

Office of Ombudsman for Long-Term Care:

Final Rule Overview

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Partners Panel

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Point of Clarification:

This is not the HCBS Final Rule

Overview of the role of the Office of Ombudsman for Long-Term Care

- **evaluate any act, practice, policy, procedure**, or administrative action of a long-term care facility, acute care facility, home care service provider, or government agency **that may adversely affect the health, safety, welfare, or rights of any client;**
- mediate or **advocate** on behalf of clients;
- **inform** public agencies about the problems of clients;
- provide for training of volunteers and **promote the development of citizen participation** in the work of the office
- See Minn. Stat. 256.9742
- A program of the Minnesota Board on Aging

Background of the Ombudsman Final Rule

-Published in February 2015; Compliance by July 1, 2016

-Administration for Community Living identified a need for rulemaking and technical guidance to Ombudsman Programs to ensure:

- High quality Ombudsman services for adults; **credible person-centered problem solving with and for residents.**
- Provide clarity to the Ombudsman sections of the Older Americans Act apply to the LTC OMB program.
- That consumers have access to consistent, quality Ombudsman services.

Impact on Minnesota's LTC Ombudsman Program

- Many final rule requirements are already implemented with existing policies, procedures, and statutes.
- We are working with the Board on Aging to bring forward legislative proposal to amend our current Ombudsman Statute
 - Proposed statute changes clarify internal function and administration of the office
 - Authority of State Ombudsman to designate and de-designate
 - Incorporates final rule by reference
 - Access to records when investigating complaints against a legal guardian
 - “Clean up” language – to improve clarity of existing language and definitions

Impact on Minnesota's LTC Ombudsman Program, continued

- **Currently working to update Internal Policies and Procedures**
 - **Complaint handling**
 - Including when client lacks capacity to direct the Ombudsman
 - **Grievance process**
 - **Conflict of interest**
 - **Coordination with the State Unit on Aging (MBA)**
 - **Disclosure/Confidentiality**
 - Role when investigating or witnessing abuse
 - Release of data

More Information

- Ombudsman for Long-Term Care Main Office intake: 651-431-2555; 1-800-657-3591
- Cheryl Hennen, State Ombudsman: 651-431-2553;
Cheryl.Hennen@state.mn.us
- Natasha Merz, Deputy Ombudsman: 651-431-6338;
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- Ombudsman Final Rule [link to Ombudsman Final Rule \(federal registrar\)](#)
- Citation to federal regulation: 45 C.F.R. 1321 and 1327
- Current State Statutes: Minn. Stat. 256.974-9744

Thank you!