

Veterans Ombudsman Specialist

Position Summary:

Under the supervision of the Ombudsman Services Supervisor this position functions independently, acting as the primary representative/advocate of long-term care consumers for the Veteran residents {referred to as Members} of the Veterans Homes at King; conducts professional investigations of complaints pursuant to the federal Older Americans Act (OAA), related to the treatment of individuals residing in long-term care facilities connected to these homes (nursing homes, community-based residential facilities, adult family homes, residential care apartment complexes) or recipients of services under the Family Care, COP and MA waiver programs; participates in Title XVIII and Title XIX certification surveys, as specified by federal law; provides professional representation of clients at hearings and appeals of long-term care services before the Office of Administrative Hearings and before other appropriate bodies; provides education, information, outreach and technical assistance to adults age 60 and older, their families/significant others, and providers.

Identifies deficiencies in the long term care system from complaint investigations and by monitoring state and local agencies that license, inspect, or manage long-term care service providers. Communicates this information as a contribution to the development of state long-term care policy.

GOALS AND WORKER ACTIVITIES

80% Complaint Investigations

A. Conduct timely complex investigations regarding long term care services; mediate and/or facilitate resolution of complaints to insure compliance with federal and state statutes, administrative rules and regulations and appropriate guidelines with a focus on the preservation of individual rights.

A1. Locate and attempt to interview all parties to a complaint, which could include repeat visits to long-term care facilities, client homes, social service agencies or provider agencies in order to interview Members/tenants, family/significant others, staff, and administration. Ensure that clients have regular and timely access to services provided by the Ombudsman and that the clients and/or complainants receive timely responses from the Ombudsman Program.

A2. Represent the interest of the Members/tenants before governmental agencies and seek administrative, legal and other remedies to protect the health, safety, welfare and rights of the Members/tenants.

A3. Secure and document consent for release of information from clients and/or legal representative according to agency policy and state and federal provisions.

A4. Utilize mediation, negotiation, arbitration and conciliation skills and techniques to resolve disputes in accordance with program standards of conduct, whether or not state and federal laws and rules have been violated.

A5. Review all documents and data relating to complaints including records held by social service agencies, compliance records held by the Veterans Administration, Department of Health Services, Department of Regulation and Licensing, Office of Commissioner of Insurance, and other appropriate agencies. Research applicable laws, regulations and guidelines during the investigative process.

A6. Review facility/agency practices, procedures and quality of care and quality of life provided for clients.

A7. Represent clients at hearings and appeals related to denial of or reduction in long-term care services or care including transfer/discharge. Provide direct testimony in civil and criminal proceedings with the assistance of the Board legal counsel when subpoenaed.

A8. Participate in Title XVIII and Title XIX certification surveys, as specified by federal laws including providing complaints/areas of concern investigated by Ombudsman, observation with enforcement staff at survey, and recommendations of Members/tenants for in-depth review.

A9. Refer complaints when appropriate to enforcement agencies when state and federal laws or rules have been violated.

A10. Inform complainants alleging elder abuse or neglect of the state reporting laws and BOALTC policy to seek referral of all such complaints to the appropriate enforcement agencies.

A11. Contact regulatory enforcement and other agencies as appropriate to ascertain progress on prior referrals.

A12. Assert the client's right of protection from retaliation and reprisal by any entity or person.

A13. Maintain all case records in a timely and secure manner.

A14. Follow program protocols regarding client confidentiality.

A15. Conduct direct advocacy interviews, consultations, and other necessary meetings to complete the advocacy mission of the Long Term Care Ombudsman Program within Family Care/Partnership/PACE.

10% **Public Education, Information and Outreach**

B. Promote public education, planning and voluntary acts to resolve problems and improve conditions involving long-term care for the aging or disabled; contribute to the development of materials that assess existing inadequacies in federal and state laws, regulations and rules concerning long-term care for the aging or disabled; and convey accurate information on a variety of long-term care topics by preparing and delivering formal presentations to large audiences.

B1. Provide training/information to older adults, their families/significant others, providers, and others on long term care such as residents' [Members'] rights, confidentiality, abuse and other issues.

B2. Provide consultation services and disseminate printed information to individuals and/or any organization in regard to understanding complex programs, policy and procedures relating to long-term care facilities and services.

B3. Promote the establishment and maintenance of resident [Member] and family councils.

B4. Develop education programs to inform the public about the issues and problems relating to the delivery of long term care services, and the Board on Aging and Long Term Care.

B5. Develop and implement, with prior consultation of supervisor, an effective outreach plan to long term care consumers and families/significant others, providers, social service agencies and media.

B6. Provide information and consultation in response to requests from clients/ consumers/public/providers on the long-term care system.

B9. Serve on taskforces, committees and groups, with prior consultation of supervisor, to provide information, advice and technical assistance regarding long term care services.

B10. Provide necessary assistance to the Volunteer Ombudsman Program including participation with initial training and periodic inservice of volunteers, conducting joint facility visits and maintaining ongoing communications with assigned volunteers. Ongoing communication regarding program activities will be provided to the Volunteer Coordinators and Volunteer Ombudsmen.

10% **System Monitoring Activities**

- C. Collaborate with the Division of Quality Assurance (DQA) regional staff and Veterans Administration survey staff to promote successful completion of licensure, certification and monitoring surveys of residential care facilities; participate in appropriate county, regional or state work groups, committees and public hearings; provide information to the State Ombudsman to assist in the development of long-term care policy.
- C1. Provide pertinent information to DQA and the VA for consideration during pre-survey off-site preparation.
- C2. Participate in on-site DQA (and/or CMS, VA) survey tasks, e.g., Member interviews, meal observations, daily exits, etc. as appropriate.
- C3. Review Statements of Deficiency (SOD) and participate in Informal Dispute Resolution (IDR) on a discretionary basis.
- C4. Communicate concerns related to facility operations, practices or policies and/or concerns related to the survey process to DQA Regional Field Operations Director and/or Ombudsman Services Supervisor.
- C5. Inform Ombudsman Services Supervisor or Relocation Ombudsman Specialist immediately of any communications potentially relating to a facility closure, replacement or relocation.
- C6. Collaborate with DQA regional staff to monitor facilities experiencing financial or other operational crisis, e.g., closure, de-certification, labor dispute, etc.
- C7. Develop professional relationships with county Aging and Disability Resource Centers, Human Services Departments, Aging Units, Managed Care Organizations, Adult Protective Service Units and other contracted agencies that provide services to older adults.
- C8. Represent clients of the Board before governmental agencies and seek administrative, legal and other remedies to promote their rights, health, safety, and welfare.

May 2014

Veterans Ombudsman Requisite Knowledge and Skills

Knowledge Base—Ombudsmen must have general working knowledge of all applicable state and federal laws and administrative rules and codes pertaining to long term care. Ombudsmen must also be familiar with programs and services for long term care consumers. The following are examples of minimally required knowledge areas:

- State of WI Licensed Long Term Care facilities to include: Nursing homes, Facilities for the Developmentally Disabled, Community Based Residential Facilities, Adult Family Homes, Residential Care Apartment Complexes
- Family Care/PACE/Partnership
- Community Options Program
- Mental Health Act
- Patient Rights
- Medicare
- Medical Assistance
- Long term care benefit programs
- Veterans programs and benefits
- Aging Network programs and services
- Advocacy programs
- Community care programs
- Hospice
- Home Health
- Guardianship
- Protective Placement
- Protective Services, Elder Abuse
- Advance Directives to include Power of Attorney for Health Care, Power of Attorney for Finance, Living Will, Final Disposition
- Adult Day Services

Skills—An Ombudsman must be accomplished in the following areas:

- Advocacy for the rights of long term care consumers, assuring quality of life and quality of care, self-determination
- Investigation and resolution of complaints of rights violations and inadequate care and services
- Problem solving, striving toward resolution and client-centered outcomes
- Negotiation, conferring to reach an agreement to problems or concerns
- Persuasion techniques, articulating sound logic that results in the service provider “doing the right thing” for the vulnerable adult, even when regulations do not require the action

- Mediation, empowering all involved to work together toward client-centered resolution
- Empowerment, assisting consumers to develop and /or strengthen resident and family councils, self-advocacy skills
- Change agent, identifying gaps and issues, and working toward improvement in the long term care system on behalf of vulnerable adults
- Education, to consumers, their families, providers and the general public regarding long term care issues, services and supports
- Consultation, identifying systems issues and recommending best practice solutions
- Information and referral, an expert regarding available resources
- Public speaking, conveying accurate information on a variety of long term care topics by preparing and delivering formal and informal presentations to audiences of all sizes
- Communication, both verbal and written, to individuals or small groups, effectively communicating concerns, information, thoughts and ideas, in a manner that clearly puts the rights and needs of the consumer first, yet maintains a working relationship so as to effect change
- Representation at hearings, appeals and state fair hearings, when long term care services or benefits are being discontinued or denied, assuring consumers receive due process
- Expert witness, providing testimony at elder abuse and guardianship court hearings
- Mentor, assisting new Ombudsmen in learning the many facets of the role of the Ombudsman

Multiple Advocacy Roles—In addition to the knowledge and skills noted above, Ombudsmen strive to assist consumers in a variety of ways:

- Consumers seek resolution to client concerns - not only enforcement of rules - working toward client-centered resolution and satisfaction
- Ombudsmen have the ability to work objectively within the complicated long term care system. Consumers are often overwhelmed with the complexities of long term care and may call an ombudsman to try to access needed benefits and services. This is accomplished by working on the client's behalf with agencies including but not limited to: Aging and Disability Resource Centers, social service agencies, the Centers for Medicare and Medicaid, the Veterans Administration, Office of Civil Rights, law enforcement agencies district attorneys, county court systems, the Department of Justice, the Division of Quality Assurance, the Division of Hearings and Appeals and the Department of Health and Family Services.

- Consumers are often trying to cope with tremendous emotional stress experienced with long term care issues. Ombudsmen provide considerable emotional support and guidance to consumers and other interested stakeholders.
- Systemic advocacy identifies gaps and needed change in long term care systems. Ombudsmen serve in this area, not just by advocating for individuals, but advocating also for a better system that consistently provides improved quality of life and quality of care for all nursing home residents and long term care consumers.
- Public Policy advocates—Ombudsmen monitor proposed and existing regulations and statutes that pertain to long term care, and advocate for effective public policy that protects the right of consumers. This includes testifying at public hearings and providing expertise and anecdotal accounts to committees that draft legislative proposals, to ensure consumers are adequately represented in the legislative process and to empower the long term care consumer so their voice is being heard by lawmakers.
- Regulatory process oversight—insuring that enforcement agencies are consistently enforcing the regulations, in a manner that protects and supports the consumer.
- Ombudsmen participate in the provider enforcement process by providing pre-survey information to the Division of Quality Assurance and the Veterans Administration, enabling regulators to focus survey efforts on actual resident issues. Ombudsmen may also be a presence during survey, attending resident group and individual interviews, providing observation input and attending exit conferences.
- Ombudsmen occasionally conduct joint complaint investigations with the Division of Quality Assurance, and work cooperatively with the Division on regulatory projects.
- Ombudsmen presence in Special Focus Facilities and closing facilities—making sure the rights of consumers continue to be respected, protected and promoted, and that needs are met, regardless of the financial or operational status of the facility. This includes assistance and advocacy when residents need to be relocated.
- Home and Community-Based advocacy – Ombudsmen provide advocacy services to members of the state’s Family Care, PACE and Partnership programs, insuring that needed services and benefits are accessible to consumers. Ombudsmen may be called upon to advocate on behalf of persons being denied enrollment, members experiencing service reductions or inadequate services, as well as those involved in internal grievance and appeal processes with their Managed Care Organizations, preparation for and representation at State Fair Hearings.

Additional Qualities and Skills--

- Work independently—Ombudsmen work in specifically assigned regions for which they are solely responsible with only general, long distance supervision. The responsibility for all action taken on casework and information given to the public lies with the individual Ombudsman, with support, as needed, by the Ombudsman Services Supervisor.
- Organizational skills—Workloads continue to increase, and staffing levels remain far below the nationally suggested ratio of Ombudsmen to long term care consumers. Ombudsmen must be continually able to prioritize, make appropriate referrals, document their work and manage time, while responding to every request for assistance in a timely and thorough manner. Ombudsmen are in satellite offices, so therefore have administrative responsibilities and duties related to general operation without onsite technical or supervisory support.
- Commitment and passion—Some of Wisconsin's most vulnerable citizens rely on the effective advocacy of Ombudsmen. Success or failure, directly and significantly impacts the lives of real people.

STATE OF WISCONSIN
 BOARD ON AGING AND LONG TERM CARE
 ORGANIZATION CHART

May, 2014

