



Long-Term Care Ombudsmen & Systems Advocacy

Consumer Voice Conference

Session Title – Working Systemically to Improve Care


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Agenda

- Define Systems Advocacy
 - Review the Older American's Act Provisions
 - Tools – Data, Partners, Credibility
 - Best Practices, Partnership, Patience
 - Barriers and Pathways
 - Question & Answer – if time allows
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Institute of Medicine

“In addition to working on individual cases and complaints, ombudsmen must address and attempt to rectify the broader or underlying causes of problems for residents of LTC facilities. When working on the systems level, ombudsmen advocate for policy change by evaluating laws and regulations, providing education to the public and facility staff, disseminating program data, and promoting the development of citizen organizations and resident and family councils.

What is Systems Advocacy?

Advocacy” means “the act of pleading for, supporting or recommending” and “system” is a broad term that means, “a combination of things or parts forming a complex or unitary whole” or “a coordinated body of methods or a scheme or plan of procedure.”

- means to recommend changes to a system (e.g. a long-term care facility, a government agency, an organization, a corporation, policies, regulations and law) to benefit long-term care residents.

Effective and credible systems advocacy should generally be supported by data and complaint trends, but can also be in response to provider practices* or policy, regulatory and legislative proposals that could negatively impact residents

- *Example: Nursing Home chain prohibits visitors unless proof of flu shot – no complaints yet but an inappropriate practice.
- *Example: Private care manager referral services – very little data and no policy only a practice. Laws passed created standards and a public policy.

How is Systems Advocacy Accomplished?

- Often is a multi-year process to achieve change and requires constant monitoring to ensure changes are instituted – i.e. initiative to reduce the misuse of antipsychotics.
- Typically achieved in partnership with other individuals & organizations
- Requires flexibility and ability to be nimble to adjust to shifting and competing priorities and opportunities
- Data and stories are important ingredients to successful systems advocacy.
- Organic, grassroots elements – issues can bubble up; opportunities present themselves that

Older Americans Act Provisions: Office of the State Long-Term Care Ombudsman (OSLTCO)

Represent the interests of the residents before governmental agencies and **seek administrative, legal, and other remedies** to protect the health, safety, welfare, and rights of the residents

Analyze, comment on, and **monitor the development and implementation of** Federal, State, and local laws, regulations, and other **governmental policies and actions**, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care

Recommend . . . changes in such laws, regulations, policies, and actions



Older American's Act provisions (continued)

- Facilitate public comment on the 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

Additionally, the OAA states that the State agency must require the OSLTCO to: Provide such information as the **OSLTCO determines to be necessary** to public and private agencies, legislators, and other persons, regarding: (1) the problems and concerns of individuals residing in long-term care facilities; (2) and recommendations related to these problems and concerns.

Older Americans Act Provisions: (continued)

Designated Local Ombudsmen Entities and Representatives are likewise to:

- **Represent the interests of residents before government agencies** and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;
- **Review, and if necessary, comment on any existing and proposed laws, regulations,** and other government policies and actions, that pertain to the rights and well-being of residents;
- **Facilitate the ability of the public to comment** on the laws, regulations, policies, and actions;
- Support the development of **resident and family councils;** and
- **Carry out other activities** that the [State] Ombudsman determines to be appropriate.

Older American's Act provisions

- Very Broad – “health, safety, welfare, or rights of the residents a few examples of what this means
 - LTCO opposes cuts to Medicaid funded services
 - Opposing reduction of licensing activities in board & care settings
 - Requests for funding for LTCOP to better serve residents
 - Involvement in developing of training standards for direct care workers
 - Reports and analysis of work of oversight agencies (licensing, APS, Guardians, etc.)
 - Public criticism of oversight agencies
 - Expressing concerns about case managers, adult protective services, etc.
 - Legal action

Types of Advocacy

- PROCEDURAL ADVOCACY – Activities that are purposeful and structured – i.e. quarterly visits with regional licensing and certification staff; sending local legislators program updates; routine calls with state LTCO and other ombudsmen on systems advocacy;
- COALITION BUILDING/DEVELOPMENT OF PARTNERSHIPS - Working toward a common goal, i.e. an elder abuse multi-disciplinary task force
- ISSUE ADVOCACY - Can be an outgrowth of coalition building or come from within the program – based on complaint data or other observations, i.e. a particular corporation that has a history of illegal evictions
- LEGISLATIVE ADVOCACY – Can be an outgrowth of procedural advocacy, coalition work and issue advocacy *or not*. Can be federal, state, county or city.

Barriers to Systems Advocacy

Some programs have challenges in conducting systems advocacy, particularly in the area of politically sensitive advocacy work:

- Host Agency – concerns about “lobbying,” following agency priorities, etc.
- Resources – time, competing priorities of meeting the immediate resident need overtakes the broader systems work
- Lack of expertise
- Challenge to be seen as team player and not adversarial
 - critics of state agencies and the “system” when they don’t serve the interests of residents
 - focus on facility problems (i.e. complaints)
 - limits on ability to share identifying information without consent

Pathways to Systems Advocacy

- Start Small – focus on one facility or a corporation – have a clearly defined resident directed goal
- Partner and strategize who is most able to carry out certain activities – you can never do it all
- Look for opportunities to share the positive – Example:
<http://www.khq.com/Clip/10539978/keeping-vigil-an-advocate-for-the-elderly#.VAdh5J1upX4.twitter>
- Attend public forums
- Letters of introduction to legislators, other public officials to raise awareness of important service

Advocacy Tips:

Maintain your credibility

A successful ombudsman has credibility and it is an ombudsman's most valuable asset:

Important Advocacy Practices:

- ✓ Be Knowledgeable - use data; know the relevant laws and regulations;
- ✓ Know the opposing arguments
- ✓ Get help – experts are out there and willing to help
- ✓ Coordinate with State Ombudsman (and vice versa)
- ✓ Obtain consent if planning to use resident stories
- ✓ Media – can raise awareness – success stories and systems problems

Advocacy Tips:

- ✓ Be fair (though OAA makes it clear that role is not as neutral, but as resident advocate)
- ✓ Develop relationships of respect
- ✓ Have no conflicts that could compromise your advocacy message
- ✓ Be Bold
- ✓ Be Forgiving --- of yourself and others-- mistakes happen, tempers can flare...





“Our nation has been conducting investigations, passing new laws and issuing new regulations relative to nursing homes

. . . .

If the laws and regulations are not being applied to [the individual], they might just as well not have been passed or issued.”

- *U.S. Commissioner on Aging
Arthur S. Flemming, 1976*



Questions?

Appreciation: The National Ombudsman Resource Center –
Quick Reference Guide: [ROLE AND RESPONSIBILITIES OF LONG-TERM
OMBUDSMEN REGARDING SYSTEMS ADVOCACY](#) Check it out!

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