



October 13, 2016

Dear AAA Network:

As you know, this has been an historic year for the Long-Term Care Ombudsman Program, nationwide, under the new Federal Final Rule. One of the tasks we continue to embrace is the development of state policy compliant with the federal final ruling, utilizing the valuable service delivery systems already in place through the Pennsylvania Area Agencies on Aging network. We will continue to work toward that throughout the upcoming year.

To that end, the Administration for Community Living (ACL) has now provided us with detailed feedback on APD 16-10-01, the Compliance Manual, and the Ombudsman Certification Training Materials. Their feedback requires PDA to revise APD 16-10-01, specifically by adding language which defines the relationship of PDA to the Ombudsman Office and which further clarifies how consumers will receive services at the local level. The final APD will be longer and more detailed, incorporating more language directly from the federal ruling. As this new policy develops, within a time frame to be determined by ACL, the AAA network will have opportunity to provide comment.

In a separate communication, ACL also acknowledged the following changes which are **effective October 1, 2016**. These changes, too, will be incorporated into the final Ombudsman APD and go into effect immediately:

#### **Definition of LTC Ombudsman Program consumers**

The primary consumer base for the PALTCOP is defined as **residents of licensed long-term care facilities**: skilled nursing facilities, personal care homes, and assisted living. However, this shall not exclude ombudsman service to other consumers of long-term care through Information and Consultation and Referral. Such activities shall continue to be documented in OmbudsManager.

#### **LTC Ombudsman Services to Domiciliary Care consumers**

The standard for "Routine Access to Ombudsman Services," for domiciliary consumers, as captured in the NORS report, shall be ONE non-complaint related visit per year. Instead, local ombudsmen will partner with AAA care managers to identify best ways to disseminate ombudsman program information to domiciliary care consumers. Quarterly visits to domiciliary care homes are no longer required.

#### **Adequate Degree of Ombudsman Visibility**

A measure of adequate "staffing" for the local ombudsman entity shall be the availability of one full-time equivalent (1 FTE) **certified** ombudsman— whether paid or volunteer— to every 2,000 beds within the service area.



## Community Education

Ombudsman program posters are no longer required to be posted in senior centers. Instead, upcoming technical assistance will focus on other community outreach strategies to be captured in OmbudsManager as Community Education.

## OmbudsManager Case Review

The Supervisory Case Review timeframe is expanded from ten (10) business days to (30) calendar days and is now Supervisory/Peer Case Review, allowing for OmbudsManager trained program representatives to review each other's cases, even across service areas, if necessary. Technical assistance is available on how to meet this requirement in a manner compliant with the federal final rule, assuring timely feedback on response to consumers, and ensuring the individuals reviewing the cases are trained to do so.

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## Program Monitoring for FFY 2016-2017

Lastly, the **FFY 2016/17** LTC Ombudsman Program **monitoring activities** will focus on solely on identification and remediation of Organizational and Individual Conflicts of Interest as described in the Federal Final Rule.

The Office will be issuing a monitoring packet for you to complete. The Regional Ombudsman Specialist for your service area will then contact you in the upcoming weeks to begin scheduling monitoring visits through the end of the fiscal year.

The packet will instruct you on submitting an organizational chart showing the relationship of the Ombudsman program to other programs and services, as well as an **Organizational Conflict of Interest Self-Identification/Remediation Worksheet** and **Individual Conflicts of Interest Disclosure Forms** for all program representatives.

Those forms and further details on the monitoring process, with instructions on how to complete and submit the forms, will be provided in the monitoring packet.

The purpose of the monitoring visit will be to provide technical assistance and establish a conflict of interest remediation plan, as necessary, based on the information you will have provided prior to the visit.

Thank you,

A handwritten signature in black ink that reads 'Margaret D Barajas'.

Margaret Barajas  
State LTC Ombudsman