

## **Program Instructions**

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**September 29, 1998**

**AOA-PI-98-05**

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**TO : STATE AGENCIES ON AGING ADMINISTERING PLANS UNDER TITLE III OF THE OLDER AMERICANS ACT, AS AMENDED**

**SUBJECT : Instructions for State Long-Term Care Ombudsman Report to the Administration on Aging - FY 1998 - 2000 and Categorization of Abuse Complaints**

**LEGAL AND RELATED REFERENCES:**Older Americans Act, as amended

The purpose of this Program Instruction (PI) is to provide guidance to the states for their annual state ombudsman reports for the next three years. The PI also reiterates guidance provided in the attached National Ombudsman Reporting System (NORS) instructions on documenting complaints to ombudsmen involving abuse, gross neglect and financial exploitation.

### **State Ombudsman Reporting Requirements for FY 1998 - 2000**

This PI extends to U.S. Fiscal Years 1998, 1999 and 2000 the requirement that states submit their annual Long-Term Care Ombudsman Report to the Administration on Aging, pursuant to Section 712(h)(1) of the Older Americans Act (OAA), according to the enclosed format and instructions, which the U.S. Office of Management and Budget (OMB) has approved through August 21, 2001.

The report is due on January 31 of the year following the close of the U.S. Fiscal Year, which ends on September 30 of each year.

The form and instructions are identical to those used for the FY 1997 ombudsman report. We are upgrading the diskette on which states submit their reports. We will send the diskette and directions for transmitting information on it to the state agencies and state ombudsmen as soon as the revisions are completed.

### **Categorization of Abuse Complaints**

The first seven categories in the list of types of complaints on the form are for problems which are classified as abuse, gross neglect or financial exploitation. It is very important that these categories be used only for serious complaints involving willful mistreatment or exploitation of residents by facility staff, management, other residents or unknown or outside individuals (i.e., by individuals other than friends and family members of residents), per the attached instructions for the National Ombudsman

Reporting System (NORS). The definitions of each type of abuse and examples provided in the instructions are those used by the Health Care Financing Administration in its *Survey Forms and Interpretive Guidelines for the Long-Term Care Survey Process*.

Complaints which involve injuries which most likely are due to accidents or unintentional mishandling of residents, inadequate care (but not gross neglect), or problems due to poor accounting of residents funds rather than willful financial exploitation should be classified in the appropriate category in sections of the list of complaints other than those in section A. Care in making these distinctions in documenting complaints is important in order to secure data which is as accurate as possible on incidents of actual abuse, gross neglect and financial exploitation in long-term care facilities which are reported to ombudsmen.

DUE DATE: January 31, 1999 and January 31, 2000 (The due date for the FY 2000 report will be provided at a later time, following extension of the OMB approval date to cover the period after August 31, 2001.)

ATTACHMENTS: State Annual Ombudsman Report to the Administration on Aging and Instructions

INQUIRIES: General inquiries should be addressed to AoA Regional Administrators. Specific questions regarding the reporting content should be addressed to Sue Wheaton, AoA Ombudsman Program Specialist, Telephone: (202) 619-7585.

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