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Know Your Rights: The Ombudsman Program



In 1965, Congress passed the Older Americans Act in response to a concern over a lack of social services for seniors. The Act required each state to create and administer a Long-Term Care Ombudsman Program. The Ombudsman Program seeks to address complaints from residents of long-term care facilities, advocate for them, and improve their overall quality of life.

In New York State, the program operates as an independent office within the Office for the Aging and has 15 regional programs throughout the state. The program has full-time staff, but also depends on a team of dedicated volunteers who undergo training to serve as Ombudsmen. Once certified, they are assigned to a facility in order to work with the residents.

The Ombudsman Program is resident-centered meaning the advocates do not work for the facility, they are not tasked with inspecting the facility, and they can only speak with the family of a resident when they are given permission by the resident. The mission of the program has four distinct objectives (see www.aging.ny.gov for more information):

1. Advocate - Act on behalf of residents to assure rights are not violated, identifying, investigating and working towards resolution of resident complaints
2. Mediate – Work collaboratively with residents, family members, and staff towards achieving mutually beneficial solutions to the issues they are experiencing in long-term care facilities
3. Educate – Provide information and consultation to residents, families, facility staff, and community about issues in long-term care and specific issues they are experiencing in facilities
4. Refer – When resolution through the Ombudsman Program is not achievable, complaints are referred to the New York State Department of Health or other appropriate agencies.

If you have a loved one in a skilled nursing facility, it is important to be aware of all ways available to you to advocate on his or her behalf. Our office is available to answer questions you may have about the Ombudsman Program!

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For more helpful information and to keep up to date on all Elder Law and Trust and Estate matters, visit our website at www.makofskylaw.com.

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