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| LONG TERM CARE OMBUDSMAN PROGRAM Designation of Ombudsman Programs | DAIL – LTCOP – 16.3 |
| Effective Date: December 30, 2009 Revised Date: January 4, 2016 Reviewed Date: July 1, 2017 | <p style="text-align: right;">Page 1 of 4</p> |

Policy Statement:

The Kentucky Long Term Care Ombudsman (KLTCO) shall designate provider agencies to provide ombudsman services throughout Kentucky.

Legal Authority:

- OAA § 712(a) (4), (5); see OAA § 705(a) (5);
- 910 KAR 1:210 Section 2 (2) (d) 1
- 45 CFR § 1324.21

Procedure:

- (1) The KLTCO shall designate agencies as a Long-Term Care Ombudsman Program (LTCOP) meeting the eligibility for designation as follows:
 - (a) Be a public or nonprofit entity;
 - (b) Not be an agency or organization responsible for licensing or certifying long-term care services;
 - (c) Not be an association (or an affiliate of an association) of providers of long-term care or residential services for older persons;
 - (d) Has no board or advisory council members with any ownership, investment, or employment interest in long-term care facilities;
 - (e) Have no financial interest in a long-term care facility;
 - (f) Have demonstrated capability to carry out the responsibilities of the Long-Term Care Ombudsman (LTCO) provider agency;
 - (g) Have no unremedied conflict of interest;
 - (h) Meet all contractual requirements of the Department for Aging and Independent Living (DAIL); and
 - (i) Coordinate with KLTCO prior to employment of representatives of LTCOP.

- (2) An entity providing LTCO services under contract with the Cabinet for Health and Family Services, DAIL or the authorized contracting agency shall be designated as a LTCO provider agency.

- (3) The designation of a new LTCO provider agency shall occur as follows:
 - (a) The contracting agency shall issue a Request For Proposal (RFP) seeking an entity to provide LTCO services within the planning and service area.

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- (b) The RFP shall identify the criteria for designation as a LTCO provider agency and shall request submission of documents supporting the entity's claim to meet these criteria.
- (c) The contracting agency shall require that all of the responding entities which meet the criteria for designation, develop an Ombudsman Services Plan setting forth:
 - 1. The goals and objectives of such entity in providing LTCO services,
 - 2. A description of how each program component shall be met by such entity including the staffing plan for the local long-term care ombudsman program (LTCOP), and
 - 3. A description of the resources of the entity which will be provided to assist in the operation of the local LTCOP.
- (4) The contracting agency shall forward copies of the Ombudsman Services Plans of all responding entities to the KLTCO.
- (5) The contracting agency shall recommend an entity for designation as a LTCO provider agency to the KLTCO and shall provide the KLTCO with information supporting its recommendation.
- (6) The KLTCO shall review and consider the recommendations of the contracting agency, and shall determine if the entity is appropriate to designate as the LTCO provider agency.
- (7) The KLTCO shall notify the contracting agency of the determination within thirty (30) days of receiving the contracting agency's recommendation.
- (8) The contracting agency shall notify the responding entities of the KLTCO decision within fifteen (15) days of receiving such notification. An informal dispute can be requested with the Commissioner of the Department for Aging and Independent Living.
- (9) Upon designation by the KLTCO, the contracting agency may enter into a contract with the LTCO provider agency for the provision of LTCO services for the service area and shall:
 - (a) Specify the planning and service area;
 - (b) Require the LTCO provider agency to adhere to all applicable federal and state laws, regulations, and policies; and
 - (c) Provide that designation by the KLTCO continues for the duration of the contract and subsequently renewed contracts unless the LTCO provider agency is de-designated by the KLTCO

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- (10) The execution date of the LTCO provider agency's contract with the contracting agency to provide LTCO services shall constitute the effective date of the designation.
- (11) Should the contract between the LTCO provider agency and the contracting agency not be renewed or be terminated for any reason, the contracting agency shall:
 - (a) Immediately notify the KLTCO;
 - (b) Follow the steps to designate a new LTCO provider agency as soon as practicably possible; and
 - (c) Follow the steps to provide continuation of ombudsman services in writing to the KLTCO
- (12) When the contracting agency seeks to serve as the LTCO provider agency, the designation of a new LTCO provider agency shall occur as follows:
 - (a) The contracting agency may be considered as a LTCO provider agency where the KLTCO determines that either:
 - 1. Designation of the contracting agency as the LTCO provider agency is necessary to assure an adequate supply of ombudsman services; or
 - 2. Services of comparable quality can be provided more economically by the contracting agency
 - (b) The contracting agency shall request consideration to be designated as a LTCO provider agency and submit an Ombudsman Services Plan, as a section of it's area plan, to the KLTCO setting forth:
 - 1. The goals and objectives of such entity in providing LTCO services,
 - 2. A description of how each Program Component shall be met by such entity, and including its staffing plan for the local LTCOP, and
 - 3. A description of the resources of the entity which will be provided to assist in the operation of the local LTCOP.
- (13) The KLTCO may designate the contracting agency as the LTCO provider agency where the contracting agency:
 - (a) Meets the criteria for designation;
 - (b) Submits an acceptable Ombudsman Services Plan; and

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- (c) Is not otherwise prohibited from fulfilling the duties of the provider agency
- (14) The KLTCO shall notify the contracting agency within thirty (30) days of the receipt of the Ombudsman Services Plan of its decision.
- (15) The execution date of the contracting agency’s contract with DAIL to provide LTCO services shall be the effective date of the designation.
- (16) Whereas the contracting agency is the LTCO provider agency or contracts with a LTCO provider agency the following shall occur:
 - (a) The agency hosting the local LTCOP will notify the KLTCO of vacancies of representatives of the LTCOP within twenty-four (24) hours of receiving resignation.
 - (b) The agency will submit the position advertisement and description to the KLTCO for approval prior to posting the advertisement. The KLTCO will respond regarding approval in writing within seven (7) days.
 - (c) The agency will submit to the KLTCO all applications and resumes of all qualified candidates.
 - (d) The agency will offer the opportunity for representatives of KLTCOP to participate in interviews at the discretion of the KLTCO.
 - (e) Once the agency makes a final selection for employment the recommendation must be approved by the KLTCO. The KLTCO will respond regarding approval in writing within fifteen (15) days.