

Sec. 17b-411-4. State Ombudsman Responsibilities and Duties

(a) In fulfilling the responsibilities and duties of the Office of the State Long-Term Care Ombudsman, the State Ombudsman shall have full independence and authority to advocate without seeking the host agency's approval. The position taken by the State Ombudsman on issues affecting residents shall not be dictated or compromised by policies and positions held by the state administration or the host agency.

(b) The State Ombudsman shall be independent in all actions, but shall consult with the commissioner of the host agency, or the commissioner's designee, to ensure coordination of efforts when appropriate.

(c) The State Ombudsman shall direct the Office of the Long-Term Care Ombudsman Program and shall independently manage the administrative, advocacy, budget and program decisions of the office.

(d) The State Ombudsman, personally or through representatives of the office, shall perform the following duties:

(1) Identify, investigate, resolve or attempt to resolve complaints made by or on behalf of residents;

(2) provide services to protect the health, safety, welfare and rights of residents, including, but not limited to:

(A) Information and referral services; and

(B) education and training for residents, their family members, staff of the long-term care facility and the public;

(3) inform residents, family members, long-term care facility staff and the public about the Ombudsman program's services, how residents can access those services or how those services can be accessed on behalf of residents;

(4) inform residents or the resident's representative about means of obtaining services from long-term care service providers, public agencies and health and social service agencies;

(5) ensure that residents state-wide have regular and timely access to representatives of the office of the Ombudsman through on-site visits by a representative of the office to the facility. The required frequency of such visits shall be set forth in the office's policies and procedures manual;

(6) ensure that complainants and residents receive timely responses to complaints and requests for assistance;

(7) advocate on behalf of residents in the following ways:

(A) Identify problems affecting residents at the facility, local, state or national levels and attempt to resolve those problems;

(B) identify problems in the long-term care system and advocate for changes to that system;

(C) represent the interests of residents before government agencies, legislative committees, individual legislators and other individuals, groups or entities at locations where issues that affect residents are addressed including, but not limited to, public hearings;

(D) communicate directly with legislators, policy makers and the media about issues affecting residents and other consumers of long-term care;

(E) analyze, comment on, provide public testimony about and monitor the development

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and implementation of proposed or existing federal, state or local laws, regulations, government policies and actions that affect residents;

(F) work in coalitions with residents, citizens and advocates on issues affecting residents and other consumers of long-term care;

(G) educate residents, their family members and the public about the need for changes to the long-term care system and empowering them to voice their concerns to legislators, policy makers and the media;

(H) facilitate public comment;

(I) provide information regarding problems and concerns to public agencies, private entities, state and federal legislators, the public and the media; and

(J) take any other action determined to be appropriate by the State Ombudsman;

(8) pursue administrative, legal and other remedies on behalf of residents, including, but not limited to:

(A) Presenting testimony to legislative and policy making bodies;

(B) identifying issues that may require legal action and providing information and direction to residents on how to seek legal redress;

(C) assisting in the coordination of efforts with legal service organizations, bar associations or other organizations to improve residents access to courts, administrative hearings and residents ability to seek legal remedies;

(D) explaining the appeals process to residents or their family members, assisting residents or their family members with requesting administrative hearings or assisting in such hearings;

(E) holding public hearings to provide a forum for discussion of the issues affecting residents; and

(F) assisting residents in petitioning local, state and federal government agencies for redress of grievances;

(9) prepare the office's policies and procedures manual setting forth state-wide operational policies and procedures. The State Ombudsman shall have final authority in developing, interpreting and enforcing such policies and procedures;

(10) designate a Regional Ombudsmen and certify Volunteer Resident Advocates in accordance with section 17b-411-3 of the Regulations of Connecticut State Agencies and the office's policies and procedures manual. The State Ombudsman may seek input in the designation process, but has sole and final authority to designate individuals to represent the office;

(11) identify, oversee, supervise and direct the activities of Regional Ombudsmen;

(12) provide or assure the provision of initial and ongoing training for Regional Ombudsmen and Volunteer Resident Advocates;

(13) provide administrative and technical assistance to Regional Ombudsmen and Volunteer Resident Advocates;

(14) monitor and evaluate the activities and performance of Regional Ombudsmen in accordance with section 17b-411-5 of the Regulations of Connecticut State Agencies;

(15) monitor and evaluate, in conjunction with Regional Ombudsmen, the activities and performance of the Volunteer Resident Advocates in accordance with section 17b-411-6 of the Regulations of Connecticut State Agencies;

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- (16) request needed program funding directly from the state legislature;
 - (17) seek and administer grant funds for the office;
 - (18) promote the development of citizen organizations to participate in the program;
 - (19) coordinate efforts with other private organizations, advocacy groups and public entities who share the mission and goals of the program to improve the well-being of long-term care facility residents;
 - (20) consult with state agencies and programs whose duties and services affect residents including, but not limited to, the Department on Aging; the Department of Social Services, the Department of Public Health, the Office of the Attorney General, the state's Protective Services for the Elderly program and the state's Unit on Aging;
 - (21) initiate and support the development and maintenance of resident and family councils;
 - (22) prepare an annual report in accordance with the Older Americans Act, 42 USC 3058g(h);
 - (23) ensure that the confidentiality of program records is maintained in accordance with 17b-411-10 of the Regulations of Connecticut State Agencies and other applicable state and federal laws;
 - (24) identify duties to be performed by Volunteer Resident Advocates in accordance with section 17-406 of the Connecticut General Statutes and section 17b-411-6 of the Regulations of Connecticut State Agencies;
 - (25) perform other duties specified in the office's policies and procedures manual; and
 - (26) ensure that a state-wide registry of complaints is maintained as required by the Older American's Act, 42 USC 3058g(c).
- (e) The State Ombudsman shall have discretion to consult with the Executive Board regarding policy, legislative or advocacy issues. The State Ombudsman may also seek the advice of the Executive Board regarding any other issue the State Ombudsman determines necessary.

(Effective April 3, 2013)