

LONG TERM CARE OMBUDSMAN PROGRAM Liability	DAIL – LTCOP – 16.18
Effective Date: December 30, 2009 Revised Date: January 4, 2016 Review Date: July 1, 2017	Page 1 of 1

Policy Statement: A Certified Ombudsman is immune from liability for the good faith performance of his or her official duties.

Legal Authority: OAA § 712(i)

Procedure:

A long-term care ombudsman (LTCO) shall not incur any civil or criminal liability for performing his or her official duties in good faith.

- (1) Official duties are those duties of a LTCO set forth in applicable federal and state law and the standard operating policies and procedures established by the Department for Aging and Independent Living (DAIL). They shall include, but not be limited to, making a statement or communication relevant to receiving a complaint or conducting investigative activity.
- (2) Evidence of performing duties in good faith includes, but is not limited to the following:
 - (a) Making every reasonable effort to follow procedures set forth in applicable laws and these procedures;
 - (b) Seeking, and making reasonable efforts to follow, direction from the Office of the Kentucky Long-Term Care Ombudsman (KLTCO) and;
 - (c) Seeking, and making reasonable efforts to follow, direction from the District Ombudsman

Liability Insurance:

The Cabinet for Health and Family Services, Department for Aging and Independent Living does not provide liability insurance or indemnification for area agencies on aging and independent living (AAAIL) or their provider agencies. Provider agencies are expected to retain their own liability policies.