

## DEPARTMENT OF AGING

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# PROGRAM MEMO

TO: <b>AREA AGENCY ON AGING DIRECTORS</b>	NO.: <b>PM 03-13 (P)</b>
SUBJECT: <b>Governor's Long-Term Care Consumer Protection Initiative</b>	DATE ISSUED: <b>July 8, 2003</b>
REVISED	EXPIRES: <b>Until Superseded</b>
REFERENCES:	SUPERSEDES:
PROGRAMS AFFECTED: <input type="checkbox"/> All <input type="checkbox"/> Title III-B <input type="checkbox"/> Title III-C1/C2 <input type="checkbox"/> Title III-D <input type="checkbox"/> Title III-E <input type="checkbox"/> Title V <input type="checkbox"/> CBSP <input type="checkbox"/> MSSP <input type="checkbox"/> Title VII <input type="checkbox"/> ADHC <input checked="" type="checkbox"/> Other: <b><u>Ombudsman</u></b>	
REASON FOR PROGRAM MEMO: <input type="checkbox"/> Change in Law or Regulation <input type="checkbox"/> Response to Inquiry <input checked="" type="checkbox"/> Other Specify: <b><u>New Funding for the Ombudsman Program</u></b>	
INQUIRIES SHOULD BE DIRECTED TO: <b>Jana Matal, Team Coach, Office of the State Long-Term Care Ombudsman (OSLTCO), (916) 323-6681, <a href="mailto:jmatal@aging.ca.gov">jmatal@aging.ca.gov</a></b>	

Governor Davis, in his October 15, 2002 Long-Term Care Consumer Protection Initiative, declared his intention to increase protections for residents of California's long-term care facilities by increasing fines for citations issued to nursing homes, expanding the Health Facility Consumer Assistance Center at the Department of Health Services (DHS), and increasing the number of volunteer Ombudsmen working in Skilled Nursing Facilities (SNF) by 50 percent within three years.

As a result of the anticipated passage of the Governor's Long-Term Care Consumer Protection Initiative in this year's (FY 2003-04) Budget Act, this Program Memo (PM) transmits program guidelines and fiscal reporting requirements for this augmentation of the Ombudsman Program. There are no additional program reporting requirements. Funding is contingent upon passage of the State Budget and approval from the Centers for Medicare and Medicaid Services. The Office of the State Long-Term Care Ombudsman (OSLTCO) will notify Area Agencies on Aging (AAA) when they can begin requesting funding to implement this program.

It is the clear intent of the Governor's Initiative to increase the presence of Ombudsmen in SNFs by 650. As we strive to meet this goal, the Initiative does not preclude new Ombudsmen recruited as a result of this Initiative from additionally having a presence in Residential Care Facilities for the Elderly (RCFE).



## FUNDING/ALLOCATION METHODOLOGY

There is a total of \$3.068 million of new funding for this augmentation to the Ombudsman Program. Funding of \$2.148 million in FY 2003-04 will be appropriated to the California Department of Aging from the Federal Citation Penalties Account. Medi-Cal reimbursements of \$920,000 in FY 2003-04 will be received from DHS. Medi-Cal reimbursements are calculated by multiplying 60 percent (the estimated percentage of nursing home residents who are Medi-Cal eligible) times the \$3.068 million total expenditures, and multiplying that result by 50 percent (federal Medi-Cal Assistance Percentage Rate). The reimbursements will be sought for Ombudsman services rendered only to Medi-Cal eligible residents of SNFs. The new funds are an augmentation to the Title III Ombudsman Program.

One-time State operations costs associated with developing a statewide volunteer recruitment campaign in the budget year will be funded at the same ratio: \$92,000 Federal Citation Penalty Account and \$40,000 Medi-Cal reimbursement. One position will be established at the OSLTCO to develop and execute the statewide volunteer recruitment campaign, coordinate all work related to the recruitment program with the AAAs and local Ombudsman Programs, administer the Interagency Agreement with DHS for Medi-Cal reimbursement, and oversee the reporting and payments of the 33 AAAs.

Allocation of these new funds to local Ombudsman programs, reflecting the intent of the Governor's Long-Term Care Consumer Protection Initiative to increase coverage in SNFs, is based on the number of SNF and Distinct Part SNF beds in each local Ombudsman Program area (Attachment 2). This number will vary annually based upon DHS Acclaims data. Volunteer recruitment targets for each Local Ombudsman Program are also based upon this same formula (Attachment 3).

The budget bill language reads: [F]unds appropriated ... shall be allocated by the Department of Aging to each local Ombudsman Program in accordance with a formula calculated on the number of beds in licensed skilled nursing home facilities in each program's area of service in proportion to the total number of beds in licensed skilled nursing homes in the State.

## FISCAL REPORTING REQUIREMENTS

The fiscal reporting system for these funds will consist of a combined one-page budget/monthly expenditure report/request for funds form, and a one-page close out report. The close out report will be transmitted under a separate cover. The fiscal system will be a paper system operating at least through June 30, 2005, e-mailed monthly to the OSLTCO. The Monthly Expenditure Report and Request for Funds (CDA-OMB-300 form) is available in an Excel 4.0 spreadsheet and will be e-mailed simultaneously to AAAs with distribution of this PM (Attachment 4). A master copy of the form and the instructions are attached to this PM.

The local Ombudsman programs should complete and submit the CDA-OMB-300 to AAAs electronically once a month. AAA staff will review, approve and transmit the form to CDA via e-mail. On the first report submitted, the local Ombudsman programs should complete the budget column for each cost category (Part I, column a) and request federal Penalty Citations Account funds for the first quarter (Part IV, column f) to begin operating as soon as AAAs are notified by CDA to begin.

Requests for advances of federal Citation Penalties Account funds will be submitted on a quarterly basis. Medi-Cal reimbursements requests will be submitted on a monthly basis. Reimbursements

shall be made for allowable expenses up to the amount encumbered annually within the State fiscal year in which services are performed and/or goods are received. The CDA-OMB-300 will be due by the 30<sup>th</sup> of each month following the month services were actually provided. The July 2003 expenditures, if any are made, are due by August 30, 2003.

Allowable expenditures for local Ombudsman programs may include increased staffing, office space, equipment and furniture, increased utilities, volunteer mileage, training, volunteer recognition activities, advertising, materials, and space to conduct community awareness activities related to volunteer recruitment. The Contractor must maintain records reflecting actual expenditures for each State fiscal year covered by the term of the agreement.

AAAs will also ensure that local Ombudsman Programs submit to the AAA and the OSLTCO for review and approval a plan that includes:

- 1) The estimated number of volunteers to be certified during the State fiscal year who will perform Ombudsman activities only in SNFs.
- 2) The number of staff to be hired or number and percentage of additional Full-Time Equivalents (FTEs) dedicated to volunteer recruitment activities.
- 3) The anticipated time period during which staff will be hired.
- 4) The number and type of community awareness activities for the purpose of recruiting volunteers.

See Attachment 1 for a side-by-side illustration of responsibilities for the AAAs, Local Ombudsman Programs, and OSLTCO.

**Original Signed By Lynda Terry**

Lynda Terry  
Director

**Attachments**

Responsibilities of Each Program in Implementing the Ombudsman Initiative  
Beds and Facilities Data – Skilled Nursing Facilities and Distinct Part Skilled Nursing Facilities  
Volunteer Recruitment Targets by PSA  
Ombudsman Initiative Monthly Expenditure Report and Request for Funds (CDA-OMB-300)  
Instructions for Completing the CDA-OMB-300 Form

cc: Ombudsman Program Coordinators

## RESPONSIBILITIES OF EACH PROGRAM IN IMPLEMENTING THE OMBUDSMAN INITIATIVE

Local Ombudsman Programs/Area Agencies on Aging that provide Ombudsman Services Directly	Area Agencies on Aging that contract for Ombudsman Services	Office of the State Long-Term Care Ombudsman
		Develop contract with Department of Health Services (DHS) for Medi-Cal funds. Develop systems. Implement program in coordination with AAAs and local programs.
Develop a plan for volunteer recruitment. Submit plan to the AAA.	Review and approve the volunteer recruitment plans submitted by the local Ombudsman program(s). Submit plan(s) to OSLTCO.	Review and approve the 35 volunteer recruitment plans submitted by the local Ombudsman programs to AAAs. Provide feedback.
Complete the CDA-OMB-300 proposed budget form. Submit form to AAA.	Review and approve the CDA-OMB-300 Form with the proposed budget submitted by the local Ombudsman program(s). Submit form to OSLTCO.	Review and approve the 33 CDA-OMB-300 forms from all AAAs with the proposed budgets and provide feedback. Maintain records.
Complete the Monthly Expenditure Report and Request for Funds Form (CDA-OMB 300) to request quarterly advances for distributions of federal Citation Penalties Account funds. Submit form to AAA.	Review and approve the Monthly Expenditures Report and Request for Funds Form (CDA-OMB-300) requesting quarterly advances for distributions of federal Citation Penalties Account funds. Submit form to OSLTCO.	Review and approve the 33 CDA-OMB-300 forms requesting advances from all AAAs. Coordinate payment. Maintain records.
Complete the CDA-OMB-300 Form to request reimbursement for Medi-Cal matching funds. Submit form to AAA.	Review and approve the CDA-OMB-300 Form requesting reimbursement for Medi-Cal matching funds submitted by the local Ombudsman program(s). Submit form(s) to OSLTCO.	Review and approve the 33 CDA-OMB-300 Forms requesting Medi-Cal reimbursement submitted by the AAAs. Coordinate reimbursement payment. Maintain records.

## RESPONSIBILITIES OF EACH PROGRAM IN IMPLEMENTING THE OMBUDSMAN INITIATIVE

<ul style="list-style-type: none"> <li>▪ Determine the resources needed to increase volunteers.</li> <li>▪ Revise facility coverage plan including redistribution of existing Ombudsmen to RCFEs, if necessary.</li> <li>▪ Procure office space, furniture, equipment, etc. for new staff.</li> <li>▪ Hire new employee(s) or increase existing staff hours to recruit, train, and manage volunteers.</li> <li>▪ Hire new employee(s) or increase existing staff hours to provide clerical support to new volunteer Ombudsmen.</li> <li>▪ Conduct regular local recruitment efforts.</li> <li>▪ Plan, advertise, and conduct community awareness activities to promote recruitment efforts.</li> <li>▪ Purchase materials to conduct training (if needed).</li> <li>▪ Conduct training and internship of new volunteer Ombudsmen.</li> <li>▪ Provide ongoing on-the-job training, supervision, performance feedback and other management of new volunteer Ombudsmen.</li> <li>▪ Provide ongoing training for new volunteer Ombudsmen.</li> <li>▪ Conduct volunteer recognition activities.</li> </ul>		<ul style="list-style-type: none"> <li>▪ Develop a statewide volunteer recruitment public relations campaign including printing and mailing outreach materials.</li> <li>▪ Other activities that will be conducted have not yet been determined.</li> </ul>
<p>Complete close-out report. Submit to AAA.</p>	<p>Review and approve close-out report. Submit to OSLTCO.</p>	<p>Review and reconcile 33 close-out reports. Maintain records.</p>

**BEDS & FACILITIES DATA**  
**Skilled Nursing Facilities & Distinct Part Skilled Nursing Facilities, JANUARY 2003**

PSA	Counties	BEDS			FACILITIES		
		SNF	DP	Total Beds	SNF	DP	Total Fac
1	Del Norte, Humboldt	633	8	641	7	1	8
2	Lassen, Modoc, Shasta, Siskiyou, Trinity	1,118	346	1,464	10	7	17
3	Butte, Colusa, Glenn, Plumas, Tehama	1,950	123	2,073	21	7	28
4	Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, Yuba	6,348	591	6,939	61	9	70
5	Marin	1,228	0	1,228	16	0	16
6	San Francisco	1,396	2,207	3,603	18	8	26
7	Contra Costa	3,187	116	3,303	34	2	36
8	San Mateo	1,940	544	2,484	20	6	26
9	Alameda	5,568	446	6,014	71	9	80
10	Santa Clara	5,706	561	6,267	56	8	64
11	San Joaquin	2,696	124	2,820	26	3	29
12	Alpine, Amador, Calaveras, Mariposa, Tuolumne	418	144	562	3	4	7
13	San Benito, Santa Cruz	1,074	37	1,111	12	1	13
14	Fresno Madera	3,614	181	3,795	39	7	46
15	Kings, Tulare	1,667	353	2,020	16	4	20
16	Inyo, Mono	99	33	132	1	1	2
17	San Luis Obispo	815	12	827	8	1	9
17A	Santa Barbara	1,287	214	1,501	15	4	19
18	Ventura	1,744	251	1,995	19	4	23
19	Los Angeles County	23,282	2,051	25,333	232	41	273
20	San Bernardino	4,870	311	5,181	49	8	57
21	Riverside	4,431	272	4,703	48	6	54
22	Orange	7,931	711	8,642	69	12	81
23	San Diego	8,749	1,084	9,833	87	11	98
24	Imperial	253	0	253	3	0	3
25	Los Angeles City	14,874	1,023	15,897	141	22	163
26	Lake, Mendocino	675	0	675	8	0	8
27	Sonoma	1,656	705	2,361	21	8	29
28	Solano	1,312	20	1,332	13	2	15
28A	Napa	737	392	1,129	10	4	14
29	El Dorado	266	62	328	3	2	5
30	Stanislaus	1,739	324	2,063	17	3	20
31	Merced	657	51	708	9	2	11
32	Monterey	1,103	64	1,167	16	2	18
33	Kern	1,745	277	2,022	15	7	22
<b>Totals</b>		<b>116,768</b>	<b>13,638</b>	<b>130,406</b>	<b>1,194</b>	<b>216</b>	<b>1,410</b>

This data is based upon Department of Health Services ACCLAIMS system.

**VOLUNTEER RECRUITMENT TARGETS BY PLANNING & SERVICE AREA\*  
FYs 2003 - 2006**

<b>PSA</b>	<b>Counties</b>	<b># Additional Volunteers</b>
1	Del Norte, Humboldt	3
2	Lassen, Modoc, Shasta, Siskiyou, Trinity	7
3	Butte, Colusa, Glenn, Plumas, Tehama	10
4	Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, Yuba	35
5	Marin	6
6	San Francisco	18
7	Contra Costa	16
8	San Mateo	12
9	Alameda	30
10	Santa Clara	31
11	San Joaquin	14
12	Alpine, Amador, Calaveras, Mariposa, Tuolumne	3
13	San Benito, Santa Cruz	6
14	Fresno Madera	19
15	Kings, Tulare	10
16	Inyo, Mono	1
17	San Luis Obispo	4
17A	Santa Barbara	8
18	Ventura	10
19	Los Angeles County	126
20	San Bernardino	26
21	Riverside	23
22	Orange	43
23	San Diego	49
24	Imperial	1
25	Los Angeles City	79
26	Lake, Mendocino	3
27	Sonoma	12
28	Solano	7
28A	Napa	6
29	El Dorado	2
30	Stanislaus	10
31	Merced	4
32	Monterey	6
33	Kern	10
	<b>TOTAL</b>	<b>650</b>

**Ombudsman Initiative  
Monthly Expenditure Report and Request for Funds  
Submit by the 30th of Each Month by Email**

<b>Contractor Name:</b>			
<b>Street Address:</b>			
<b>City, State, ZIP:</b>			
<b>Prepared By:</b>		<b>Telephone #:</b>	
<b>Date:</b>	<b>Fiscal Year:</b>	<b>Contract No:</b>	<b>PSA #:</b>

Part I. EXPENDITURES	Month:	Year:		
Cost Categories	(a) Budget	(b) Current Month		
1. Personnel				
2. Training				
3. Travel				
4. Equipment				
5. Volunteer Recognition				
6. Operating Expenses				
7. Total Costs	Self Calculating	Self Calculating		

**Part I Instructions:**

In column (a) list the budget line item amounts. Budget figures can be amended with the permission of the Area Agency on Aging.  
In column (b) report expenditures for the current month.

Part II. EXPENDITURES BY FUNDING SOURCE				
Funding	(c) Allocation	(d) Current Month		
8. Medi-Cal Reimbursement Earned		Self Calculating		
9. Federal Penalty Citations Account Costs		Self Calculating		
10. Total Funding	Self Calculating	Self Calculating		

**Part II Instructions:**

In column (c) list the allocation from the latest Title III/VII Budget Display. Total Funding in column (c) and Total Costs in column (a) must be equal.  
Column (d) Line 8 equals 30% of Current Month Total Costs, Line 9 equals 70% of Current Month Total Costs.  
Amounts in column (d) are self-calculating.

Part III. REQUEST FOR REIMBURSEMENT		
Fund	(e) Amount	
11. Medi-Cal Reimbursement	Self Calculating	

**Part III Instructions:**

Medi-Cal Reimbursement is equal to 30% of reported expenditures. Amount in column (e) is self-calculating

Part IV. REQUEST FOR FEDERAL PENALTY CITATIONS ACCOUNT FUNDS										
Quarter: (Check One)	<input type="checkbox"/>	1st Qtr	<input type="checkbox"/>	2nd Qtr	<input type="checkbox"/>	3rd Qtr	<input type="checkbox"/>	4th Qtr		Fiscal Year:
Fund										(f) Amount
12. Federal Penalty Citations Account										

**Part IV Instructions:**

Federal Penalty Citations Account funds are advanced quarterly and AAAs may request up to 25% of allocation each quarter.

**For State Use Only**

Ombudsman Analyst:	Date:	Ombudsman Team Coach:	Date:
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**Instructions for Completing The  
Ombudsman Initiative  
Monthly Expenditure Report and Request for Funds  
CDA-OMB-300 (New 6/03)**

1. Complete the Heading. Contractor Name and Contract number must be the same as on the Standard Agreement (STD 213).
2. Enter the Date of this report, Fiscal Year, Contract Number, and PSA number.
3. Enter the Expenditure Month and Year.
4. In column (a) list the budget line item amounts. Budget figures can be amended with the permission of the Area Agency on Aging.
5. In column (b) report expenditures for the current month.
6. In column (c) list the allocation from the latest Title III/VII Budget Display. Total Funding in column (c) and Total Costs in column (a) must be equal.
7. Column (d) Line 8 equals 30% of Current Month Total Costs, Line 9 equals 70% of Current Month Total Costs. These amounts are calculated automatically.
8. Medi-Cal Reimbursement is equal to 30% of reported expenditures. The amount in line 11, column (e) is calculated automatically.
9. Federal Penalty Citations Account funds are advanced quarterly. Check the appropriate Qtr and in column (f) request up to 25% of the allocation.
10. Enter the appropriate Fiscal Year for the request for funds.
11. The CDA-OMB-300 is due by the 30<sup>th</sup> of each month. Submit the completed report by email to the OSLTCO. Ombudsman State Staff will sign the report.
12. Quarterly requests for Federal Penalty Citations Account funds and Monthly Expenditures can be combined on the same report if appropriate.

**Expenditure Report Due Dates:**

July Exp due August 30<sup>th</sup>  
Aug Exp due September 30<sup>th</sup>  
Sept Exp due October 30<sup>th</sup>  
Oct Exp due November 30<sup>th</sup>  
Nov Exp due December 30<sup>th</sup>  
Dec Exp due January 30<sup>th</sup>

Jan Exp due February 28<sup>th</sup>  
Feb Exp due March 30<sup>th</sup>  
Mar Exp due April 30<sup>th</sup>  
Apr Exp due May 30<sup>th</sup>  
May Exp due June 30<sup>th</sup>  
June Exp due July 30<sup>th</sup>

**Request for Federal Penalty Citations Account Due Dates:**

1st Qtr Request due May 30<sup>th</sup>  
2nd Qtr Request due August 30<sup>th</sup>

3rd Qtr Request due November 30<sup>th</sup>  
4th Qtr Request due February 28<sup>th</sup>