

## Tribal Ombudsman Program in Arizona: A Case Study

HEALTH CARE AND HUMAN SERVICES POLICY, RESEARCH, AND ANALYTICS — WITH REAL-WORLD PERSPECTIVE.



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## I. Introduction

The Long-Term Care Ombudsman Program (Ombudsman program) serves individuals living in long-term care facilities, such as nursing homes, board and care, assisted living, and other residential care facilities, and works to resolve problems related to the health, safety, welfare, and rights of residents in these facilities. The Ombudsman program serves all individuals who reside in long-term care facilities, regardless of nationality, race, ethnicity, or other characteristics. The Administration for Community Living (ACL), which administers the Ombudsman program at the federal level, sought to identify successful practices and generate recommendations for improving how Ombudsman programs across the U.S. serve Native populations. In 2019, ACL requested that The Lewin Group (Lewin), as a subcontractor to New Editions Consulting, conduct a case study of the Tribal Ombudsman program within the Inter Tribal Council of Arizona (ITCA).

## II. Background

### A. Federal Long-Term Care Ombudsman Program

The Ombudsman program began in 1972 as a demonstration and currently operates in all states, the District of Columbia, Puerto Rico, and Guam. Title VII of the Older Americans Act authorizes and requires Ombudsman programs to:

- Identify, investigate, and resolve complaints made by or on behalf of residents;
- Provide information to residents about LTSS;
- Ensure that residents have regular and timely access to Ombudsman services;
- Represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect residents; and,
- Analyze, comment on, and recommend changes in laws and regulations pertaining to the health, safety, welfare, and rights of residents.<sup>1</sup>

A full-time Ombudsman heads an Office of the State Long-Term Care Ombudsman (State Office) in every state or territory and administers the program statewide, including staff and volunteers who provide direct services to residents. The Older Americans Act gives states operational discretion for administering their Ombudsman program. The State Office may be housed within the state unit on aging or contracted to another state agency or non-profit entity. At the local level, Ombudsman services may be centralized and delivered statewide through the State Office or may be provided by local Ombudsman entities, which are often nonprofit agencies, such as Area Agencies on Aging.

Across the U.S. and its territories in 2018, there were 53 State Ombudsmen who manage programs consisting of 1,297 full-time equivalent staff, and 6,163 volunteers trained to investigate and

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<sup>1</sup> Long-Term Care Ombudsman: The Purpose of the Program and How it Works. Retrieved January 27, 2020 from <https://acl.gov/programs/Protecting-Rights-and-Preventing-Abuse/Long-term-Care-Ombudsman-Program>.

resolve complaints.<sup>2</sup> Ombudsman programs promote policies and consumer protections to improve long-term services and supports at the facility, local, state, and national levels.

## B. Services for American Indians, Alaska Natives, and Native Hawaiians

The Older Americans Act also established programs for Native Americans (Title VI), including American Indians, Alaska Natives, and Native Hawaiians, beginning in 1978 with the provision of nutrition and supportive services. Title VI provides grants to tribes for nutrition and health promotion services, home and community-based services, and family caregiver services. Title III of the Older Americans Act provides grants to states for the same services for adults age 60 and over, including both Native and non-Native elders. Tribes may use Title VI funds for Ombudsman services; the services are to be “substantially in compliance” with provisions of Title III (Section 614(a)(9) of OAA). Some tribes use funds from both Titles VI and VII to support full-time staff positions that provide services under both titles.

## C. Arizona Long-Term Care Ombudsman Program

Arizona’s Office of the State Long-Term Care Ombudsman is housed in the Division of Aging and Adult Services (DAAS), which is within the Department of Economic Security (DES). DES historically has contracted with eight local agencies to serve as designated local Ombudsmen entities. In 2018, a network of 19 paid staff and 59 volunteer Ombudsmen (representatives of the Office) provided these services.<sup>3</sup> In this structure, the State Office has programmatic oversight, but does not directly employ the representatives of the Office. Two of the eight local agencies focus primarily on serving Arizona’s large Native population: ITCA and Navajo Nation. Although Navajo Nation has historically had a contract with DES to provide Ombudsman services, it currently does not due to a position vacancy.

There are 22 Tribal Nations located within or primarily in the state of Arizona (**Exhibit 1**).<sup>4</sup> **Appendix A** presents the relationship between ITCA and each of the 22 tribes. With the intent to provide more culturally appropriate Ombudsman services on tribal lands, the White Mountain Apache Tribe requested to become a contractor to DES to serve their

Exhibit 1. Tribal Lands in Arizona



Source: ITCA

<sup>2</sup> The National Long-Term Care Ombudsman Resource Center. Retrieved December 15, 2019, from <http://www.ltombudsman.org/>.

<sup>3</sup> AGing, Independence, and Disability (AGID) Program Data Portal. Retrieved February 26, 2020 from <https://agid.acl.gov/DataGlance/NORS/Trend.aspx?geoids=3&jvar=937&mode=Count&agegroup=0&sex=0&pop=0&service=0&poverty=0&adl=0&iadl=0>.

<sup>4</sup> ITCA and Arizona State University (2013). The State of Indian Country Arizona. Retrieved February 18, 2020 from [https://des.az.gov/sites/default/files/the\\_state\\_of\\_indian\\_country\\_arizona.pdf](https://des.az.gov/sites/default/files/the_state_of_indian_country_arizona.pdf). The Inter Tribal Council of Arizona is a cooperative of 21 of the 22 tribes. Navajo Nation is not part of the ITCA.

members beginning in the 1990s.<sup>5</sup> This is the first known instance of what is now called the *Tribal Ombudsman* program in Arizona. The White Mountain Apache Tribe Ombudsman also served members of the Hopi Tribe. DES later worked with the Tohono O’odham and Pascua Yaqui Tribes to designate Ombudsmen for their members. These three tribes (i.e., White Mountain Apache, Tohono O’odham, and Pascua Yaqui) now provide Ombudsman services to their members under contract with ITCA, which also provides Ombudsman services to members of 18 additional tribes.

#### D. Inter Tribal Council of Arizona Tribal Ombudsman Program

ITCA is a cooperative of 21 tribes that was established in 1952 for tribal governments within the state of Arizona to address common issues with a united voice.<sup>6</sup> ITCA operates more than 30 projects to support tribal governments with program planning, research, data collection, and evaluation.

ITCA operates Title III, VI, and VII programs under the Older Americans Act on behalf of its tribal governments. ITCA operates an Area Agency on Aging, which administers Title III and VII programs for 18 tribal governments in Arizona. ITCA also administers the Title VI program on behalf of four of those tribal governments. **Appendix A** provides a list of tribes that form ITCA and programs ITCA administers.

ITCA operates its local Ombudsman program under contract with DES. Formally, ITCA directly serves members of 18 tribes and subcontracts with the White Mountain Apache, Tohono O’odham, and Pascua Yaqui Tribes to deliver services to their members. In practice, the ITCA Ombudsman program provides Ombudsman services to any tribal member in Arizona, regardless of tribe or long-term care facility of residence.<sup>7</sup>

### III. Findings

The following represent findings from qualitative interviews with key stakeholders in Arizona. Details about the methodology used to collect the data are presented in **Appendix B**. The findings are organized into the following domains: A) Referrals and Triage; B) Relationships; and, C) Trust and Cultural Competence. The findings are followed by a series of recommendations to improve collaboration between Ombudsman programs and tribes for the benefit of tribal elders.

#### A. Referrals and Triage

The referral process for Ombudsman services in Arizona typically begins when a resident concern or complaint is first reported to any Ombudsman (i.e., State Office or local Ombudsman). Often, a family member or facility staff member will email or call the State Office or a local Ombudsman program, which typically post or advertise their contact information within long-term care facilities in the state. If a complaint is received at the State Office, the State Ombudsman will review the complaint and refer it to the local Ombudsman serving the geographic area in which the long-term care facility is located. If a complaint is received by a local Ombudsman, their office will respond

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<sup>5</sup> Researchers found conflicting information on the origins of the Tribal Ombudsman program.

<sup>6</sup> ITCA. Retrieved January 27, 2020 from <https://itcaonline.com/about-itca/>.

<sup>7</sup> The Navajo Nation has also traditionally operated an Ombudsman program with a designated Ombudsman under contract with DES separate from ITCA. The Ombudsman position for the Navajo Nation is currently vacant.



directly. If the individual is determined to be a tribal member, the state or local Ombudsman will typically contact ITCA, which will then transfer the case to the Tribal Ombudsman most suited to respond.

During the referral process, identification of a resident as a tribal member occurs inconsistently. This is because there is no standard procedure followed or question asked about tribal affiliation at the time the complaint is received. Often, determination of tribal status occurs as part of the initial conversation when a local Ombudsman responds to the concern or complaint. Thus, it is likely that there are complaints handled by local non-tribal Ombudsmen for tribal members because tribal identification is never made. In some cases, tribal identification is made, but a Tribal Ombudsman is not available. For example, because the Navajo Nation does not currently have an Ombudsman due to a staff vacancy, the State Office will often handle the case directly or coordinate with ITCA to respond.

ITCA plays an important coordination role for Tribal Ombudsman referrals and triage. All interviewees spoke of the casual nature of the operational relationships between the DES, ITCA, and individual tribes. ITCA conducts significant outreach through established networks (e.g., regular state Ombudsman coordinating calls) to educate other Ombudsmen about the Tribal Ombudsman program. These professional collaborations have resulted in an informal network with the capacity to pass cases to the Ombudsman best suited to respond, sometimes due to geographic necessity, and other times because of the specific tribal affiliation of a resident.

## B. Relationships

Interviews revealed that formal and informal relationships are at the core of the Tribal Ombudsman program. Formal relationships include the primary contractual relationships between DES and the ITCA<sup>8</sup> and ITCA's secondary contractual relationships with the Tohono O'odham, White Mountain Apache, and Pascua Yaqui Tribes. Informal relationships supporting the referral and triage processes include collaborations among Ombudsmen and with other programs (e.g., Area Agencies on Aging, Adult Protective Services) across the state.

"I think the other thing that works well is that there are Ombudsmen that they can refer to. So it's not siloed (sic) as a Tribal Ombudsman program...So they can call on the [non-tribal] Ombudsman to help them out if they can't get to them. And I know one tribe actually has, because Casa Grande is closer to Gila River, that they'll send an Ombudsman to help Gila River out, where we don't necessarily need to be that point person. And then they will communicate with our Ombudsman here, 'Hey, I went in and I checked on it and this is what happened. Do you want me to follow up, or do you want to follow up?'"

- ITCA Staff Member

<sup>8</sup> Note that there is an additional contractual relationship between DES and Navajo Nation to operate the Ombudsman program for Navajo Nation. However, that position is currently vacant.

## 1. Relationships for Referrals and Triage

Given the informal, and sometimes inconsistent, manner in which Tribal Ombudsmen receive referrals, interviewees identified strong working relationships as essential to successful referral and triage processes. Ombudsmen in Arizona are directed to refer all cases involving tribal members to ITCA. ITCA often works jointly with non-tribal Ombudsmen and other service providers around the state, depending on the particular issue or location of the resident. A non-tribal Ombudsman may conduct an initial visit with a tribal member due to geographic proximity and then consult with ITCA about who will follow up with the resident. In other cases, through collaboration with other Ombudsmen and DES, ITCA will accept a referral for a tribal resident living in the jurisdiction of another Ombudsman. This coordination reflects the philosophical underpinnings of the Ombudsman program, which was intended to be a unified program. In fact, DES representatives often remarked that ITCA and the Tribal Ombudsman program are simply seen as part of the entire spectrum of Ombudsman services provided across the state. Coordination occurs between Tribal Ombudsmen and non-tribal Ombudsmen during the referral process.

“There have been instances where tribal members live off of tribal land in long-term care facilities, and that’s been an issue that we have worked on for many years as to who then serves that individual. If that facility is in Maricopa County, is it the Area Agency of Maricopa County, or is it Inter Tribal Council of Arizona? And we’ve kind of worked together to deal with that. So it’s usually the Inter Tribal Council of Arizona that will take the lead.”

- DES Staff Member

Building relationships with service providers across the state enhances referral networks. Coordination with other services offered by the tribes (e.g., services funded by Title III, Title VI, and tribal funds) occurs naturally in some cases because Tribal Ombudsmen often do not serve in the Ombudsman role in a full-time capacity. Rather, some staff have split-funded positions where a portion of their time is spent on Ombudsman activities and the remaining time is spent in staff roles for these other programs. Staff from ITCA reiterated the importance of these relationships with other non-tribal agencies and noted that state Area Agency on Aging directors’ meetings serve as an important connection point for overall coordination with other Area Agency on Aging services, such as those offered under Titles III and VI. The educational opportunities to discuss the Tribal Ombudsman program with other Area Agencies on Aging are critical components of these state director meetings. Similarly, an ITCA staff member discussed the regularly occurring regional conference call of Ombudsmen in Arizona, which helps build relationships with non-tribal Ombudsmen.

An additional referral source to the Tribal Ombudsman program, although less frequent, is Adult Protective Services.<sup>9</sup> ITCA staff noted that Adult Protective Services, either state or tribal, will refer cases to the ITCA Tribal Ombudsman program if they feel that an Ombudsman is needed or can assist in a particular resident situation. ITCA staff now attend regular stakeholder meetings to discuss how to bridge communication between Adult Protective Services and other programs, including the Tribal Ombudsman program.

<sup>9</sup> ITCA staff noted that, because Ombudsmen are not mandated reporters in Arizona, they do not make referrals to Adult Protective Services without the consent of the resident.

## **2. Relationships with Long-Term Care Facilities**

Strong relationships with long-term care facilities enable Tribal Ombudsmen to more effectively serve residents. One ITCA staff member noted that Tribal Ombudsmen intentionally build strong relationships with the staff of long-term care facilities (e.g., aides, personal care attendants, nurses, other staff). These relationships facilitate positive interactions and allow for easier access within facilities, as well as easier problem resolution. One ITCA staff noted that these relationships are deliberately fostered and maintained by the Tribal Ombudsmen themselves: “I think the other thing that also helps is that when they do visit the facilities, sometimes they do just go in there to say hello [to the staff]...the Ombudsmen have these little gifts to them that say, ‘We’re here if you need us. You might not need us today, but this is what we do. And if you ever need us, this is our card.’”

## **3. The Role of ITCA and Arizona DES in Fostering Relationships**

Trust is foundational to the Tribal Ombudsmen program. DES can have difficulty fostering this trust with tribes due to being a state agency. Regardless of current intention or desire to bridge the historical inequities and tensions between tribes and U.S. governmental organizations generally, this history creates barriers between DES and its relationships with tribes. ITCA’s relationship with the DES facilitates stronger relationships between DES and tribes. One DES staff member noted the value of ITCA in building these relationships: “I think one thing that’s really helped... [is] having Inter Tribal Council of Arizona... [they] ha[ve] been a definite plus for us. I don’t know how [trust] would have been if we hadn’t had [ITCA] in place. I think it might have been more challenging.” Staff attitudes at DES reflect that the Tribal Ombudsman program is simply an additional local Ombudsman, which helps ensure that Tribal Ombudsmen are fully integrated into the larger Ombudsman program.

## **C. Trust and Cultural Competence**

Interviewees universally identified the concepts of trust and cultural competence as central to the operation of the Tribal Ombudsman program. These concepts are integrally linked for tribal members. Due to the historical oppression and infringement on tribal sovereignty by federal, state and local governments, all interviewees discussed the importance of this deep trust and cultural competence as a fundamental underpinning of the Tribal Ombudsman program. Consistently, interviewees noted the program could not exist without everyone within the Tribal Ombudsman program subscribing to and advocating for these ideals.

Interviewees frequently returned to the idea of *cultural trust* as trust built through language, knowledge of cultural traditions, and years of relationship building. One DES staff member discussed the importance of building this trust over the span of multiple visits with long-term care facility residents: “If you have somebody of a similar cultural background, similar language... People that understand the importance of food in the culture. They’re going to relate. That’s going to build the trust... It still may take a few visits... But it may be impossible for somebody without [a similar cultural background and language] to do it.” While having similar cultural experiences may be helpful, several interviewees noted that it was less important for the Tribal Ombudsman to be from the exact same tribe as the resident than to have the general understanding and respect for cultural preferences a member of any tribe can have.

“So sometimes in some of the communities, it’s the eye contact. You don’t make eye contact. You’ll notice that you talk to some of the tribal members, they’ll immediately look down. And you know they’re immediately looking down, you’re not going to make them uncomfortable by looking at them. So you might just quickly look at them and talk or talk away from them, but you’re still talking to them.”

- DES Staff Member

Interviewees also frequently mentioned that many of the complaints<sup>10</sup> that are received from tribal elders in long-term care facilities are based on cultural misunderstandings and can be addressed through culturally-competent solutions. As an example, a staff member from ITCA recalled a case where a resident in a long-term care facility was very upset that staff were requiring her to sleep in her bed. She often wanted to be on the floor of the room, rather than in her bed. The resident had been a basket weaver and had worked sitting on the floor and, as a result, felt most comfortable being on the floor. A solution was creatively identified and implemented to address this complaint. After the intervention by the Tribal Ombudsman, the long-term care facility made an accommodation for this elder to sleep on the floor of her room with appropriate pillows and blankets.

#### IV. Conclusion and Recommendations

The Tribal Ombudsman program was developed in the interest of better serving tribal members who were residing in long-term care facilities on and off tribal land. Since the early 1990s, the Tribal Ombudsman program has successfully grown into a comprehensive program with informal referral procedures, strong relationships, and respect within the community. Cultural trust and understanding the cultural preferences and needs of residents are central to the success of the program.

The following recommendations are offered as possible pathways for Ombudsman programs and tribes to work together more effectively for the benefit of tribal elders.

**Recommendation 1: Develop a standard protocol to identify tribal members during the initial screening process for Ombudsman services.** There is no standard procedure in Arizona to identify a resident as a tribal member, either during initial receipt of a complaint or during regular visits to facilities. It may strengthen the Arizona system and other Ombudsman programs across

<sup>10</sup> Although the researchers obtained basic information about volume of activity by Tribal Ombudsmen, no information was received regarding the nature of the complaints/concerns.



the country to establish a single screening question to identify probable tribal members during referral and intake, if the local program is near tribal lands. Alternatively, guidance can be offered to Ombudsmen for how to collect this information from other documentation (e.g., if the Ombudsman is accessing resident records). Depending on the response to the single screening question or other identification, processes can be developed to ensure a seamless referral and culturally competent services.

**Recommendation 2: Collaborate with tribal members to use culturally and linguistically appropriate methods to identify, respond to, and report complaints.** Nationally, the Ombudsman program uses the term *complaint* to describe the reason an individual or representative requests Ombudsman services. Tribal members, because of cultural considerations, may articulate *complaints* instead as *concerns* or other more culturally-derived concepts. In definition, *complaints* and *concerns* do not differ; however, ITCA noted that there may be under-reporting of Tribal Ombudsman program activities because they were not labeled as *complaints*. To address this issue, the state Ombudsmen and tribal organizations should further investigate the true volume of complaints by tribal members. Tribal Ombudsman activities may be more numerous than data currently indicate due to potential under-reporting of *concerns*. State Ombudsmen need to ensure National Ombudsman Reporting System (NORS) training for all representatives of the State Office, regardless of paid or volunteer status and tribal or non-tribal membership. As part of their monitoring of programs, each State Office should ensure that NORS data is documented in the program's data management system.

**Recommendation 3: Improve the coordination of Ombudsman services to tribal members in areas where coordination does not currently exist and there are high concentrations of tribal members.** ITCA Ombudsmen and organizational leadership play a prominent role in the coordination of Ombudsman services to tribal members within Arizona's Long-Term Care Ombudsman program. For example, the designated Ombudsman at ITCA formally and informally collaborates with the subcontracted Tribal Ombudsmen, serves as the central referral point for the provision of Ombudsman services to tribal members, and participates in statewide Ombudsman calls to educate others about the Tribal Ombudsman program. In areas where similar regional intertribal organizations exist, state and local Ombudsmen can coordinate with intertribal organizations to improve Ombudsman services to tribal members.<sup>11</sup> Where intertribal organizations do not exist, there may be fewer tribal resources, but state Ombudsman programs can seek out individual tribes in their areas. Coordination activities could include:

- Periodic educational sessions where tribal representatives educate Ombudsmen on cultural competence, tribal sovereignty, and creative problem solving when working with tribal residents of long-term facilities;
- Periodic educational sessions for tribes to learn information about the Ombudsman program and increase ability to facilitate referrals to the program (e.g., asking tribal long-term care facility residents if they would like an Ombudsman to visit);
- Increased communication and collaboration between other tribal-based elder services and Ombudsman services, such as periodic coordination conference calls or meetings;

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<sup>11</sup> The National Congress of American Indians provides a helpful listing of all regional intertribal organizations (<http://www.ncai.org/tribal-directory/tribal-organizations>).

- Intentional use of volunteers or staff who represent tribes and are designated as representatives of the Office in order to provide Ombudsman services to tribal long-term care facility residents;<sup>12</sup> and,
- Development of creative strategies between state Ombudsman programs and tribal organizations to consider funding streams, including other Older Americans Act Title funds and tribal funds to establish a Tribal Ombudsman program.

**Recommendation 4: Revise the toolkit on the National Ombudsman Resource Center (NORC) website to support collaboration between Ombudsmen, tribes, and tribal members.**

A set of helpful tools exist on NORC’s website. Given greater identification of needs and promising practices, ACL and NORC could work with the tribal resource center to revise the toolkit to support collaboration between tribes and Ombudsmen. Revised or new tools could include cultural competence information, ideas for how to communicate with tribal members, or contacts for Indian Health Service centers and clinics.

**Recommendation 5: Address conflicts of interest that may arise in tribes that own and operate long-term care facilities as well as provide Ombudsman program services.** The Older Americans Act and the Ombudsman program regulation at 45 CFR 1324.21 require the state unit on aging and the state Ombudsman to identify both the organizational and individual conflicts of interest that may impact the effectiveness and credibility of the work of the State Office. The Ombudsman is to develop policies and procedures to address conflicts of interest. These policies and procedures must include mechanisms to identify both organizational and individual conflicts, to avoid conflicts when possible, and, where conflicts exist, to identify and remedy or remove. The Older Americans Act and the regulation (45 CFR 1324.2) identify a variety of conflicts, including some that are prohibited. For example, an individual cannot be employed as an Ombudsman and by an organization that operates a long-term care facility, and the Office of the Ombudsman cannot contract with an entity that operates a long-term care facility. As Ombudsman programs aim to expand services on tribal lands, they will need to clearly identify individual and organizational conflicts and provide remedies. For example, they could:

- Develop remedies in order to provide services when immediate family live in a long-term care facility on tribal lands; and,
- Ensure that, if a tribe owns or operates a long-term care facility, there are clear lines of business and distinctions between the facility operations and the services (paid or volunteer) of a person serving as a representative of the Office of the Ombudsman.

The requirement to address conflicts of interest is not new and may require additional steps to provide effective Ombudsman services to tribal elders. Developing relationships with tribes and understanding their organizational structure is critical to achieving conflict-free Ombudsman services.

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<sup>12</sup> Use of volunteers can provide an effective solution, yet may be particularly difficult to identify, train, and retain volunteers within tribal communities. ITCA noted that they do not use volunteers because of these difficulties.

## Appendix A: List of Tribes and ITCA Involvement

The following table lists the 22 recognized tribes in Arizona. For each tribe, the table indicates which Title III, Title VI, and Title VII services under the Older Americans Act are provided by ITCA.

Tribe	Title III	Title VI	Title VII
Ak-Chin Indian Community	X		X
Cocopah Indian Tribe	X		X
Colorado River Indian Tribes	X		X
Fort McDowell Yavapai Nation	X	X	X
Fort Mojave Indian Tribe	X		X
Gila River Indian Community	X		X
Havasupai Tribe	X		X
Hopi Tribe	X		X
Hualapai Tribe	X		X
Kaibab Band of Paiute Indians	X	X	X
Navajo Nation	N/A	N/A	N/A
Pascua Yaqui Tribe	X		Subcontract
Pueblo of Zuni	X		X
Quechan Tribe	X		X
Salt River Pima-Maricopa Indian Community	X		X
San Carlos Apache Tribe	X		X
San Juan Southern Paiute	X	X	X
Tohono O'odham Nation	X		Subcontract
Tonto Apache Tribe	X	X	X
White Mountain Apache Tribe	X		Subcontract
Yavapai-Apache Nation	X		X
Yavapai-Prescott Indian Tribe	X		X

## Appendix B: Methodology

The goal of this case study was to collect basic information about the structure, organization, operations, referral, and management procedures for the Tribal Ombudsman program in Arizona. Since the creation of the program, ACL had anecdotal evidence that the Tribal Ombudsman program was unique and was accomplishing its goals of improving nursing facility quality of care and advocating for tribal members in an efficient and organized manner. As such, ACL was interested in understanding additional details about the Tribal Ombudsman program.

Lewin used a mixed-methods approach to this case study. First, Lewin conducted a brief and targeted literature and online review to gather basic information about the Ombudsman program generally and the Tribal Ombudsman program specifically. Second, Lewin conducted in-depth structured interviews to gather qualitative data about the Tribal Ombudsman program. Third, Lewin collected program-level quantitative data from ITCA to provide dimension about the Tribal Ombudsman program. All case study data collection activities were completed at the request of ACL by Lewin staff in consultation with Wendell Holt, a subject matter expert in tribal elder services.

### Targeted Literature Review and Information Gathering

To begin information gathering, Lewin conducted several conference calls with leadership at ACL during July and August 2019. These conversations built the team's knowledge about the broader national Ombudsman program and how the Tribal Ombudsman program may vary from the broader program. Additionally, Lewin reviewed publicly available information about the Ombudsman program as well as any previously completed evaluation reports and other information. Lewin conducted internet searches during July and August 2019 to gather basic information about the Ombudsman program.

A Lewin team member and Mr. Holt attended the 2019 National Title VI Training and Technical Assistance Conference in Minneapolis in August 2019. The Title VI conference is a gathering of Title VI (i.e., tribal elder services) programs, which has some overlap with the Tribal Ombudsman program at ITCA because ITCA also receives Title VI funding. During the conference, Lewin collected contextual information on the American Indian aging services structure and how it interfaces with the Ombudsman system (i.e., Title VI vis a vis Title III, Title VII, etc.). Lewin also conducted a preliminary meeting with ACL representatives and ITCA staff members. At this meeting, ITCA staff provided Lewin with a set of suggested interviewees to develop a functional understanding of the Tribal Ombudsman program. Lewin used the information gathered during this phase of the study to develop the in-depth interview guides, as described below.

### Qualitative Interviews

Lewin conducted a series of in-depth semi-structured individual interviews to collect information about the Tribal Ombudsman program. Lewin guided the interviews using a standard interview guide that was developed following the targeted literature and information collection process described above (see **Appendix C** for the interview guide). The interview was organized into sections related to Tribal Ombudsman program characteristics; Tribal Ombudsman program origination and operations; trust and cultural competency; complaint processing; and, program outcomes, successes, and challenges.



Interviewees were identified using a modified snowball method. First, Lewin consulted with ACL leadership to identify key informants at the ITCA and DES. Next, this initial slate of informants was contacted via email and telephone to ask for names of additional individuals who would have information about the Tribal Ombudsman program. The list of names was reviewed and vetted with ACL leadership prior to conducting interviews. This process resulted in a final list of 12 individuals who were contacted to complete in-depth interviews.

Identified individuals were contacted via email and phone to make arrangements for interviews. Most interviews were completed in-person onsite in Arizona. Additional interviews were completed via phone. Interviews were completed between August 15, 2019 and October 31, 2019. For ease of scheduling, several interviews were completed as a group interview session during an on-site visit with ITCA during September 17-19, 2019. A list of final interviewees is provided in **Appendix D**.

All interviews were audio recorded using digital recorders after obtaining consent for recording. Lewin staff then transcribed the interviews and loaded transcriptions into ATLAS.ti (version 7.5.18) for coding and analysis.

Lewin used a process based on grounded theory concepts for analyzing the qualitative interview data. First, Lewin developed a preliminary list of codes (i.e., labels and categories) in collaboration with ACL. Two Lewin analysts independently coded each interview using the preliminary list of codes as well as adding new codes throughout the coding process. The final code categories are referrals and triage, relationships, and trust and cultural competence. The case study results are presented using these categories.

## **Quantitative Data**

Lewin collected quantitative data from ITCA regarding the volume of services provided by all Tribal Ombudsman programs (i.e., ITCA and its three subtracted entities) in Arizona for FY 2017-FY 2019. Quantitative data included the number of clients and types of facilities served by each Tribal Ombudsman program per quarter. Quantitative information ultimately was of limited usefulness for the purposes of the study and therefore not reported in the final case study.

## Appendix C: Interview Protocol and Guide

**Note regarding the structure of the interview protocol:** This interview protocol includes guiding questions within each major domain, followed by specific prompts to ensure collection of more granular information. The interviewer will begin by asking each interviewee the guiding question. Depending on the answer provided by the interviewee, the prompts will be used to ensure that topics of interest are captured.

At the start of each interview, read the following introduction:

Thank you for taking the time to join us today. The Lewin Group, with its partner Wendell Holt, are under contract with the Administration for Community Living to perform a case study of the ITCA Tribal Ombudsman program.

The purpose of this interview is to better understand the founding and operations of the ITCA Ombudsman program, aspects that make the program unique, and aspects that are replicable.

Most interviews will take one hour. With your permission, we would like to record the interview. This will assist us with note-taking and analysis. Thank you in advance for taking the time to speak with us.

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### Introduction (For all interviewees)

#### **Organizational Characteristics**

**Guiding question:** Briefly describe your organization and how it interacts with the ITCA Tribal Ombudsman program.

**Prompts** (to be used as needed):

- Please describe your role within the broader organization?
- How does your organization work with the ITCA Ombudsman program?
- Please describe the reporting structure of your organization in relation to the Ombudsman program?

#### **Program Origins**

**Guiding question:** We are interested in understanding the founding and early development of the Tribal Ombudsman program. Please describe your organization's role and your knowledge of the early years of the program?

**Prompts** (to be used as needed):

- Please describe your organization's role in the founding of the ITCA Ombudsman program?
- Why did your organization decide to participate in the Tribal Ombudsman program?
- What were key events that led to the founding of the program?
- Why was it created? What problem was the program seeking to fix?
- What environmental factors influenced the model of the Tribal Ombudsman program during its creation?

- What made it difficult to establish? What were the catalysts for establishing the program?
  - Could you describe any major changes to the Ombudsman program since it was established?

## Operational Questions (Interviewee specific)

### Operations (For ITCA)

**Guiding question:** We are interested in understanding how the Tribal Ombudsman system operates. Please describe the overall operations of the program?

**Prompts** (to be used as needed):

- What organizations other than the ITCA are involved and what are their respective responsibilities?
- How many complaints/cases does the Tribal Ombudsman program handle annually? How has this number changed over time?
- Please describe your current relationship with Arizona DES and Adult Protective Services. How does that relationship support the Tribal Ombudsman system?
- Are there differences in the program for how they serve the urban populations (e.g., Phoenix, Flagstaff)? What do you know about how those tribal elders receive Ombudsman services from ITCA?

### Trust/Cultural Competency (For ITCA)

**Guiding question:** We are interested in the role trust plays in the effectiveness of the Tribal Ombudsman system. How would you describe the role that trust plays in this system and in this community?

**Prompts** (to be used as needed):

- What are the cultural nuances surrounding Native identity within Arizona? What is the framework around which the idea of an individual being Native is constructed and/or appraised by others who identify as Native?
- How would you describe cultural competence in terms of the Tribal Ombudsman system? What aspects of the program are different from other Ombudsman programs because of the cultural needs of the population?
- Are there specific policies in place to ensure client trust and comfort?
- How does the system identify someone as a tribal member? (note, this question is included in multiple domains but only needs to be answered once.)

### Complaint Processing (ITCA)

**Guiding question:** Describe how ITCA receives a complaint, how it is processed, investigated, and resolved.

**Prompts** (to be used as needed):

- How do you interact with other Ombudsman programs in Arizona? Do they transfer cases to you? How does the transfer process work? (i.e., do they call you? How do you gather information?) Do you receive cases that are outside your catchment area/from other tribes? How do you handle those cases?

- You've mentioned before that there is sometimes a circular nature of referrals with Adult Protective Services. What strategies do you use to resolve these situations when they arise?

### **Operation (DES)**

**Guiding question:** Describe how DES supports the Tribal Ombudsman program run by ITCA and what activities DES engages in to support the program.

**Prompts** (to be used as needed):

- Describe the current relationship between the DES and the ITCA Ombudsman program?
- Describe the process for referring clients to the tribal Ombudsman program?
- How does DES determine when to refer a complaint to the ITCA Tribal Ombudsman program?
- How does the system identify someone as a tribal member? (note, this question is included in multiple domains but only needs to be answered once.)
- Are there examples of cases that involve a client who is American Indian and an Ombudsman *other than* the ITCA processes and close the case?
- How would you say the ITCA Tribal Ombudsman differs from other Ombudsman programs?
- What do you know about how tribal elders are served outside the catchment area of the ITCA?
- Are there other Ombudsman programs within the state serving the Indian population?

### **Ombudsman Outcomes, Successes and Challenges (All interviewees)**

**Guiding question:** How would you describe the tribal Ombudsman program's results – in terms of outcomes, successes, and future challenges?

**Prompts** (to be used as needed):

- What have been the greatest challenges for the Tribal Ombudsman program? Of those you listed, which one was the greatest challenge.
- Are there particular stories that you've heard that would be helpful for us to hear to better understand the program?
- What have been the unintended consequences from the program?
- What aspects of the ITCA Tribal Ombudsman approach do you think could apply in other areas? Other populations?
- Any important lessons to share with other Ombudsman programs?



## Appendix D: List of Interviewees

Name	Title/Role	Organization
<b>Cindy Saverino</b>	Community Action and Aging Programs Administrator	Arizona Department of Economic Security
<b>Michael Coen</b>	LTC Ombudsman Staff	Arizona Department of Economic Security
<b>Stacie Austin</b>	LTC State Ombudsman	Arizona Department of Economic Security
<b>Elizabeth Wood</b>	Human Services Worker II (former LTC State Ombudsman)	Arizona Department of Economic Security
<b>Travis Lane</b>	Assistant Director	ITCA
<b>Monique Sosei</b>	Program Analyst	ITCA
<b>Laurai Atcitty</b>	Area Agency on Aging Director	ITCA
<b>Flor Olivas</b>	Tribal Ombudsman Specialist	ITCA
<b>Stephanie Barehand</b>	Public Benefits/Independent Living Support Specialist	ITCA
<b>Remi Escamilla</b>	Tribal LTC Ombudsman	Pascua Yaqui
<b>Michelle Manuel</b>	Tribal LTC Ombudsman	Pascua Yaqui
<b>Ralph Gomez</b>	Adult Protective Services/Social Worker	Pascua Yaqui