

California Long-Term Care Ombudsman (LTCO) Program Frequently Asked Questions – COVID-19

1. Are LTCO Program representatives able to visit nursing facilities?

Effective March 16, 2020, the State Ombudsman, Joseph Rodrigues, directed Ombudsman representatives not to visit nursing homes. On March 20, 2020, the Centers for Medicare and Medicaid Services issued guidance to nursing homes to not allow visitors into the facility except in end of life care situations. There may be some exceptions which will be reviewed on a case by case basis. Ombudsman representatives should consult with the State Office by email, stateomb@aging.ca.gov.

2. What about assisted living and board & care homes (residential care facilities for the elderly)?

Ombudsman representatives are not to visit these facilities either.

3. How can representatives continue to conduct LTCO Program work if they are not able to visit facilities?

- Ombudsman representatives may contact facilities and residents by phone, Skype or FaceTime.
 - Reach out to facilities to ask what they need and what their plans are for facilitating residents' contact with families and friends. Ombudsman representatives will need to be more reliant on facility staff to facilitate communication with residents.
 - Request the facility census and contact information for each resident representative.
 - If possible, contact the resident and family council leadership at facilities.
 - Call facilities to check in with them regularly.
- Encourage families to make contact by these means as well, being mindful of the dangers of isolation.

4. How will local LTCO Programs meet the quarterly non-complaint visit requirement if Ombudsman representatives are restricted from conducting facility visits?

The State Ombudsman, Joseph Rodrigues, realizes and understands that because of restrictions on visiting and an increase in other activities, local Ombudsman programs may have to renegotiate their contracts with their AAAs.

5. As facility visits have been restricted, how can Ombudsman representatives verify if a resident has a resident representative and, if so, the individual's identity and authority?

Request facility staff to fax or email (encrypted) the document verifying the resident representative's authority or accept verbal verification from staff until receipt of physical evidence. Ombudsman representatives will record attempts to verify the information and upload all documents received in the ODIN 2020 Case record.

6. How can Ombudsman representatives maintain compliance with requirements for written consent to access records and/or disclose confidential information without seeing the resident in person?

Ombudsman representatives will obtain verbal consent from the resident or resident representative and document that consent in the Case record. They may be able to follow-up with written consent at a later date. Consult with facility staff to determine if they can have the resident sign a consent form. Facility staff may be able to fax the form back to the office if practical.

Ombudsman programs will have to rely on facility staff to send records to the program. Be patient with facility staff. If they are sending records, ask when they expect that they will be able to send them.

7. How should Ombudsman representatives address requests for witnessing of Advance Health Care Directives?

Advise residents of nursing facilities who need an Advance Healthcare Directive to either request a POLST or, pursuant to Probate Code 4711, verbally nominate an agent.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=4711.

8. Are there additional sources of information available to Ombudsman representatives with regard to COVID-19 and its impact on the work of the LTCO Program?

- Corona Virus Waivers and Flexibilities webpage (*Refer to the following link for updates.*)

<https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>

Centers for Medicare and Medicaid Services (CMS) Guidance Memos -

- QSO-20-20-All

<https://www.cms.gov/files/document/qso-20-20-allpdf.pdf>

- QSO-20-14-NH, March 13, 2020
<https://www.cms.gov/files/document/qso-20-14-nh-revised.pdf>
- Administration for Community Living (ACL) COVID-19 webpage
<https://acl.gov/COVID-19>
 - Administration for Community Living (ACL) Long-Term Care Ombudsman Program Frequently Asked Questions – COVID-19, March 16, 2020
<https://ltcombudsman.org/uploads/files/support/acl-ltc-ombudsman-faqs-covid-19.pdf>
- National Ombudsman Resource Center (NORC) COVID-19 webpage
https://ltcombudsman.org/omb_support/COVID-19
 - COVID-19 and Nursing Homes – What Residents and Family Need to Know
<https://theconsumervoicework.org/uploads/files/general/covid-19-consumer-fact-sheet.pdf>
 - NORS: COVID-19 FAQs
<https://ltcombudsman.org/uploads/files/support/nors-faqs-covid.pdf>
- California Department of Public Health (CDPH) All Facility Letters (AFLs) issued in 2020 (*Refer to the following link regularly for updates from CDPH.*)
<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/LNCAFL20.aspx>
 - AFL 20-33: Interim Guidance for Transfer of Residents with Suspected or Confirmed Coronavirus Disease (COVID-19)
<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-20-33.aspx>
 - AFL 20-28: Extension of the Deadline to Apply for Patient Needs and Workforce Shortage Waivers
<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-20-28.aspx>
 - AFL 20-25.1: Preparing for COVID-19 in California Skilled Nursing Facilities
<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-20-25-1.aspx>
 - AFL 20-23: California COVID-19 Health Care system Mitigation Playbook
<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-20-23.aspx>

- California Department of Social Services (CDSS) Community Care Licensing Division (CCLD) Provider Information Notices (PINs) issued in 2020 (*Refer to the following link regularly for updates from CDSS CCLD.*)
<https://www.cdss.ca.gov/inforesources/community-care-licensing/policy/provider-information-notices/adult-senior-care>
 - PIN 20-09-CCLD: Updated Statewide Waivers for Licensing Requirements Due to Coronavirus Disease 2019 (Covid-19)
<https://www.cdss.ca.gov/Portals/9/CCLD/Pins/2020/CCLD/PIN%2020-09-CCLD.pdf>
 - PIN 20-09-ASC: Notice of Tele-Inspections and Rapid Assistance and Support Team (RAST) Tele-Visits
https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/ASC/PIN_20-09-ASC.pdf
 - PIN 20-07-ASC: Prevention, Containment, Mitigation Measures, and Statewide Waiver for Coronavirus Disease 2019 (Covid19)
<https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/ASC/PIN%2020-07-ASC>
 - PIN 20-05-ASC: Community Care Licensing Division E-Mail Address for Coronavirus Disease 2019 (COVID-19) - Related Questions
https://www.cdss.ca.gov/Portals/9/CCLD/PINs/PIN_20-05-CCLD_CoronavirusRelatedQuestions.pdf
 - PIN 20-04-ASC: Guidance on 2019 Novel Coronavirus or Covid-19
<https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/ASC/PIN%2020-04-ASC>