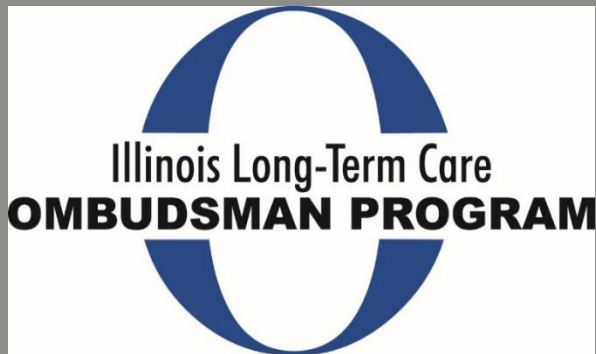




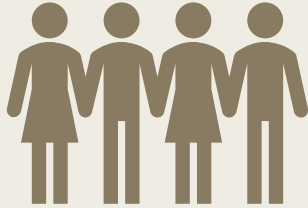
Ombudsman Program Overview & Resident Rights

December 2022

What is the Long-Term Care Ombudsman Program?



- Part of the advocacy and protection programs administered by the Illinois Department on Aging
- Mandated by the federal Older Americans Act and the Illinois Act on the Aging
- Operated at the local level through certified Regional Ombudsmen
- Uses person-centered and resident-directed approaches
- Helps resolve problems related to the health, safety, welfare, and rights of residents in long-term care facilities



To protect and improve the quality of care and life of residents through individual and systemic advocacy.



To assure residents' rights are upheld

Mission of the Ombudsman Program

Who We Serve

- ▶ Older persons and adults with disabilities who:
 - ▶ *reside in Long-Term Care facilities (Resident),*
 - ▶ *receive Medicaid Waiver services in their home (Participant), and/or*
 - ▶ *are Medicare and Medicaid beneficiaries and receive Managed Care for services (Residents and Participants)*

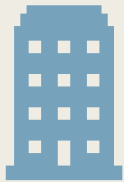
How Ombudsmen Help

| | |
|-----------------------------------|--|
| Identify, investigate and resolve | Identify, investigate and resolve complaints |
| Provide | Provide a regular presence in long-term care facilities |
| Provide | Provide information and assistance to residents, family members and facility staff |
| Conduct | Conduct community education sessions |
| Work on | Work on issue advocacy through legislation and other means |
| Support | Support the development of resident and family councils |

Facility Types

- Nursing Homes (skilled and intermediate)
- State Veterans' Homes (4)
- Assisted Living and Shared Housing Establishments
- Supportive Living Facilities
- Sheltered Care Facilities
- Intermediate Care Facilities for the Developmentally Disabled
- Specialized Mental Health Rehabilitation Facilities (SMHRF)
- Medically Complex for the Developmentally Disabled

Ombudsmen Do Not have Jurisdiction in:



Independent
Living Facilities



CILA homes



State Operated
Facilities

Role of the LTCOP: Long-Term Care Ombudsman Program Representatives

| | |
|---|--|
| <p><u>Do not</u> conduct licensing and regulatory inspections or investigations</p> | <ul style="list-style-type: none"> • LTCOP representatives are knowledgeable of federal and state regulations and will refer to relevant regulations as they advocate for the highest quality of care and life for residents. • If necessary, with resident consent, a LTCOP representative will file a complaint with licensing and regulatory. |
| <p><u>Are not</u> Adult Protective Services (APS) investigators</p> | <ul style="list-style-type: none"> • LTCOPs provide information regarding preventing and reporting abuse, neglect, and exploitation. • LTCOPs do not have the same standard of evidence requirement as APS and are not the “official finder of fact.” LTCOPs attempt to resolve complaints to the residents’ satisfaction (including those regarding abuse), not gather evidence to substantiate that abuse occurred. • If necessary, with resident consent or permission of the State LTCO if the resident can’t consent and does not have a legal representative, the LTCOP representative will file a complaint about alleged abuse. |
| <p><u>Do not</u> provide direct care for residents</p> | <ul style="list-style-type: none"> • LTCOPs share information about quality care practices and ways to enhance the quality of life for residents. • LTCOPs are a resource for staff training and provide information for community resources. |

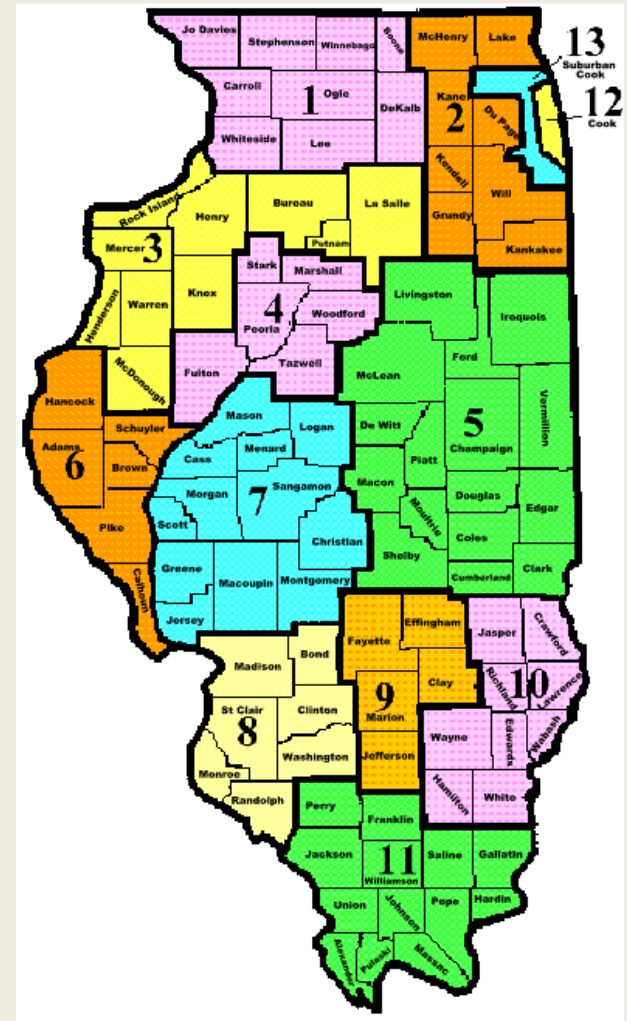
Program Structure

- ▶ Housed at Illinois Department on Aging
 - ▶ *Office of the State Long-Term Care Ombudsman*
 - ▶ Home Care Ombudsman Program
 - ▶ Long-Term Care Ombudsman Program
 - ▶ *Ombudsman Provider Agencies*
 - ▶ Regional Ombudsmen
 - ▶ Community Ombudsmen
 - ▶ Volunteer Ombudsmen

IDOA Planning and Service Areas (PSAs)

Ombudsmen provide services to individuals living in each PSA

To locate an Ombudsman call:
1-800-252-8966 (V), or
1-888-206-1327 (TTY)



Ombudsman Advocacy



Regularly visit long-term care facilities to talk with residents about their care and their quality of life.



Provide education to community-based organizations and facilities



Meet with individuals on a one-on-one basis



Ombudsmen engage in PERSON-DIRECTED advocacy.



Ombudsmen do not take action without the permission of the resident or participant.

Ombudsman Advocacy



Problem solving and complaint resolution assures that residents' rights are honored.



Educate and Empower residents so they can advocate for themselves.



Ombudsman are NOT mandated reporters



Ombudsman must have permission from the resident to advocate



24/7 access to facilities and residents



The facility cannot interfere with a resident's right to visit with an Ombudsman.



With the permission of the resident, Ombudsmen may access medical records.



Only a resident can deny an Ombudsman access to himself or herself

Ombudsman Access

Confidentiality and Consent

- All information about a resident (including identities, conversations, concerns, and complaints) is kept confidential under the Ombudsman Program.
- Ombudsmen need the consent of a resident or a legal representative to take any action, including sharing information or investigating complaints.
- Confidentiality and consent are the basis of resident-directed advocacy!



Complainants

- ▶ Ombudsmen are contacted by:
 - *Long-term care residents*
 - *Managed care and Medicaid waiver participants*
 - *Family members*
 - *Facility or program staff*
 - *Other social services and advocacy groups*
 - *Hospital personnel*
 - *Legislators*
 - *Public at-large*
 - *Law enforcement*

Residents have a right to:

- be treated with dignity and respect
- safety and quality care
- participate in planning for their own care
- privacy
- manage their own money
- safety of personal property
- appeal an involuntary discharge
- make their own decisions
- meet with an Ombudsman (and representatives from other agencies)
- present grievances and receive a prompt response from facility or program.
- remain free from threats or punishment (retaliation) as a result of asserting their rights or filing grievances.
- have access to their medical records

None of these rights have changed because of the pandemic.

Reporting Abuse in Long-term Care Facilities

- If a resident is in immediate danger, call 911.
- To report health care concerns, call the Central Complaint Registry / Nursing Home Hotline at the Department of Public Health: 1-800-252-4343 (V) or 1-800-547-0466 (TTY).
- Reports may also be submitted online: <http://www.dph.illinois.gov/topics-services/health-care-regulation/complaints>.
- To report concerns about Supportive Living Facilities, call the Complaint Hotline at the Department of Healthcare and Family Services: 1-800-226-0768 (8:00 a.m. - 5:00 p.m. on weekdays).

Recommended Resources

- Our general website:
<https://www2.illinois.gov/aging/programs/LTCOmbudsman/Pages/default.aspx>
- Consumer Choice website:
<https://webapps.illinois.gov/AGE/OmbudsmanSearch>
- National Consumer Voice:
<https://theconsumervoice.org/>

Ombudsman Program Contact Information

- ▶ Kelly Richards, Deputy State Ombudsman
Kelly.Richards@Illinois.gov
- ▶ Chuck Miller, Deputy State Ombudsman
(217) 685-6387; Chuck.Miller@illinois.gov
- ▶ Lee Moriarty, Deputy State Ombudsman
(773) 519-4605; Lee.Moriarty@illinois.gov
- ▶ Joe Danner, Deputy State Home Care Ombudsman
(217) 836-8640; Joe.Danner@illinois.gov

Call the Senior HelpLine for more information:
1-800-252-8966(V), 1-888-206-1327 (TTY)