

CHAPTER 7 TRAINING REQUIREMENTS

I. Introduction

Training is a critical component of a successful Ombudsman Program. As advocates for residents of Long-Term Care (LTC) facilities, ombudsman staff and volunteers promote residents' rights and provide assurances that these rights are protected. Training provides ombudsman staff and volunteers with the knowledge and skills essential to provide consistent quality service to residents of LTC facilities.

II. Legal Authority

FEDERAL Title 42 United States Code section 3058g(h)(4)(A)

STATE Welfare and Institutions Code section 9719

III. Ombudsman Certification

All ombudsman paid staff and volunteers must be certified by the Office of the State Long-Term Care Ombudsman (OSLTCO) located within the California Department of Aging (CDA). Prior to being issued an official ombudsman certification card, applicants must complete a minimum of 36 hours of OSLTCO approved training and obtain criminal history record clearances from the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).

The 36 hours of classroom training is taught from the State-approved Core Curriculum for the Ombudsman Program and includes, but is not limited to:

- History and Role of the Ombudsman Program
- The Aging Process
- California Long-Term Care Setting
- Paying for Long-Term Care
- Residents' Rights
- Investigation
- Resolution
- Elder and Dependent Adult Abuse and Neglect
- Current State and federal laws and regulations as they pertain to Skilled Nursing Facilities (SNFs) and Residential Care Facilities for the Elderly (RCFEs)
- Cultural Diversity, including sensitivity to the issues of the aging lesbian, gay, bisexual, and transgender (LGBT) community; and
- State and local policies and procedures.

In addition to the classroom instruction, OSLTCO best practice includes a 10 hour internship for each new applicant. The internship should be supervised by an ombudsman supervisor, Volunteer Coordinator or other experienced ombudsman representative designated by the Program Coordinator. Some trainees may require additional internship time in order to feel comfortable and effective in their role as ombudsman representatives. At a minimum, an internship should consist of the following:

- A visit to a SNF and an RCFE accompanied by an experienced ombudsman.
- The identification and receipt of one or more complaints and the investigation and attempted resolution of these complaints.
- Satisfactory completion of all related documentation.

An effective internship provides actual experience with investigating a complaint. Participation in a complaint investigation allows the trainee to gather information from interviews, records, and observations; to analyze situations; to consider solutions and obstacles to achieving a resolution; to use collected information to resolve the complaint and evaluate outcomes; and to correctly document all steps taken.

After the applicant completes the classroom instruction and internship and obtains the criminal record clearances, the local Program Coordinator prepares the Request for Certification of Long-Term Care Ombudsman Representatives (form OSLTCO S001) and the Application for Long-Term Care Ombudsman Certification (form OSLTCO S002). Both documents are submitted to the OSLTCO. These forms are available in the forms folder on the Coordinator Resources page of the CDA Website: www.aqing.ca.gov, or may be obtained from the OSLTCO.

IV. Annual Verification of Training Requirement

The law requires each Ombudsman representative to complete, at a minimum, 12 additional hours of training each year in order to maintain certification (Welf. & Inst. Code, § 9719). In May of each year, OSLTCO staff send Program Coordinators by email a list of currently certified staff and volunteers in their programs. Each Coordinator is responsible for verifying that all certified ombudsman representatives are included on the list and that all certified staff and volunteers have completed the required 12 hours of training for that year. The Coordinator returns the list electronically to the OSLTCO, indicating any errors or omissions.

A. Annual 12-hour Training Requirement

Local LTCOPs may elect to conduct quarterly, monthly or bimonthly training sessions for ombudsman staff and volunteers to meet the requirement for 12 hours of annual training. Some common training topics are: investigation

techniques, confidentiality issues, Alzheimer's and other dementias, elder and dependent adult abuse, ethical issues, facility evaluations, coding and documenting ombudsman cases and activities, and restraints. Time committed to training should not interfere with the program's responsibility to provide timely response to residents' complaints and requests for assistance.

Local LTCOP staff and volunteers are also encouraged to attend seminars, workshops, and conferences offered by other programs and organizations. These training hours may be credited toward meeting the 12-hour annual training requirement, provided they will assist the ombudsman representative to better serve the needs of LTC residents. Program topics should be pre-approved by the Program Coordinator to assure that the training hours meet this requirement.

B. Training Conferences

Welfare and Institutions Code section 9719 requires the OSLTCO to provide two training meetings each year for representatives of the local LTCOPs. The contract between CDA and each Area Agency on Aging (AAA) requires that Ombudsman Coordinators attend these meetings. The semi-annual meetings are conducted to assist Ombudsman Program Coordinators to meet the training requirements, and improve their knowledge and skills related to management of the local Ombudsman Program. These conferences also provide a forum for Program Coordinators to share best practices for program management, current issues, and complaint resolution developed in their local programs. Program Coordinators and OSLTCO staff are expected to attend both meetings unless there is a compelling reason preventing their participation. The meetings may be conducted as face-to-face training conferences or in a web-based format.

The twice-yearly meetings use a "train-the-trainer" format. Participants receive information and materials to assist in managing their local programs and training their ombudsman staff and volunteers at local LTCOP training sessions.

V. Witnessing Advance Health Care Directives and Property Transfers

Ombudsman staff and volunteers are required by State law to witness two types of documents: (a) Advance Health Care Directives (AHCDs) when executed by a resident of a Skilled Nursing Facility (SNF), or Distinct Part SNF; and (b) property transfers between a resident and an employee (or family member of an employee) of a long-term health care facility when the fair market value is greater than \$100. (Refer to Chapter 4, Ombudsman Witnessing of Advance Health Care Directives and Property Transfers, to obtain more information on AHCDs and property transfers.)

An ombudsman must have at least two hours of additional specialized training and be registered with the OSLTCO before witnessing an AHCD or a property transfer. This training is provided by the local Ombudsman Program.

The additional training must include, at a minimum, information on current laws, policies and procedures; ombudsman roles and responsibilities in witnessing; determining capacity of residents; guidelines for transfer of property; review and use of required forms; and appropriate documentation. After the ombudsman representative completes the training, the local Program Coordinator prepares the Request for Registration of Witness for Advance Health Care Directives and Property Transfers (form OSLTCO S103) and mails it to the OSLTCO.

VI. New Coordinator Training

New Program Coordinators are required to attend OSLTCO New Coordinator Training. This training is designed to provide the foundation for managing the Ombudsman Program at the local level. Usually this training is conducted when there are six new Coordinators or when six months has elapsed since the last training was conducted.