

OMBUDSMAN DECISION GRIEVANCE PROCEDURE

PURPOSE

Complainants may formally appeal any Ombudsman action as described below. All appeals to the division shall be sent to:

Appeals Process
Salt Lake County Aging Services
2001 South State Street, #S1500
Salt Lake City, Utah 84190-2300

INFORMAL APPEAL

1. Upon notification of determination of a decision regarding a complaint, a customer can appeal the decision directly to the program or volunteer staff involved in the decision by providing the information and requesting a reevaluation of the decision.
2. The involved program staff or volunteer will review the circumstances of the case. This may involve announced or unannounced visits to the facility in order to gather all pertinent information.
3. The program staff or volunteer will notify the customer of his or her decision and of the customer's rights to appeal the decision.

PROGRAM LEVEL APPEAL

1. The formal appeal will be made in writing to the program within ten (10) working days of receiving the final notice of decision from the staff person or volunteer. The Program Manager or designee will investigate the circumstances of the original decision and reasons for the appeal. Again, this may include visits or contacts with customers, family, and/or the facility; and review of any relevant information.
2. The Program Manager or designee will notify the customer of the decision within ten (10) working days of receiving the appeal. This notice will also include notice of the customer's rights to appeal the decision.

DIVISION LEVEL APPEAL

1. If the customer chooses to appeal the program level decision, they must write a letter to the Director of Aging Services within ten (10) working days of receiving notice of decision by the program. Then, the Division Director or designee will investigate the circumstances of the decisions to date and reasons for appeal. Again, this may include visits or contacts with customers, family, and/or the facility; and review of any relevant information.
2. The Director or designee will make a written report outlining the decision and reasons for such within twenty (20) working days of receiving the appeal. This

written decision will be provided to the customer and the Program Manager and will include information on the customer's rights to appeal the decision.

STATE DEPARTMENT OF HUMAN SERVICES APPEAL

1. A customer may further appeal the decision of the Director by submitting this appeal to the State Department of Human Services in accordance with that department's policy regarding customer notice and hearings.
2. This appeal must be submitted in writing within thirty (30) days of the Director's decision. The appeal should be sent to the Department in care of the State Division of Aging and Adult Services:

Utah Department of Human Services
c/o Division of Aging and Adult Services
120 North 200 West
Salt Lake City, Utah 84103

3. Upon request, the hearing process may be modified to make reasonable accommodations for individuals with disabilities. This may include the location of hearings, assistive devices, or methods of communication appeals, etc.

VOLUNTEER STAFF EVALUATION

PURPOSE

Salt Lake County Aging Services Ombudsman Program screens all potential volunteers and evaluates all volunteer staff. The Program also evaluates the volunteer program overall through surveying volunteer and paid staff

PROCEDURES

1. PRE-SCREENING OF POTENTIAL VOLUNTEERS

- a) All potential volunteers are pre-screened before being accepted as Ombudsman volunteer staff. Pre-screening entails the following techniques:
 - 1.1 Initial interview(s) with Ombudsman staff
 - 1.2 Completion of application
 - 1.3 Three personal reference checks
 - 1.4 Criminal investigation
 - 1.5 Observation of appropriateness throughout training process

2. VOLUNTEER SERVICE REVIEW

- a) The Volunteer Coordinator is responsible for completing an annual review of each volunteer.
 - 2.1 The Volunteer Coordinator will discuss the annual evaluation with the volunteer staff.
 - 2.2 The volunteer will be invited to make additional comments on the annual evaluation.
 - 2.3 The annual evaluation will be placed in the volunteer personnel file.
 - 2.4 The volunteer staff will be given a copy of the annual evaluation.
 - 2.5 Either the Volunteer or Ombudsman staff may request additional reviews.

3. ON-SITE SUPERVISED VISITS

- a) The Lead Ombudsman or other appropriate Ombudsman staff will conduct, at a minimum, a quarterly on-site supervised visit with each Ombudsman volunteer working in long-term care facilities.
 - 3.1 The volunteer staff will be observed for skills and techniques used in their Ombudsman volunteer service.

4. One-on-one bi-monthly staffing meetings

- 4.1 The Volunteer Coordinator will set up a bi-monthly meeting with each Visiting Ombudsman and Certified Ombudsman volunteer.

- 4.2 During this meeting the volunteer will meet with the Program Manager, Volunteer Coordinator, Lead Ombudsman, etc. depending on who is available.
- 4.3 The items of discussion will include:
 - 4.3.1 Current cases
 - 4.3.2 Previous difficult cases
 - 4.3.3 Training
 - 4.3.4 Etc. See appendix (Volunteer Contact Checklist)
- 4.4 The supervising Ombudsman staff member will discuss the outcome of the on-site supervised visit and make recommendations for on-going training, supervision, etc.
- 4.5 The On-Site Supervised Visit Questionnaire will be filed in the volunteer's personnel file.
- 4.6 Ombudsman staff or the Volunteer may request additional supervised on-site visits.
- 3.5 The supervision Ombudsman staff will schedule a monthly meeting with the volunteer to discuss current cases, findings in their assigned facility(ies), additional training and supervision needs.

5. VOLUNTEER STAFF AND PAID STAFF SURVEYS

- a) The Volunteer Coordinator shall conduct annual program surveys with both the volunteer staff and the paid staff.
- b) The information gathered from both program surveys shall be used to correct identified deficiencies and improve the Ombudsman Volunteer Program.

RESIGNATION OR REMOVAL OF A VOLUNTEER

PURPOSE

1. Under specific circumstances it may be necessary to remove a volunteer from the active volunteer list to assure the volunteer program continues to be made up of active, qualified and appropriate volunteer staff.
2. Volunteer staff will notify Ombudsman staff prior to ending their volunteer relationship with the Ombudsman Program.

PROCEDURE

1. VOLUNTEER RESIGNATION

- a) Volunteers who wish to discontinue their involvement or take a leave of absence from the Ombudsman program are asked to submit a letter indicating their intent to the Volunteer Coordinator two weeks prior to ending service.
- b) The Volunteer Coordinator will notify the Ombudsman staff.
- c) The written notice will be filed in the volunteer personnel file.
- d) The Volunteer will return their identification badge to Ombudsman staff.

2. REMOVAL OF A VOLUNTEER

- a. If the behavior or performance of a volunteer is considered unacceptable by Ombudsman staff, the following steps will be taken:
 - 2.1 The Volunteer Coordinator will discuss the specific problem or concern with Ombudsman staff.
 - 2.2 A staff member will document specific problems and concerns. This can be done with the use of a job description, or written in some other format.
 - 2.3 The Volunteer Coordinator or other appropriate staff member will have a verbal discussion with the volunteer.
 - 2.4 A plan of action will be developed possibly including additional training, probation, additional shadowing experience, etc. Consequences will be defined on the plan of action if improvement is not made.
 - 2.5 In the event that no improvement is made, or additional problems occur, the volunteer will be counseled by Ombudsman staff and terminated from volunteer service.
 - 2.6 Should the initial problem be serious enough (i.e., use of drugs and alcohol while on Ombudsman business, inappropriate behavior with a resident or staff member, etc.) the volunteer will be counseled and terminated immediately.

DECERTIFICATION PROCEDURE

PURPOSE

Aging Services shall endeavor to assist the certified Ombudsman and certified Volunteer Ombudsman to perform his or her duties in a manner that meets established Performance Expectations and complies with all applicable policies and procedures. The Aging Services Long-term Care Ombudsman Program shall follow Salt Lake County Personnel Policies and Procedures, including Grievance Procedure #5705 when imposing discipline on a merit staff member.

Certified Staff Ombudsmen and certified Volunteer Ombudsmen may become decertified as described below.

VOLUNTARY DECERTIFICATION WITHOUT CAUSE

1. When a certified Ombudsman or certified Volunteer Ombudsman resigns for reasons unrelated to certification, they shall immediately notify the program in writing.
2. The resigning Ombudsman shall surrender their Aging Services and Utah Long-Term Care Ombudsman identification cards to the division within seven (7) days of notice.
3. The program will notify the State Long-Term Care Ombudsman of the resignation within seven (7) days of notice.
4. A certified Ombudsman or certified Volunteer Ombudsman may apply to have certification reinstated when he or she becomes reemployed or accepted as a Long-Term Care Ombudsman staff or volunteer.

VOLUNTARY DECERTIFICATION WITH CAUSE

1. When a certified Ombudsman or certified Volunteer Ombudsman resigns due to reasons which would otherwise warrant involuntary decertification, they shall surrender their Aging Services and Utah Long-Term Care Ombudsman identification cards to the division within seven (7) days of notice.
2. The program shall notify the resigning Ombudsman of the right to a hearing following Salt Lake County Personnel Policies and Procedures.
3. The program shall notify the State Long-Term Care Ombudsman of the resignation within seven (7) days of notice.

INVOLUNTARY DECERTIFICATION WITH CAUSE

1. A certified Ombudsman or certified Volunteer Ombudsman may be involuntarily decertified with cause. Cause may include:
 - a) Failure to follow program, Salt Lake County and State of Utah policies and procedures.
 - b) Performing duties not authorized or sanctioned by Salt Lake County Aging Services Long-Term Care Ombudsman Program.
 - c) Failure to meet required qualifications for certification and recertification, including meeting educational requirements.
 - d) Intentional failure to reveal a conflict of interest to Salt Lake County Aging Services Long-Term Care Ombudsman staff.
 - e) Revealing confidential information such as complainant names, and/or prior notice of annual survey and complaint investigation visits by the Department of Health to a facility.
 - f) Misrepresentation of Ombudsman's authority.
2. The Salt Lake County Aging Services Ombudsman Program shall notify the State Long-Term Care Ombudsman in writing of the decision to involuntarily decertify a Salt Lake County certified staff Ombudsman or certified Volunteer Ombudsman. This notice shall include all relevant documentation.
3. The Salt Lake County Aging Services Ombudsman Program shall provide the Ombudsman or Volunteer Ombudsman receiving the decertification a copy of the written decision of involuntary decertification and a written notice of their right to appeal.