

CHAPTER 200: ORGANIZATION STANDARDS AND RESPONSIBILITIES

201: Illinois Department on Aging Responsibilities

202: SLTCOP Responsibilities

203: Office of the Illinois LTCOP Responsibilities

204: AAA Responsibilities

205: Provider Agency Responsibilities

**201: The Illinois Department on Aging Responsibilities**

- A. The Department shall:
1. submit a State Plan on Aging pursuant to the Older Americans Act in order to receive an allotment under Title III and Title VII;
  2. establish and operate an Office of the State Long-Term Care Ombudsman and carry out the Program directly, or by grant or other arrangement with any public agency or nonprofit private organization in accordance with the Older Americans Act;
  3. provide that the Office be headed by a full-time Ombudsman meeting the qualifications described in Section 202 of this Manual;
  4. determine the allocation levels and allocate and distribute the Older Americans Act funding for the Program through the approval of Area Plans of Area Agencies on Aging;
  5. determine the unit rate methodology for Ombudsman services;
  6. act as an advocate for long-term care residents and participants in medical waiver services and managed care organizations. Will consider the views of Area Agencies on Aging, older individuals, and providers of long-term care in the planning and operation of the Program;
  7. develop policies and procedures which direct the operation of the Program;
  8. ensure the availability of adequate legal counsel and consultation on matters pertaining to the responsibilities of the Office;
  9. publicize the purposes and operation of the Program through public service announcements, posters, and brochures;
  10. further interagency coordination through the establishment of working relationships with other state agencies involved in meeting the needs of residents of long-term care facilities and participants in medical waiver services and managed care organizations;
  11. monitor and evaluate the compliance of the Regional Programs to ensure that the responsibilities of the Department, the Office, and the Program are being met in accordance with the Older Americans Act and state laws;

- a. use funds made available and not supplant any funds that are expended under any federal or state law in existence to carry out the Program in accordance with federal OAA maintenance of effort requirements;
- b. establish in accordance with the Office, policies and procedures for monitoring Regional Programs; and
- c. develop the policies and procedures regarding confidentiality and conflict of interest.

**202: State Long-Term Care Ombudsman Responsibilities**

- A. A State Ombudsman shall have:
  - 1. the understanding of aging, disability, and long-term care issues;
  - 2. the ability to analyze and explain human service data;
  - 3. knowledge and experience in legislative and issue advocacy, public relations, and coalition building;
  - 4. experience managing staff and volunteers;
  - 5. basic computer skills;
  - 6. strong written and verbal communication skills and experience in public speaking;
  - 7. demonstrated problem-solving abilities;
  - 8. familiarity with outcome-based evaluation and quality improvement;
  - 9. a demonstrated commitment on issues relevant to consumers of long-term care and participants receiving home care services;
  - 10. familiarity with legal concepts and the legislative process;
  - 11. a Bachelors degree and three years experience as an Ombudsman or an advocate; and
  
- B. The State Ombudsman shall designate entities as Regional Programs pursuant to Section 301 of this Manual.
  
- C. The State Ombudsman shall certify employees or volunteers of Regional Programs pursuant to Section 303 of this Manual.
  
- D. The State Ombudsman shall operate the Office pursuant to Section 203 of this Manual and in accordance with Department guidelines.
  
- E. The State Ombudsman is responsible for the leadership and management of the Office.
  
- F. The State Ombudsman has the following specific responsibilities, personally or through representatives of the Office, pursuant to 20 ILCS 4.04, is authorized, subject to sufficient appropriations, to advocate on

behalf of older persons and persons with disabilities residing in their own homes or community-based settings, relating to matters which may adversely affect the health, safety, welfare, or rights of such individuals.

- G. The State Ombudsman has the following specific responsibilities, personally or through representatives of the Office, pursuant to the Older Americans Act and state laws:
1. identify, investigate, and resolve complaints that
    - a. are made by, or on behalf of, residents; and
    - b. relate to action, inaction, or decisions of providers, or representatives of providers, of long-term care services; public agencies; or health and social service agencies that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees);
  2. provide services to assist the residents in protecting the health, safety, welfare, and rights of residents;
  3. inform residents about means of obtaining services provided by providers or agencies;
  4. ensure that residents have regular and timely access to the services provided through the Office and that residents and complainants receive timely responses from representatives of the Office to complaints;
  5. represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;
  6. provide advocacy services to participants of medical waiver services and managed care organizations;
  7. provide administrative and technical assistance to Regional Programs;
  8. regularly monitor the Regional Programs;
  9. analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and

other governmental policies and actions, pertaining to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the state;

10. facilitate public comment on the laws, regulations, policies, and actions;
11. recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate;
12. provide for training representatives of the Office;
13. promote the development of citizen organizations to participate in the Program; and
14. provide technical support for the development of resident and family councils to protect the well-being and rights of residents.

**203: Responsibilities of the Office**

- A. The Office shall:
1. help resolve problems faced by those who reside in long-term care facilities and participants of medical assistance waivers and managed care organizations;
  2. advocate for broad policy, regulatory and/or legislative changes to improve care of long-term care facility residents and participants of medical assistance waivers and managed care organizations;
  3. plan, develop, and implement training of the Ombudsmen and the Programs;
  4. maintain a registry of all entities and individual representatives of the Office and the geographic areas for which each has been assigned;
  5. coordinate the activities of the Program with other Department on Aging programs and other state and federal agencies involved in the care of long-term care facility residents;
  6. maintain Program records and the Program reporting system;
  7. provide Information and Assistance to the general public, residents, legislators, community organizations and other agencies regarding long-term care issues and state and federal licensing, certification and regulation;
  8. provide technical assistance to AAAs, Provider Agencies, and Regional Ombudsmen;
  9. provide Program data and analysis;
  10. monitor and evaluate the statewide and Regional Programs;
  11. establish an advisory board for the Program comprised of representatives from the AAAs, provider agencies, and Ombudsmen, with one representative for each planning and service area; and,
  12. prepare and distribute an annual report as described in the Older Americans Act.

**204: AAA Responsibilities**

- A. AAA's shall fiscally administer the grants or contracts under which Regional Programs operate in compliance federal and state laws and administrative rules.
- B. Any AAA contract or grant provision that requires Regional Program service delivery components or data collection policies and procedures, practices or protocols different from those presented in this Manual must be approved in writing by the Office and when necessary, a waiver request must be submitted.
- C. In administering Regional Program services, the AAA shall:
  - 1. support a full-time Regional Ombudsman for each Regional Program;
  - 2. monitor the fiscal and Ombudsman Annual Service Plan activities of its Regional Programs at least once every three (3) years in order to assess the adequacy of Program services and the internal quality assurance procedures pursuant to the contract or grant with the SLTCO being notified of the monitoring visit. AAAs need to have an active role in monitoring, however AAAs do not have access to Program records which contain identifying information about residents and participants.
  - 3. adhere to the maintenance of effort requirements for each Regional Program as required by the Older Americans Act;
  - 4. assure that OAA Title VII Ombudsman Program funds are used exclusively for Ombudsman Program services and direct advocacy Program activities;
  - 5. make no requirement for matching funds for OAA Title VII funds received by the AAA for Regional Ombudsman Program services;
  - 6. when appropriate, include the Regional Ombudsman in discussions, meetings, conferences, reports and other AAA functions and operations such as boards and advisory councils related to long-term care, and to serve as the voice for the long-term care facility residents and participants of medical waiver services and managed care organizations;
  - 7. have no unremedied conflict of interest; and,
  - 8. provide technical assistance and oversight.

- D. AAA's shall support the Regional Program, to the extent possible, by:
  - 1. designating AAA staff to attend State Long-Term Care Program sponsored trainings and meetings pertaining to the Program;
  - 2. assisting in the development of resources for the operation of the Regional Program, including financial and human resources;
  - 3. providing opportunities for the Regional Program and other aging and social services organizations to collaborate to promote the health, safety, welfare, and rights of residents and participants of medical waiver services and managed care organizations;
  - 4. making appropriate referrals to the Regional Program;
  - 5. promoting awareness of Long-Term Care Ombudsman services to consumers and the general public within the service area; and,
  - 6. recognizing the responsibilities of the Regional Ombudsmen to promote systems and issues advocacy on behalf of residents and participants.
  
- E. AAA's shall submit the required financial and reports to the Department and to the Office in accordance with the established departmental instructions.
  
- F. In the selection of a Title III legal assistance provider, the AAA shall award funds to the applicant(s) that most fully meets the policies and procedures set forth in 45 CFR 1321.71 (c), to include the capacity to provide support to the Regional Program and the capacity to provide legal services to institutionalized older persons.
  
- G. The AAA shall cooperate with the Office to implement a transition plan to minimize disruption in Ombudsman services to residents when the contract or grant for the Regional Program services is terminated or not renewed.
  
- H. The AAA shall perform each of its responsibilities in administering the Regional Program in accordance with all applicable federal and state laws, regulations, policies, and this Manual.
  
- I. Where an AAA provides Long-Term Care Ombudsman Program services directly, it must also fulfill the responsibilities of a Provider Agency as outlined in Section 205 of this Manual.

- J. The AAA shall have the lead responsibility to request a waiver pursuant to Section 105(C) of this Manual if, due to demonstrable and unusual circumstances, the AAA anticipates it or its Provider Agency will be unable to comply with responsibilities in this Manual.

**205: Provider Agency Responsibilities**

- A. The Ombudsman Provider Agency is designated by the State Long-Term care Ombudsman Program to house the Regional Program and to assure the provision of Ombudsman services in the service area designated by a contract with, or grant from, the AAA or the Department.
- B. The Ombudsman Provider Agency shall be the sole provider of Ombudsman services in the service area designated through contract with, or grant from, the AAA or the Department.
- C. The Ombudsman Provider Agency shall assure the Regional Programs are in compliance with federal and state laws and regulations, the provisions of this Manual, and the contract or grant for Ombudsman services with the AAA or the Department.
- D. Any Ombudsman Provider Agency requirements different from those presented in this Manual must be approved in writing by the Office.
- E. The Ombudsman Provider Agency shall require the Regional Ombudsman to submit an Annual Services Plan as described in Section 407 of this Manual to the AAA for review and comment and to the Office and/or AAA for approval.
- F. The Ombudsman Provider Agency shall provide a full-time Regional Ombudsman who shall:
  - 1. meet the applicable minimum qualifications (see Section 206 of this Manual);
  - 2. have no duties in the Ombudsman Provider Agency outside the scope of the Regional Program as defined in state and federal law; and
  - 3. consult and participate in the development of a budget and an annual services plan
- G. The Ombudsman Provider Agency shall adequately staff the Regional Program to meet the ratio of 1 FTE paid Ombudsman to 2000 licensed beds subject to sufficient and ongoing local, state and federal funding.
- H. The Ombudsman Provider Agency shall:
  - 1. maintain or exceed the level of services provided during the previous fiscal year; and

2. maintain or exceed the number of paid FTE Ombudsmen funded during the previous fiscal year.
- I. The Ombudsman Provider Agency shall:
    1. assist in the development of resources for the operation of the Regional Program, including financial and human resources;
    2. provide opportunities for the Regional Program and other aging and social services organizations to collaborate to promote the health, safety, welfare, and rights of residents and participants of medical waiver services and managed care organizations;
    3. promote awareness of Ombudsman services to consumers and the general public within the service area;
    4. support the Regional Program to engage in issues advocacy on behalf of residents and participants; and,
    5. provide the Regional Program with a dedicated computer, Internet access, a dedicated telephone line if the agency does not have sufficient lines to accommodate callers, and a cellular phone for the Regional Ombudsman.
  - J. The Ombudsman Provider Agency shall submit financial reports
  - K. The Ombudsman Provider Agency shall not disclose Program records. The provider agency may not review Program records without consent and approval of the Office.
  - L. The Ombudsman Provider Agency shall assure that all Ombudsmen are trained in accordance with Section 303 of this Manual.
  - M. The Ombudsman Provider Agency shall assure the attendance of the Regional Ombudsman at mandatory statewide Ombudsman trainings and meetings. The Office may approve an exception.
  - N. The Ombudsman Provider Agency shall provide professional development opportunities for all Ombudsman staff.
  - O. The Ombudsman Provider Agency shall provide staff support, such as custodial, fiscal management, clerical, and telephone coverage and supervisory support for Program operations.
  - P. The Ombudsman Provider Agency shall provide case consultation and certified back-up support as needed for the operation of the Regional

Program.

- Q. The Ombudsman Provider Agency shall arrange, in consultation with the Office and the AAA, if applicable, for temporary provision of Regional Program services when Ombudsmen staff are unavailable or the staff position is vacant.
  
- R. The provider agency shall perform each of its responsibilities in administering the Regional Program in accordance with all applicable federal and state laws, regulations, and this Manual.

**206: Regional Ombudsman Responsibilities**

- A. The Regional Ombudsman is responsible for the day to day operation of the Regional Program.
  
- B. The Regional Ombudsman shall:
  - 1. help resolve problems faced by those who reside in long-term care facilities and participants in medical waiver services and managed care organizations;
  - 2. advocate for broad policy, regulatory, administrative and legislative changes to improve the care of long-term care facility residents;
  - 3. ensure Ombudsmen are trained as required by the Office;
  - 4. recommend individuals for inclusion on the Ombudsman Representative Registry;
  - 5. partner with the Aging and Disability Networks and other stakeholders for the benefit of long-term care residents and participants;
  - 6. ensure all Regional Program records are contemporaneously entered into the state-wide data and tracking system.
  - 7. review and close all cases within thirty (30) days of resolution of all complaints.
  - 8. provide consultations and inquiries to the general public, participants, residents, legislators, community organizations and other agencies regarding long-term care issues and state and federal licensing, certification and regulation;
  - 9. provide technical assistance to Ombudsmen;
  - 10. conduct an annual review of Program activities and case documentation.
  - 11. complete and submit an Annual Services Plan as described in Section 407 of this Manual to the Office and/or AAA for review, comment and approval.
  - 12. consult and participate in the development of a Regional Program budget.

13. develop a plan for temporary personnel coverage in order to meet the standard of promptness in accordance with Provider Agency policies and the requirements Section 501 of this Manual.
  14. not perform any duties different from those presented in this Manual unless such duties are approved in writing pursuant to Section 104(C) of this Manual.
- C. The Regional Ombudsman may establish a multi-disciplinary team.
- D. The Ombudsman Provider Agency shall require the Regional Ombudsman to submit an Annual Services Plan described in Section 407 of this Manual to the AAA for review and comment and to the Office for approval.
- E. The Ombudsman Provider Agency shall provide a full-time Regional Ombudsman who shall:
1. meet the applicable minimum qualifications (see Section 303 of this Manual);
  2. have no duties in the Ombudsman Provider Agency outside the scope of the Regional Program\_as defined in state and federal law; and
  3. consult and participate in the development of a budget and an annual services plan.