

TO BE RESCINDED

173-14-21 **Initial designation of regional long-term care ombudsman programs: standards.**

- (A) No sponsoring agency shall serve as a regional long-term care ombudsman program unless it has been designated as such by the SLTCO.
- (B) Except as otherwise provided in paragraph (A) of this rule, no sponsoring agency shall be fully designated as a regional program unless it has complied with all required structural standards.

The required structural standards include the following:

- (1) The sponsoring agency shall be a tax-exempt organization;
- (2) The sponsoring agency shall have a governing board with responsibility to set policy for the regional program; provide ongoing leadership; ensure compliance with all program and contract requirements, all relevant federal and state statutes, regulations, and policies; and ensure program integrity and stability. A majority of the members on the sponsoring agency's governing board shall not have a conflict of interest;
- (3) The sponsoring agency shall have available the consultative services of consumers and sponsors; medical professionals; legal service providers; pharmacists; providers; licensing authorities; protective service workers; law enforcement authorities; and representatives of public entitlement programs;
- (4) No sponsoring agency, nor any member of its administrative staff, shall hold an unremedied conflict of interest;
- (5) The sponsoring agency shall retain the number and type of staff required under rule 173-14-14 of the Administrative Code;
- (6) The sponsoring agency shall maintain an incoming toll-free telephone line to be answered during normal business hours; and,
- (7) The sponsoring agency shall have the capacity to develop policies and procedures that conform to all federal and state statutes, regulations, and policies. Within six months of designation, the sponsoring agency shall submit all such regional program policies and procedures to the SLTCO. The SLTCO shall review for approval all regional program policies and procedures. The sponsoring agency shall make all regional program policies and procedures available to all representatives in the regional program.

The regional program policies and procedures shall address the following:

- (a) Complaint handling;
- (b) Complaint prioritization;
- (c) Case assignment;
- (d) Access to and treatment of confidential written and electronic information, including, but not limited to, records and volunteer reports in accordance with rule 173-14-16 of the Administrative Code:
 - (i) Case-related electronic communication shall be kept to a minimum; and,
 - (ii) Cases shall be identified by case number and/or facility name to maintain client confidentiality.
- (e) Recruiting, screening, training, and supervising volunteers;
- (f) The conflict of interest screen for potential employees, representatives, and policy board members;
- (g) Procedures for handling conflicts of interest that arise during the course of providing core ombudsman services;
- (h) The types of information representatives of the office shall provide regarding long-term care.
- (i) Handling complaints about representatives, including defining the types and levels of complaints that will be handled by the regional program/ sponsoring agency or referred to the AAA, when appropriate, and the SLTCO; how the complaints will be investigated and resolved; and recommendations for decertification in accordance with rules 173-14-12 and 173-14-26 of the Administrative Code;
- (j) Participation in the department of health survey and certification process, including performance within the federal regulations; balancing program priorities; specifying when to attend an exit conference; a statement of the information the ombudsman will give to the survey team; specifying that representatives with a noted conflict of interest may not participate in the certification process of that facility; and notification to the department of health district office of the program's policy;

- (k) Personnel policies for representatives of the office; and,
- (l) Fiscal management, including the use of accepted accounting practices; and maintaining an inventory of equipment purchased by funding source.

Effective:

Five Year Review (FYR) Dates: 1/30/2018

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 173.01, 173.02, 173.16; 42 U.S.C. 3025(a)(1)(C),
3058g(a)(5)(D); 45 C.F.R. 1321.11, 1324.11(e)(6),
1324.13(b)(1), 1324.15(b)

Rule Amplifies: 173.19, 173.20; 42 U.S.C. 3058g; 45 C.F.R. 1321.11,
1324.11(e)(6)

Prior Effective Dates: 07/11/1991, 12/27/2001, 12/28/2006