

LONG TERM CARE OMBUDSMAN PROGRAM Refusal to Certify an Individual as a Long-Term Care Ombudsman and De-Certification of a Long-Term Care Ombudsman	DAIL – LTCOP – 16.6
Effective Date: December 30, 2009 Revised Date: July 1, 2017 Previous Revision: April 11, 2011	Page 1 of 2

Policy Statement

The Department for Aging and Independent Living (DAIL) and the Kentucky Long-Term Care Ombudsman (KLTCO) are committed to quality and timely services and assistance to residents of long-term care facilities across the state.

Legal Authority: OAA § 712(a) (5); Older Americans Act of 1965 as amended
45 CFR§ 1324.21 Establishment of the Office of the State Long-Term Care Ombudsman
910 KAR 1:210 Kentucky Long-Term Care Ombudsman Program

Procedure

- 1) Refusal to certify or de-certify an individual as an ombudsman for the following reasons:
 - a) Failure of the individual to meet and /or maintain the criteria for designation;
 - b) Existence of an unresolved conflict of interest;
 - c) Deliberate failure of the individual to disclose any conflict of interest;
 - d) Violation of confidentiality requirement;
 - e) Failure to provide adequate and appropriate services to long-term care residents;
 - f) Falsifying records;
 - g) Failure to follow direction of the KLTCO regarding Long-Term Care Ombudsman (LTCO) policies, procedures and practices;
 - h) A change in employment duties which is incompatible with LTCO duties;
 - i) Separation from the Long-Term Care Ombudsman Program (LTCOP), examples include:
 - i) Removal from employment by the LTCOP provider agency;
 - ii) An extended absence of the LTCOP preventing fulfillment of job responsibilities with the exception of documented necessary family or medical leave; or
 - iii) The LTCOP provider agency's contract for the provision of the LTCOP services is not renewed.
 - j) Failure to act in accordance with applicable federal and state laws, regulations, and policies

LONG TERM CARE OMBUDSMAN PROGRAM Refusal to Certify an Individual as a Long-Term Care Ombudsman and De-Certification of a Long-Term Care Ombudsman	DAIL – LTCOP – 16.6
Effective Date: December 30, 2009 Revised Date: July 1, 2017 Previous Revision: April 11, 2011	Page 2 of 2

- 2) Refusal to Certify an Individual as an Ombudsman and De-Certification of an Ombudsman:
 - a) Prior to refusing to certify or de-certify, the KLTCO shall consult with the relevant Area Agency on Aging and Independent Living (AAAIL) and the Long Term Care Ombudsman Program (LTCOP) provider agency to consider remedial actions that could be taken to avoid the refusal to certify or to de-certify.
 - b) The KLTCO shall refuse to designate an individual as a Long-Term Care Ombudsman (LTCO) by providing written notice of such refusal to the LTCOP provider agency, the administrating agency and the Commissioner of the DAIL. Such notice shall:
 - i) Specify the reasons for the refusal to certify, and
 - ii) Set forth the effective date of such refusal.
 - c) The KLTCO shall provide written notice of the intent to de-certify a LTCO to the LTCO to be de-certified, the LTCO provider agency, the AAA, and the Commissioner of DAIL. Such notice shall:
 - i) Specify the reasons for the intended de-certification, and
 - ii) Set forth the effective date of the de-certification.
 - d) If the refusal to certify an individual as a LTCO or the de-certification of a LTCO results in the absence of ombudsman service in the relevant service area, the AAA shall provide a written plan for the provision of long-term care ombudsman services to DAIL/KLTCO until a LTCO is certified.