

EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 03APX-10
<input type="checkbox"/> <i>All Child Care Evaluator Manual Holders</i> <input type="checkbox"/> <i>All Residential Care Evaluator Manual Holders</i> <input checked="" type="checkbox"/> <i>All Evaluator Manual Holders</i>	<u>Date Issued</u> June 2003

Subject:

Evaluator Manual – Appendix E

Memorandum of Understanding (MOU) between California Department of Social Services, Community Care Licensing Division and the Department of Aging, Office of the State Long-Term Care Ombudsman.

Reason For Change:

The Memorandum of Understanding is updated and revised. The agreement is effective through February 2006.

Filing Instructions:

*REMOVE – 00APX-03 dated October 2000 & 02APX-09, dated September 2003
(Contact List, Pages 11-12)*

INSERT – Revised Memorandum of Understanding

Approved:

Original Signed by Stephanie Davis for

6-30-03

*CAROLE JACOBI, Chief
Policy Development Bureau*

Date

Contact Person: Barbara Baker

Phone Number: 916-322-9121

MEMORANDUM OF UNDERSTANDING

Between the

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Community Care Licensing Division

and

CALIFORNIA DEPARTMENT OF AGING
Office of the State Long-Term Care Ombudsman

For

Coordination of Services to
Residential Care Facilities for the Elderly

Effective June 2003, through June 2006

| *Original Signed by D. Dodds*

Dave Dodds
Deputy Director
Community Care Licensing Division
California Department of Social Services

Original Signed by J. Rodrigues

Joseph Rodrigues
State Long-Term Care Ombudsman
Office of the State Long-Term Care Ombudsman
California Department of Aging

BACKGROUND/PURPOSE OF CCLD AND OSLTCO PROGRAMS

COMMUNITY CARE LICENSING DIVISION	THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN
<p>The Department of Social Services, through its Community Care Licensing Division (CCLD), is mandated under the California Residential Care Facilities for the Elderly Act, Health and Safety Code Section 1569 et seq. to license Residential Care Facilities for the Elderly (RCFEs) and to monitor those facilities for compliance with licensing laws and regulations.</p>	<p>The Long-Term Care Ombudsman Program under Title III and Title VII, Chapter 2, Sections 711-721 of the Older Americans Act, is mandated to receive, investigate, and seek to resolve complaints made by or on behalf of residents in long-term care facilities.</p>
<p>In carrying out its regulatory enforcement program, CCLD establishes, monitors compliance with, enforces regulations and investigates complaints. The regulations are designed primarily to ensure the health, safety, care, supervision, and personal rights of residents in the facilities.</p>	<p>The State designates 35 local organizations to provide Ombudsman services through contracts with Area Agencies on Aging. The Office of State Long-Term Care Ombudsman (OSLTCO) provides policy direction, technical assistance and oversight to these local organizations.</p>
<p>CCLD must ensure that RCFE licensees provide care and supervision that meets minimum licensing standards. To further explain the goals and mission of CCLD, a mission statement is enclosed and made part of this agreement (see page 3). Local Licensing Offices monitor and enforce compliance with statute and regulations, and issue citations for non-compliance. The purpose of the CCLD Policy Development Bureau is to advise, develop and implement policies, to analyze proposed legislation, and to provide consultation and guidelines to licensing staff.</p>	<p>Under State law, local Ombudsman programs are responsible for receiving and investigating reports of suspected abuse alleged to have occurred in long-term care facilities. They also have responsibility for recruiting and training volunteers to visit facilities, informing the community on issues affecting long-term care residents and providing information to the general public on where to access information about conditions in local long-term care facilities. To further explain the goals and mission of the OSLTCO, a mission statement is enclosed and made part of this agreement (see page 4).</p>

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
MISSION STATEMENT

In this mission statement, CCLD describes its basic purpose, or fundamental role and responsibilities. The mission statement expresses CCLD's role in the larger out-of-home system:

To protect and promote the health, safety, and quality of life of each person in community care through the administration of an effective regulatory enforcement system that also includes:

- Promoting strategies to increase voluntary compliance;
- Providing technical assistance and consulting with care providers;
- Working collaboratively with clients, their families, advocates, care providers, placement agencies, related programs and regulatory agencies, and others involved in community care;
- Training staff in all aspects of the licensing process;
- Educating the public about CCLD and community care options;
- Promoting continuous improvement and efficiency through the community care licensing system.

OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN
MISSION AND GOAL STATEMENT

The Office's mission is to ensure dignity, quality of life and care for all residents in Long-Term Care facilities primarily serving the elderly by empowering residents and advocating on behalf of those unable to act for themselves.

To fulfill this mission and in accordance with the Federal Older Americans Act, the State Older Californians Act and other State mandates, the OSLTCO will:

- Maintain an ongoing presence in skilled nursing facilities and Residential Care Facilities for the Elderly (RCFEs);
- Identify the most vulnerable resident who is unable to express his/her wishes; investigate, and seek to resolve complaints, including suspected elder abuse, made by or on behalf of residents, to the resident's satisfaction or expressed wishes;

Represent the resident before governmental entities and seek administrative, legal, and other remedies;

The following responsibilities confirm our agreement to coordinate services to RCFEs and share information between agencies:

I. COMMUNICATION RESPONSIBILITIES:

CCLD TECHNICAL ASSISTANCE AND POLICY BRANCH	OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN
1. Maintain communication by attending pre-scheduled meetings between representatives of the State Long-Term Care Ombudsman and the Deputy Director of CCLD on a quarterly basis or more frequently as needed.	1. Maintain communication by attending pre-scheduled meetings between representatives of the State Long-Term Care Ombudsman and the Deputy Director of CCLD on a quarterly basis or more frequently as needed.
2. Assign staff from CCLD to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information, and requests for data regarding State or local programs.	2. Assign staff from the OSLTCO to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information and requests for data regarding State or local programs.
3. Provide to the OSLTCO, facility evaluation process updates, changes in procedures or operations at State or local level and any new information regarding the CCLD program. This information will be sent directly to the OSLTCO and the CCLD liaison at the OSLTCO.	3. Provide to the Deputy Director of CCLD, any changes pertaining to RCFEs in laws, regulations, policies or procedures regarding the Ombudsman Program. This information will be sent directly to the Deputy Director of the CCLD and the CCLD liaison.
4. Exchange information regarding relevant training opportunities available to OSLTCO or Local Ombudsman staff.	4. Exchange information regarding relevant training opportunities available to CCLD or Local Senior Care Licensing Unit staff.
5. Involve Ombudsman staff as trainers when relevant training is being offered.	5. Involve CCLD staff as trainers when relevant training is being offered.

I. COMMUNICATION RESPONSIBILITIES (CONTINUED):

CCLD REGIONAL STATEWIDE SENIOR CARE PROGRAM OFFICE	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM
1. Contact the OSLTCO to deal with situations that were not handled successfully at the local level that require additional intervention for resolution. This may include policy interpretations from the Department of Aging, Ombudsman Program liaison.	1. Contact the CCLD Regional Senior Care Program Offices when issues have not been satisfactorily resolved at the local level.
CCLD LOCAL SENIOR CARE LICENSING UNITS	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS
1. Notify the Local Ombudsman Program about issuance or denials of new licenses for RCFEs on a quarterly basis. In addition, notify the Local Ombudsman about forfeitures, final court judgments, and revocations of existing licenses.	1. Notify the CCLD local Senior Care Licensing Unit Manager when an alleged unlicensed RCFE is continuing operation after a denial of an application, revocation or suspension of a license.
2. Contact the Local Ombudsman for interpretations of the statutes, regulation and procedures governing the Ombudsman Program.	2. Contact the CCLD local Senior Care Licensing Unit or staff for interpretations of the statutes, regulations and procedures governing the CCLD program.
3. Exchange information regarding relevant training opportunities.	3. Exchange information regarding relevant training opportunities.
4. Allow the Local Ombudsman to participate in training in local offices on at least an annual basis.	4. Allow the CCLD to participate in Ombudsman training on at least an annual basis.
5. Respond on a mutually agreed upon date and/or time to data requests from the OSLTCO.	5. Respond on a mutually agreed upon date and/ or time to data requests from the CCLD.
6. Provide the Local Ombudsman Program with legible copies of all Licensing Reports (form LIC 809) for RCFEs, within budget constraints.	

II. COMPLAINT REPORTING

CCLD LOCAL SENIOR CARE PROGRAM OFFICE LICENSING UNIT	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM
1. Note cross-reports of known or suspected abuse with the corresponding incident report, where available, in the CCLD facility file. Log abuse reports (reported on form SOC 341) as complaints, and give top priority for investigation. Investigate the abuse, unless directed not to do so by the OSLTCO or law enforcement. Notify the OSLTCO of the outcome of the investigation.	1. Cross-report to CCLD known or suspected abuse of elders or dependent adults in long-term care facilities licensed by the CCLD (RCFEs, Adult Residential Facilities or Adult Day Programs). Where consent of the victim or court permission exists, submit the Abuse Report (form SOC 341) as a complaint, along with information relevant to the incident of abuse.
2. Give priority to other serious complaints referred by the Local Ombudsman Program (reported on forms CDA 223 and/or SOC 341) recognizing that complaints alleging an immediate threat to a resident's health and safety may be given highest priority.	2. Ensure that the Local Senior Care Licensing Unit is notified of other complaints and serious violations of regulations of law. The Ombudsman Coordinator should make these complaints within the next working day.
3. When there is a substantiated complaint, provide the Local Ombudsman Program with the Complaint Investigation Report (form LIC 9099) with corresponding complaint number.	3. Refer all serious complaints not alleging abuse to the CCLD Local Senior Care Licensing Unit on the appropriate form (CDA 223).
4. Consider a signed Declaration (form LIC 855) from a Local Ombudsman as evidence in evaluating an allegation. However, complaints may be substantiated only upon evaluation of all evidence and not based solely on hearsay.	4. If needed, submit a signed Declaration (form LIC 855) regarding knowledge of violations where appropriate and agree to serve as a witness as needed. Share all non-confidential relevant reports and complaint information with the CCLD Local Unit Offices to assist their investigation.
5. Keep the Local Ombudsman Program up-to-date during the investigation process.	5. The Local Ombudsman will continue to monitor care and respond to residents' needs during the complaint process.
6. Upon the request of the Local Ombudsman Coordinator, meet with the Local Ombudsman to discuss findings of inconclusive or unfounded complaints filed by the Local Ombudsman.	6. The Local Ombudsman will attempt to resolve all other complaints involving violations of regulations. If a resolution cannot be achieved, a referral to the CCLD Local Unit Office will be made.

III. PROCESSING OF TEMPORARY SUSPENSION ORDERS (TSO):

CCLD LOCAL SENIOR CARE LICENSING UNIT	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM
<p>1. Inform the local Ombudsman Program within 24-hours of serving a Temporary Suspension Order (TSO) on an RCFE. The CCLD Local Senior Care Licensing Unit staff should call the toll-free line at (800) 231-4024 and leave detailed information about the TSO. The CCLD Local Unit Office staff will consider and respond to any information from the Ombudsman about the TSO.</p>	<p>1. Maintain the confidentiality of the information shared regarding the prospective TSO until the Local Senior Care Licensing Unit Manager releases information. Contact the CCLD Local Senior Care Licensing Unit and share any additional information available pertaining to the TSO. In cooperation with the Local Unit Staff to help minimize the resident's transfer trauma, assist with communications between the residents, licensee and other agencies involved.</p>
<p>2. Invite the Long-Term Care Ombudsman to participate or assist in the development of the Facility Closure Plan.</p>	<p>2. Provide input to the CCLD for the development of the Facility Closure Plan.</p>
<p>3. CCLD Local Senior Care Licensing Unit staff will coordinate all agencies during a TSO.</p>	<p>3. Work in cooperation with the CCLD Local Senior Care Licensing Unit during their supervision of a TSO and provide pertinent resident information as needed.</p>
<p>4. When meetings are held with residents during a TSO, CCLD Local Senior Care Licensing Unit staff should participate in meetings with the Ombudsman to discuss and resolve any problems during a TSO.</p>	<p>4. Participate in meetings with the CCLD Local Senior Care Licensing Unit, residents and residents' families to discuss any problems encountered during a TSO.</p>
<p>5. Report sensitive issues that may result in media contact to the OSLTCO.</p>	<p>5. Report sensitive issues that may result in media contact to the OSLTCO and the CCLD Local Senior Care Licensing Unit.</p>

IV. JOINT RESPONSIBILITIES OF THE CCLD AND
THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN

1. Maintain communication by convening meetings between the State Long-Term Care Ombudsman and the Deputy Director of CCLD on a quarterly basis or more frequently as needed.
2. Maintain communication by convening pre-scheduled meetings between the Local Ombudsman Coordinators and the Senior Care Local Unit Manager quarterly or more frequently as needed.
3. Provide up-to-date contact lists for each department (see Attachment 1 & 2).
4. Establish protocols for dealing with any situations that were not successfully resolved at the local level and require additional intervention for resolution when needed.
5. Exchange information regarding training opportunities. When relevant training is being provided to CCLD staff or Ombudsman staff, invite the other staff to attend as trainees and involve the CCLD and Ombudsman staff as trainers when appropriate.
6. Encourage and, when appropriate, approve and facilitate joint visits with the Local Ombudsman and the Local Senior Care Licensing Unit personnel.
7. Exchange data collection information on number of facilities, number of beds available, number of complaints and other relevant statistical data that may be useful to departments. This information should be provided yearly or upon request.

COMMUNITY CARE LICENSING
CONTACT LIST

- A. The contact person for Community Care Licensing for policy issues and general liaison responsibilities shall be:

Barbara Baker, Policy Analyst
California Department of Social Services
Community Care Licensing Division Liaison
744 P Street, M.S. 19-50
Sacramento, CA 95814
Phone: (916) 322-9121
FAX: (916) 323-9918

- B. The contact person for Community Care Licensing for data related issues shall be:

Sarah Fernandes
California Department of Social Services
Community Care Licensing Division
744 P Street, M.S. 19-50
Sacramento, CA 95814
Phone: (916) 322-4949
FAX: (916) 323-8352

CCLD Application Support
California Department of Social Services
Community Care Licensing
744 P Street, M.S. 19-50
Sacramento, CA 95814
Phone: (916) 323-6102
FAX: (916) 323-6656

OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN PROGRAM
CONTACT LIST

- A. The contact person for Office of the State Long-Term Care Ombudsman for policy issues, training, legislation and general liaison responsibilities shall be:

Carol Massey-McCants, Ombudsman Program Analyst
California Department of Aging
Office of the State Long-Term Care Ombudsman
1600 K Street
Sacramento, California 95814
Phone: (916) 327-2283
FAX: (916) 323-7299

- B. The back up liaison if/when Carol Massey-McCants is not available for the Office of the State Long-Term Care Ombudsman Program shall be:

Joel Weeden, Ombudsman Program Analyst
California Department of Aging
Office of the State Long-Term Care Ombudsman
1600 K Street
Sacramento, California 95814
Phone: (916) 323-7493
FAX: (916) 323-7299

- C. The contact person for the State Long-Term Care Ombudsman for data related issues shall be:

Vicky Radford, Management Services Technician
California Department of Aging
Office of the State Long-Term Care Ombudsman
1600 K Street
Sacramento, CA 9514
Phone: (916) 323-6919
FAX: (916) 323-7299