

**CHAPTER 1100: Home Care Ombudsman**

In accordance with 20 ILCS 105/4.04

- A. The establishment of the Home Care Ombudsman (HCO) component of the Office of the State Long-Term Care Ombudsman Program defines:
  - 1. A participant is an older person or an adult with disabilities ages 18-59 who is eligible for services under a state medical assistance waiver program for the delivery of long-term care services and supports in the home and community or managed care organizations;
  - 2. Medical assistance waiver programs are administered by the State for the provision of long-term services and supports to individuals in qualified home and community settings in lieu of institutionalization;
  - 3. A managed care organization providing care coordination and other medical and social services and supports to seniors and persons with disabilities; and
  - 4. Access for an Ombudsman to a participant's home is subject to permission of the participant requesting services or his or her representative.
  
- B. The organization and administration of the Home Care Ombudsman component is consistent with:
  - 1. the Regional Ombudsman structure, contracting, designation and de-designation of Regional Ombudsman entities;
  - 2. training, certification and de-certification of Ombudsmen;
  - 3. conflict of interest policies and procedures for designated agencies and Ombudsmen;
  - 4. acknowledgement of any conflicts of interest within the designated entity and written procedures for reducing and/or eliminating any potential challenges to Ombudsmen advocating for residents of long-term care facilities and participants of state medical assistance

waivers and managed care organizations;

5. written procedures for handling possible conflicts of interest between the designated Regional Ombudsman program and other programs within the same agency/employer must be approved by the Office;
6. reporting requirements of data into the OmbudsManager system;
7. participant confidentiality and confidentiality of participant records;
8. immunity protections for an Ombudsman participating in the good faith performance of his or her official duties; and
9. the Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties.

C. The Ombudsman service components for participants:

1. respond to inquiries on behalf of or for participants of waiver services and managed care organizations; and
2. identify, investigate and resolve complaints of participants of wavier services and managed care organizations.

D. Protocol for Participant Inquiries, Information, and Referrals

1. Calls from participants and/or participants' legal representatives and family caregiver may come through the Department, Office of the State Ombudsman, or Regional Program. It is anticipated that the majority of calls will come through the Department and Office.
2. Persons taking the call should listen to the participants and/or participants' legal representatives and family caregiver's questions, comments, and concerns. A copy of "Rights of Home Care Participants" should be offered to be mailed to the participant.
3. Basic caller information should be captured in OmbudsManager.

4. If the caller reports a life or death emergency, they should be directed to call 911 for emergency services.
  5. If the caller reports suspected abuse, neglect and/or exploitation, they should be referred to Adult Protective Services (APS) program for investigation.
  6. Appropriate referrals for further information or complaint resolution should be provided to the caller. Examples of appropriate referrals may be to disability and aging providers and appropriate state agencies.
  7. The most appropriate referral to program name, program representative (if known), and phone number should be provided to the participant and/or participant's legal representative and/or family caregiver.
  8. If you believe that the caller may have difficulties in placing the referral call, offer to assist further by doing a "warm transfer" or three-way call connecting the participant to the referral source. Document the referral source.
  9. Ombudsmen shall inform the participant and/or participants' legal representatives and family caregiver that if after calling the referral Program they do not feel that their concerns have been properly addressed within a reasonable period of time that they should call the Office and/or Regional Program again.
  10. Representatives of the Office shall call the participant back in approximately one to thirty (30) business days depending upon the severity of their complaint to see if their concerns/ complaints have been resolved. If the concern/complaint has been resolved, document the resolution in OmbudsManager.
- E. If the participant's concerns/complaints have not been resolved after referrals to the appropriate programs and they request or it is determined that it is best to arrange a Face-to-Face (FTF) visit then:
1. the State Office will determine based on the participant's home

address which Regional Program will be assigned the participant case for the FTF visit;

2. upon referral to the Regional Program, the Office shall notify the Regional Program of the participant case number;
3. the Regional Program will have two (2) business days to schedule a FTF visit with the participant. This FTF visit should take place within thirty (30) days of receipt of the referral;
4. Ombudsmen shall make every effort to have planned FTF visits with participants. Ombudsman may only enter a participant's private home with an invitation from the participant. If the Ombudsman does not feel safe visiting the participant's private home alone, they should seek the following options: request another Ombudsman or supervisor from their agency go with them on the visit; request assistance from a nearby regional Ombudsman Program, local law enforcement, or office of the State LTCOP;
5. Ombudsman may have access to a participant's records with permission from the participant and/or their legal representative. Written permission to access participant records must be documented in OmbudsManager. If oral permission is granted by the participant, such approval should be noted in OmbudsManager;
6. After the first FTF visit with the participant the Ombudsmen will have thirty (30) business days to record findings and actions in the participant record;
7. When the participant is the alleged victim of abuse, neglect and/or exploitation and is unable to provide consent, the Ombudsman shall:
  - a. check to see if the participant has a legal guardian or legal representative; and
  - b. if there is no legal guardian or legal representative and the Ombudsman has reason to believe that the participant is a victim of abuse, neglect and exploitation, the Ombudsman should contact the Office of the State Ombudsman to discuss the case, seek guidance and get approval to take

further action.

8. When the participant is the alleged victim of abuse, neglect and/or exploitation and is unable to provide consent, the Ombudsman shall:
    - a. check to see if the participant has a legal guardian or legal representative; and
    - b. if there is a legal guardian or legal representative and the Ombudsman has reason to believe that the legal guardian or legal representative may be the perpetrator of the abuse, neglect and/or exploitation, the Ombudsman should contact the Office of the State Ombudsman to discuss the case, seek guidance, and get approval to take further action.
- F. Ombudsmen should confer with the Regional Ombudsman or representatives of the state Office prior to closure of the participant case.