

LONG TERM CARE OMBUDSMAN PROGRAM Kentucky Long-Term Care Ombudsman Responsibilities	DAIL – LTCOP – 16.8
Effective Date: December 30, 2009 Revised Date: January 4, 2016 Reviewed Date: July 1, 2017	<p style="text-align: right;">Page 1 of 3</p>

Policy Statement:

Under the direction of the State Unit on Aging, the Kentucky Long-Term Care Ombudsman (KLTCO) is responsible for providing leadership for the statewide Long-Term Care Ombudsman Program (LTCOP).

Legal Authority:

- OAA § 712(a) (2), (3) (H) (iii), (5), 712(c), (d), (h)
- 45 CFR §1324.13;
- 45 CFR Part 93

Procedure:

- (1) The KLTCO shall act independently from the State Unit on Aging and is responsible for the following:
 - (a) Leadership and management of the statewide LTCOP
 1. Providing leadership, planning, and direction for the statewide LTCOP;
 2. Providing program management and development;
 3. Evaluating statewide LTCOP performance;
 4. Developing policies, procedures and standards in coordination with DAIL for administration of the LTCOP and Long Term Care Ombudsman (LTCO) practice;
 5. Promoting the development of citizen organizations to participate in the LTCOP; and
 6. Adhering to the Ombudsman Code of Ethics (Appendix A)
 - (b) Designation LTCO and LTCOP
 1. Prohibiting any representative of the Office from carrying out any LTCO services unless the representative has received certification training; and
 2. Has been approved by the KLTCO as qualified to carry out the activity on behalf of the Office.
 - (c) Long-term care issues advocacy

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1. KLTCO determinations and positions shall be those of the KLTCO and shall not necessarily represent the determinations or positions of the State Unit on Aging or other agency in which the KLTCO is organizationally located.
 2. In carrying out systems advocacy efforts of the KLTCO on behalf of long-term care facility residents and pursuant to the receipt of grant funds under the Act, the provision of information, recommendations of changes of laws to legislators, and recommendations of changes of regulations and policies to government agencies by the Ombudsman or representatives of the Office do not constitute lobbying activities as defined by 45 CFR part 93.
 3. Advocating for policy, regulatory and/or legislative changes in long-term care;
 4. Coordinating with statewide and national advocacy organizations involved in long-term care issues; and
 5. Maintaining awareness of current issues and trends in long-term care
- (d) Inter-agency coordination. Coordinating LTCO services with protection and advocacy systems, adult protective services, state agencies licensing and certifying long-term care facilities, legal assistance provided under the OAA, and other appropriate agencies.
- (e) Maintaining LTCO records and the LTCO reporting system
1. Maintaining, through District LTCOP's, case records, such records are the property of the KLTCO and may not be released, disclosed, duplicated, or removed without the written permission of the KLTCO or designee
 2. Maintaining a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems and submitting such data to appropriate entities as required by the OAA; and
 3. Preparing and distributing the LTCOP annual report as required by the OAA
- (f) Information and assistance. Providing information and referrals regarding long-term care issues and the LTCOP to the public, residents, local organizations, and other agencies.

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- (g) Technical assistance. Providing specialized technical assistance, consultation, training and resources to District LTCOs, provider agencies, AAAs, and DAIL related to the operation of the LTCOP.
- (h) Agency complaint referral
 1. Concerns from the District Ombudsman regarding the Department for Community Based Services (DCBS) investigation or resolution of a complaint may be referred to the KLTCO. The KLTCO shall address the concern with DCBS
 2. Concerns from the District Ombudsman regarding Office of Inspector General investigation or resolution of a complaint may be referred to the KLTCO. The KLTCO shall address the concern to the Inspector General or designee of the OIG.
 3. Concerns of the DLTCO regarding the Office of the Attorney General shall be referred to the KLTCO. The KLTCO shall address the concern to the Attorney General or designee of the OAG.
- (i) The Kentucky Long-Term Care Ombudsman Program shall submit a plan to DAIL that appropriate legal counsel is available to the Office of the Kentucky Long-Term Care Ombudsman.