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LONG-TERM CARE
OMBUDSMAN

The Role of the Long-Term Care Ombudsman

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Fred Steele, MPH, JD
State Long Term Care Ombudsman
& Agency Director



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LTCO Program Overview

- Established: Older Americans Act in 1977
- Established as individual state agency in 1985
- Statutory authority: ORS 441.402 – 441.419
- 10 Deputy Ombudsman staff; ~120 volunteer Ombudsmen



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LTCO Role

- Advocate for residents of nursing homes, assisted living, residential care facilities, adult foster care homes, and Continuing Care Retirement Communities
- Utilize federal and state statutory authorities to:
 - Visit facilities/residents without interference
 - Investigate complaints
 - Obtain records (from facility or other governmental agencies)
 - Work with facility and regulatory agency to correct problems
- Compel systems change to improve life and care for residents

Top Resident Issues

- Evictions / Discharges
- Care Planning
- Billing and Charges
- Medications
- Food / Dietary Needs
- Loss of Personal Property
- Responses to Requests for Assistance
- Housekeeping, Laundry
- Staffing Issues
- Other Rights and Preferences



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LTCO Oversight of Regulatory Agency

Relevant State Laws

- ORS 441.406: LTCO shall “Investigate and resolve complaints made by or for residents of long term care facilities about administrative actions that may adversely affect their health, safety, welfare or rights....”
- ORS 441.402 defines “administrative actions” as: “any action, inaction or decision made by an owner, employee or agent of a long term care facility or by a public agency that affects the services to residents of long term care facilities.”



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LTCO Oversight of Regulatory Agency

Relevant Federal Laws

- 45 CFR 1324.13(a)(1): “The Ombudsman shall ... Identify, investigate, and resolve complaints that: (i) Are made by, or on behalf of, residents; and (ii) Relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of residents ... of: (B) Public agencies; or (C) Health and social service agencies.”



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LTCO Oversight of Regulatory Agency

Relevant Federal Laws cont'd:

- 45 CFR 1324.13(7):
 - “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...”
 - “Recommend any changes in such laws, regulations, policies, and actions as the Office [of the Long Term Care Ombudsman] determines to be appropriate;”
 - “Provide leadership to statewide systems advocacy efforts of the Office on behalf of long-term care facility residents...”
 - “Provide information to public and private agencies, legislators, the media, and other persons, regarding the problems and concerns of residents and recommendations related to the problems and concerns;”

Questions?



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