

173-14-22

Initial designation of regional long-term care ombudsman programs: process.

The SLTCO shall not designate an agency as a new regional long-term care ombudsman program unless the agency has complied with all the required structural standards set forth in paragraph (B) of rule 173-14-21 of the Administrative Code, and has completed an ombudsman plan acceptable to the SLTCO. The SLTCO shall temporarily designate a new regional long-term care ombudsman program as needed.

(A) The SLTCO shall adhere to the following process when designating a sponsoring agency to serve as a new regional long-term care ombudsman program:

- (1) The AAA with jurisdiction in the region to be served by the new program shall issue a request for proposal (RFP) seeking a sponsoring agency to serve as the regional long-term care ombudsman program. The RFP shall identify all requirements that a sponsoring agency must meet in order to be designated as a regional long-term care ombudsman program and shall request the submission within thirty days of an ombudsman plan and documents to support the sponsoring agency's claim to meet these requirements;
- (2) The AAA shall conduct an on-site visit to each of the agencies responding to the RFP in order to verify the facts presented in each proposal;
- (3) The AAA shall make a recommendation for designation to the SLTCO within thirty days of receiving the proposals;
- (4) The SLTCO shall review the ombudsman plans of all proposals submitted to the AAA and shall choose the agency most appropriate to serve as the regional long-term care ombudsman program. When making a decision, the SLTCO shall take into consideration the recommendation of the AAA, but shall not be bound by that recommendation;
- (5) The SLTCO shall notify the AAA of the decision within thirty days of receiving the recommendation from the AAA and shall notify the responding agencies of the decision within forty-five days. The SLTCO shall include in the notification the right of every agency not chosen to request a hearing to appeal the SLTCO's decision. The notice and hearing process shall follow the procedures set forth in Chapter 119. of the Revised Code; and,
- (6) The SLTCO shall notify the agency of its designation year.

(B) If the AAA is the agency seeking designation or declines to participate in the designation process, the SLTCO shall perform those steps of the designation process outlined in paragraph (A) of this rule.

(C) Any sponsoring agency receiving full or provisional designation as a regional long-term care ombudsman program shall enter into a contract with the AAA or the SLTCO. At a minimum, the contract shall specify the following:

- (1) The geographical region to be served by the regional program;
- (2) A requirement that the regional program shall abide by all state and federal laws, regulations, policies and procedures governing the office of the SLTCO;
- (3) A requirement that the regional program shall abide by all department of aging policies and procedures relating to contractors; and,
- (4) A requirement that the regional program shall comply with all of the reporting requirements.

(D)

- (1) The SLTCO shall develop a technical assistance plan (TAP) in conjunction with the full or provisional designation of each newly designated regional long-term care ombudsman program.

The TAP shall address areas of concern to the SLTCO and the regional program. In addition, the TAP shall specify actions to be taken by the regional program to correct problem areas or any violation of the law or the structural standards that are discovered during the initial designation process.

- (2) When developing the TAP, the SLTCO shall seek input from the AAA with jurisdiction in the designated region and the sponsoring agency, where different from the AAA, and from the regional program, when appropriate.
- (3) Once the TAP has been developed, any AAA or sponsoring agency involved in the designation process shall be given thirty days to comment in writing on the content of the TAP. If the AAA or the sponsoring agency does not comment in writing within thirty days, the TAP shall go into effect. If the AAA or the sponsoring agency does provide written comment within thirty days, the SLTCO shall work with the AAA and the sponsoring agency to produce a TAP within the next thirty days.
- (4) The AAA and the SLTCO shall provide the technical assistance or contacts, or conduct the visits required under the terms of the TAP. At any time the

SLTCO or AAA may request and shall receive assistance from the other in complying with the conditions of the TAP. If appropriate, the SLTCO may perform a program review to monitor the implementation of the TAP.

Five Year Review (FYR) Dates: 05/01/2015 and 05/01/2020

CERTIFIED ELECTRONICALLY

Certification

05/01/2015

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.16; Sections 305(a)(1)(C) and 712(a)(5)(D) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11 (October 1, 2014 edition).
Rule Amplifies: 173.16; Section 712 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006.
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