Position Classification: Ombudsman Services Specialist – Entry
Working Title: Regional Ombudsman
Board on Aging and Long Term Care

Position Summary:
This position acts as the primary representative and advocate for long-term care consumers for an assigned region of the state under close supervision of the Ombudsman Services Supervisor at The Board on Aging and Long Term Care (BOALTC).

Core responsibilities include:

1) Conduct professional investigations of complaints pursuant to the Federal Older Americans Act (OAA), Section 712, related to the care and treatment of individuals residing in long-term care facilities (nursing homes, community-based residential facilities, residential care apartment complexes, adult family homes).
2) Conduct professional investigations of complaints related to services provided to older adults under the Family Care/PACE/Partnership/IRIS Medicaid waiver programs.
3) Participate in Title XVIII and Title XIX certification surveys, as specified by federal law.
4) Provide representation of residents and consumers at hearings and appeals of long-term care services before the Office of Administrative Hearings and before other appropriate bodies.
5) Provide education, information, outreach and technical assistance to adults age 60 and older, their families/significant others, and providers.

Goals And Worker Activities:

45% <u>A. Complaint Investigations</u>

Conduct complex investigations related to long-term care services and mediate or facilitate resolution of complaints in accordance with applicable federal and state statutes, administrative rules, and guidance, with a focus on the protection and preservation of individual rights.

A1. Identify deficiencies in the long-term care system based on information obtained through complaint investigations and system monitoring and communicate these findings to contribute to the development of state long-term care policy.

A2. Locate and attempt to interview all parties to a complaint, including conducting repeat visits to long-term care facilities, consumers' homes, social service agencies, or provider agencies, as needed, to interview residents, consumers, family members, significant others, staff, and facility or agency administration.

A3. Ensure that residents and consumers have regular and timely access to services provided by the Ombudsman Program; ensure individuals receive timely responses; represent the interests of residents and consumers before governmental agencies; and seek administrative, legal, or other remedies to protect their health, safety, welfare and rights.

A4. Conduct direct advocacy interviews, consultations, and other necessary meetings to carry out the advocacy mission of the Long-Term Care Ombudsman Program within the Family Care/PACE/Partnership/IRIS Medicaid waiver programs.

A5. Obtain and document consent for the release of information from residents or consumers, or their legal representatives, in accordance with agency policy and applicable state and federal laws, as appropriate.

A6. Utilize mediation, negotiation, and conciliation skills and techniques to facilitate resolution of disputes in accordance with program standards of conduct and applicable state and federal requirements, with a focus on protecting individual rights.

A7. Review documents and data related to complaints, including records maintained by relevant state and federal agencies, and research applicable laws, regulations, and guidelines as part of the investigative process.

A8. Review agency and facility practices, procedures, and the quality of care and quality of life provided to residents and consumers as part of complaint investigations and system monitoring activities.

A9. Represent residents and consumers 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.

A10. Refer complaints to enforcement agencies, as appropriate, when state and federal laws or rules have been violated.

A11. Participate in Title XVIII and Title XIX certification surveys, as specified by federal law, including sharing ombudsman observations, identified areas of concern, and issues raised by residents with survey staff for potential in-depth review, as appropriate.

A12. Maintain all case records in a timely and secure manner.

A13. Follow program policies and protocols regarding confidentiality.

30% <u>B. Public Education, Information and Outreach</u>

Promote public education, outreach and planning initiatives to prevent and address problems and improve conditions in long-term care for older adults and individuals with disabilities; contribute to the development of materials that assess existing inadequacies in federal and state laws, regulations and rules concerning long-term care; and convey accurate information on a variety of long-term care topics by preparing and delivering formal presentations to large audiences.

B1. Provide education, training, consultation, and information to residents, consumers, family members, significant others, providers, and other stakeholders on long-term care issues including resident rights, confidentiality, abuse and neglect, and complex programs, policies, and services, through presentations and dissemination of written materials.

B2. Develop and implement, with prior consultation of supervisor, an effective outreach plan to long-term care consumers, families and significant others, providers, social service agencies and media.

B3. Serve on task forces, committees and work groups, in coordination with supervisory staff, to provide information, advice, and technical assistance regarding long-term care services.

B4. Promote the establishment and maintenance of resident and family councils.

B5. Provide necessary assistance to the Ombudsman Volunteer Program, including participating in initial and periodic in-service training for volunteers, conducting joint facility visits, and maintaining ongoing communication with assigned volunteers. Provide updates regarding program activities to Volunteer Coordinators and Volunteer Advocates, as appropriate.

20% C. System Monitoring Activities

Collaborate with the Division of Quality Assurance (DQA) to support the successful completion of licensure, certification, and monitoring surveys of nursing homes and assisted living facilities; participate in appropriate county, regional, or statewide 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 the DQA and CMS for consideration during pre-survey and off-site preparation activities; participate, as appropriate, in on-site survey activities such as resident interviews, meal observations, and exit conferences; and communicate and collaborate with regional regulatory staff to monitor facilities experiencing financial or operational concerns.

C2. Review Statements of Deficiency (SOD) and participate in Informal Dispute Resolution (IDR), as appropriate.

C3. 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.

C4. Participate in internal coordination related to facility closures and resident relocations.

C5. Develop professional relationships with Aging and Disability Resource Centers, human services departments, aging units, managed care organizations, and other agencies that provide services to older adults.

C6. Represent the interests of residents and consumers served by the Long-Term Care Ombudsman Program before governmental agencies and pursue administrative, legal, or other appropriate remedies to promote and protect their rights, health, safety, and welfare.

5% <u>D. Other Responsibilities as Assigned</u>

Perform additional duties in support of the Long-Term Care Ombudsman Program as assigned by the Ombudsman Services Supervisor, State Ombudsman, or the Executive Director of BOALTC.

D1. Perform administrative, reporting, program representation or cross-regional support activities, as assigned.

D2. Participate in required state employee training, including equity, inclusion and related professional development.

D3. Support and contribute to a respectful, inclusive, and supportive work environment in alignment with agency values.

D3. Manage records created in the course of employment in accordance with applicable records retention and disposition schedules.

D4. Assist Legal Counsel with record searches, as requested.

D4. Perform other duties in furtherance of the mission of the program, as assigned.

Knowledge, Skills and Abilities:

1. Knowledge of state and federal laws, state administrative rules, and administrative codes pertaining to long-term care systems.

2. Knowledge of long-term care programs and services including but not limited to: nursing homes, community-based residential facilities, residential care apartment complexes, adult family homes, Family Care/PACE/Partnership, Medicare, Medical Assistance/Medicaid, other long-term care benefit programs, Aging Network programs, advocacy programs, patient rights, resident rights, hospice, guardianship, protective services and placement, elder abuse, and advance legal directives.

3. Knowledge of the concept of self-determination and ability to provide advocacy for long-term care consumers.

4. Skill in investigation and consultation techniques, identifying issues and making recommendations to resolve complaints including complaints of rights violations, inadequate care and services, and allegations of abuse, neglect and exploitation. Such investigations and consultations may occur either independently or jointly with the Division of Quality Assurance, the Department of Justice, the county Adult Protective Services unit or other entities.

5. Skills in facilitation, mediation and collaboration, including the ability to be persuasive and negotiate toward a resident- or consumer-focused resolution.

6. Skill in public speaking, including effective verbal and written communication for diverse groups (consumers, families, providers and the public) with a clear focus on the rights and needs of the consumer.

7. Ability to represent residents and consumers at formal hearings, either as an expert witness, providing testimony on behalf of an individual at court (in cases of elder abuse, guardianship, etc.), or in committee during the legislative process.

8. Ability to establish and maintain beneficial relationships with stakeholders including but not limited to: Aging and Disability Resource Centers, Division of Quality Assurance, Department of Health Services, Division of Hearings and Appeals, other social services agencies, law enforcement agencies, and county court systems.

9. Ability to monitor proposed and existing regulations and statutes affecting long-term care and advocate for effective public policy in the interest of resident and consumer rights.

10. Knowledge and understanding of, and commitment to complying with, state and federal rules and laws related to conflicts of interest, confidentiality and the appropriate limits on the use and disclosure of confidential information.

11. Knowledge of federal Long-Term Care Ombudsman Program requirements, including 45 CFR 1321 and 45 CFR 1324, and the ability to carry out oversight and advocacy functions in a manner that is consistent with and supportive of resident and consumer rights.

Special Requirements:

The ability to travel regularly and frequently.

Possession of a valid Wisconsin driver's license that meets state risk management requirements, or the ability to provide reliable personal transportation on a consistent basis.