



Office of the State
Long Term Care
Ombudsman

New York State Long Term Care Ombudsman Program

Educating, Empowering, Advocating

July 18, 2023

- Mission and values of the Long Term Care Ombudsman Program (LTCOP)
- Administration and Structure of LTCOP
- Role and Responsibilities of Certified Ombudsman (paid staff and volunteers)
- Ombudsman Role For Comments in Nursing Home Ownership Transfer or Establishment Process
- Ombudsman Role in Skilled Nursing Facility Discharges



Ombudsman Program Mission

To serve as an advocate and resource for older adults and persons with disabilities who live in long-term care facilities



Ombudsman Program Values

Resident-Centered Focus

Confidentiality

Accessibility

Prevention

Resident Empowerment & Autonomy

Complaint Resolution

Objectivity

- **The LTCOP's primary focus is to be resident-centered at all times.**
 - The resident is always the first person with whom an Ombudsman must discuss any complaints or concerns.
 - A resident's wishes always remain the focus and priority of any action taken by an Ombudsman



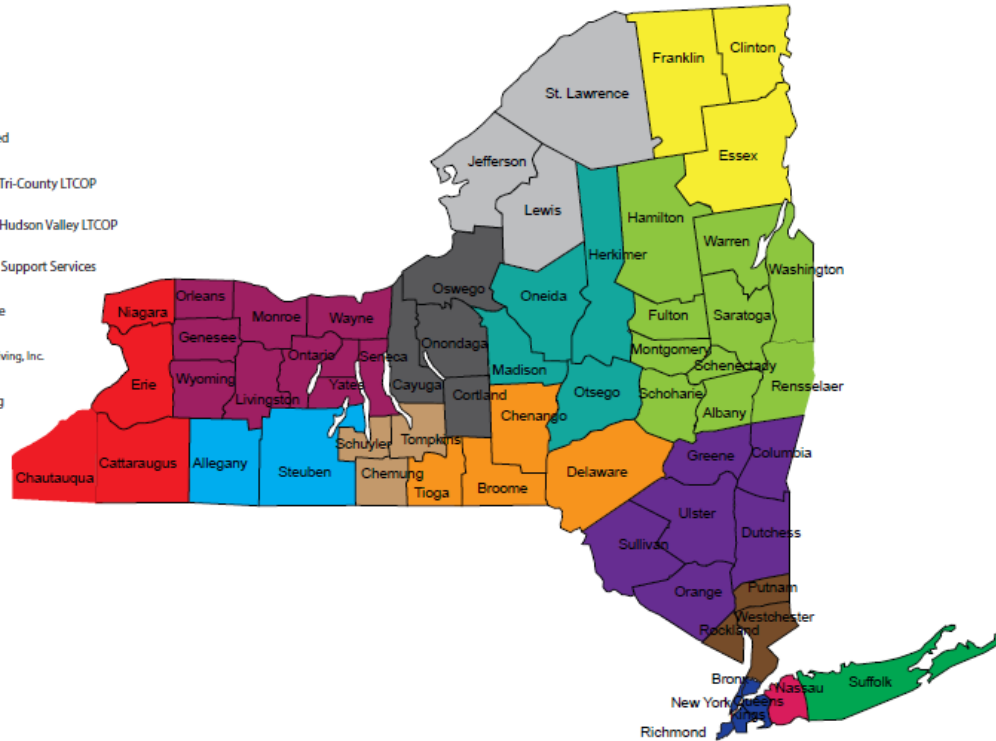
Administration of the LTCOP Program

- The Older Americans Act, administered by the Administration on Community Living (ACL), requires each state to establish an independent Office of the State Long Term Care Ombudsman.
 - In **New York**, the program is administratively housed within the State Office for the Aging (NYSOFA) and provides advocacy services through a network of regional programs.
 - The NYS LTCOP has 3 Assistant State Ombudsmen who supervise all regional programs and who are overseen by both a Senior Assistant State Ombudsman and the New York State Ombudsman.
 - To manage the 15 regional LTCO Programs from the State LTCOP Office, each ASO is individually assigned to 5 separate regional LTCO Programs.
 - Each regional ombudsman program has a designated ombudsman coordinator who recruits, trains and supervises a corps of volunteers that provide a regular presence in nursing homes and adult care facilities.



LTCOP Regions

- 1 Family Service League
- 2 Family and Children's Association
- 3 Center for Independence of the Disabled
- 4 Long Term Care Community Coalition : Tri-County LTCOP
- 5 Long Term Care Community Coalition : Hudson Valley LTCOP
- 6 Catholic Charities Senior and Caregiver Support Services
- 7 North Country Center for Independence
- 8 Northern Regional Center for Independent Living, Inc.
- 9 Resource Center for Independent Living
- 10 ARISE Child and Family Services, Inc.
- 11 Action for Older Persons
- 12 Tompkins County Office for the Aging
- 13 Lifespan
- 14 AIM Independent Living Center, Inc.
- 15 People, Inc.



LTCOP by the Numbers

- Approximately 1,400 Long Term Care Facilities
- Over 160,000 beds
- Includes Skilled Nursing Facilities, Adult Care Facilities and Family Type Homes
- Approximately 70 Full Time and Part Time Staff Statewide
- Approximately 180 Certified Volunteer Ombudsmen



Top 5 Nursing Home Complaints Investigated in FFY 2021-2022

- **Staffing - 564**
- **Symptoms Unattended - 386**
- **Response to Requests for Assistance - 377**
- **Personal Hygiene - 293**
- **Dignity and Respect - 284**



Top 5 Residential Care Community Complaints Investigated in FFY 2021-2022

- **Dignity and Respect – 79**
- **Personal Property – 75**
- **Staffing – 60**
- **Other Rights and Preferences – 58**
- **Food Services/Discharge or Eviction (tie) - 54**



Certified Ombudsman Requirements

- All Ombudsmen (staff and volunteers) must complete a 36-hour certification training
- All Ombudsmen (staff and volunteers) must complete 18 Continuing Education credit hours each program year.
- Volunteers commit to 2-4 hours weekly in a facility



Ombudsman Duties

- Identify, investigate, and resolve complaints made by, or on behalf of residents
- Inform residents about services provided by the Ombudsman program, and how to access these services
- Engage in Systems Advocacy initiatives, representing the interests of residents before governmental agencies and community organizations
- Promote and provide technical support for the development of resident and family councils to protect the well-being and rights of residents.



Ombudsman Access

- Ombudsman have access to all long-term care facilities at any time
- Access to all residents to perform the functions and duties of the Program
- Access to the contact information of the resident representative, as needed
- Access to records including, but not limited to, residents' medical, social, or other records, a list of resident names and room numbers, or information collected in the course of a State or Federal survey or inspection process.
- Access to the administrative records, policies, and documents, to which the residents or the general public has been provided or has access to



The NYS LTCOP Poster

Ombudsmen provide all facilities with this poster to be visibly accessible to all residents, employees or other person(s), to make them aware that they may file complaints with, or provide information, to a long-term care Ombudsman.



The poster features a purple header with the New York State logo and the text 'NEW YORK STATE OF OPPORTUNITY' and 'Office of the State Long Term Care Ombudsman'. The main text is in bold black letters: 'EDUCATING', 'EMPOWERING', and 'ADVOCATING'. Below this, it states: 'Ombudsmen help residents understand and exercise their rights to good care in an environment that promotes and protects their dignity and quality of life'. A purple rounded rectangle contains the website 'www.ltcombudsman.ny.gov'. At the bottom, it says 'Call locally: _____ or 1-855-LTCOP NY (582-6769)'. The footer includes 'Or contact: NYS Long Term Care Ombudsman Program, 2 Empire State Plaza, Albany, NY 12223'. The bottom right corner has the New York State logo and 'Office of the State Long Term Care Ombudsman'.

NEW YORK
STATE OF OPPORTUNITY

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Or contact:
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What an Ombudsman is

1. An Advocate for Residents
2. An Educator
3. A Mediator
4. A Negotiator
5. A Problem Solver



What an Ombudsman is Not

1. A long-term care facility regulator
2. A licensing surveyor, inspector, or investigator
3. An adult protective services investigator
4. A provider of direct care for residents
5. Mandated Reporter



LTCOP and DOH: Similar, but Different

- Both DOH and LTCOP are oversight entities for long term care facilities.
 - DOH looks at whether a facility is meeting regulatory standards and can issue citations for non-compliance. LTCOP looks at any expression of dissatisfaction which may or may not be regulatory in nature.
- DOH and LTCOP have a presence in facilities.
 - DOH visits to facilities are for inspections (i.e., annual or complaint). LTCOP visits are more frequent with the purpose of developing a rapport and trusting relationship with residents, provide education and information to residents/families and staff, as well as addressing concerns.
- Both agencies receive and investigate complaints.
 - DOH assesses regulatory compliance. LTCOP looks at possible causes for a problem and works with a facility to resolve the issue before regulatory action from DOH becomes necessary.



LTCOP and DOH Collaboration

- LTCOP dedicated online complaint form and hotline number
- LTCOP is involved with the DOH annual inspection survey and exit conference
- Regional DOH/LTCOP and State DOH/LTCOP outreach and communication



Recent Legislation

- Legislation was passed in 2021 with chapter amendments in 2022 regarding the posting of LTCOP information, resident rights, and providing LTCOP information to residents and representatives
- In 2021 legislation was passed to involve LTCOP in the Certification of Need (CON) application process, providing recommendations





Under the federal Older Americans Act, every state is required to have an Ombudsman Program that addresses complaints and advocates for improvements in the long-term care system. Each state has an Office of the State Long-Term Care Ombudsman, headed by a full-time State Long-Term Care Ombudsman, who directs the program statewide. Professionally trained and certified staff and volunteers for this program are designated by the NYS Long Term Care Ombudsman across the state as representatives to directly serve residents and their representatives in long-term care facilities.

The NYS Ombudsman Program is an effective resource for older adults and persons with disabilities who live in long-term care facilities, inclusive of nursing home, assisted living and other licensed adult care facilities. It is an advocacy program that promotes and protects the health, safety, welfare and rights of long-term care residents. Ombudsmen, through education, empowerment, and advocacy, help residents understand and exercise their rights to good care in an environment that promotes and protects their dignity and quality of life.

The core mission of the Ombudsman Program is to receive, investigate and assist in resolution of complaints made by or on behalf of residents in long term care facilities. Additionally, Ombudsmen can support and promote the development of resident and family councils within facilities as well as inform governmental agencies, providers and the public about issues and concerns impacting residents of long-term care facilities. Ombudsman services are free of charge and can be accessed whenever a resident and/or their representative needs assistance with concerns within a long-term care facility. All matters shared with Ombudsman Program staff or volunteers are kept confidential unless permission is granted to share concerns with others.

Ombudsmen respond to a variety of issues about long-term care including:

- Resident rights
- Environmental concerns
- Discharge, transfer, eviction concerns
- Personal and quality of care concerns
- Quality of life issues

For information or assistance, please utilize the attached page to contact your local regional ombudsman office, or contact the State office at:

Office of the New York State Long Term Care Ombudsman Program
2 Empire State Plaza
Albany, NY 12223
1-855-582-6769
www.ltcumbudsman.ny.gov

Long Term Care Ombudsman Program Directory

<p>LIFESPAN-Long Term Care Ombudsman Program Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates Counties 1900 South Clinton Ave. Suite 13 Rochester, NY 14618 585-287-6414</p>	<p>Catholic Charities Senior and Caregiver Support Services Albany, Fulton, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington Counties 1462 Erie Boulevard, 2nd Floor Schenectady, NY 12305 518-372-5667</p>	<p>Center for Independence of the Disabled New York Bronx, Kings, New York, Queens, Richmond Counties 1010 Avenue of the Americas Suite 300 New York, NY 10018 Bronx, Manhattan & Richmond: 212-812-2901 Kings, Queens: 212-812-2911</p>
<p>Long Term Care Community Coalition-Tri County LTC Ombudsman Program Putnam, Rockland, Westchester Counties 10 North Street Cold Spring, NY 10516 914-500-3406</p>	<p>Long Term Care Community Coalition-Hudson Valley LTC Ombudsman Program Columbia, Dutchess, Greene, Orange, Sullivan, Ulster Counties 82 Washington St. Suite 201A Poughkeepsie, NY 12601 845-229-4680</p>	<p>Tompkins County Office for the Aging Chemung, Schuyler, Tompkins Counties 214 W Martin Luther King Jr./State St. Ithaca, NY 14850 607-274-5498</p>
<p>North County Center for Independence Clinton, Essex, Franklin Counties 80 Sharron Avenue Plattsburgh, NY 12901 518-562-1732</p>	<p>Northern Regional Center for Independent Living Jefferson, Lewis, St. Lawrence Counties 210 Court St #107 Watertown, NY 13601 315-785-8703</p>	<p>Resource for Independent Living: LIFE at RCIL Herkimer, Madison, Oneida, Otsego Counties 131 Genesee St PO Box 210 Utica, NY 13503 315-272-1872</p>
<p>ARISE Child and Family Service Cayuga, Cortland, Onondaga, Oswego Counties 635 James St. Syracuse, NY 13203 315-671-5108</p>	<p>Action for Older Persons Broome, Chenango, Delaware, Tioga Counties 200 Plaza Dr., Suite B Vestal, NY 13850 607-722-1251</p>	<p>Family Service League Suffolk County 1444 5th Avenue Bayshore, NY 11706 631-470-6755</p>
<p>Family and Children's Association Nassau County 377 Oak Street, Fifth Floor Garden City, NY 11530 516-466-9718</p>	<p>AIM Independent Living Center Allegany, Steuben Counties 271 E. First Street Corning, NY 14830 607-962-8225</p>	<p>People Inc. Cattaraugus, Chautauqua, Erie, Niagara Counties 2747 Main St. 2nd Floor Buffalo, NY 14214 716-817-9222</p>

LTCOP CON Recommendations

- **Chapter 141 of the Laws of 2021**
- DOH informs LTCOP of any applications for ownership transfer or establishment
- LTCOP reviews these applications focusing on facilities currently owned or operated by proposed owners-inclusive of Adult Care facility settings, if applicable
- LTCOP reviews data related to the facilities currently operated by proposed owners
- Regional LTCOP's assigned to these facilities are involved in the review process
- Recommendation is submitted for the Public Health and Health Planning Committee (PHHPC) review
- State Ombudsman attends the council meetings



F623 §483.15(c)(3) Notice before transfer

August 20, 2019 (re-distributed October 11, 2022) DAL-NH 19-07 Notice of Transfer or Discharge and Permitting Residents to Return

Facilities must:

- Provide the LTCOP all facility-initiated or involuntary discharge notices. Notification to the Ombudsman must occur as close as possible to the actual time the notice is issued to a resident/resident representative of a facility-initiated transfer or discharge.
- Copies of notices for emergency transfers (including hospital) must also still be sent to the Ombudsman, but they may be sent when practicable, such as providing a list of emergency transfers on a monthly basis.
- CMS Definition of Facility-Initiated Transfers and Discharges:
A transfer or discharge which the resident objects to, did not originate through a resident's verbal or written request, and/or is not in alignment with the resident's stated goals for care or preferences.



Do's

- Send all involuntary discharges to the regional Ombudsman program
- Send the notice to LTCOP as close to the time that it is provided to the resident/family as possible
- Send hospital discharges (may be done monthly)
- Send only the notice (no care plans, medical record notes or any other documents)

Don'ts

- Send the notice after the resident has already been discharged
- Send incomplete notices (notices lacking dates, location of discharge, reason for discharge etc. or wrong ombudsman program.)
- Send notices to the State Office in Albany
- Send anything other than the discharge notice



Contact Information for LTCOP/Discharge Notices by County

County	Agency	Email for Discharge Notices	Phone
Suffolk	Family Service League 55 Horizon Drive Huntington, NY 11743	Ombudsman@fsl-ii.org	631-470-6755
Nassau	Family and Children's Association 100 East Old Country Road Mineola, NY 11501	ombudservice@familyandchildrens.org	516-466-9718
Bronx, Manhattan, Richmond, Kings and Queens	Center for the Independence of the Disabled (CIDNY) 841 Broadway, Suite 301 New York, NY 10003	tdnotice@cidny.org	212-812-2901
Westchester, Putnam, and Rockland	Long Term Care Community Coalition-Tri County Long Term Care Ombudsman Program 10 North Street Cold Spring, NY 10516	tricity.ltcop@ltccc.org	(914) 500-3406
Columbia, Dutchess, Greene, Orange, Sullivan, and Ulster	Long Term care Community Coalition-Hudson Valley LTC Ombudsman Program 82 Washington Street Poughkeepsie, NY 12601	ombudsman@hudsonvalleyltcop.org	845-229-4680 x102
Albany, Fulton, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington	Catholic Charities Senior and Caregiver Services 1462 Erie Boulevard, 2 nd Floor Schenectady, NY 12305	dischargenotice@cathcharschdy.org	518-372-5667
Clinton, Essex, and Franklin	North Country Center for Independence 80 Sharron Avenue Plattsburgh, NY 12901	ombudsman@ncci-online.com	518-562-1732
Jefferson Lewis and St. Lawrence	Northern Regional Center for Independent Living 210 Court Street #107 Watertown, NY 13601	Ombudsman@nrcil.net	315-785-8703 x228
Herkimer, Madison, Oneida, and Otsego	Resource Center for Independent Living 409 Columbia Street PO Box 210 Utica, NY 13503-0210	Ombudsman@RCIL.com	315-272-1872
Cayuga, Cortland, Onondaga, and Oswego	ARISE Child and Family Service 635 James St. Syracuse, NY 13203	ombudsman@ariseinc.org	315-671-5108
Broome, Chenango, Delaware, Tioga	Action for Older Persons 200 Plaza Dr. Suite B Vestal, NY 13850	dischargenotice@actionforolderpersons.org	607-722-1251
Tompkins, Chemung and Schuyler	Tompkins County Office for the Aging 214 West Martin Luther King Jr./State St. Ithaca, NY 14850	ltcombudsman@tompkins-co.org	607-274-5498
Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates	Lifespan 1900 South Clinton Avenue Suite 13 Rochester, NY 14618	Ombudsman@lifespan-roch.org	585-244.8400 x114
Allegany and Steuben	AIM Independent Living Center 271 E. First Street Corning, NY 14830	dischargenotice@aimcil.com	607-962-8225 x112
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