

Long Term Care Ombudsman Program

Terms and Definitions

The following definitions apply to the language contained within the Chapter:

Abuse – Any willful mistreatment of residents by facility staff, resident representative/family/friend, other residents, or an outside individual. There are three categories of abuse: physical, sexual, and psychological.

Act or Older Americans Act – The Older Americans Act of 1965 (OAA), reauthorized most recently in 2016. The OAA promotes the well-being of older individuals by providing services and programs designed to help them live independently in their homes and communities. The Act also empowers the federal government to distribute funds to the states, territories, and tribes for supportive services for individuals over the age of 60.

Administration on Aging (AoA) – The principal agency of the U.S. Department of Health and Human Services designated to carry out the provisions of the Older Americans Act of 1965, as amended (42 U.S.C.A. § 3001 et seq.).

Administration for Community Living (ACL) – An operating division of the U.S. Department of Health and Human Services.

Area Agency on Aging (AAA) – The single local agency designated within each planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities.

Assistant Secretary for Aging (ASA) – The administrative head of the Administration on Aging of the United States Department of Health and Human Services.

Auxiliary aids and services – Accommodations such as interpreters, items, equipment, or services that assist with effective communication.

Bureau of Human Services Licensing (BHSL) – Licensing program administered by the Department of Human Services. Responsible for the licensure and regulatory compliance of personal care homes and assisted living residences.

BHSL Licensing Representative – An inspector employed by the Bureau of Human Services Licensing.

Case – Each case must have a minimum of one complaint. A case must contain a complainant, complaint code(s), a setting, verification, resolution, and information regarding whether a complaint was referred to another agency. For abuse, neglect, and exploitation codes, a perpetrator code is also required.

Complainant – An individual who requests complaint investigation services regarding one or more complaints made by, or on behalf of, residents; or an individual who submits a complaint against the Ombudsman or representatives of the Office.

Complaint – An expression of dissatisfaction or concern brought to, or initiated by, a representative of the Office which requires investigation and resolution on behalf of one or more residents of a long-term care facility.

Complaint disposition – Final resolution or outcome of the complaint.

Complaint verification – Confirmation that most or all facts alleged by the complainant are likely to be true.

Complaint visit – A visit by a representative of the Office to a facility in response to a complaint during which only complaint-related activities are conducted.

Conflict of interest – A competing interest, obligation, or duty which compromises, influences, interferes with or gives the appearance of compromising, influencing, or interfering with, the integrity, activities, or conduct of all representatives of the Office, the State Unit on Aging, AAAs, or LOEs in faithfully and effectively fulfilling official duties.

Confidentiality – Federal and state laws mandate that representatives of the Office keep all identifying information about a resident and a complainant private and within the Office.

Department – Pennsylvania Department of Aging, the State Unit on Aging.

Designation – The authority given to the SLTCO to appoint or select (i.e., designate), and refuse, suspend, or remove designation of LOEs and representatives of the Office, pursuant to Section 712(a)(5) of the Older Americans Act set forth in [§1324.11\(e\)\(6\)](#) of the State Long-Term Care Ombudsman Programs Rule.

Discharge – The movement of a resident from a bed in one certified facility to a bed in another certified facility or other location in the community, when return to the original facility is not expected.

Disclose – To make known or public; to expose to view.

Division of Nursing Care Facilities – Situated within the Pennsylvania Department of Health, this division is responsible for the licensure and regulation of nursing care facilities, as outlined in the [Pennsylvania Code's 28 Pa. Code Subpart C](#) and other regulations.

Family council – A group of residents' family members that meets regularly to discuss and offer suggestions about facility policies and procedures affecting residents' care, treatment, and quality of life; support each other; plan resident and family activities; participate in educational activities; or, for any other purpose.

Financial exploitation – The illegal or improper use of an individual's funds, property, or assets for another person's profit or advantage.

Formal grievance – A written complaint made involving determinations, actions, or inactions by a representative of the Office related to the performance of their official duties that is filed as prescribed in Long-Term Care Ombudsman Program Policies and Procedures.

Good faith – When, during the performance of their official duties as prescribed in the Long-Term Care Ombudsman Programs Rule and applicable ombudsman federal and state laws, a representative of the Office acts within the scope of such official duties. Actions also include seeking and making reasonable efforts to follow the direction of the Office and the regional ombudsman.

Gross neglect (neglect) – The failure to protect a resident from harm or the failure to meet their needs for essential medical care, nutrition, hydration, hygiene, clothing, basic activities of daily living, or shelter, which results in a serious risk of compromised health and/or safety, relative to age, health status, and cultural norms.

Guardian – A person appointed by the court as a representative of a mentally incapacitated client for assistance purposes in federal assistance cases.

Highest practicable level of well-being – The highest possible level of physical, mental, and psychosocial functioning a resident can maintain or achieve.

Health Insurance Portability and Accountability Act of 1996 (HIPAA, Privacy Rule) – Required the creation of national standards to protect patient health information from being disclosed without the patient's consent or knowledge. HIPAA sets rules and limits on who can use, review, and disclose individuals' health information.

Home and Community Based Services (HCBS) – Services provided to eligible Medicaid beneficiaries in their home or community rather than institutions or isolated settings. These programs serve a variety of targeted groups, such as older adults, people with intellectual or developmental disabilities, physical disabilities, or mental-health and substance-use disorders.

Host agency – An Area Agency on Aging in subcontract with another local agency to provide the direct local program activities. The local agency is the local ombudsman entity, and the AAA is the host agency.

Immediate family – Pertaining to conflicts of interest as used in section 712 of the Older Americans Act (the Act) ([42 U.S.C. 3058g](#)), means a member of the household or a relative with whom there is a close personal or significant financial relationship.

Information and Assistance – Information provided to an individual or facility staff about issues affecting residents (e.g., residents' rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.

Informed consent – Permission from a resident or a resident representative after a full explanation has been given of the facts, options, and possible outcomes of such options in a manner and language in which the resident or resident representative understands.

Local Long-Term Care Ombudsman (LLTCO) – A representative of the Office employed by a local ombudsman entity.

Local ombudsman entity (LOE) – Public agencies or nonprofit organizations, designated by the SLTCO, responsible for hosting local or regional long-term care ombudsman programs to carry out the activities of the Office. Such entities could be an AAA or another entity that contracts with the AAA to perform the duties of the Office.

Long-term care facility or community – Skilled nursing facilities as defined in [Pennsylvania Code Title 55 § 1181.2](#), Personal Care Home as defined in [Pennsylvania Code Title 55 § 2600.4](#), Assisted Living as defined in [Pennsylvania Code Title 55 § 2600.4](#); Older Adult Daily Living Center as defined in [Pennsylvania Code Title 6, Chapter 11](#); LIFE Center as defined in Pennsylvania Code Title 6, Chapter 11.

Long-Term Care Ombudsman Program (LTCOP) – As defined in Sections 711 and 712 of the Act, means the services through which the functions and duties of the Office are carried out, consisting of the State Long-Term Care Ombudsman, the Office of the State Long-Term Care Ombudsman headed by the SLTCO, and the representatives of the Office.

Long-Term Care Ombudsman Policies and Procedures – Requirements governing the operations of the Office and establishing the relationship and responsibilities between the Office, AAAs, and LOEs.

Long-Term Care Ombudsman Records – As used in [45 CFR 1324.13\(d\)](#) all files, records, correspondences, documentation, case notes, and communications related to a specific case, complaint, complainant, or resident in any format, including intellectual records (e.g., unwritten, confidential information, long-term care ombudsman knowledge, and testimony, including testimony related to subpoenas).

Long-Term Care Ombudsman Programs Rule (LTCOP Rule) – The federal rule that governs the long-term care ombudsman program.

National Ombudsman Reporting System (NORS) – The uniform data-collection and reporting system required for use by all Ombudsman offices.

Office of the State Long-Term Care Ombudsman (OSLTCO) – As used in Sections 711 and 712 of the Act, means the organizational unit in a state or territory which is headed by a SLTCO.

Official duties – As used in section 712 of the Act ([42 U.S.C. 3058g](#)) with respect to representatives of the Office, means work pursuant to the Office authorized by the Act, [subpart A of this part](#), and/or state law and carried out under the auspices and general direction of, or by direct delegation from, the SLTCO.

Older Adult Daily Living Centers – A premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for four or more clients who are not relatives of the operator for part of a 24-hour day.

Older Americans Act (OAA) – Federal law enacted in 1965 that provides for comprehensive services for older adults. The OAA created a National Aging Network comprised of federal, state, and local supports and services for individuals aged 60 and older. The OAA established the Long-Term Care Ombudsman Program. This law is reauthorized (revised) by Congress every five years and signed into law by the President.

OAAPS – Older Americans Act Performance System. The federal reporting mechanism that collects information on the Older Americans Act Title III, VI and VII programs. Ombudsman programs are required to submit data to this system annually for review and designation by the federal agency that oversees long-term care ombudsman work.

Ombudsman Code of Ethics – Established by The National Association of State Long-Term Care Ombudsman Programs (NASOP) Code of Ethics for Long-Term Care Ombudsmen.

Pennsylvania Department of Aging (PDA) – The State Unit on Aging is responsible for developing and administering programs that provide assistance to older individuals, their family members, and adults with disabilities.

Perpetrator – Person(s) who appears to have caused abuse, neglect, or exploitation.

Personnel oversight/management – Responsibilities of the Office to manage administrative tasks addressing the structure of the entity and the functions of employees and volunteers as members of the LOEs. Such tasks include, but are not limited to, staffing (e.g., hiring, firing), compensation (including benefits), and work hours.

Planning and service area – A geographic area of the state that is designated by the Office for the purposes of planning, development, delivery, and overall administration of services under an area plan.

Program management – Responsibilities of the SLTCO in overseeing, monitoring, and managing the Office. Includes, but is not limited to, management and supervision of actions or inactions of representatives of the Office in the course of their duties as noted in the Older Americans Act, LTC Ombudsman Federal Final Rule, and the Long-Term Care Ombudsman Office Policies and Procedures, monitoring LOEs for the purpose of administering local offices and determining the use of fiscal resources appropriated or available to the Office.

Referral agency – The agency or agencies to which a complaint was referred as part of the Office's plan of action for complaint resolution.

Representatives of the Office of the State Long-Term Care Ombudsman – As used in sections 711 and 712 of the Act ([42 U.S.C. 3058f](#) and [3058g](#)), means the employees or volunteers designated by the Office to fulfill the duties set forth in [§ 1324.19\(a\)](#), whether personnel supervision is provided by the ombudsman, their designees, or by an agency hosting an LOE designated by the Office pursuant to section 712(a)(5) of the Act ([42 U.S.C. 3058g\(a\)\(5\)](#)).

Resident – An individual of any age who resides in a long-term care facility.

Resident council – A group of residents that meets regularly to discuss and offer suggestions about facility policies and procedures affecting residents' care, treatment, and quality of life; support each other; plan resident and family activities; participate in educational activities; or, for any other purpose.

Resident-directed – The core of the Office's foundation is to follow the direction of the resident to the fullest extent possible. For example, the Office does not make decisions for the resident, but does support and advocate on behalf of the resident's wishes.

Resident record – Any medical, social, personal, or financial information maintained by any licensed facility, any state or local agency, pertaining to a resident. **Resident Representative** – An individual chosen by the resident to act on their behalf, or a person authorized by federal or state law (e.g., agent under a Power of Attorney, representative payee, and other fiduciaries) to act on behalf of a resident in order to support the resident in decision-making; access medical, social, or other personal information of the resident; manage financial matters; or receive notifications; legal representative (as used in Section 712 of the Act), or a court-appointed guardian or conservator of a resident.

Resident representative – An individual:

- a) Chosen by the resident to act on his or her behalf to support the resident in decision-making; accessing the resident's: medical, social, or other personal information; manage the resident's financial matters; or receiving notifications pertaining to the resident.
- b) Authorized by state or federal law including, but not limited to, agents under power of attorney, representative payees, and other fiduciaries to act on the resident's behalf in order to support him or her in: decision-making; accessing the resident's medical, social, or other personal information; manage the resident's financial matters; or receive notifications pertaining to the resident.
- c) A legal representative as used in [Section 712](#) of the OAA or ([42 U.S. Code § 3058g](#)).
- d) The resident's court-appointed guardian or conservator of a resident.

This definition is not intended to expand the authority of any resident representative beyond that specifically authorized by the resident, state or federal law, or a court of competent jurisdiction.

Residential Care Community (RCC) – A type of long-term care facility as described in the Older Americans Act that, regardless of setting, provides at a minimum, room and board, around-the-clock on-site supervision, and help with personal care such as bathing and dressing or health-related services such as medication management.

Retaliation – Subtle or obvious negative actions against a person for speaking out or complaining about wrongdoings.

Routine access visit (Routine visit) – Visit by a representative of the Office to a facility to conduct activities that promote regular and timely access to ombudsman services as determined in the procedures in the Long-Term Care Ombudsman Policies and Procedures (e.g., visit with multiple residents, share information about ombudsman services, observe activities in the facility).

Shadowing/mentoring visit – A requirement of the Office's designation process, where a trainee accompanies an experienced representative of the Office in facilities to learn LTCO advocacy tools and skills.

Skilled-nursing facility or nursing facility – A certified facility which provides skilled nursing care for residents who require medical or nursing care rehabilitation or provides health-related care and services to individuals who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through institutional facilities. Also known as a “nursing home.”

State Long-Term Care Ombudsman (SLTCO) – As used in sections 711 and 712 of the Act ([42 U.S.C. 3058f](#) and [3058g](#)), the individual who heads the Office and is responsible to personally, or through representatives of the Office, fulfill the functions, responsibilities and duties set forth in [§§ 1324.13](#) and [1324.19](#).

State Long-Term Care Ombudsman Program, Ombudsman Program, or Office – As used in sections 711 and 712 of the Act ([42 U.S.C. 3058f](#) and [3058g](#)), the program through which the functions and duties of the Office are carried out, consisting of the SLTCO, the Office headed by the SLTCO, and the representatives of the Office.

State surveyor – An individual who works for the state survey agency to conduct in-depth surveys, inspections, and investigations of long-term care facilities.

Systems advocacy – Work designed to change a system (e.g., a long-term care facility, a government agency, an organization, a corporation, policies, regulations, and laws) to benefit long-term care residents.

Transfer – The movement of a resident from a bed in one certified facility to a bed in another certified facility when the resident expects to return to the original facility.

Willful interference – Any action or inaction taken by an individual in an attempt to intentionally prevent, interfere with, or attempt to impede the Ombudsman from performing any of the functions or responsibilities set forth in 1324.13, or the Ombudsman or a representative of the Office from performing any of the duties set forth in 1324.19.