

## 2.9 Long-Term Care Ombudsmen (Ombudsmen)

- A. Ombudsmen are State of Florida employees or volunteers certified by the State Ombudsman as representatives of the Office to fulfill the duties of the Office.
- B. Individuals must complete the certification training set forth by the Office and meet all federal and state requirements to become a representative of the Office.
- C. Ombudsmen must complete continuing education requirements set forth by the Office and the Administration for Community Living (ACL).
- D. All ombudsmen shall, in accordance with federal and state laws and the LTCOP Policies and Procedures:
  - 1. identify, investigate, and resolve complaints made by or on behalf of residents that relate to actions, inactions, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents;
  - 2. provide advocacy services to protect the health, safety, welfare, and rights of residents;
  - 3. ensure residents have regular and timely access to the services provided through the Ombudsman Program and ensure residents and complainants receive timely responses to requests for information and complaints;
  - 4. promote and provide technical support as requested by potential and current Resident Councils and Family Councils;
  - 5. only under the direction of the State Ombudsman and the supervision of the DOM, ombudsmen:
    - i. represent the interests of residents before government agencies and ensure residents have access to, and pursue administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;
    - ii. review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents; and
    - iii. facilitate the ability of the public to comment on the laws, regulations, policies, and actions.
- E. Ombudsmen are required to visit assisted living communities and adult family care homes on a quarterly basis, and to nursing homes on a monthly basis to establish a regular presence.

- F. Ombudsmen shall comply with all Program reporting requirements.
- G. Staff ombudsmen must ensure all Program activities and complaint data are entered into the Office-approved electronic database within the timelines set forth in the LTCOP Policies and Procedures.
- H. Staff ombudsmen shall be available for communication as directed by the Office or their direct supervisor, including but not limited to sharing calendars, using electronic devices and applications (e.g., TEAMS), and cell phones.
- I. Ombudsmen shall not perform any duties different from those presented in the LTCOP Policies and Procedures without the expressed permission of the State Ombudsman.
- J. Ombudsmen shall also notify the DOM (or the ROM if the DOM is unavailable) under the following circumstances:
  - 1. when in question about what actions or inactions should be taken during the course of performing ombudsman duties;
  - 2. when denied access to a resident, resident records or a facility;
  - 3. if witness to abuse, neglect or exploitation of a resident;
  - 4. if there is a conflict of interest or the appearance of a conflict of interest as described in the LTCOP Policies and Procedures; or
  - 5. if unable to perform their duties for any reason.