

## CHAPTER 7 TRAINING REQUIREMENTS

### I. Introduction

Training is a critical component of a successful Long-Term Care (LTC) Ombudsman Program. As advocates for residents of long-term care 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 long-term care facilities.

### II. Legal Authority

**FEDERAL** Title 42 United States Code section 3058g(h)(5)  
Title 45 Code of Federal Regulations, part 1324.13(c)(2)

**STATE** Welfare and Institutions Code section 9719

### III. Ombudsman Certification

Before becoming Ombudsman representatives, all 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). As one condition of certification, applicants must complete a minimum of 36 hours of OSLTCO-approved training and a mentoring process arranged by the local Ombudsman program. (Other certification requirements are detailed in Chapter 8, *Certification*.)

Local Ombudsman programs teach the 36 hours of classroom training using the OSLTCO-approved Core Curriculum for the LTC Ombudsman Program. The curriculum includes, but is not limited to:

- The history and role of the LTC Ombudsman Program
- The aging process
- California's 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 (SNF) and Residential Care Facilities for the Elderly (RCFE)
- Cultural diversity, including sensitivity to the issues of the aging lesbian, gay, bisexual, and transgender community
- State and local policies and procedures

In addition to the classroom instruction, OSLTCO requires a minimum 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 representative
- The identification and receipt of one or more complaints and the investigation and resolution of these complaints
- Satisfactory completion of all related documentation

An effective internship provides actual experience with investigating complaints. Participation in complaint investigations allows the trainee to gather information from interviews, records, and observations; to analyze situations and ascertain the root causes of problems; 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 meets the other certification requirements, the local program coordinator requests that the applicant be certified by OSLTCO to become an Ombudsman representative.

#### **IV. Annual Verification of Training Requirement**

State law requires each Ombudsman representative to complete, at a minimum, 12 additional hours of training each year in order to maintain certification. In May of each year, OSLTCO staff sends local 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 program coordinator returns the list electronically to OSLTCO, indicating any errors or omissions.

##### **A. Annual 12-hour Training Requirement**

Local Ombudsman programs 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, chemical and physical restraints, ethical issues, facility evaluations, and coding and documenting Ombudsman cases and activities. Time committed to training should not interfere with the program's responsibility to provide timely response to residents' complaints and requests for assistance.

Local program staff and volunteers are also encouraged to attend seminars, workshops, and conferences offered by other agencies 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 long-term care residents. Training topics must be pre-approved by the program coordinator to ensure that the training hours meet this requirement.

## **B. Training Conferences**

Welfare and Institutions Code section 9719 requires OSLTCO to provide two training meetings each year for representatives of the local Ombudsman programs. The meetings may be conducted face-to-face or in a web-based format. Under the terms of the contract between CDA and each Area Agency on Aging, local Ombudsman program coordinators must attend these meetings. The semi-annual meetings are designed to assist coordinators to meet the annual 12-hour training requirement and to improve their knowledge and skills related to management of the local Ombudsman program. The training conferences also provide a forum for program coordinators to share best practices for program management, current issues, and complaint resolution. Program coordinators and OSLTCO staff are expected to attend both meetings unless there is a compelling reason preventing their participation.

Local program coordinators are encouraged to view the twice-yearly meetings as a “train-the-trainer” opportunity. Participants may use the information and materials provided to train staff and volunteers at local program 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: Advance Health Care Directives (AHCD) when executed by a resident of a SNF, and property transfers between a long-term health care facility resident and an employee (or family member of an employee) when the fair market value of the property is greater than \$100.

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

The witnessing 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. For additional information on Ombudsman witnessing, refer to Chapter 4, *Ombudsman Witnessing of Advance Health Care Directives and Property Transfers*.

## **VI. New Coordinator Training**

Newly designated 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. This training is scheduled when there are six new program coordinators, when twelve months has elapsed since the last training was conducted, or on an as-needed basis.