

LONG TERM CARE OMBUDSMAN PROGRAM Interference and Retaliation	DAIL – LTCOP – 16.20
Effective Date: December 30, 2009 Revised Date: July 1, 2017 Previous Revision: July 5, 2016	<p style="text-align: right;">Page 1 of 2</p>

Policy Statement

No person shall willfully interfere with a long-term care ombudsman (LTCO) in the performance of official duties. “Interference” includes any inappropriate or improper influence from any individual or entity, regardless of the source, which will in any way compromise, decrease or negatively impact on:

- (a) the objectivity of the investigation or outcome of complaints;
- (b) the LTCO’s role as advocate for the rights and interests of the resident;
- (c) the LTCO’s work to resolve issues related to the rights, quality of care and quality of life of residents of long-term care facilities; or
- (d) the LTCO’s statutory responsibility to provide such information as DAIL and the Office of the Kentucky Long-Term Care Ombudsman determines necessary to public and private agencies, legislators and other persons regarding the problems and concerns of residents and recommendations related to residents problems and concerns

No person shall discriminate or retaliate in any manner against any resident, or relative or guardian of a resident, any employee of a long-term care facility, or any other person due to filing a complaint with, providing information to, or otherwise cooperating in good faith with a LTCO.

Legal Authority: OAA § 712(j)

Procedure:

- (1) Any person who has knowledge of such interference or retaliation shall report such information to the KLTCO.
- (2) The KLTCO shall review the information provided, and conduct further investigation if necessary to confirm the occurrence of the interference or retaliation.
- (3) If the KLTCO, based on such review, determines that enforcement action is warranted, the KLTCO shall pursue the following course of action:
 - (a) Where the entity which has interfered or retaliated is a long-term care facility or its staff or agents:
 - 1. The KLTCO shall submit a written description of such interference or retaliation to the Office of Inspector General

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(OIG); OIG investigates the report and if confirms the occurrence has the authority to impose penalties. Per 910 KAR 1:210 Section 13 (9)(a) a fine of \$100 to \$500 will be imposed for each violation;

- (b) Where the entity which has interfered or retaliated is an entity other than a long-term care facility or its staff or agents:
1. Such interference by an individual who is an official or employee of the Cabinet for Health and Family Services, an Area Agency on Aging or a LTCO provider agency shall be deemed to be a violation of OAA § 705(a) and the KLTCO shall
 2. Report such interference or retaliation to the Commissioner for the State Unit on Aging, known as the Department for Aging and Independent Living