**Section 270.138 Organizational Standards and Responsibilities: Ombudsman Provider Agencies**

Federal regulations related to a provider agency hosting a Regional Program and Ombudsman are incorporated by reference at 45 CFR 1324.17 (2016). Accordingly, the provider agency shall perform its responsibilities in administering the Regional Program per the Ombudsman policies and procedures and the agreement with the Department or AAA. These responsibilities include, but are not limited to:

a) Personnel management, but not the programmatic oversight, of Ombudsmen in a Regional Program.

1) Provider agencies shall not have personnel policies or practices that impair Ombudsmen from performing the duties, or from adhering to the access, confidentiality and disclosure requirements, of section 712 of the Older Americans Act, the Illinois Act on the Aging, and this Part.

2) A provider agency may require that Ombudsmen adhere to the personnel policies and procedures that are otherwise lawful.

b) Being the sole provider of designated Ombudsman services in the applicable planning and service area or geographic service area.

c) If necessary, submitting, for written approval or denial by the Office, any requirements it wants to apply that differ from the Ombudsman policies and procedures.

d) Ensuring the Regional Ombudsman develops and submits an Annual Services Plan in accordance with the State Ombudsman instructions.

e) Providing a full-time Regional Ombudsman who shall:

1) Meet the applicable minimum qualifications of the Ombudsman policies and procedures;

2) Have no duties in the provider agency outside the scope of the Regional Program; and

3) Actively participate in the development of a budget, including any amendments or modifications.

f) Adequately staffing the Regional Program to meet or exceed the ratio of one full-time equivalent paid Ombudsman to 2,000 licensed beds, contingent on available funding.

g) Meeting or exceeding the Program performance benchmarks established by the Office.

h) Protecting unauthorized disclosure of Program records without the consent and approval of the State Ombudsman.

i) Providing staff support, such as work space, custodial, fiscal management, clerical, technology, and telephone coverage and supervisory support for Program operations.

j) Providing trained back-up support as needed for the operation of the Regional Program, including:

1) Arranging, in consultation with the Office and the AAA, if applicable, for temporary provision of Regional Program services when Ombudsman staff are unavailable or the Regional Ombudsman position is vacant;

2) Arranging and notifying the Office and the AAA when the Regional Ombudsman will be unavailable for five or more consecutive business days.

k) Retaining and purging all books, records and other documents relevant to the operation of the Program as directed by the State Ombudsman or the Department in accordance with the State Records Act, unless other State laws or federal laws or regulations apply.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)