

LONG TERM CARE OMBUDSMAN PROGRAM De-Designation of Ombudsman Programs	DAIL – LTCOP – 16.4
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Policy Statement

The Kentucky Long-term Care Ombudsman (KLTCO) and the Department for Aging and Independent Living (DAIL) are committed to having a viable and efficient Long-term Care Ombudsman program statewide to ensure the needs of long-term care residents are addressed. The KLTCO may de-designate an entity as a LTCO provider agency for cause.

Legal Authority: OAA §307(a) (5)

Procedures:

Criteria for De-designation:

The KLTCO may refuse to designate or may de-designate an entity as a LTCO provider agency for one or more of the following reasons:

- (1) Failure of the entity to continue to meet the criteria for designation;
- (2) Existence in the entity of an unremedied conflict of interest with the LTCOP;
- (3) Deliberate failure of the entity to disclose any conflict of interest
- (4) Violation of LTCO confidentiality requirements by any person employed by, supervised by, or otherwise acting as an agent of the entity;
- (5) Failure of the entity to provide adequate LTCO services, including but not limited to failure to perform enumerated responsibilities, failure to fill a vacant ombudsman position within a reasonable time, failure to submit a Local LTCOP Annual Plan for approval by the KLTCO, or failure to use funds designated for the LTCOP for LTCO services;
- (6) Failure of the entity to adhere to the provisions of the contract for the provision of ombudsman services;
- (7) Failure to submit an acceptable plan of correction as required in DAIL-LTCO 16.29; or
- (8) Failure of the entity to adhere to applicable federal and state laws, regulations, and policies

Process for De-Designation of a LTCO Provider Agency:

- (1) Where the Area Agency on Aging and Independent Living (AAAIL) contracts with a LTCO provider agency, the process to de-designate the LTCO provider agency shall be as follows:

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- (a) The KLTCO shall send notice of the intent to de-designate at a specified date to the AAAIL and the LTCO provider agency.
 - (b) De-designation of a LTCO provider agency shall not become effective until all appeals are exhausted. Entities with complaints about de-designation shall follow the grievance process in SOP 16.30.
 - (c) The LTCO provider agency and AAAIL shall provide for the continuation of ombudsman service.
 - (d) The AAAIL shall terminate its contract for LTCO services with the LTCO provider agency.
- (2) Where the AAAIL serves as a LTCO provider agency, the process to de-designate the LTCO provider agency shall be as follows:
- (a) The KLTCO shall send notice of the intent to de-designate at a specified date to the AAAIL. The notice shall include the reasons for de-designation and notice of the Hearing Procedures of the Department for Aging and Independent Living.
 - (b) De-designation of the AAAIL, as a LTCO provider agency shall not become effective until all appeals are exhausted. Entities with complaints about de-designation shall follow the grievance process in SOP 16.30.
 - (c) The AAAIL shall provide for the continuation of ombudsman services.
 - (d) DAIL shall terminate the portion of the contract between the AAAIL and DAIL, which provides for ombudsman services.

Voluntary Withdrawal of a LTCO Provider Agency:

A LTCO provider agency may voluntarily relinquish its designation by providing notice to the KLTCO and to the AAAIL in the relevant area development district. Such notice shall be provided sixty (60) days in advance of the date of the relinquishment of designation.

Continuation of Ombudsman Services:

When a LTCO provider agency is in the process of appealing its de-designation or has relinquished designation:

- (1) The LTCO provider agency, the AAAIL, and the KLTCO, if applicable, shall arrange for the provision of ombudsman services until a new LTCO provider agency is designated;
- (2) The LTCO provider agency shall surrender intact to the KLTCO or the KLTCO designee all LTCO case records, documentation of all LTCO

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- activities and complaint processing as required by the ombudsman reporting system, and issue de-certification letters to all certified volunteers.
- (3) The LTCO provider agency shall, at the discretion of DAIL, surrender any equipment purchased with funds designated for LTCO services; and the LTCO provider agency shall surrender the balance of any advanced state or federal monies to the AAAIL, or to DAIL where the AAAIL serves as the LTCO provider agency.