



long-term care

OMBUDSMAN
stepping up for elder
rights

1-800-282-1206

Ohio Department of Aging
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- Bob Taft, Governor
- Joan W. Lawrence, Director

Questions & Answers



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Ohio's Office of the
State Long-Term Care
Ombudsman

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The Ohio Department of Aging's Long-Term Care Ombudsman Program addresses concerns about the quality of long-term care services and paves the way for the solution of problems arising between providers and consumers.

The Ombudsman Program works with consumers to ensure these services are being provided appropriately and with respect for the consumer's rights.



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Questions & Answers

Brought to you by:
The Ohio Department of Aging

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Authority: The Office of the State Long-Term Care Ombudsman is a program mandated by the Older Americans Act and the Ohio Revised Code.

Mission: The mission of the Ombudsman Program is to improve the quality of life and quality of care for consumers of long-term care including institutional, residential, and community-based services.

The Office of the State Long-Term Care Ombudsman acts to protect the health, safety, welfare and rights of long-term care residents and consumers by:

- Investigating and resolving complaints;
- Promoting the enforcement of laws and regulations;
- Advising and recommending policy to state and federal government agencies on long-term care issues; and
- Educating the public, consumers, providers and policy makers.

The Office of the State Long-Term Care Ombudsman Program includes the state program located at the Ohio Department of Aging and twelve regional long-term care ombudsman programs located in the Department's designated Planning and Service Areas.



Q: What is the goal of the Ombudsman Program?

A: The goal of the Ombudsman Program is to provide a voice for the concerns of consumers of long-term care.

These consumers include residents of nursing homes, residential care facilities, adult care facilities, as well as those who receive community-based long-term care services like home care, transportation, or home delivered meals.

We believe that older persons should have choices—in the setting in which they receive long-term care services and in the daily decisions that affect their lives such as activities, meals, treatment and other services.

We believe that long-term care services should reflect a concern for both the quality of care and the quality of life for those who are served. We believe that the delivery of long-term care should be driven by the needs of the consumers of these services.

We believe that the organizations and institutions that deliver long-term care should do so in a way that upholds and enhances the dignity and individuality of older Ohioans.

We believe in providing education and empowering long-term care consumers to ensure autonomy and self-determination.



Q: Who can call the Ombudsman Program?

A: Anyone may call the Ombudsman to voice a concern or obtain information about long-term care. There is no requirement to speak with another agency or the provider first. The Ombudsman Program provides a free and confidential service.

The Ombudsman acts only at the direction and consent of the consumer or the authorized representative. The Ombudsman does not have enforcement power. This often makes way for creative solutions to problems that meet both the consumer's and the provider's interests.

■ Consumer comment ■

"I cannot stress strongly enough how effective and supportive the Ombudsman has been. They became an advocate for my mother's concerns, assisted me with information when I transferred my mother and have continued to be a source of comfort and information as my mother's condition changes."



Q: Where does the Ombudsman serve the consumer?

A: The Ombudsman addresses the concerns of consumers in a variety of long-term care settings.

- Institutional long-term care such as nursing homes;

- Residential long-term care such as residential care facilities and adult care facilities;
- Group care settings such as adult foster homes; and
- Home and community-based care such as home health nursing, personal care, transportation & meal services.

■ Consumer comment ■

"(The Ombudsman's) thorough knowledge of regulatory and legal requirements, her assistance in sharing information on available options and awareness of the most current opportunities for long-term care was invaluable. Their support and sincere concern made it possible for us to recognize that we didn't have to simply live with an intolerable situation."



Q: How does the Ombudsman Program work in nursing homes and residential care facilities?

A: The Ombudsman Program can assist in resolving complaints about the quality of care and quality of life in these long-term care settings.

The Ombudsman can help ensure that your rights under Ohio law are understood and upheld by the nursing home and residential care facility providers.

The Ombudsman can assist you if you are denied admission or threatened with transfer or discharge from a facility.

The Ombudsman can ensure that you are involved in the planning of your care & can answer questions about Medicare and Medicaid benefits.

The Ombudsman Program can assist in resolving concerns about all aspects of long-term care including abuse, restraints, dietary, activities, staffing, environment, policies, social services, access to information and more.

The Ombudsman is available to assist resident and family councils.

■ **Consumer comment** ■

“Through this program, I learned about the Family Council at the facility where my mother is a resident. At least thirty family and friends of residents attend our meetings. We are making an impact and changes are occurring.”



Q: How does the Ombudsman Program work in adult care facilities?

A: Sometimes these facilities are called board and care homes, group homes, family homes, or foster care homes.

The Ombudsman Program can help ensure that your rights under Ohio law are understood and upheld by the adult care facility providers.

The Ombudsman can help in resolving complaints about the quality of care and quality of life in these long-term care facilities.

■ **Consumer comment** ■

“I was very pleased. I was at a loss without the help of the Ombudsman. They came through and got the results needed to provide my mother with the help she needed.”



Q: How does the Ombudsman Program work in community-based long-term care settings?

A: Community-based long-term care settings are different from other types of long-term care in one important way—the setting is often your own home, not an institution.

However, as a consumer of these services, you also have rights, and we can help ensure that these rights are respected.

The Ombudsman can help negotiate disputes you have in regard to the quality of these services. We can help resolve concerns you may have in regard to billing and access to these services.

The Ombudsman can advocate for you with the agencies that administer the Medicare, Medicaid, and other funding programs.

We can work with you to ensure that Ohio’s consumer protection laws are vigorously enforced.

■ **Consumer comment** ■

"The Ombudsman was kind and caring—definitely an advocate... and extremely knowledgeable about residents' rights and agencies for help."



Q: How does the Ombudsman Program work for you?

A: The Ombudsman handles complaints about long-term care services and serves as a liaison voicing the needs and concerns of the consumer to providers of long-term care.

The Ombudsman does not enforce public policy for long-term care facilities or providers. Where the enforcement of a state or federal law or rule is necessary, the Ombudsman will work on your behalf to involve the proper state agency that has enforcement authority. However, the Ombudsman can work with the long-term care provider and you, your family, or other representative to resolve problems and concerns you may have about the quality of the services you receive.

In many instances, the Ombudsman serves as a negotiator between you and the provider to keep little problems from becoming big problems.

In other instances, the Ombudsman serves as a broker to link you with the services or agencies you need to help you live a more productive, fulfilling life.

■ **Consumer comment** ■

"This has been a very helpful program for me. It's very informative and the Ombudsman was very helpful in locating organizations that could help."



A: What should I do if I have a complaint?

Q: First, you may wish to address your concern to the provider of the long-term care service. Often, your expression of concern is the first step toward resolving a problem.

If you are unable to solve the problem yourself, the Ombudsman can help. Please refer to the list of Ohio's twelve regional long-term care ombudsman programs at the end of this booklet. Call the local toll-free number for assistance.

Remember that if you do call us, your call will be treated confidentially. We will not act without consulting you and we will involve you in the resolution process.

■ **Consumer comment** ■

"The Ombudsman was interested in everything that went on and had answers right there when asked."



Q: How does the Ombudsman handle your complaints?

A: First, you control the complaint process. You determine the extent to which we become involved in solving your problem.

When a consumer cannot speak for himself or herself, the Ombudsman may assist the consumer's legal representative, family member or sponsor on behalf of the consumer.

The Ombudsman works with you to identify the problem down into smaller, more manageable pieces. The Ombudsman also tries to determine whether others share the same problem or concern.

The Ombudsman first investigates to verify and document your complaint. The findings of the investigation will be shared with you. The Ombudsman will provide you with options for resolving your concern and will assist you in achieving a resolution. The Ombudsman will take only those actions that you authorize.

The Ombudsman will then follow-up to ensure that any agreement reached to resolve the complaint is actually carried out and remains effective.

Your complaints can be handled confidentially. The Ombudsman does not disclose your identity without your consent, unless ordered to do so by a court. Even if the Ombudsman cannot resolve your complaint without revealing your identity, you make the choice as to whether the Ombudsman proceeds.

■ **Consumer comment** ■

"I was very impressed with the work the Ombudsman did for us. We would recommend them to anyone. Their help was appreciated and the results were what we had hoped for."



Q: What other state agencies are involved in long-term care?

A: There are several state agencies that are responsible for different aspects of long-term care.

■ **The Ohio Department of Health (ODH)** is responsible for inspecting nursing homes, residential care facilities, and adult care facilities for compliance with state and federal law. ODH is also responsible for inspecting home health agencies certified under the Medicare and Medicaid programs. In addition, ODH maintains a registry of personnel who have abused or exploited residents of nursing homes. Call **1-800-342-0553**.

■ **The Ohio Department of Job and Family Services (ODJFS)** is responsible for Ohio's Medicaid program. ODJFS sets the Medicaid rate paid to nursing homes. In addition, ODJFS monitors nursing facility admissions practices and the use of nursing home residents' personal needs allowance funds. Your right to Medicaid benefits is determined through the county departments of human services. ODJFS has an appeals process if you are not satisfied with a benefits determination. ODJFS is also responsible for administering Ohio's adult protective services law designed to intervene when older persons are abused, neglected or financially exploited in their homes. Call **1-800-324-8680**.

■ **The Attorney General’s Office (AG)** is responsible for investigating allegations of criminal abuse, neglect and financial exploitation in care facilities. This office also investigates Medicaid fraud and operates a separate consumer protection division. **Call 1-800-642-2873.**

■ **The Ohio Department of Aging (ODA),** through its network of regional Area Agencies on Aging, provides funding for community-based long-term care services. These include home-delivered meals, transportation, and information about and referral to other community resources you may need to remain independent and living in your community as long as possible. Besides operating the Long-Term Care Ombudsman Program, ODA is responsible for administering the PASSPORT* program. **Call 1-800-282-1206.**

*PASSPORT is an in-home service program for low-income older Ohioans otherwise qualifying for nursing home level of care.



Q:What are your rights as a consumer of long-term care services?

A: You have the right to:

- Be free from physical, verbal, mental and emotional abuse;
- Be free from physical & chemical restraints;

- Be treated with dignity & respect;
- Adequate & appropriate care;
- Receive itemized bills for services you receive;
- Be informed in advance of the charges for services;
- Participate in planning your care;
- Voice grievances and problems;
- Control who has access to your medical records;
- Be free from financial exploitation and to manage your personal affairs;
- Receive reasonable notice before a room or roommate change; and
- To receive notice of any transfer, discharge or discontinuation of services and information about any available appeal process.

Q:What can I do to advocate for consumers of long-term care services?

A: You can become a Long-Term Care Ombudsman volunteer. The Ombudsman Program recruits, trains, & places volunteers in nursing homes to make the program even more accessible to residents. Persons interested in volunteering for the Ombudsman Program should contact the Regional Ombudsman Program in their area. Please see listings in the back of this book.

■ **Consumer comments** ■

"Keep up the good work! The information received from your (program) was very helpful."

"There is not enough room to explain how much the Ombudsman helped my mother! They were professional, courteous and very kind! My messages were returned very quickly and questions/concerns were taken care of in a very timely manner. I can't write enough to tell how pleased I was."



Thank you for inquiring about the Long-Term Care Ombudsman Program. We hope this information was helpful. Please share this booklet with others.



**Ohio Regional Long-Term Care
Ombudsman Programs**

* Denotes agency location

Pro Seniors, Inc.

- **Toll-free 1-800-488-6070**
- Local (513) 345-4160

Serving Butler, Clermont, Clinton,
*Hamilton & Warren counties

Joint Office of Citizen Complaints

- **Toll-free 1-800-395-8267**
- Local (937) 223-4613

Serving Champaign, Clark, Darke,
Greene, Logan, Miami, *Montgomery,
Preble & Shelby counties

Catholic Social Services

- **Toll-free 1-800-653-7778**
- Local (419) 222-0563

Serving *Allen, Auglaize, Hancock,
Hardin, Mercer, Putnam & Van Wert
counties

Advocates for Basic Legal Equality

- **Toll-free 1-800-542-1874**
- Local (419) 259-2891

Serving Defiance, Erie, Fulton, Henry,
*Lucas, Ottawa, Paulding, Sandusky,
Williams & Wood counties

Area Agency on Aging, Ohio District 5

- **Toll-free 1-800-686-1639**
- Local (419) 526-6565

Serving Ashland, Knox, Crawford, Huron, Marion, Morrow, *Richland, Seneca & Wyandot counties

Catholic Social Services

- **Toll-free 1-800-536-5891**
- Local (614) 221-5891

Serving Delaware, Fairfield, *Franklin, Fayette, Licking, Madison, Pickaway & Union counties

Area Agency on Aging

- **Toll-free 1-888-841-2227**
- Local (740) 353-5263

Serving Adams, Brown, Gallia, Highland, Jackson, Lawrence, Pike, Ross, *Scioto & Vinton counties

Area Agency on Aging

- **Toll-free 1-800-833-0830**
- Local (740) 374-9436

Serving Athens, Hocking, Meigs, Monroe, Morgan, Noble, Perry & *Washington counties

Area Agency on Aging

- **Toll-free 1-800-967-0615**
- Local (330) 364-3465

Serving Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum & *Tuscarawas counties

Long-term Care Ombudsman Program

- **Toll-free 1-800-365-3112**
- Local (216) 696-2719

Serving *Cuyahoga, Geauga, Lake, Lorain & Medina counties

Area Agency on Aging 10B, Inc.

- **Toll-free 1-800-421-7277**
- Local (330)-896-9172

Serving Portage, Stark, Summit & Wayne counties

Area Agency on Aging, District XI

- **Toll-free 1-800-589-5826**
- Local (330) 746-2938

Serving Ashtabula, Trumbull, Columbiana & *Mahoning counties



If you are interested in having an Ombudsman speak to your group or organization about aging-related issues, please call 1-800-282-1206.

The Ohio Department of Aging also publishes the following information:

- **Ohio's Heritage magazine** - this quarterly publication is delivered directly to your door
- **Aging Issues** - a different aging-related topic is addressed by the director of the Ohio Department of Aging every month and is published in over 300 Ohio publications monthly.
- **Aging Connection** - this monthly newsletter is targeted to professionals in the field of aging.
- **"Finer with Age"** - this cable access television show is played throughout Ohio and features information about programs, services and positive aging guests.
- **Website** - www.state.oh.us/age/ - for the latest information.