can, in turn, talk with legislators in their home districts about quality of care concerns related to long-term care facilities. Regional ombudsmen are encouraged to get to know their representatives, and take them to facilities and senior centers and visit other providers so that legislators can gain an understanding of the work the ombudsman program does.

Tracking legislation electronically

Many ombudsmen commented that one of the most challenging aspects of legislative advocacy was tracking and analyzing hundreds of bills over a short period of time. Some ombudsman programs, including Maine and Oklahoma use the Internet to track bill activity, hearings, amendments, and voting. Some General Assemblies also broadcast committee hearings over the web as well.

The state ombudsman as lobbyist

State ombudsmen in Georgia, Maine, Nevada and Wisconsin reported that they are registered lobbyists. The requirements for who must register as a lobbyist vary by state.

Early in its development, the private law firm that the Maine Ombudsman Program used to lobby the state legislature on behalf of nursing home residents and long-term care consumers recommended that the state ombudsman register as a lobbyist. Registering as a lobbyist provides a public record of the work the program does with the legislature. According to the state ombudsman, one of the key challenges is to act in a non-partisan manner.

In Wisconsin, state law requires that persons who attempt to influence legislation be registered as lobbyists, who must identify on a semi-annual basis the topical areas worked on and the amount of money spent on those activities. Every six months, the state ombudsman identifies the time spent on legislative activities and translates that into a percentage of his work time.

III. Examples of how ombudsman programs and state units on aging work together on public policy/legislative issues

Does the state ombudsman and state unit on aging work together on public policy/legislative issues of mutual concern?

“I’m not sure what the role of the ombudsman is under federal law if not to be that voice for residents. ... I’ve felt supported by the aging network, the aging community and certainly by the director of aging services ... they understand that my job is to be an advocate.”

Esther Houser, State Ombudsman, Oklahoma

Twenty-five (25) of 27 ombudsman programs that responded to the questions emailed prior to the teleconferences, reported coordinating with the state aging director or other SUA staff to develop legislative priorities. State units on aging and ombudsman programs often have the same position on legislative issues that impact the health, safety, welfare and rights of older long-term care consumers and work together to develop legislative strategies. Examples of such coordination described below highlight the benefit to both the state unit on aging and the ombudsman program.

The Maine Ombudsman Program frequently works with the SUA on legislative issues, as cited in the previous section. In turn, the SUA will sometimes ask the ombudsman program for assistance with a particular piece of legislation or legislative language. For example, in 2005, the ombudsman program successfully lobbied the appropriations committee to introduce language in the budget to allow the SUA to carry over funds in the Homemaker State Fund from year-to-year, in order to better serve seniors and avoid waiting lists.

The North Carolina Division of Aging & Adult Services promotes the legislative priorities of the ombudsman program by working through legislative committees and the Senior Legislature to bring ombudsman issues to the table. A Legislative Study Commission on Aging, which meets between sessions, normally holds public hearings to gather input on aging related issues from seniors, their families and advocates. According to the state aging director, the SUA uses these opportunities to educate members of the commission about those issues and programs that are important not only to the broader aging population, but also to those seniors and their families that rely on long-term care services, especially the issues that have been identified by the ombudsman program. This includes issues identified by the ombudsman program as priorities to be addressed in the next legislative session.

The North Carolina SUA also staffs two advocacy groups --- the Senior Tar Heel Legislature and the Governor’s Advisory Council on Aging --- through which it provides education about issues impacting older long-term care consumers. The Senior Tar Heel Legislature, comprised of a senior delegate from each of the state’s 100 counties, meets

three times a year to develop legislative priorities on issues concerning older North Carolinians. The Governor's Advisory Council on Aging, comprised of about 30 persons appointed by the governor and General Assembly, makes recommendations to the Governor and the Secretary of the Department of Health and Human Services on how to improve the quality of life of older North Carolinians. When the ombudsman program's legislative priorities are not included in the Department of Health and Human Services' legislative package, these groups, along with local advocacy groups, can often help "carry the ball" and promote those issues with the legislature.

IV. How state ombudsmen and state aging directors handle disagreements

What happens when the state ombudsman and state aging director disagree on a public policy issue?

"We all have an obligation to our employer, whether it is a state unit on aging, a governing board, or a non-profit organization. The key is to have clearly stated expectations about the role of an ombudsman as an advocate."

George Potaracke, State Ombudsman, Wisconsin

Forty-four (44) state ombudsmen programs are housed in state government, 38 of which are located in state units on aging. There are often strong opinions among state ombudsmen concerning their ability to function as effective advocates in the area of legislative advocacy. In most instances, state agencies are unable to publicly support issues that are counter to the Governor's legislative package. The state ombudsman's desire to take a position on a piece of legislation or public policy that is in opposition to the state administration, could therefore lead to disagreements between the state ombudsman and state aging director. However, the majority of ombudsmen who participated in the National Dialogue commented that disagreements over public policy issues are not a common experience. This suggests that in some states, at least, efforts are being made by both state ombudsmen and state aging directors to communicate about potential and on-going public policy issues and strategize about effective ways to support the ombudsman program's public policy/legislative priorities on behalf of older long-term care consumers.

As an example, in 2005, the Illinois General Assembly was considering a bill to allow the use of "feeding assistants" in nursing homes. The bill would have allowed nursing facilities to hire and train persons who had not completed training as certified nursing assistants (CNAs) to help feed residents. The state ombudsman and the Illinois Association of Long-Term Care Ombudsmen opposed the legislation, while the department on aging's position was neutral. The state ombudsman and the SUA's legislative liaison met to discuss the legislation and the ombudsman program's perspective. As a result, the SUA sent briefing papers for both positions to the Governor's Office. In the end, the legislation did not pass.

State aging directors in Iowa and Michigan both commented that they had made specific efforts to educate other state agencies and their Governors' Offices about the role of the ombudsman program and its responsibilities as established in federal law, and that while administratively housed within a state agency, the program functions independently in many ways. In Michigan, while the SUA and the ombudsman program often have the same position on an issue, the state ombudsman at times may have a different perspective than the rest of state government and the state aging director supports the state ombudsman's responsibility to speak up and advocate for a different position. If there is a legislative or policy issue that the state ombudsman wants to get involved with, she meets with the state aging director to discuss it. If necessary, the state aging director will then brief the Department of Community Service, the Department of Community Health or the Governor's Office regarding the ombudsman program's position.

Summary

Thirty-one (31) persons representing 17 states, the District of Columbia and the National Ombudsman Resource Center participated in the National Dialogue Forum on the ombudsman program and legislative advocacy, which consisted of two teleconferences held on September 27 and 29, 2005. The dialogue focused on the processes ombudsman programs use to develop public policy and legislative advocacy agendas, the types of public policy and legislative advocacy activities programs engage in, and how ombudsman programs work with the state unit on aging on public policy/legislative issues.

Only a few ombudsman programs develop formal public policy/legislative advocacy agendas although other programs use less formal processes to identify legislative priorities. Typically ombudsman programs identify legislative issues by reviewing their complaint data and gathering input from consumers and their families. In addition, some programs coordinate with stakeholder groups and coalitions to promote legislation that is beneficial to the health, safety, welfare and rights of long-term care consumers. Ombudsman responses to questions emailed prior to the Dialogue Forum, and discussed during the teleconferences, revealed that ombudsmen are engaged in a variety of public policy and legislative advocacy activities, including:

- Responding to legislative and regulatory proposals
- Submitting written comments on state/federal regulations
- Testifying at legislative committee meetings or public hearings
- Coordinating with the aging director/senior staff to develop legislative priorities.

There was consensus among participants that it is critical for ombudsman programs to establish credibility with legislators in order to conduct effective legislative advocacy. A number of state ombudsmen commented that they work through the local or regional ombudsman programs whose staff then work with elected officials in their districts or testify at public hearings, in order to present the program's perspective and position on issues and proposed legislation that would impact long-term care consumers.

Finally, the dialogue revealed that state ombudsmen and state aging directors in many of the states that participated in the National Dialogue Forum communicate about public policy and legislative issues and strategize about how to support the program's priorities on behalf of older and disabled persons. Participants offered examples of how some state aging directors work to educate other state agencies and Governors' offices about the ombudsman program and the program's positions on specific legislative issues.

APPENDIX A

Advisory Committee Members

National Dialogue Forum Advisory Committee

Advisory Committee Members

SUA Representatives:

Kentucky

Jerry Whitley
Executive Director
Office of Aging Services

Maine

Chris Gianopoulos
Director
Bureau of Elder & Adult Services

New Mexico

Michelle Lujan-Grisham
Secretary Designate
State Agency on Aging

Utah

Helen Goddard
Director
Division of Aging & Adult Services

Ombudsman Program Representatives:

Missouri

Carol Scott
State Ombudsman

Ohio

Beverly Laubert
State Ombudsman

Texas

John Willis
State Ombudsman

Wisconsin

George Potaracke
State Ombudsman

APPENDIX B

Issue Identification Panel Members

The Ombudsman Program and Legislative Advocacy

Issue Identification Panel Members

Panel Task: Identify primary questions of interest to address during the National Dialogue Forum on the Ombudsman Program and Legislative Advocacy.

SUA Representatives:

Florida

Sarah Graham
Director, Elder Rights Unit

Iowa

Mark Haverland
Director, Department of Elder Affairs

Michigan

Sharon Gire
Director, Office of Services to the Aging

Brad Geller
Legal Assistance Developer

Ombudsman Program Representatives:

District of Columbia

Jerry Kasunic
State Ombudsman

Florida

Brian Lee
State Ombudsman

Indiana

Arlene Franklin
State Ombudsman

Ohio

Beverly Laubert
State Ombudsman

Others:

**National Ombudsman Resource
Center**

Lori Smetanka
Director

APPENDIX C

National Dialogue Forum Participants

The Ombudsman Program and Legislative Advocacy

National Dialogue Forum Participants

Arizona

Robert Nixon
State Ombudsman

Arkansas

Kathie Gately
State Ombudsman

District of Columbia

Jerry Kasunic
State Ombudsman

Idaho

Cathy Hart
State Ombudsman

Illinois

Sally Petrone
State Ombudsman

Indiana

Arlene Franklin
State Ombudsman

Iowa

Jeanne Yordi
State Ombudsman

Kentucky

Mike Brown
Office of Aging Services

Jane Chapman
Ombudsman Program

Maine

Brenda Gallant
State Ombudsman

Catherine Valcourt
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Elizabeth Gattine
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Michigan

Sarah Slocum
State Ombudsman

Missouri

Carol Scott
State Ombudsman

Carrie Eckles
Ombudsman Program

Julie Wilson
Ombudsman Program

New Hampshire

Don Rabun
State Ombudsman

New York

Marty Haase
State Ombudsman

Steve Syzdek
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Karen Gottovi
Director
Division of Aging & Adult Services

Sharon Wilder
State Ombudsman

Kathryn Lanier
Ombudsman Program

Oklahoma

Carey Garland
Director
Aging Services Division

Esther Houser
State Ombudsman

Rhode Island

Paula Parker
Department of Elderly Affairs

West Virginia

Larry Medley
State Ombudsman

Wisconsin

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APPENDIX D

Georgia Long-Term Care Ombudsman Program Policy and Procedures for Issues Advocacy

106. Issues Advocacy

POLICY

The Long-Term Care Ombudsman Program shall assure that the interests of residents are represented to governmental agencies and policy-makers.

PROCEDURES

- a. examples of issues advocacy
Issues advocacy activities include, but are not limited to:
 - i) educating advocacy groups, governmental agencies, and policy-makers regarding the impact of laws, policies, or practices on long-term care residents.
 - ii) seeking modifications of laws, regulations, and other government policies and actions, pertaining to the rights and well-being of residents;
 - iii) facilitating the ability of the public to comment on such laws, regulations, policies and actions;
 - iv) participating in a task force to study a long-term care issue and recommend solutions;
 - v) participating in a public hearing relating to a long-term care issue; and
 - vi) providing information on a proposed law, regulation or other public policy change related to long-term care.

- a. The community LTCOP may seek to resolve resident complaints through issue advocacy where:
 - i) a complaint cannot be resolved due to a current law, policy, or practice;
 - ii) many residents share a similar complaint or are affected by a policy or practice; or
 - iii) other strategies to reach resolution with particular facilities or agency staff have been unsuccessful.

c. guidelines for issues advocacy

The community LTCOP shall:

- i) determine which issue advocacy activity to use by considering:
 - A) the potential impact of the activity on residents;
 - B) the most appropriate and effective method of addressing the issue;
 - C) the potential impact of the activity on the LTCOP;and
 - D) the possibility of joint efforts by the AAA, the provider agency, the LTCOP's advisory council, and/or residents in the activity.
- ii) inform the AAA, provider agency, and the SLTCO of plans to engage in issues advocacy through the LTCO Annual Plan;
- iii) inform the AAA, provider agency, and the SLTCO of advocacy steps taken on high-profile or politically sensitive issues (e.g., involving media or legislative contacts). Recommended practice is to inform these parties prior to taking such action, but, at a minimum, the LTCO should inform them of actions taken;
- iv) attempt to involve residents and families in the activity whenever possible.

d. SLTCO role

- i) provide leadership to statewide advocacy efforts on behalf of long-term care residents;
- ii) recommend public policy changes through:
 - A) publication of an annual report,
 - B) legislative and administrative advocacy,
 - C) work with media,
 - D) collaboration with other agencies and advocates, and
 - E) other appropriate means.
- iii) link areas or advocacy groups with mutual concerns;

- iv) coordinate issues advocacy activities within the LTCOP;
- v) develop advocacy strategies;
- vi) provide a clearinghouse on state and national long-term care issues;
- vii) identify and provide needed resources and training of community LTCOs related to issues advocacy;
- i) coordinate advocacy efforts with the Division of Aging Services, the Georgia Council on Aging and others in the aging network; and
- ix) provide training and technical assistance to AAAs, provider agencies and others in the aging network regarding the LTCOP role in issues advocacy.

REFERENCES

OAA § 712(a)(5)(B)(iv),(v); § 712(h)(2), (3)