

173-14-22

**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 the following required structural standards:
- (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) No sponsoring agency, nor any member of its administrative staff that has responsibilities related to the ombudsman program, shall hold an unremedied conflict of interest.
  - (4) The sponsoring agency shall retain the type of staff required under rule 173-14-14 of the Administrative Code.
  - (5) The sponsoring agency shall maintain an incoming toll-free telephone line dedicated to the regional ombudsman program to be answered during normal business hours by a representative of the office.
  - (6) 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~~ provide 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 the following regional program policies and procedures available to all representatives in the regional program:
    - (a) Complaint prioritization.
    - (b) Case assignment.
    - (c) Recruiting, screening, training, and supervising volunteers.

- (d) Implementation of the conflict of interest remedies for potential employees, representatives, and policy board members, if those remedies are approved by the SLTCO.
  - (e) Procedures for handling conflicts of interest that arise during the course of providing core ombudsman services.
  - (f) 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 ~~will give~~ gives to the survey team; specifying that representatives with a noted conflict of interest may not participate in the certification process of that provider.
  - (g) Personnel policies for representatives of the office.
- (7) The sponsoring agency shall maintain nonprofit directors and officers liability insurance.

Effective:

Five Year Review (FYR) Dates: 10/4/2021

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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