

## ARTICLE I. DEFINITIONS

### A. DEFINITIONS SPECIFIC TO TITLE III AND TITLE VII PROGRAMS

1. **Program Requirements** means Title III program requirements found in the Older Americans Act (OAA 42 USC Section 3001-3058), Code of Federal Regulations (45 CFR XIII, 1321); Title 22, California Code of Regulations (CCR), Section 7000 et seq., and Department Program Memoranda.
2. **Title III B (Supportive Services)** means a variety of services including, but not limited to: homemaker, adult day care/adult day health, case management, assisted transportation, legal assistance, information and assistance, outreach, and long-term care ombudsman advocacy, as defined in the National Aging Programs Information Systems (NAPIS) categories and National Ombudsman Reporting System (NORS).
3. **Priority Services** means those services associated with access to services (transportation, outreach, information and assistance, and case management); in-home services including supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and legal assistance.
4. **Program Income** means revenue generated by the Contractor from contract-supported activities. Program income is:
  - a. Voluntary contributions received from a participant or responsible party as a result of services.
  - b. Income from usage or rental fees of real or personal property acquired with grant funds or funds provided under this Agreement.
  - c. Royalties received on patents and copyrights from contract-supported activities.
  - d. Proceeds from sale of items fabricated under a contract agreement.
5. **One-Time-Only** means federal funds reported as unspent in the Financial Closeout Report, recovered through the Audit Resolution process, and/or made available from other sources.
6. **Indirect Costs** means costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objective specifically benefited, without effort disproportionate to the results achieved.

ARTICLE I. DEFINITIONS (Continued)

7. **Eligible Service Population** for Title III means any person 60 years of age or older, or the spouse of that person, is eligible receive services under this Agreement. Although the program is especially designed to serve persons with the greatest economic or social need with particular attention to low income minority individuals and older individuals residing in rural areas, as established by the California Department of Aging, no means test shall be used to disqualify a person from receiving services. Persons to receive benefits will be prioritized as follows: first, persons whose incomes do not exceed one hundred twenty-five percent (125%) of the Supplemental Security Income level, or are in greatest social need; second, persons with an income over one hundred twenty-five percent (125%) of the Supplemental Security Income level with a demonstrated need for these services but who do not have the means to pay for them. [OAA, Section 305 (a)(2)(E)] [Title 22, CCR, Sections 7125, 7127, 7130, and 7135].
8. **Voluntary Contributions.** Each person receiving services will be given free and voluntary opportunity to donate towards the cost of the service. The privacy of each older person with respect to the donation will be protected. All donations will be safeguarded and an accounting will be kept for all contributions received. All contributions will be used for program expenses. No person will be denied services if a donation is not made.
9. **Advertising.** Contractor shall include the phrase “Funded by the Stanislaus County Area Agency on Aging” on any flyers, posters, or printed matter advertising services funded through Title III and Title VII of the Older Americans Act.

B. DEFINITIONS SPECIFIC TO TITLE VII (ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES)

1. **State Long-Term Care Ombudsman Program** means the California Department of Aging (CDA) program recognized by the State Legislature and in compliance with the Older Americans Act and the Older Californians Act. The legislative intent of this program is to use volunteers and volunteer programs to effectively assist older individuals residing in long-term care facilities in the assertion of their civil and human rights. [OAA 712(a) (1) (B); WIC 9700, 9701(f)].
2. **Office of the Long-Term Care Ombudsman** means the office established and operated by CDA to carry out the State Long-Term Care Ombudsman Program, both directly and by contract with the Area

ARTICLE I. DEFINITIONS (Continued)

Agencies on Aging (AAAs). As a program of CDA, the Office is responsible for activities that promote the development, coordination, and utilization of Ombudsman services. The Office establishes and maintains effective communication with programs that provide legal services for the elderly and advocacy services of similar nature that receive funding or official designation from the state. The Office analyzes data, monitors government actions, and provides recommendations pertaining to long-term care facilities and services. The Office periodically updates training procedures for Local Ombudsman Programs and provides them with administrative and technical assistance. [OAA 712(a) (1) (A), 712(a) (3) (C&F), 712(h); WIC 9710, 9716, 9717].

3. **State Ombudsman** means the individual who serves as the full-time head of the Office of the Long-Term Care Ombudsman. The State Ombudsman is appointed by the CDA director and reports directly to this director. With the participation of the Area Agencies on Aging, the State Ombudsman develops policies and procedures for the State Ombudsman Program, including AAA responsibilities for the provision of Ombudsman services in their Planning and Service Area (PSA) – including their resolution of concerns with respect to Local Ombudsman Program activity. [OAA 712(a) (2&3), 712(a) (5) (D) (ii), 712(e); WIC 9711].
4. **Local Ombudsman Program** means either a program of the Area Agency on Aging, or its subcontractor, that is selected to carry out the duties of the State Long-Term Care Ombudsman Program with respect to the planning or service area.

The selection is in accordance with policies and procedures established by the State Ombudsman and meets the State Ombudsman's criteria for designation and concurrence. [OAA 711(3), 712(a) (5) (D); WIC 9701(a)].

5. **Local Ombudsman Coordinator** means the individual selected by the governing board or executive director responsible for the Local Ombudsman Program to represent the Local Ombudsman Program and manage the day-to-day operations, including implementation of federal and State requirements. The Local Ombudsman Coordinator is required to be a State Certified Ombudsman Representative, complete State training for new Coordinators, and participate in State Ombudsman sponsored meetings at least twice each year. The selection is in accordance with policies and procedures established by the State Ombudsman and meets the State Ombudsman's criteria for designation and concurrence. [OAA 712(a)(5) (A), 712(h) (5); 9701(e), 9719].

ARTICLE I. DEFINITIONS (Continued)

6. **State Certified Ombudsman Representative** means the volunteer or employee of the Local Ombudsman Program who is individually certified in accordance with policies and procedures established by the State Ombudsman to serve as the representative of the State Long-Term Care Ombudsman Program. Prior to acceptance by the State Ombudsman for certification, this individual is required to complete a minimum of 36 hours of training in accordance with policies and procedures established by the State Ombudsman. [OAA 711(5), 712(a) (5) (A), 712(h) (5); WIC 9719].
7. **Volunteer Recruitment** means those activities associated with engaging and retaining the services of volunteers to serve as State Certified Ombudsman Representatives. [OAA Section 712(a) (5) (B) (vii)].
8. **Eligible Service Population** means older individuals, 60 years of age or older, who are residents of long-term care facilities (i.e. nursing, skilled nursing, distinct part facilities, residential care facilities for the elderly, and other adult care homes similar to these facilities) regardless of their socio-economic status or area of residence. [OAA Sections 102(35), 321(a)(10), WIC 9701(b)]. The Local Ombudsman Program may serve residents under 60 years of age if:
  - a. A majority of the residents of the facility where the younger person resides are over age 60, and
  - b. Such service does not weaken or decrease service to older individuals covered by the Older Americans Act [Policy of the Office of Elder Rights Projection, Administration on Aging; July 15, 1996].

ARTICLE II. SCOPE OF WORK

- A. The Contractor shall perform the following for the Ombudsman Program:
  1. In consideration of the timely performance of the Contractor in a manner consistent with the law and this Agreement, including reporting requirements, the AAA shall pay the Contractor the total amount not to exceed Twenty-three Thousand Nine Hundred and Fifty-one Dollars (\$23,951) for the Long-Term Care Consumer Protection Initiative implementation in consideration for satisfactory performance as determined by the AAA. There is no match requirement for this funding.
  2. In consideration of the timely performance of the Contractor in a manner consistent with the law and this Agreement, including reporting requirements, the AAA shall pay the Contractor the total amount not

ARTICLE II. SCOPE OF WORK (Continued)

to exceed Fifty-two Thousand Eight Hundred and Ninety-three Dollars (\$52,893) for the Ombudsman and Ombudsman Supplement Program(s) in consideration for satisfactory performance as determined by the AAA. These funds are to be spent according to the budget contained in Contractor's project grant application approved by the AAA. The AAA shall pay the Contractor monthly after receiving and approving Contractor's monthly cash flow report and request for funds. Contractor agrees to provide a cash/in-kind matching share in the amount of Six Thousand Three Hundred and Forty-seven Dollars (\$6,347).

3. In consideration of the timely performance of the Contractor in a manner consistent with the law and this Agreement, including reporting requirements, the AAA shall pay the Contractor the total amount not to exceed Six Thousand Three Hundred Sixty-six Dollars (\$6,366) for the Elder Abuse Prevention Program in consideration for satisfactory performance as determined by the AAA. Contractor agrees to provide a cash/in-kind matching share in the amount of Seven Hundred and Sixty-four Dollars (\$764).

B. The Contractor shall ensure that the Ombudsman Program, in accordance with policies and procedures established by the State Ombudsman, will:

1. Provide services to protect the health, safety, welfare and rights of residents. [OAA 712(a)(5)(i); 9701(a)].
2. Ensure residents in the service area of the Local Ombudsman Program have regular, timely access to State Certified Ombudsman Representatives, and timely responses to complaints and requests for assistance. [OAA 712(a)(5)(B)(ii)].
3. Identify, investigate, and seek to resolve complaints made by or on behalf of residents that relate to their rights and well-being as residents. Complaint investigations shall be done in an objective manner to ascertain the pertinent facts. Findings shall be reported to the complainant. If a complaint is not investigated; the complainant shall be notified in writing the decision not to investigate and the reasons for the decision. [OAA 712(a)(5)(B)(iii); WIC 9701(a), 9720].
4. Witness advance health care directives and property transfers of more than \$100 for residents of skilled nursing facilities. [HSC 1289, PC 4675, PC 4700 et seq.].

ARTICLE II. SCOPE OF WORK (Continued)

5. Collect and submit data in accordance with the statewide uniform reporting system established by the State Ombudsman and the reporting provisions specified in Exhibit E of this contract. [OAA 712(c)].
6. Represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect the rights and well-being of residents. [OAA 712(a)(5)(B)(iv)].
7. Review, comment, and facilitate the ability of the public to comment on laws, regulations, policies, actions, and legislative bills that pertain to the rights and well-being of residents. [OAA 712(a)(5)(B)(v)].
8. Support the development of resident and family councils. [OAA 712(a)(5)(B)(vi)].
9. Carry out other activities that the State Ombudsman determines to be appropriate, including periodic updating of a plan for maintaining an ongoing presence in long-term care facilities, and participation in special initiatives to recruit volunteers to serve as State Certified Ombudsman Representatives. [OAA 712(a)(5)(B)(vii)].
10. Have the option to provide additional services, if they do not weaken or decrease required Ombudsman responsibilities and duties, including the following services:
  - a. Provide public information and technical support pertaining to long-term care services, including inspection reports, statements of deficiency, and plans of correction for long-term care facilities within the service area [WIC 9726.1(a)].
  - b. Promote visitation programs and other community involvement in long-term care facilities within the service area. [WIC 9726.1(b & d)].
  - c. Establish (in addition to support) resident, family and friends' councils. [WIC 9726.1(c)].
  - d. Present community education and training programs to long-term care facility staff, human service workers, and the general public about long-term care and residents' rights. [WIC 9726.1(e)].
  - e. Refer to the appropriate governmental agency the complaints and concerns of other residents in long-term care facilities that are not eligible to receive the services of the State Long-Term Care Ombudsman Program. [WIC 9720].

ARTICLE II. SCOPE OF WORK: (CONTINUED)

- C. The Contractor shall ensure that the Ombudsman Program, in accordance with policies and procedures established by the State Ombudsman, will:
1. Use Federal Citation Penalties Account and Medi-Cal Reimbursement funds to provide an increase in the number of certified volunteer Ombudsmen that provide services to residents living in Skilled Nursing Facilities (SNF) and Distinct Part SNFs in acute care hospitals. These programs provide staff and resources to recruit, hire, train, and manage additional volunteer certified Ombudsmen. Allowable expenditures include: increased staffing, office space, equipment and furniture for new staff, increased utilities usage, additional funding for volunteer mileage, training, volunteer recognition activities, and materials and space to conduct community awareness activities.
  2. Before the funds referred to in paragraph 1 are requested from the AAA, The Long-Term Care Ombudsman Program(s) shall submit an annual plan to the CDA and AAA that includes:
    - a. Estimated number of volunteers to be certified during the State fiscal year who will perform Ombudsman activities primarily in SNFs and Distinct Part SNFs in acute care hospitals.
    - b. Number of staff to be hired or number and percentage of additional Full-time Equivalent (FTEs) dedicated to volunteer recruitment activities during the State fiscal year.
    - c. Anticipated time period during which staff will be hired.
    - d. Number and type of community awareness activities for the purpose of recruiting volunteers (e.g., speaking engagements, attending senior fairs, health fairs, etc.) during the State fiscal year.
  3. Review and approve claims for Medicaid reimbursement and federal Citation Penalties Account funds.
  4. Submit monthly fiscal documents to CDA and the AAA, as determined by the CDA, for Medicaid reimbursement and federal Citation Penalties Account funds.
- D. Units of Service
1. *Cases Closed*: Activities related to receiving, verifying, investigating, and

ARTICLE II. SCOPE OF WORK: (CONTINUED)

- resolving complaints. A count of the number of cases received by the Ombudsman which have progressed to a conclusion. Unit of Service: One case closed. Goal: 1,000 cases per year.
2. *Training Sessions*: A count of the number of training sessions and the number of hours of training per fiscal year. These include the 36-hour Certification Training and the 12-hour required annual training. Unit of Service: One session and one hour of training. Goal: 16 sessions and 168 hours per year.
  3. *Trainees Certified and Active*: A count of the number of volunteers and the staff trained and certified as Ombudsman. Unit of Service: One trainee. Goal: 40 trainees per year.
  4. *Visits to Skilled Nursing Facilities (SNF) and Residential Care Facilities (RCFE)*: An unduplicated count of visits to registered SNFs and RCFEs in this service area. Unit of Service: One visit. Goal: 20 visits to SNFs and 86 visits to RCFEs per quarter.
  5. *Volunteer Recruitment*: A count of the number of new Ombudsmen recruited, trained, and ready to respond to complaints by residents, families, and staff. Unit of Service: One recruit. Goal: 10 new volunteers, and a total of 40 active volunteers.
  6. *Elder Abuse Prevention*: The Contractor will provide Public Education and Training Sessions for Professionals to increase awareness of the crime of Elder Abuse and ways to prevent it. Unit of Service: One hour. Goal: 24 hours.