It is World Elder Abuse Awareness Day!

Each year, an estimated 5 million older adults are abused, neglected, or exploited and older Americans lose an estimated $2.6 billion or more annually due to elder financial abuse and exploitation, funds that could be used to pay for basic needs such as housing, food, and medical care. Unfortunately, it occurs in every demographic and can happen to anyone—a family member, a neighbor, even you.

World Elder Abuse Awareness Day aims to provide an opportunity for communities around the world to promote a better understanding of abuse and neglect of older persons by raising awareness of the cultural, social, economic, and demographic processes affecting elder abuse and neglect.

Responding to Allegations of Abuse: Role and Responsibilities of the Long-Term Care Ombudsman Program

Provisions in the Older Americans Act (OAA) state that the Long-Term Care Ombudsman Program (LTCOP) shall “identify, investigate and resolve complaints” regarding “action, inaction,
or decisions that may adversely affect the health, safety, welfare or rights of the residents’ made by, or on behalf of, residents.

Due to strict federal requirements, resident and complainant information shared with or gathered by the LTCOP is confidential unless consent is obtained (as described below in the federal requirements). Therefore, the Ombudsman program role in investigating allegations of abuse is unique and differs from other entities such as, adult protective services and state licensing and certification agencies.

In 2016, the Administration for Community Living (ACL) published the State Long-Term Care Ombudsman Programs Final Rule which provides more specific guidance regarding investigating allegations of abuse, including how Ombudsman program representatives should respond if they witness abuse.

The primary responsibility of the LTCOP is to investigate and resolve complaints on behalf of residents, but the LTCO program is unique in that its goal is to resolve the complaint to the “satisfaction of the resident or complainant” as opposed to seeking to “substantiate” a complaint by gathering evidence to prove the allegation occurred.

For more information about how Ombudsman program representatives can respond to allegations and observations of abuse, neglect, and exploitation read this reference guide, Responding to Allegations of Abuse: Role and Responsibilities of the Long-Term Care Ombudsman Program.
Each year NORC asks State Ombudsmen and LTCOP program representatives to answer a questionnaire titled, Ombudsman Program Advocacy and Activities Regarding Abuse in Long-Term Care Facilities. The questionnaire highlights barriers to Ombudsman programs addressing abuse, shares successful practices, and identifies potential topics for future training opportunities and further discussion. Below is a summary of responses.

- 22 State Long-Term Care Ombudsmen and 55 LTCOP representatives from 22 different states responded to the questionnaire.
- The majority of State Ombudsmen responding said their state has an active statewide multidisciplinary group to address elder abuse and 10 states (45%) participate in those meetings on a regular basis.
- 45 program representatives (82%) said their state has an active local or regional multidisciplinary group to address elder abuse and 32 program representatives (71%) participate in those meetings on a regular basis.
- 15 states (68%) said there are local or regional multidisciplinary groups and 13 states (59%) said Ombudsman program representatives participate in the meetings.
- 8 state programs (36%) have regular communication with law enforcement.
- 15 state programs (68%) communicates with the Medicaid Fraud Control Unit (MFCU).
• 14 states (64%) have written agreements with other agencies regarding responsibilities in preventing, reporting, and investigating abuse, neglect, and exploitation. 9 states (41%) have written agreements with APS.
• Conducting in-services for facility staff about abuse, neglect, and exploitation was the most common activity reported by both State Long-Term Care Ombudsmen (12 states, 55% of respondents) and program representatives (19 program representatives, 35%).

Examples of activities and successful practices related to abuse, neglect, and exploitation around the nation.

• California – Program representatives provide community education presentations, training at the academy for surveyors, facility in-service training, and webinars for mandated reporters on reporting abuse. Program representatives also participated in the development of a training video for law enforcement through the State’s Peace Officer Training Standards office and we have developed a mandated reporter flow chart that tells the reporter who to report to and when, depending on the type of abuse.
• Iowa - The LTCOP participates on the Dependent Adult Protective Advisory Council facilitated by the APS (DHS) and develops and shares many materials, especially on sexual expression which makes a distinction between consensual and non-consensual sex.
• Kentucky – The program provides in-service training for facility staff and community education programs such as detection and prevention of sexual assault of nursing home residents.

Areas for discussion and future training

• Multiple respondents claimed the most significant barrier to preventing, detecting, and reporting abuse in long-term care was the lack of communication and collaboration between the Ombudsman program and Adult Protective Services (APS) and inconsistent involvement of APS. Specifically, one respondent said APS intake in their state does not always result in an investigation at the local level, especially if the resident is in a nursing homes.
• The second most common barrier to preventing, detecting and reporting abuse identified by respondents was financial abuse reporting by financial institutions. Several respondents found agencies are slow to start the progress.

Click here to fill out the 2018 Questionnaire on Ombudsman Program Advocacy and Activities Regarding Abuse in LTC Facilities

For more information on abuse, neglect, and exploitation, visit the NORC website.

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