



The National **Long-Term Care**
Ombudsman Resource Center



Working with State Survey Agencies

August 30, 2023


Housekeeping

- ▶ Use the **chat feature** to submit comments or respond to questions from speakers or other attendees.
- ▶ Links to **resources** will be posted in the chat box and will be posted to the NORC website – ltcombudsman.org.



LTCOP References in Federal Nursing Home Requirements

- Access
- Complaint Investigation
- Involuntary Seclusion
- Consultation/Coordination with Ombudsman Programs
- Information to Residents Regarding Rights and Services
- Notice and Disclosure to the LTCOP
- Survey Preparation and Process
- Transfer/Discharges/Closure
- Critical Access Hospitals/Swing Beds

 The National Long-Term Care Ombudsman Resource Center		OMBUDSMAN REFERENCES IN FEDERAL NURSING HOME REQUIREMENTS	
TOPIC	SUMMARY	SOURCE	
Acronyms: CAH: Critical Access Hospitals CFR: Code of Federal Regulations CMP: Civil Monetary Penalties IDR: Informal Dispute Resolution F #: Federal citation tag number LTCOP: Long-term Care Ombudsman Program LTCSP: Long Term Care Survey Process (LTCSP) Procedure Guide Office: Office of the State Long-Term Care Ombudsman		RN: Registered Nurse RO: CMS Regional Office SA: State Survey Agency SMA: State Medicaid Agency SLTCOP: State Long-term Care Ombudsman Program SLTCO: State Long-term Care Ombudsman SOM: CMS State Operations Manual USC: United States Code	
ACCESS	Facilities must provide the LTCOP with immediate access to residents.	42 CFR §483.10(f)(4)(i) 42 USC 1395i-3 (c)(3)(A) 42 USC 1396r (c)(3)(A) SOM Appendix PP, F562, F586	
	Access to resident medical, social, and administrative records with permission from the resident or legal representative. The SA should ask the representative of the Office assigned to the facility if the facility allows him/her to review records, with resident or resident representative permission and according to State law.	42 CFR 483.10(h)(3) 42 USC 1395i-3 (c)(3)(E) 42 USC 1396r (c)(3)(E) SOM Appendix PP, F583	
	The pharmacist's findings are considered part of the resident's medical record and are available to the resident/resident representative upon request. Establishing a consistent location for the pharmacist's findings and recommendations can facilitate communication with the attending physician, director of nursing, the interdisciplinary team (IDT), medical director, resident and resident's legal representative, the ombudsman, and surveyors.	42 CFR §483.45(c) SOM Appendix PP, F756	

<https://ltcombudsman.org/uploads/files/support/omb-ref-in-nh-regs-april-17-final.pdf>

Complaint Investigation

- ▶ Survey agencies (SAs) should “manage and investigate” referrals from public entities (including the LTCOP) “as complaints.”
- ▶ To assist the SA in the investigation planning process they should consult with the LTCOP.
- ▶ When a SA refers a complaint/incident to another agency/entity (e.g., LTCOP) for action, the SA must request a written report of the investigation. Referrals do not relieve the SA of their responsibility to assess compliance with requirements.

► Consultation/Coordination with LTCOPs

- State level coordination/consultation such as
 - Terminations or nonrenewal of provider agreements, voluntary and planned terminations, consider LTCOP information, share Statement of Deficiencies and Plans of Corrections (POCs)
 - Considering eligible candidates for temporary facility managers
- The SA should ask residents, their families (or representatives), and the local ombudsman if they are able to retain and use personal possessions.

▶ Notice and Disclosure to the LTCOP

- ▶ Notification when a penalty, assessment, or exclusion becomes final - notify the Ombudsman of State's findings of noncompliance, or of any adverse action taken against a skilled nursing facility.
- ▶ Disclosure of results of inspections (including form CMS-2567), investigation activities, proposed remedies, the facilities' request for informal dispute resolution, appeal and results of the appeal.

Survey Preparation and Process

- ▶ During offsite preparation for complaint investigation the SA should contact the LTCOP to discuss the nature of the complaints and potential history of similar complaints (including reports of misappropriation of property or exploitation*).
- ▶ The SA should contact the Ombudsman in accordance with State policy.
 - ▶ Notify the ombudsman of the proposed day of entrance into the facility and to obtain any information/concerns if applicable.
 - ▶ Ascertain whether the ombudsman will be available if residents wish her/him to be present during the Resident Council Interview.
- ▶ The SA should invite the LTCOP to the exit interview. If a separate exit is done with residents, the LTCOP should be invited to that meeting too.



NORS Documentation



How do I count participation in facility surveys?

NORS FAQs

Q - How do I count participation in facility surveys?

A - Report each distinct type of survey activity as one instance by facility type. You may have more than one survey participation activity associated with one survey in one facility. Refer to [*NORS Training Part IV Ombudsman Program Activities Basic Principles*](#) and quiz questions #14 and #15 for more information.



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Managing Local Ombudsman

AAA of Ark-Tex

Texas Long-Term Care Ombudsman Program



Resources

▶ Key Resources

▶ NORC

- ▶ [Ombudsman References in Other Federal Requirements Excluding Nursing Home Regulations](#)

▶ CMS

- ▶ [Nursing Homes](#)
- ▶ [State Operations Manual](#)

To Recap

- ▶ Understand requirements for survey agencies to communicate with LTCOPs
- ▶ Follow your program policies and procedures regarding communication (e.g., MOU, surveys, complaints, referrals)
- ▶ Get to know your surveyors (e.g., initial introductions, routine meetings, information about your role and opportunities to work together to support residents)
- ▶ Ask surveyors what would be helpful to them when you submit a complaint
- ▶ Consult your supervisor and/or State Ombudsman

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