

MDS Alert

Resident-Centered Care: Learn the Particulars About The Federally Mandated Neutral Advocate for Residents

What do you need to know about an ombudsman?

With the sea change toward resident rights, your facility needs to be on top of ensuring resident privacy and dignity more than ever. Make sure you comply with regulations and that residents' rights are attended to by knowing all about your state and local ombudsman program.

Facility requirements

First of all, make sure your facility has posted the basic information and contact details for your state ombudsman. You can find current information on your state and local ombudsman at this website, http://theconsumervoice.org/get_help, along with information and contact details for other people, officials, and agencies who can help advocate for residents.

You need to have information posted about your state ombudsman, including contact information like phone numbers and email addresses, or risk citation from surveyors, says **Marilyn Mines, Rn, BC, RaC-Ct**, senior manager at MarcumLLP in Deerfield, Illinois.

Ombudsmen primer

You know that ombudsmen are advocates for residents and other older adults, but what exactly do they do, and in which situations would it be appropriate to contact one?

The ombudsman role is federally mandated, but states manage their own programs, and the utilization and visibility of ombudsmen may vary significantly between your state and others, but every state has a designated state ombudsman, along with regional and local offices, which may be private companies or nonprofit organizations.

Career and volunteer ombudsmen can advocate for residents on a number of issues, including these examples from a New York State Long-Term Care Ombudsman brochure:

- Quality of care
- Abuse and neglect
- Rights violations
- Lost and stolen belongings
- Dietary concerns
- Discharge, eviction or termination of services
- Public benefits programs
- Cost of care

You or team members should be familiar with the ombudsman assigned to your facility, and your residents should as well. Many ombudsmen frequently drop in unannounced and serve a social function, as well as an advocate when needed.

Who Ombudsmen Serve

While the ombudsman represents only the resident, others can contact the ombudsman or make referrals. If you or a team member senses that a resident is particularly frustrated by an aspect of their care or their circumstances or living situation at your facility, you can put the resident in touch with an ombudsman. However, the resident is always the

"client;" even if the resident's representative or family member contacts the ombudsman, the resident must provide permission for the ombudsman to speak to anyone else.

Ombudsmen provide a crucial neutral social connection for residents. If you or other staff feel like you've done everything possible to accommodate a resident's concerns, complaints, or wishes, and he or she remains unsatisfied, the ombudsman is the perfect person to takeover listening. The ombudsman's main role is to listen to the resident and to resolve problems on the resident's behalf.

"A lot of what we do is mediation; basic communication 101," says **Alana Russell, LCSW**, Ombudsman Program Director at **Lifespan** in Rochester, New York. A lot of times, when their ombudsmen services are requested, residents or families just haven't spoken to the right person in the facility. "We're like the messenger," she explains.

"We don't work for facility, we have nothing invested," she says. The long-term care ombudsman program in New York state relies on volunteer ombudsman, who are trained to be neutral, objective, good at listening, and knowledgeable about a particular facility. The ombudsman role works really well because residents see the ombudsman as safe and unbiased, and sometimes they just need to vent. Beyond listening, a volunteer ombudsman may try to giving frustrated residents tips and help to empower them to take on their issue, she says.

Realistically, ombudsmen encounter many problems that are not resolvable. "Complaints could be about food or care. Not enough staff, not responding to call bell," Russell says.

A lot of the issues residents present to ombudsmen are issues of expectation or comfort. Issues like "'I had to wait a really long time.' 'My needs aren't being met.' 'Staff rushed me or were rough.' 'Resolve' is definitely open to interpretation, because not everything resolvable," she says.

But sometimes all residents need is to talk to a neutral party and vocalize their experience or perceived issue. Your facility's ombudsman does not represent the state department of health or any kind of regulator, and he or she is not trying to get anyone in trouble. One main goal of the ombudsman role is to try and tackle an issue when it's small, before it crescendos into something way bigger, Russell says.