

## CHAPTER 9      QUALITY ASSURANCE THROUGH MONITORING

### I. Introduction

The California Department of Aging (CDA), the Office of the State Long-Term Care Ombudsman (OSLTCO), the Area Agencies on Aging (AAAs), and the local Long-Term Care Ombudsman Programs (LTCOPs) share the duty of ensuring the quality of ombudsman services provided to residents of long-term care (LTC) facilities.

During periodic quality assurance visits, the OSLTCO monitors the designated local LTCOPs to ensure compliance with program policies, and with all applicable federal and state laws and regulations. The OSLTCO also tracks services provided to LTC residents as documented in National Ombudsman Reporting System (NORS) data inputted by the local LTCOPs. NORS data shows resolution and partial resolution of complaints as well as other program activity. This information is compiled and analyzed for state reports and for inclusion in the State Annual Report to the federal Administration on Aging (AoA).

This chapter will focus primarily on quality assurance through monitoring. For more information on NORS reporting, see Chapter 12, Information Systems (NORS), of this Manual.

### II. Legal Authority

**FEDERAL**      Title 42 United States Code sections 3026(a)(6)(B) and  
                         3026(a)(13)(E)  
                         Title 42 United States Code section 3058g(a)(5)(D)

**STATE**            Welfare and Institutions Code sections 9102(a) and 9102(c)(3)

### III. California Department of Aging

CDA is the repository of federal funds for programs provided under the Older Americans Act (OAA). CDA ensures federal funds are spent prudently on OAA programs, including the LTCOP. According to the OAA, the State Unit on Aging (in California, CDA) is charged with the oversight and administrative review of OAA programs operated within the state through AAAs. CDA personnel must periodically monitor AAAs to ensure that the OAA programs are being administered according to federal and state laws.

Monitoring of local LTCOPs is a shared responsibility of the OSLTCO, CDA, and the AAAs. Because of the confidential nature of Ombudsman Program files, the OSLTCO oversees local LTCOP compliance with federal and state laws and

regulations. In addition, the OSLTCO reviews local LTCOP records to provide programmatic and policy guidance and direction. Financial oversight is the responsibility of CDA auditors, who review AAA and LTCOP expenditures of federal and state funds. The AAA monitors the local LTCOP to ensure that it meets CDA Area Plan contract requirements. AAA monitoring is limited because of Ombudsman Program confidentiality restrictions.

#### **IV. Office of the State Long-Term Care Ombudsman**

As stated in the OAA, the State Long-Term Care Ombudsman supervises, monitors, and provides guidance and oversight of LTCOP operations. He or she may hire staff to assist with this process. In California, the State Ombudsman and his staff make up the Office of the State Long-Term Care Ombudsman (OSLTCO). The OSLTCO establishes program policies and procedures and provides statewide oversight of the LTCOP to ensure consistent advocacy and resolution of complaints on behalf of LTC residents.

Some AAAs provide local LTCOP services directly, while the majority of AAAs subcontract local LTCOP services outside of the agency. The OSLTCO monitors both the direct and subcontracted service programs.

To ensure program consistency and quality throughout the state, the OSLTCO provides:

1. Training
  - A. LTCOP Coordinator training for newly appointed Coordinators
  - B. Biannual meetings for Program and regional Coordinators
2. Technical assistance to local LTCOPs through phone calls and E-mail
3. Management of the CRISISline contract and services
4. The *LTC Ombudsman Program Manual*
5. Procedure Clarification Letters
6. Legal representation and consultation
7. Memoranda of Understanding with other state agencies such as the California Department of Public Health (CDPH), the California Department of Social Services (CDSS), and the California Department of Justice (DOJ) Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA).
8. Participation in cross-departmental coordination and quarterly meetings with CDPH Licensing and Certification (L&C); CDSS Community Care Licensing (CCL) the DOJ BMFEA; and the California Emergency Management Agency (Cal EMA).
9. Assurance that the amount each LTCOP spends each year is not less than the Minimum Funding Requirement found in Title 42 U.S. Code section 3027 (a)(9). This section of the OAA requires that the amount of federal funds received by the program be equal to or greater than the amount expended by the state in the last fiscal year prior to the reauthorization of the OAA in 2000.
10. CDA Program Memoranda specific to the Ombudsman Program.

On a national level, the OSLTCO participates in the coordination of ombudsman related issues with other organizations including: the AoA and the National Association of State Ombudsman Programs (NASOP).

## **V. Area Agencies on Aging**

Each AAA is responsible for oversight of the provisions of its Area Plan contract with CDA to provide ombudsman services locally. The AAA decides whether it will administer the local LTCOP directly or subcontract local LTCOP services to another organization. The State LTC Ombudsman then designates the local LTCOP if it meets designation standards.

The AAA impacts local LTCOP quality by ensuring that:

1. Local LTCOP activities are conducted in accordance with a facility coverage plan maintained by the local LTCOP
2. The local LTCOP complies with designation requirements
3. There is a governing board or advisory council for the local LTCOP that operates in accordance with policy
4. A Memorandum of Understanding exists between the local LTCOP and the Title III-B Legal Services provider to provide advice, counsel, and representation to residents of LTC facilities
5. The LTCOP and its representatives meet conflict of interest and confidentiality requirements

To assist the AAA with monitoring the contract provisions of the local LTCOPs, the OSLTCO has provided a model monitoring tool, *Monitoring Tool for Title III-B/Title VII-A Ombudsman Program* (OSLTCO S408, Exhibit 9-A) to each AAA. This tool was designed for the AAA to conduct on-site assessments of the local LTCOPs. Although the AAA does not have the authority to review case files, local LTCOPs may provide a sample of redacted files to the AAA for review.

## **VI. Local Long-Term Care Ombudsman Program**

The local LTCOP is the OSLTCO “approved organization” designated to carry out the functions of the LTCOP as detailed in Chapter 2 of this Program Manual, “Roles and Responsibilities.”

The local LTCOP promotes program quality by:

1. Focusing on resident advocacy as its primary function.
2. Identifying, investigating, and resolving complaints to the satisfaction of residents
3. Providing a minimum of 36 hours of classroom training using the state approved core curriculum for certification of new volunteers and paid local LTCOP staff

4. Giving hands-on training through internships and mentoring
5. Providing ongoing training on topics related to the LTCOP to meet the state mandated 12 hours of training required of each ombudsman representative to maintain certification
6. Employing adequate personnel to carry out the mandates and responsibilities of the program, including a sufficient number of paid staff to meet the recommendation of the Institute of Medicine's (IOM's) ratio of one full-time paid ombudsman for every 2,000 LTC facility beds
7. Maintaining appropriate staff levels to provide support and supervision to volunteer ombudsman representatives, including a sufficient number of paid staff to meet the IOM's recommendation of one full-time paid ombudsman for every 20-40 volunteers
8. Actively recruiting volunteers to comply with the local facility coverage plan
9. Coordinating with the regional offices of other state agencies on LTC issues, including CDPH, CDSS, DOJ, local law enforcement, Adult Protective Services (APS), and other LTC advocates
10. Requesting technical assistance from the OSLTCO as needed
11. Seeking administrative policy guidance from the AAA as needed
12. Conducting customer satisfaction surveys

## **VII. Monitoring Visits**

OSLTCO analysts conduct periodic monitoring visits to the local LTCOPs to ensure that federal and state laws and program policies are being followed and that LTCOP funds are being managed properly by the AAA and the local program. During a monitoring visit, OSLTCO analysts view a snapshot of program management by the local LTCOP and the AAA.

Monitoring visit arrangements begin approximately two months in advance of the visit. The assigned OSLTCO analyst schedules the monitoring visit with the AAA Director and the local LTCOP Coordinator. Once the monitoring visit schedule is set, the OSLTCO sends a letter to the AAA Director and the local Coordinator confirming the date and time of appointments with the AAA Director, AAA fiscal staff, the Coordinator, and paid and volunteer ombudsman representatives. This letter includes a copy of the monitoring tool (OSLTCO S405, Exhibit 9-B) and a document checklist (OSLTCO S402, Exhibit 9-C or OSLTCO S403, Exhibit 9-D) which requests particular documents from the AAA and local LTCOP. The completed monitoring tool and all documents requested are forwarded to the OSLTCO analyst for review prior to the monitoring visit.

The Program monitoring tool was designed for both direct service providers and contracted service providers. It addresses all aspects of local LTCOP management, and is broken down into the following sections:

1. Section A – Program Management [Interview with local Program Coordinator for direct service providers or with the AAA Management

- Team and the local LTCOP Coordinator for contracted service providers.]
2. Section B – Management of local LTCOP [local LTCOP Coordinator]
  3. Section C – Fiscal and Administrative Support [local LTCOP Coordinator and the program’s fiscal officer]
  4. Section D – Data [local LTCOP Coordinator]
  5. Section E – Interviews with Ombudsman Volunteers [Interview with three randomly chosen volunteers]
  6. Section F – Site Visit to LTC facilities [Ombudsman volunteer or staff member]
  7. Program Management of Elder Abuse Prevention Program [AAA Management when Elder Abuse Prevention funds are used by an agency other than the local LTCOP].

The answers to monitoring tool questions reveal AAA and local LTCOP level of compliance with the federal and state laws and regulations governing the program. Furthermore, some monitoring tool questions reference other CDA and OSLTCO policy directives; including CDA Program Memoranda (PMs), CDA Area Plan Contracts, OSLTCO Procedure Clarification Letters (PCLs), the Ombudsman Program Manual, Ombudsman Program Core Elements, and Institute of Medicine (IOM) recommendations.

The actual monitoring visit is conducted over a three day period. On the first day, the OSLTCO analyst meets with the AAA Director and the Fiscal Officer. During this meeting, if the LTCOP is a contracted service, the analyst discusses the Monitoring Tool questions found in Section A, AAA Management of the Ombudsman Program.

The remainder of the monitoring visit focuses on the local LTCOP. The analyst evaluates the program through interviews with the local LTCOP Coordinator, OmbudsManager data entry clerk, and randomly selected ombudsman volunteers. Volunteers receive a standard confidential questionnaire to complete prior to their interviews (OSLTCO S406, Exhibit 9-E). In addition, the analyst examines a sample of complaint files, volunteer files, and program files to ensure compliance with federal and state statutes as well as OSLTCO policies and procedures.

During the monitoring visit, the analyst accompanies an ombudsman representative to one or two LTC facilities. By observing local ombudsman representative interactions with LTC facility residents and staff under real world conditions, the OSLTCO analyst can evaluate the quality of the training they have received.

The final step of the monitoring visit is the exit interview. The AAA Director, the local LTCOP Coordinator and the OSLTCO analyst meet to discuss the preliminary monitoring report. The preliminary report reviews best practices, recommendations, and any findings uncovered during the monitoring visit. The

official monitoring report detailing the monitoring visit is sent to the AAA Director within 45 days of the exit interview. If there is a finding, the AAA and the local LTCOP are given 60 days to respond with a Corrective Action Plan (CAP) and a timeline for implementation of the CAP.

The monitoring visit provides a snapshot of local LTCOP management. It also allows the OSLTCO to provide guidance and technical assistance when findings or recommendations are uncovered. Ultimately, the OSLTCO monitoring visit fosters a uniform State LTC Ombudsman Program; helping the 35 local LTCOPs operate under consistent program standards and quality assurance specifications.

### **VIII. Ongoing Monitoring**

In addition to on-site monitoring visits, the OSLTCO has responsibility for ongoing oversight and monitoring of the local LTCOP. The OSLTCO assigned analyst for each local program reviews portions of the AAA Area Plan Update related to ombudsman services, monitors the local program budget, reviews program organizational charts, reviews required NORS data entered by the program, and looks at program certification information.