



Grievance Policy and Procedures

The grievance policy and procedures of the LTC Ombudsman Program are set forth as follows:

- Section I – Performance Grievances
- Section II – Decertification Grievances
- Section III – Authority and Duties of LTC Ombuds.

I. PERFORMANCE GRIEVANCES

A performance grievance is a grievance about “the actions or determinations” of a LTC Ombuds in the performance of Ombuds duties.

- A. Unique Role:** Performance grievances are often rooted in unfamiliarity with the federal and state laws that set forth the authority and duties of LTC Ombuds. Before submitting a performance grievance, please see Section III for an overview of these laws.
- B. Informal Resolution:** Grievants are encouraged to resolve concerns directly with the LTC Ombuds whose performance is at issue. Informal resolution fosters positive working relationships, while allowing resources to be dedicated to the Program’s primary purpose—advocacy for LTC residents. If informal resolution is impossible or unsatisfactory, a formal grievance may be submitted in writing.
- C. Deadline:** Performance grievances must be filed within 45 business days of the events at issue.
- D. Information Required:** Please provide all information requested on the attached form. If a grievant is unable to submit a written grievance, the grievant may contact the Program for assistance: Office of the State LTC Ombuds, (P) 1-800-562-6028 or 252-838-6810, (F) 253-815-8173, ltop@mschelps.org, PO Box 23699, Federal Way, WA 98093-0699.
- E. Host Agencies:** The Program’s regional offices are housed within “host agencies,” which are responsible for the personnel management but not the programmatic oversight of LTC Ombuds. If a grievance is related solely to personnel issues, the grievance may be sent to the host agency.
- F. Performance Grievances regarding the State LTC Ombuds:** Performance grievances regarding the State LTC Ombuds will be investigated by the CEO of the Multi-Service Center, a nonprofit organization that serves as the host agency for the Office of the State LTC Ombuds. The CEO will endeavor to provide a written response to the grievant within 30 business days of receiving the grievance. Responses must comply with all laws and policies governing the Program, including disclosure requirements. All decisions of the CEO will be final.

To file a performance grievance regarding the State LTC Ombuds, please complete and submit the attached form within 45 business days of the events at issue. The form should be sent by email, fax, or mail to:

Robin Corak, CEO, Multi-Service Center
robin@mschelps.org, (P) 253-835-7678 ext. 101, (F) 253-815-8173
P.O. Box 23699, Federal Way, WA 98093.

G. Performance Grievances regarding All Other LTC Ombuds: The State LTC Ombuds or a designee will investigate performance grievances regarding all other LTC Ombuds (Assistant State Ombuds, Regional Ombuds, Staff Ombuds, and Volunteer Ombuds). As appropriate, and in compliance with all laws and policies governing the Program, the State LTC Ombuds will notify the host agency where the LTC Ombuds is located, seek input from the personnel supervisor, and keep the host agency informed of the grievance outcome. The State LTC Ombuds or designee will endeavor to provide a written response to the grievant within 30 business days of receiving the grievance. Responses must comply with all laws and policies governing the Program, including disclosure requirements. All decisions of the State LTC Ombuds or designee will be final.

To file a performance grievance regarding a LTC Ombuds (other than the State LTC Ombuds), please complete and submit the attached form within 45 business days of the events at issue. The form should be sent by email, fax, or mail to:

Office of the State LTC Ombuds
ltop@mschelps.org, (P) 1-800-562-6028 or 252-838-6810, (F) 253-815-8173
PO Box 23699, Federal Way, WA 98093-0699.

II. DECERTIFICATION GRIEVANCES

A decertification grievance is a request for the State LTC Ombuds to reconsider a prior refusal, suspension, or removal of certification.

A. Sole Authority: Under federal and state law, the State LTC Ombuds has sole authority for the certification and decertification of individual LTC Ombuds and local ombudsman entities. When considering a decertification grievance, the State LTC Ombuds may ask the CEO of the Multi-Service Center to review the grievance and offer a recommendation. This process must comply with all laws and policies governing the Program, including disclosure requirements.

B. Process for Decertification Grievances: The State LTC Ombuds will endeavor to provide a written response to the grievant within 30 business days of receiving the grievance. Responses must comply with all laws and policies governing the Program, including disclosure requirements. All decisions of the State LTC Ombuds will be final.

To file a decertification grievance, please complete and submit the attached form within 45 business days of the refusal, suspension, or removal of certification. The form should be sent by email, fax, or mail to:

Office of the State LTC Ombuds
ltop@mschelps.org, (P) 1-800-562-6028 or 252-838-6810, (F) 253-815-8173,
PO Box 23699, Federal Way, WA 98093-0699.

III. AUTHORITY AND DUTIES OF LTC OMBUDS

Please review this section before submitting a performance grievance. Many grievances stem from unfamiliarity with the laws governing the work of LTC Ombuds. These laws, which are summarized below, can be found at 42 USC § 3058g, 45 CFR § 1324, RCW 43.190, and WAC 365-18.

- A. Complaint Resolution:** Among other duties, LTC Ombuds must investigate complaints regarding the health, safety, welfare, and rights of LTC residents. This authority includes complaints about the actions or inactions of: LTC providers and provider representatives; public, health and social service agencies; and resident representatives—a term from ombudsman laws that includes family members, court-appointed guardians/conservators, and power-of-attorney agents.
- B. Resident-Directed Advocacy:** The Program’s advocacy is informed by the question, “What does the resident want?” While anyone may bring a complaint on a resident’s behalf, LTC Ombuds must resolve the complaint to the resident’s satisfaction. LTC Ombuds must also support and maximize resident participation in the resolution of complaints. During complaint resolution, LTC Ombuds must always offer privacy to and speak personally with the resident, regardless of the resident’s level of legal capacity.
- C. Private Access to Residents:** LTC Ombuds must have unimpeded and private access to all residents, subject to the wishes of individual residents. In turn, all residents—regardless of any diminished legal capacity—must have regular, timely, private, and unimpeded access to LTC Ombuds and Program services. Access must be free from willful interference by facilities and resident representatives—a term from ombudsman laws that includes family members, court-appointed guardians/conservators, and power-of-attorney agents.
- D. Access to Facilities and Records:** LTC Ombuds must have unimpeded access to facilities and, when authorized by a resident, timely access to the resident’s facility records.
- E. Informal and Formal Remedies:** Over 90% of the complaints made on behalf of LTC residents are resolved through informal, low-level problem solving. At the same time, LTC Ombuds have authority to use formal means such as representing residents’ concerns before government agencies and assisting residents with seeking administrative and legal remedies.
- F. Unusual Disclosure Requirements:** The State LTC Ombuds has sole authority to make or delegate decisions regarding the disclosure of Program information. Additional requirements apply to the disclosure of information identifying a resident, complainant, or witness.
- G. Exemption from Testifying:** LTC Ombuds are exempt from being required to testify in court, administrative hearings, and depositions with regard to confidential matters.
- H. Independence from Government:** The Program is located in a private non-profit organization. The Program does not license or regulate facilities and is not subject to public disclosure laws.
- I. Interference and Retaliation are Unlawful:** Willful interference with Ombuds duties is prohibited by law. Retaliation against residents, facility staff, and others for communicating with a LTC Ombuds is unlawful.