

improved building and safety standards; increased state funding for inspection and surveying of LTC facilities; reduced use of psychotropic medications; better licensing oversight of health care professionals; increased use of advance directives; stronger LTC staff competencies and sensitivities; and empowerment of residents through stronger resident and family governance structures.

In the B&C area, the ombudsman program has been partially implemented at best. Hence, evaluating national program effectiveness in this area is premature.

Exemplary Practices and Performance

The committee believes that the individual and systemic successes attributed to the ombudsman program occur despite considerable barriers in most, if not all, states. Obstacles to effective performance include inadequate funding, resulting staff shortages, low salary levels for paid staff, structural conflicts of interest that limit the ability to act, and uneven implementation among and within states. In many states, the program attempts to operate in a structural environment that expressly prohibits or, at least, does not foster its ability to carry out all federally mandated functions. The committee observed such examples as prohibitions on state and local ombudsmen from talking with any state or federal legislators about issues of concern to residents and ombudsmen who attempted to carry out additional and conflicting roles such as adult protective services officials.

As a consequence of what it perceived to be the significant drawbacks of this variation in basic program implementation and practice, the committee has developed a detailed scheme relating to the structure and activities of the program called "Elements of Infrastructure and Functions." The elements are expressed in terms of exemplary, essential, and unacceptable practices. They incorporate prerequisites for effective ombudsman program performance. The detailed elements and respective practice levels are found in tables in Chapter 5 of the committee's report. They include the following categories:

- Structure of the Office of the State LTC Ombudsman and Elements of the Host Agency(s) for the State and Local Entities;
- Qualifications of Representatives of the Office;
- Legal Authority;
- Resources (financial, information management, legal, and human);
- Office of the State LTC Ombudsman Program;
- Individual Resident Advocacy Services;
- Systemic Advocacy Work; and
- Educational Services.

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