

173-14-22**Initial designation of regional long-term care ombudsman programs: standards.**

(A) No sponsoring agency may serve as a regional long-term care ombudsman program unless the SLTCO designates the agency to be a regional long-term care ombudsman program.

(B) Except as otherwise provided in paragraph (A) of this rule, no sponsoring agency may qualify as a fully-designated regional program unless it complies with all the following structural standards:

(1) Be a tax-exempt organization.

(2) Have a governing board with responsibility to ensure compliance with all program and contract requirements; all relevant federal and state statutes, regulations, and policies; and ensure program integrity and stability.

(3) Comply with the prohibitions against unremedied organizational conflicts of interest under 45 C.F.R. 1324.21.

(4) Have no member of its administrative staff with responsibilities related to the ombudsman program, and an unremedied conflict of interest.

(5) Retain the type of qualified staff required under rule 173-14-14 of the Administrative Code.

(6) Maintain an incoming toll-free telephone line dedicated to the regional ombudsman program that is answered during normal business hours by a representative of the office.

(7) Have the capacity to develop policies and procedures that conform to all federal and state statutes, regulations, and policies, including on the following topics, and provide these policies and procedures to the SLTCO within six months after designation for the SLTCO's review for approval and on request, and make these policies and procedures available to all representatives in the regional program:

(a) Complaint prioritization.

(b) Case assignment.

(c) Recruiting, screening, training, and supervising representatives.

(d) Participation in the regulatory agencies' survey and certification processes, including performance within the federal regulations; balancing program

priorities; and specifying when to attend an exit conference; a statement of the information the ombudsman gives to the survey team; specifying that representatives with a noted conflict of interest are ineligible to participate in the certification process of that provider.

(e) Personnel policies for representatives of the office.

(8) Maintain nonprofit directors and officers liability insurance.

Replaces: 173-14-22

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03

Statutory Authority: 121.07, 173.01, 173.02, 173.16; 42 U.S.C. 3025, 3058g; 45 C.F.R. 1321.11, 1324.11, 1324.13, 1324.15

Rule Amplifies: 173.16; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11

Prior Effective Dates: 07/11/1991, 12/27/2001, 12/28/2006, 05/01/2018, 01/28/2022