



ALASKA
OMBUDSMAN

**PROMOTING FAIR AND EFFICIENT
GOVERNMENT FOR ALASKANS**

Alaska State Ombudsman Presentation to
Alaska State Hospital and Nursing Home Association
Long Term Care Section
January 9, 2018

Introduction of Ombudsman, Kate Burkhart

Role of the State Ombudsman

How the Ombudsman Investigates Complaints

How the Ombudsman Helps to Resolve Problems

Discussion

OVERVIEW

J. KATE BURKHART

Domestic violence attorney, Legal Aid Society of Middle TN 1999-2001

Public interest lawyer, Alaska Legal Services 2001-2006

- Served Nome/Seward Peninsula; Juneau/Southeast
- Social Security, Medicaid, elder law, housing, family law, domestic violence, etc.

Assistant Ombudsman 2006-2007

Executive Director, Alaska Mental Health Board, Advisory Board on Alcoholism & Drug Abuse 2007-2017

Executive Director, Statewide Suicide Prevention Council 2010-2017

Member, board of directors Southeast Alaska Independent Living 2012-present

- President of the board, 2016-present



MISSION & VISION

Mission

The Alaska State Ombudsman investigates citizen complaints about administrative acts of state agencies and determines appropriate remedies. A.S. 24.55

Vision

The Alaska State Ombudsman promotes fair and efficient government through objective inquiry and well-reasoned recommendations for meaningful, measurable improvement.

CORE VALUES

Objectivity: We are committed to reviewing citizen complaints without bias or preconception.

Curiosity: We are committed to looking carefully at citizen complaints and the larger context in which they arise. We are also committed to a culture of perpetual learning and discovery.

Respect: We are committed to treating everyone with respect and compassion, to listening to understand, and to maintaining a work environment that fosters acceptance, compassion, and understanding.

Integrity: We are committed to performing our work with honesty, fairness, and authenticity and in accordance with professional and statutory ethical guidelines.

Public Service: We are committed to helping people resolve their complaints individually and to improving the effectiveness and equity of government systems.

STANDARDS



Contrary to Law

Unreasonable

Unfair

Unnecessarily Discriminatory

Unnecessarily Oppressive

Abuse of Discretion

Arbitrary or Capricious

Insufficient or No Grounds

Improper or Irrelevant Grounds

Mistaken or Erroneous Grounds

Performed Inefficiently

Performed Discourteously

Otherwise Erroneous

COMPLAINT PROCESS



When
someone
contacts us



Deciding
whether to
investigate



Investigating
Complaints



Finding
solutions





INTAKE PROCESS

Intake is centralized in Anchorage, to ensure consistency and responsiveness.

In 2017, the Ombudsman received 2,362 contacts.

The Intake Team provides information and referral to people with complaints outside our jurisdiction (non-profits, city governments, etc.).

People calling with problems are referred to the agency's grievance process (if there is one) **first**, and encouraged to call us back if they are not satisfied with the agency's response (or receive no response). Exceptions to this policy are made for emergency situations or when the person has a disability or limitation that prevents them from effectively using the grievance process.

If the person's complaint is a) jurisdictional and b) ripe for review, it is reviewed by the full staff during weekly complaint review meetings.



INTAKE PROCESS

Who can make a complaint?

Individuals

You do not have to be an Alaska resident or citizen.

State employees can make complaints about their own or other state agencies.

Businesses and Non-Profits

If the state action complained about affects the business or non-profit, then the business/non-profit can be the complainant. In that kind of situation, the business owner or executive manager should make the complaint.

Organizations

If the state action affects the members of an organization, the organization can be the complainant. The executive leadership of the organization should make the complaint.



INTAKE PROCESS

As a general rule, the Ombudsman does not consider third party or public interest complaints.

Examples:

“I read in the paper that the State is doing away with money bail and that’s a bad idea.”

“My cell mate didn’t get his furlough and he should have.”

Individuals who have a legal, professional, or ethical duty to a person can make a complaint on their behalf.

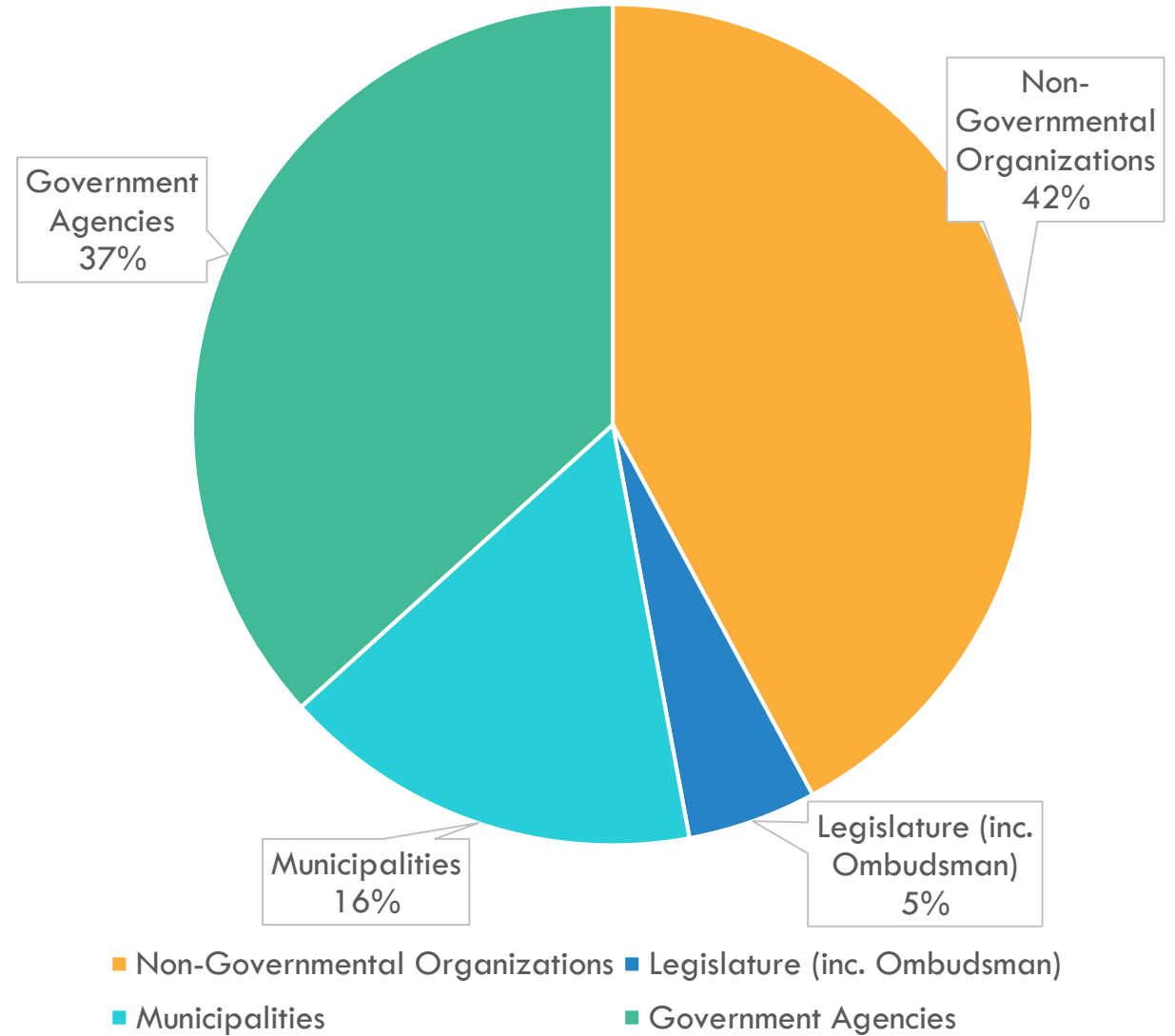
Examples:

“My mom has dementia and I am her guardian and I need help with a problem with her PFD.”

“I am a long term care provider and my resident is not being treated fairly by the State.”

2017 CONTACTS

Requests for Assistance, Information Received by
Alaska State Ombudsman





COMPLAINT REVIEW

The Intake Team is often able to identify the root of the person's problem and resolve it quickly with a phone call or referral.

Complaints that are not easily determined and resolved are reviewed by the full staff each week. Investigators and the Intake Team discuss the facts alleged, whether it presents evidence of a pattern or systemic problem, and whether resolution is possible.

An investigator (or team of investigators) will accept the complaint for more in-depth review and investigation.



INVESTIGATION

The Ombudsman is **OBJECTIVE.**

Investigators look at each complaint without bias or preconception, though they do look at individual complaints in the context of past investigations and larger systems issues.

An investigation typically includes extensive review of documents and information from the agency and complainant, court files/records, interviews of interested parties, and other information. The Ombudsman can subpoena information and witnesses, and can depose witnesses.

Some investigations can be completed in a matter of days, while others can take months. The Ombudsman is committed to **efficiently and effectively investigating complaints.**



RESOLUTION & RECOMMENDATIONS

The Ombudsman is not a citizen advocate. The Ombudsman's focus is ensuring that state government serves citizens fairly, effectively, and efficiently.

The Ombudsman offers well-reasoned recommendations for resolving justified complaints and making meaningful, measurable improvement in agency operations.

Often the remedy sought by the person complaining about an agency is not within the power of the Ombudsman to recommend (or the agency to give). However, the Ombudsman does seek to find acceptable solutions to complaints whenever possible.

INVESTIGATIONS

The Office of the Ombudsman investigated 406 complaints in 2017.

These investigations resulted in a variety of outcomes for the complainants.

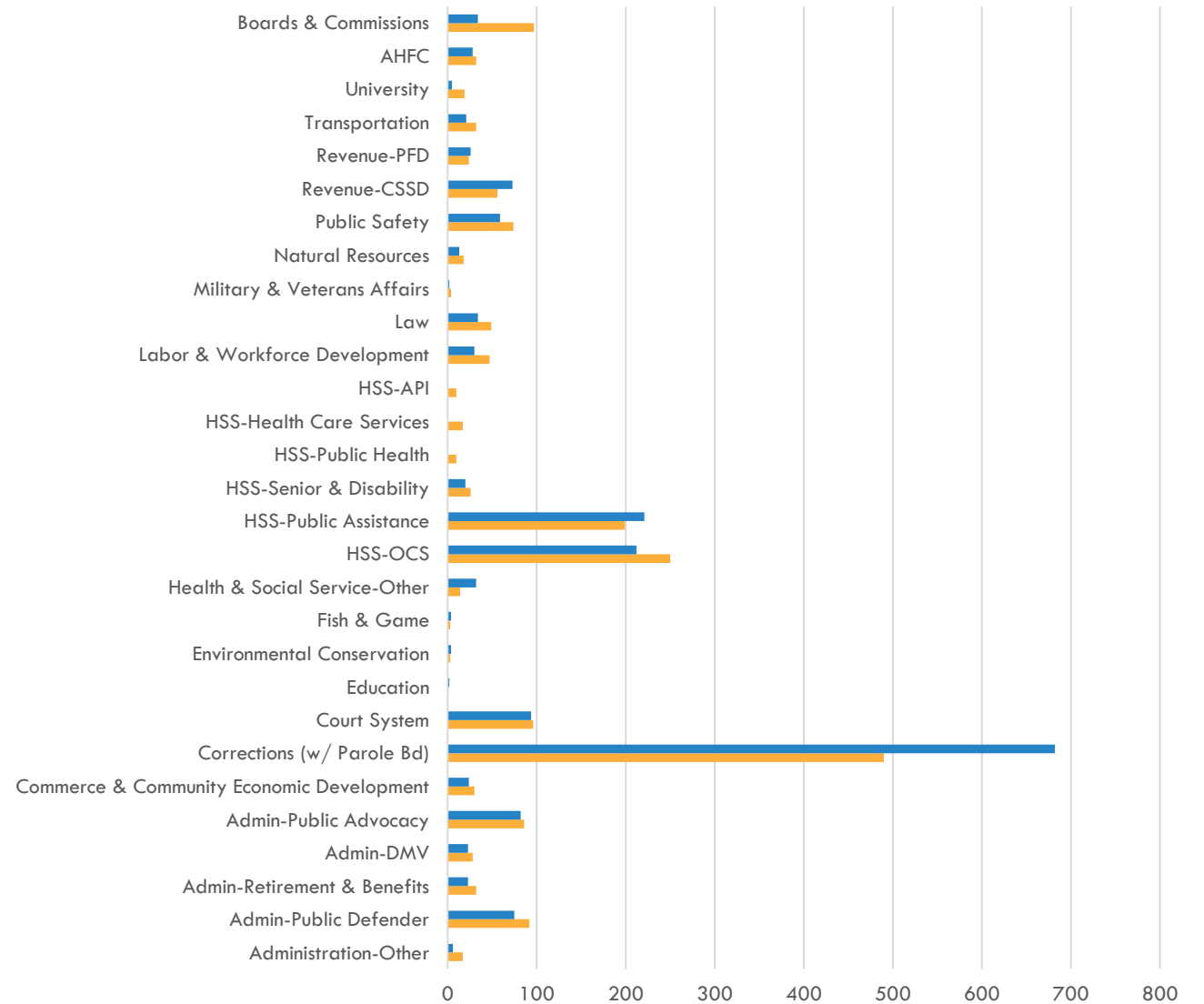
In 77% of complaints, the ombudsman investigators identified the root of the problem and found a solution in consultation with the complainant and state agency.

In 10% of complaints, the ombudsman investigators determined that either the allegations about the state agency were not justified or that the resolution sought by the complainant was not possible.

Just about 3% of complaints resulted in a complex investigation followed by formal recommendations for corrective action by the state agency.

COMPLAINTS BY AGENCY

Comparison of 2016-2017 Complaints by Agency



ELDER AND DISABILITY CARE COMPLAINTS

The Ombudsman investigates complaints from or on behalf of Alaskans experiencing disabilities and chronic health conditions. These can involve:

- Access to public assistance benefits (Medicaid, Food Stamps, Adult Public Assistance, Senior Benefits, Heating Assistance)
- Access to public housing and public subsidies for housing
- Access to health care (AlaskaCare, API, Corrections, Juvenile Justice)
- Access to services in the least restrictive setting
- Access to vocational rehabilitation and employment services
- Public guardianship, conservatorship, etc.

ELDER AND DISABILITY CARE COMPLAINTS

The Ombudsman also investigates complaints from care providers related to state agency actions, such as:

- Timely, accurate Medicaid reimbursement
- Facility licensing
- Professional licensing
- Background check programs
- Procurement (grant, contract issues)

DISCUSSION





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QUESTIONS, COMMENTS?

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Thank you!