

STATE LTCOP PROGRAM ASSESSMENT: UNDERSTANDING ASSISTED LIVING FACILITIES IN YOUR STATE¹

This resource provides questions and tips to assist State LTCO Programs (SLTCOP) to learn about and evaluate their state assisted living environment. Regular program self-evaluation and assessment is critical to ensure that resources are maximized and to identify program strengths and areas for improvement. The prompts provided below are intended to identify core areas of consideration as an introduction to statewide program assessment, not to serve as an assessment process or form.

Facility and License Types

Licensed ALFs

- What are the license types for assisted living facilities in your state?
- How are the license types defined? For example:
 - Are they based on the capacity of the facility (e.g. type limited to certain number of beds)?
 - Are license types dependent on the level of assistance provided?
- Are there specialty designations that are part of this license type, such as the provision of specialized care for individuals living with dementia, with mental illness or developmental/intellectual disabilities?
- What are the legal definitions?
- Is there a defined set of residents' rights in statute? In regulation?

Unlicensed ALFs

- Does your state statute authorize your program to assist residents living in unlicensed or otherwise unregulated ALFs?
 - If so, what is the role of local LTCO in visiting and/or identifying unlicensed ALFs?
 - If not, how does your program proceed if they receive a complaint regarding an unlicensed ALF or learn of an unlicensed ALF?

Regulatory Structure

- What is the regulatory structure? For example:
 - Does the state regulatory agency have a centralized or de-centralized structure?
 - Are there separate regulatory entities based on the type of facility regulation or populations served?
 - What other agencies have an oversight or response role (e.g. Adult Protective Services, fire marshal, health department, code enforcement).
- Are you aware of and do you communicate with the regulatory agency leadership? If so, do you have a process or Memorandum of Understanding (MOU) between the SLTCOP and licensing and certification agency regarding

¹ Due to the variation in facility type, terminology and licensure for these facilities by states the term "assisted living facilities" (ALFs) is used in this compendium to refer to all non-nursing homes covered by LTCO such as: board and care facilities, residential care homes, adult foster care homes, and personal care homes.

information sharing and coordination (e.g., survey/inspection notification, opportunity to attend exit conferences, agency response to LTCO complaints)?²

- Do local LTCO representatives have similar relationships at the local level?
 - If applicable, do you have SLTCOP policies and procedures regarding LTCO communication and coordination with regional representatives of the licensing and certification agency? For example, to maximize collaboration each local LTCOP could meet quarterly with regional representatives from licensing and certification to exchange information such as: the role of the LTCOP, survey and inspection results, facility closures, LTCO observations, and systemic issues.
- Are you aware of the legislative committees that have oversight of these laws?
 - Are you familiar with legislators who take a special interest in ALFs and related issues?

Facility Information and Data Management

- Do you have a process, data share agreement, or Memorandum of Understanding to receive routine facility information from the state licensing and certification agency on a regular basis? Regular updates could include the following information: new facilities, an increase or decrease in licensed beds/capacity, closures (both voluntary and involuntary), inspection and investigation reports, and enforcement actions.
- Do you communicate with the assisted living facility provider association(s) leadership?
 - If applicable, do local Ombudsman representatives have similar relationships at the local level?
- Does your program have a process for maintaining your data collection to reflect the changes of assisted living facilities (e.g. a consistent approach to entering new facilities, how to indicate name changes, etc.)?

Medicaid and other government programs

- Does Medicaid pay for services in some or all of these facilities?
 - Are you familiar with the Medicaid programs that pay for these services?
- What percent of individuals living in ALFs have their services paid for by Medicaid, a managed care program, or the Department of Veterans Affairs?
- Are you familiar with the State's Home and Community Based Services (HCBS) transition plan required by the CMS HCBS Settings Rule (2014)?
- Do you have regular communication with Medicaid case management leadership?
 - Do local Ombudsmen representatives have similar relationships at the local level?

Resources

Assessment

Self-Evaluation and Continuous Quality Improvement Tool for State and Local Ombudsman Programs

http://ltcombudsman.org/omb_support/pm/program-effectiveness

Communication and Collaboration

<http://www.naralicensing.org/SEARCH>

Home and Community Based Services (includes information regarding the Medicaid HCBS Final Rule)

<http://ltcombudsman.org/issues/home-and-community-based-services>

² State Ombudsman coordination (and support of local Ombudsman entity coordination, if applicable) with facility and long-term care provider licensure and certification programs is required under 45 CFR 1327.13(h)(5).

Medicare and Medicaid (NORC Issue Page)

<http://ltcombudsman.org/issues/medicare-and-medicaid>

Resource Brief: Ombudsman Program Memorandum of Understanding

<http://ltcombudsman.org/uploads/files/support/resource-brief-ombudsman-program-mous.pdf>

This project was supported, in part, by grant number 90OM002, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.