

# THE OMBUDSMAN

## as the Resident's Advocate

By Joseph Rodrigues

*In California, the Office of the State Long-Term Care Ombudsman, located within the California Department of Aging, has oversight responsibility for 35 local ombudsman programs throughout the State.*

Staff and volunteers of the local programs identify, investigate, and resolve complaints made by, or on behalf of, residents of long-term care facilities. Staff and volunteers visit all licensed long-term care facilities, providing a regular presence to ensure that the rights of residents are protected. Along with local law enforcement, local ombudsman programs receive reports of suspected abuse and neglect that occur in long-term care facilities. As residents' advocates, we work with licensing agencies to bring unresolved concerns and problems to resolution through regulatory channels. In addition to individual advocacy on behalf of residents, ombudsman representatives also provide community education on long-term care and advocacy to influence public policy related to such care, as well as monitoring and commenting on legislation and policies that affect residents.

Ombudsman representatives' ability to fill these critical roles depends greatly on their ability to remain objective fact finders as well as their ability to identify resolution roadblocks. Regularly, the ombudsman representative is called upon to navigate conflicts involving a resident's expressed wish



and opposing views expressed by the resident's family, friends, or providers. Often the ombudsman is required to act as a mediator, confidential counselor, and educator. The ombudsman's familiarity with day-to-day operations of facilities, acceptable standards of practice, and general understanding of regulatory design leads to success in obtaining the resident's desired outcome while remaining within the framework of facility policy.

The Long-Term Care Ombudsman Program provides invaluable assistance to residents, their friends, families, facilities, and the public in the resolution of quality-of-care and quality-of-life issues for residents. Your local ombudsman can also be an excellent resource for facility in-service training on residents' rights, mandatory reporting, and conflict resolution. By working with your local ombudsman, you can help support residents in ensuring that their quality of care and quality of life is the best it can be. ■

*Joseph Rodrigues is the California State Long-Term Care Ombudsman and is responsible for policy and oversight for the local Long-Term Care Ombudsman Programs.*



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## HISTORY OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

In 1971, following the establishment of the Medicare and Medicaid Programs and the increase in number of skilled nursing facilities that followed, President Nixon called for the creation of a community-based Nursing Home Ombudsman Program that would help residents resolve issues with the quality of their care and quality of life. The 1978 amendments to the Older Americans Act (OAA) established the Nursing Home Ombudsman Program. Dr. Arthur Flemming, the first Commissioner on Aging at the U.S. Administration on Aging, and "father" of the Ombudsman Program, envisioned a citizen-based group of individuals who would advocate for the rights of residents living in these facilities. Early success led to the expansion of the Ombudsman Program in the 1981 amendments to the OAA. The program was expanded to include, not only nursing homes, but also Assisted Living communities. The responsibility of the Ombudsman Program, however, has remained very much the same to its original purpose: improving the quality of care and quality of life for residents. Today, all 50 states have a Long-Term Care Ombudsman Program.