

California Department of Aging

Ombudsman / Advocacy Assistance Program Narrative

Program / Element / Component – 30.20

Description

The Office of the State Long-Term Care Ombudsman has oversight responsibility for the local ombudsman programs throughout the State. Paid staff and volunteers advocate on behalf of residents of skilled nursing, intermediate care facilities, and residential care facilities for the elderly.

Staff and volunteers of the local programs receive, investigate, and resolve complaints made by or on behalf of, residents of long-term care facilities. Local programs work with licensing agencies and law enforcement in the investigation of abuse in facilities. They also provide community education and involvement, maintain a regular presence in facilities, advocate to influence public policy related to long-term care, serve as members of interdisciplinary teams within their counties, witness advance health care directives for residents in nursing facilities, and address poor and best practices in facilities. State Office responsibilities include: providing technical assistance to and evaluation of local programs; conducting semi-annual statewide training conferences; acting as liaison with licensing and regulatory agencies; working to influence public policy through legislative bill analyses and promulgation of policies and regulations; acting as a clearinghouse for information and data related to long-term care issues; compiling statewide data on the Ombudsman Program; and providing a 24-hour crisis line telephone service to receive complaints.

Benefits

The Program provides assistance to residents and their friends and families in the following areas: (1) placement, providing information about facility characteristics; (2) resolution of quality of life and quality of care issues while in a facility; (3) education about laws and regulations related to long-term care; and (4) witnessing advance health care directives and certain property transfers for residents of skilled nursing facilities.

Volunteers visit all licensed long-term care facilities, providing a regular presence to ensure that the rights of residents are protected.

Eligibility

All residents, 60 years and older, of long-term care facilities in the State are eligible for Ombudsman services. Assistance is also provided to residents under 60 years of age, as time and resources permit.

Access

Ombudsman program Information and Assistance is available 24 hours a day via the CRISIS line at **1-800-231-4024**. Every licensed long-term care facility in the State is required to display at least one poster, in an area accessible to residents, advertising this number. The telephone number of the local long-term care ombudsman program is also provided on each poster. Ombudsman services can also be accessed through the Information and Assistance programs by calling the statewide toll free line at **1-800-510-2020**, the local Area Agency on Aging listed in the blue-bordered pages of the Community Services Section of the telephone book under Senior Information and Referral, or accessing the California Department of Aging website at www.aging.ca.gov.

Background

The California Long-Term Care Ombudsman Program was created by the Older Americans Act (OAA) to advocate for the rights of, and improve the quality of life for, persons residing in long-term care facilities. It began in 1975 as a model project, and in 1978, Congress amended the OAA to require an ombudsman program for nursing home advocacy in each state. Several laws have been passed in California to add additional responsibilities to the long-term care Ombudsman.

1992 amendments to the OAA placed the Ombudsman Program into Title VII-A of the Act. Federal funding for the Program is located in OAA Titles III-B and VII-A.

OMBUDSMAN LEGISLATIVE HISTORY

OAA (1978 AMENDMENTS) MANDATED BY LTC OMBUDSMAN FUNCTIONS
CHP 1457/82 ACCESS TO LTC & RESIDENTIAL FACILITIES FOR INVESTIGATION OF RESIDENTS' COMPLAINTS
CHP 1625/84 (AGNOS) DEVELOPMENT OF COMMUNITY AWARENESS
CHP 453/84 ADDED UNLICENSED RESIDENTIAL COMMUNITY CARE FACILITIES TO DEFINITION OF LTC FACILITIES
CHP 10/84 APPROPRIATE FUNDS FOR GREATER COMMUNITY INVOLVEMENT
CHP 1623/84 (FILANTE) ESTABLISHED 24 HOUR CRISIS LINE
CHP 1632/84 (SEYMORE) RESOLVING DISPUTES FOR PREADMISSION SCREENING, REGULATIONS
CHP 769/86 (PAPAN) ABUSE ADDED
CHP 1093/87 (FILANTE) RCFE'S ADDED PLUS A FORMULA FOR ALLOCATION OF FUNDS
CHP 637/87 FRAUD INVESTIGATION
CHP 1226/87 MONITOR/IMPLEMENT THEFT IN LTC FACILITIES
PL 100-203 MEDICAID NURSING REFORM ACT RESIDENT RIGHTS
OAA (1992 REAUTHORIZATION) ESTABLISHED TITLE VII AND STRENGTHENED ELDER ABUSE REPORTING REQUIREMENTS

1994 ADMINISTRATION ON AGING ESTABLISHED THE NATIONAL OMBUDSMAN REPORTING SYSTEM

CHP 946/98 (LOCKYER) EXPANDED THE ROLE OF THE OMBUDSMAN RELATIVE TO ELDER ABUSE INVESTIGATION

CHP 980/98 (MURRAY) EXPANDED THE DEFINITION OF MANDATED REPORTER OF ELDER ABUSE

CHP 50/99 GENERAL FUND AUGMENTATION ALLOCATED TO LOCAL PROGRAMS TO BRING THEM HALFWAY TO A RECOMMENDED RATIO

CHP 943/99 (CARDOZA) STRENGTHENED THE REQUIREMENTS FOR THE STATE LONG-TERM CARE OMBUDSMAN

CHP 451/2000 (SHELLEY) INCREASED THE NUMBER OF OMBUDSMAN POSTERS TO BE DISPLAYED IN SKILLED NURSING FACILITIES

OAA (2000 REAUTHORIZATION) ESTABLISHED A NEW MAINTENANCE OF EFFORT LEVEL, PROVIDING THAT OMBUDSMAN DESIGNEES MUST NOT STAND TO GAIN FINANCIALLY FROM RESIDENTS, AND THAT THE OMBUDSMAN WILL COORDINATE WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND COURTS OF COMPETENT JURISDICTION

CHP 579/2001 (ORTIZ) REQUIRES THE STATE OMBUDSMAN TO ASSIST IN THE DEVELOPMENT OF MEDICAL FORENSIC FORMS

CHP 301/2001 (ESCUTIA) PERMITS OMBUDSMAN PARTICIPATION ON COUNTY ELDER DEATH REVIEW TEAMS

CHP 902/2006 (ASHBURN) REQUIRES ALL LOCAL OMBUDSMAN STAFF AND VOLUNTEERS TO PASS A CRIMINAL RECORD CLEARANCE IN ORDER TO BECOME A CERTIFIED OMBUDSMAN.