

301: Designation of Regional Programs

- A. The Office shall designate provider agencies to provide Ombudsman services throughout Illinois for a period of time not to exceed six years. Provider agencies are eligible to reapply for designation status. The Provider Agency must:
1. be a public or not for profit entity
 2. have the capability to carry out the responsibilities of the Provider Agency;
 3. have a clearly definable unit to function as the Regional Program;
 4. have sufficient staff to perform all duties and responsibilities as outlined in Chapter 400 of this Manual which shall include a designated individual known as the Regional Ombudsman. At a minimum, the Regional Program shall have one (1) paid full time equivalent for every 2000 beds or units in licensed long-term care facilities in the service area;
 5. be open for business at least seven (7) hours each working day and shall not be closed for more than four (4) consecutive days;
 6. be open for business not less than 248 working days per calendar year;
 7. agree to retain all resident records relevant to the Program for three (3) years; and,
 8. meet all grant and contractual requirements and all policies and procedures set forth in this Manual.
- B. In order to be eligible for designation by the Office as a Provider Agency, an entity must not:
1. be an agency or organization responsible for licensing or certifying long-term care services;
 2. be an association (or an affiliate of an association) of providers of long-term care or residential services for older persons;
 3. have a financial interest in a long-term care facility;

4. be an agency or organization responsible for the administration of a state medical assistance waiver or provider of services for a state medical assistance waiver;
 5. be an agency or organization contracting with a managed care organization for care coordination or services;
- C. The Area Agencies on Aging shall conduct the Request for Proposal (RFP) process for recommending the qualified entities for designation as of Regional Programs. The Department is responsible for establishing the RFP process. Area Agencies on Aging shall advertise for letters of intent in the Official State Newspaper and/or any other newspapers approved by the Office.
1. When an entity expresses interest in bidding on the contract or grant then the AAA shall issue a request for proposal (RFP) developed by the Office.
 2. If there is no entity that expressed interest in bidding on the contract or grant, the AAA shall be asked by the Office to perform the duties associated with the Program.
- D. The AAA shall require that applicants complete the RFP setting forth:
1. the goals and objectives of such entity in providing Program services;
 2. a description of how each Program Service Component in Chapter 400 of this Manual shall be met by such applying entity including its staffing plan for the Regional Program;
 3. a description of the number of anticipated volunteers to be recruited and the process in which volunteers will be recruited, trained, supervised and retained; and
 4. a description of the resources of the entity which will be provided to assist in the operation of the Regional-Program.
- E. The AAA shall forward to the Office copies of the completed RFP of all responding entities
- F. The AAA shall recommend an entity for designation as a Provider Agency to the Office and shall provide the Office with information supporting its recommendation.

- G. The State Ombudsman shall review and consider all RFPs submitted to the AAA and the recommendation of the AAA, and shall determine the entity most appropriate to be designated as the Provider Agency for the service area.
- H. If the State Ombudsman agrees with the AAA recommendation, the State Ombudsman shall notify the AAA of its designation determination within 30 days of receiving the AAA's recommendation. The State Ombudsman shall notify the Director of all designation decisions.
- I. The AAA shall notify the responding entities of the State Ombudsman's designation decision within (15) days of receiving such notification. The AAA notification shall include notice of the right of every entity not chosen to appeal the State Ombudsman's determination pursuant to the Department's procedures.
- J. If the State Ombudsman does not agree with the AAA recommendation, the State Ombudsman and representatives of the Department will meet with the AAA to discuss the decision and attempt to reach an agreement.
- K. If an agreement is reached, the State Ombudsman shall notify the AAA of its designation determination and the AAA shall notify the responding entities of the State Ombudsman's decision, as in (I) above.
- L. In the event an agreement cannot be reached, the State Ombudsman and the AAA will provide the Director with a summary of the recommendation rationale. The Director will, render a final designation decision. The AAA shall notify the responding entities of the Director's decision. The AAA notification shall include notice of the right to appeal the designation decision pursuant to the Department's procedures.
- M. Upon designation by the State Ombudsman, the AAA shall enter into a grant or contract with the Provider Agency for the provision of Ombudsman services in the relevant service area. Such grant or contract must:
 - 1. specify the service area;
 - 2. require the Provider Agency to adhere to all applicable federal and state laws, regulations, and this Manual;
 - 3. provide that designation by the State Ombudsman continues for the duration of the grant or contract and the subsequently renewed grants or contracts unless the Provider Agency is de-designated by

the State Ombudsman, upon which the AAA will terminate its contract in accordance with Section 302 of this Manual; and,

4. require the Provider Agency to give sixty (60) days notice of voluntary contract termination.
- N. The Area Agency on Aging shall offer a contract for a one-year period with the option to extend the contract for a maximum of five additional one-year periods for a total of six years. If the Area Agency on Aging has established a procurement process on a multi-year basis, the time frame must be set in policy prior to the procurement of Ombudsman services.
- O. Should the grant or contract between the Provider Agency and the AAA not be renewed or be terminated for any reason, the AAA shall:
1. immediately notify the Office;
 2. follow the steps in Section 306 of this Manual to designate a new Provider Agency as soon as practicably possible; and
 3. follow the steps in Section 205 of this Manual to provide continuation of LTCOP services.
- P. Where the AAA seeks to serve as the Provider Agency, the designation shall occur as follows:
1. the AAA may be considered as a Provider Agency where the Department determines that either:
 - a. the designation of the AAA as the Provider Agency is necessary to assure an adequate supply of Ombudsman services; or
 - b. the Ombudsman services are directly related to the AAA's administrative functions; or
 - c. the Ombudsman services can be provided more economically, and with comparable quality by the AAA.
 2. the AAA shall advertise for letters of intent in the Official State Newspaper and/or any other newspapers used in the past.
 - a. The Office shall issue an RFP seeking an entity to provide Program services within its service area.

- b. the RFP shall identify the criteria for designation as a Provider Agency in keeping with this Policies and Procedures Manual, and shall request submission of documents supporting the entity's claim to meet these criteria.
3. the Office shall require that all applying entities develop an Ombudsman Proposed Services Response setting forth:
 - a. the goals and objectives of such entity in providing Program services;
 - b. a description of how each Program Service Component in Chapter 400 of this Manual shall be met by such applying entity including its staffing plan for the Regional Program;
 - c. a description of the number of anticipated volunteers to be recruited and the process in which volunteers will be recruited, trained, supervised, and retained; and
 - d. a description of the resources of the entity which will be provided to assist in the operation of the Regional Program.
4. The State Ombudsman shall first determine if the AAA has met the requirements of OAA to be considered an applicant, and consider all the Ombudsman Proposed Services Responses submitted to then determine the entity most appropriate, in keeping with this Manual, to be designated as the Provider Agency for the service area.
5. The State Ombudsman shall notify all the applying entities of the State Ombudsman's decision within forty-five (45) days. The notification shall include notice of the right of every entity not chosen to appeal the State Ombudsman's determination pursuant to the Department's procedures.
6. Upon designation by the State Ombudsman, the Department or the AAA may enter into a grant or contract with the selected Provider Agency for the provision of Program services in the relevant service area. Such grant or contract must:
 - a. specify the service area;
 - b. require the Provider Agency to adhere to all applicable federal and state laws, regulations, and policies; and

- c. provide that designation by the State Ombudsman continues for the duration of the grant or contract (including subsequent renewals), unless the Provider Agency is de-designated by the State Ombudsman.
 7. The effective date of the Provider Agency's grant or contract with the IDoA shall constitute the effective date of the designation of the entity as a Provider Agency.
 8. Should the grant or contract between the AAA and the Department to provide Program services not be renewed, or be terminated for any reason, the process in Section 302 of this Manual shall be followed.
- Q. Where any grant or contract for Program services is not with or through the AAA due to the failure or refusal of an AAA to participate in the designation process, the designation of a new Provider Agency shall occur through another AAA (selected by the Department) as described in Section 301 of this Manual or as follows:
 1. the Department shall advertise for letters of intent in the Official State Newspaper and any other newspapers used in the past.
 2. When one or more eligible entities expresses an interest in bidding on the contract or grant then the Department shall issue an RFP seeking an entity to provide Program services within its service area. The RFP shall comply with the model RFP created by the Department, shall identify the criteria for designation as a Provider Agency in keeping with this Manual, and shall request submission of documents supporting the entity's claim to meet these criteria. The Department shall issue a RFP seeking an entity to provide Program services within a particular service area. The RFP shall identify the criteria for designation as a Provider Agency and shall request submission of documents supporting the entity's claim to meet these criteria.
 3. The Department shall require that all applying entities develop an Ombudsman Proposed Services Response setting forth:
 - a. the goals and objectives of such entity in providing Program services;
 - b. a description of how each Program Services Component in Chapter 400 of this Policies and Procedures Manual shall be met by such entity including its staffing plan for the Regional Program;

- c. a description of the number of anticipated volunteers to be recruited, and the process in which volunteers will be recruited, trained, supervised, and retained; and,
 - d. a description of the resources of the entity which will be provided to assist in the operation of the Regional Program.
- 4. The State Ombudsman shall review each submitted Ombudsman Proposed Services Response and shall choose the entity most appropriate to serve as the Provider Agency based on the submitted Ombudsman Proposed Services Responses and on the criteria for designation. In considering which entity is most appropriate to be designated as the Provider Agency, the State Ombudsman may consult with the AAA serving the relevant service area.
- 5. The State Ombudsman shall notify the applying entities of this determination within forty-five (45) days. The notification shall include notice of the right of every entity not chosen to appeal pursuant to the Department's procedures.
- 6. The Department shall grant or contract with the selected Provider Agency to provide Program services. Such grant or contract must:
 - a. specify the service area;
 - b. require the Provider Agency to adhere to all applicable federal and state laws, regulations, and this Manual; and
 - c. provide that designation by the State Ombudsman continues for the duration of the grant or contract and subsequently renewed grant or contracts unless the Provider Agency is de-designated by the State Ombudsman.
- 7. The effective date of the Provider Agency's grant or contract with the IDoA shall constitute the effective date of the designation of the entity as a Provider Agency.