

**State Long-Term Care (LTC) Ombudsman Program
Regulatory Action Panel (RAP) Meeting**

Tuesday, April 30, 2019

10:00 a.m. to 12:00 p.m.

Virginia Department for Aging and Rehabilitative Services

Rooms 101-103-105

8004 Franklin Farms Drive

Henrico, VA 23229

Attendees:

Pam Beckner, Office of the Attorney General

Davis Creef, Virginia Poverty Law Center

Tara Davis-Ragland, Virginia Department of Social Services

David DeBiasi, AARP

Judy Hackler, Virginia Assisted Living Association (VALA)

Carter Harrison, Alzheimer's Association

Paige McCleary, Department for Aging and Rehabilitative Services

Colleen Miller, disAbility Law Center

Rodney Miller, Virginia Department of Health

Dev Nair, Department of Behavioral Health & Developmental Services

F. Ellen Netting, Virginia Commonwealth University School of Social Work

Dana Parsons, LeadingAge Virginia

April Payne, Virginia Health Care Association

Kathy Pryor, Consumer

Marcia Tetterton, the Virginia Association for Home Care and Hospice

Lisa Walker, Bay Aging

Erica Wood, American Bar Association Commission on Law and Aging

Thelma Watson, Virginia Association of Area Agencies on Aging (V4A)

Attending Electronically:

Lori Smentanka, National Consumer Voice for Quality Long-Term Care

DARS Staff: Charlotte Arbogast, Catherine Harrison, Joani Latimer, Paige McCleary, Leah Mills, Kathy Miller, and Gail Thompson

VCU Gerontology Student: Shannon Arnette

Welcome and Introductions

Ms. Arbogast welcomed the RAP members. She asked members to go around and introduce themselves.

Purpose of RAP (Presentation attached)

Charlotte Arbogast, DARS

After highlighting a few housekeeping items, Ms. Arbogast outlined the goals for the meeting and the overall purpose of the RAP. She stated that DARS was in the process of developing new

regulations for Virginia's State Long-Term Care Ombudsman Program (SLTCOP). Revisions to current regulations are needed to incorporate new requirements stemming from the re-authorization of the federal Older Americans Act (OAA) and ensuing federal regulations (45 CFR Parts 1321 and 1324). The current regulations for the Office of the State Long-Term Care Ombudsman (OSLTCO) and the SLTCOP will be repealed and a new, standalone chapter will be established to more clearly align Virginia's regulations with federal requirements. The RAP was convened to provide subject-matter expertise to DARS in the development of the regulations.

Ms. Arbogast noted that the Virginia Administrative Process Act and DARS' Public Participation Guidelines authorize DARS to convene a RAP to provide professional specialization or technical assistance when the agency determines that such expertise is necessary. This RAP membership includes individuals with expertise in the provision of long-term care services, ombudsman representatives, or advocating for older adults, adults with disabilities, and other vulnerable adults receiving long-term care services. Ms. Arbogast stated the RAP will meet twice to assist DARS with the development of the OSLTCO regulations.

Ms. Arbogast reviewed the State Long-Term Care Ombudsman Program history, evolution, and new federal requirements. She then provided an overview of the 2016 federal regulations, and Virginia's state regulatory efforts to date.

Ms. Arbogast then provided an overview of the Virginia Long-Term Care Ombudsman structure. She informed the attendees that the Office was also comprised of regional staff who serve as Medicaid Managed Care Advocates supporting enrollees in the Medicaid CCC Plus Managed Care Program. Ms. Arbogast then discussed the local ombudsman entities or LOEs. The Office of the State Long-Term Care Ombudsman designates each LOE and each representative.

Ms. Arbogast reviewed the federal and state statutory authority for the Office. She outlined the federal funding authorized by the Older Americans Act as well as the interstate funding formula outlined in Virginia's State Plan for Aging Services. Federal funding is used for "traditional" ombudsman work in long-term care facilities. The General Assembly also allocates state general funds for the program which are used to supplement the federal funds and for the Medicaid Managed Care Advocates. These state general funds can be used to provide traditional ombudsman services in long-term care facilities as well as for ombudsman services in home and community based services settings, which is an expanded role of the Program in Virginia.

Ms. Arbogast noted that, from a state perspective, the ombudsman program covers long-term care facilities as well as home and community based services (HCBS), which includes a variety of providers ranging from adult day care centers, home care, and hospice, the Department of Behavioral Health and Developmental Services' (DBHDS) licensed providers, AAAs. Federal law permits state programs to have a wider scope when state money is used to support that broader scope.

Ms. Arbogast then reviewed the changes made by the 2016 reauthorization of the Older Americans Act (OAA). She then provided an overview of the Code of Virginia's provisions dealing with the operations of the Long Term Care Ombudsman Program. Ms. Arbogast then reviewed the requirements established for both the Office of the State Long Term Care

Ombudsman Program, the LOEs, the state agency's responsibilities, and the duties for representatives. She reiterated that pending the state regulatory changes were prompted by OAA reauthorizations and the 2015 federal regulatory changes.

Ms. Arbogast informed the RAP that the DARS' Notice of Intended Regulatory Action or NOIRA was published on February 4, 2019. A 30-day comment period ran until March 6, 2019. No comments were submitted or received. Ms. Arbogast stated that it was anticipated that the following changes would be made:

- repeal of sections 22vac30-60-570, 580 and 590;
- amend certain sections within 22vac30-60 to remove any remaining office or ombudsman program content, as appropriate; and
- establish a new chapter – State Long-Term Care Ombudsman Program, 22VAC30-140.

She stated that the regulations would establish a Virginia-specific process to implement the federal requirements. She stated that the second RAP Meeting would be held on June 20, 2019. At that meeting, it was anticipated that DARS would receive RAP feedback on draft proposed regulations. On September 2, 2019, the proposed regulations were due to undergo a review by the Office of the Attorney General (OAG), Department of Planning and Budget (DPB), Secretary of Health and Human Resources (HHR), and the Governor's Office.

Ms. Tetterton asked where Virginia's program ranked with funding among other states. Ms. Latimer replied that were the program fully funded, the minimum staffing ratio would be one ombudsman to every 2,000 long-term care beds, subject to sufficient appropriations by the General Assembly. This is a standard that not all states meet and Virginia does not meet this standard.

Public Comment/RAP Discussion

Ms. Arbogast opened the meeting for questions and public comment. No one signed up for public comment so Ms. Arbogast asked the RAP members for feedback. Mr. Harrison asked how complaints were investigated with an Area Agency on Aging (AAA) when they also were a long-term care provider. Ms. Latimer stated that it was required that all the agreements address this type of situation and another ombudsman would be brought in to handle the investigation or the state office would then become involved to mitigate any conflict of interest. Mr. Harrison asked if this arrangement was adequate to address this conflict. Ms. Latimer stated that the state office would review every instance like this to ensure the proposed remedy was sufficient, and usually those situations involve a partnership with another oversight agency. This arrangement also met federal requirements. Ms. Miller inquired whether there would be additional opportunities for public comment prior to the regulatory process commencing on September 2. Ms. Arbogast stated that a draft of the regulatory text would be reviewed at the June 20 RAP meeting. DARS staff would email the draft language prior to the meeting date. Public comment was also built into the regulatory process and a 60-day public comment period would commence once the regulations were published in the Virginia Register and posted on the Virginia Town Hall.

Ms. Tetterton asked for clarification on the authority of SLTCOP in oversight of long-term care facilities. Ms. Latimer stated that this was a federal requirement; however, it was state regulations that authorized Virginia's SLTCOP to monitor HCBS. Ms. Miller asked whether

this was limited to Medicaid. Ms. Latimer stated this was not limited to Medicaid-funded facilities. State general funds supported this oversight in HCBS. Ms. Tetterton commented that it was important not to lose the community component because there has been a significant increase in the number of abuse, neglect, and exploitation cases in community settings as well as an increase in legislation reviewing issues in HCBS. If this component was lost, there would not be a system to address these issues. Ms. Pryor inquired whether Virginia was unique with this arrangement and Ms. Latimer said no. Ms. Smetanka commented that a handful of other states also oversee HCBS and she believed it was less than 12 states. Ms. Pryor asked if the DARS regulatory language would track the federal regulatory language other than the areas where states had to spell out more specifics, such as for sanctions. Ms. Arbogast said yes and that staff would compile a crosswalk for the next meeting noting the regulatory language that mirrored federal regulatory language versus the state-specific language. Ms. Smetanka commented that the two issues that had some state variation pertained to conflict of interest and sanctions for willful interference. Mr. Harrison asked when Virginia's SLTCOP regulations were last updated. Ms. Arbogast stated that the regulations were last updated in the 1990s. Ms. Tetterton inquired how the regulations would address access to legal representation. Ms. Beckner with the Office of the Attorney General stated that the Office has a process in place to ensure that the Office could provide adequate legal representation to the SLTCOP. If there were any concerns regarding conflicts of interest, then the Office has the ability to engage and collaborate with outside counsel as needed.


Ms. Hackler asked whether there were any best practices identified from other states about conflict of interest. Ms. Smetanka stated that the National Long-Term Care Ombudsman Resource Center compiled information on best practices and that she would be happy to provide this information to DARS. Ms. Tetterton inquired how many instances of conflicts of interest that had been handled by the OSLTCOP. Ms. Latimer stated there were not very. These were typically resident-initiated complaints. The RAP asked DARS staff to provide the percentage of state and federal funding to the SLTCOP, including funding for state general fund CCC-plus services. Ms. Latimer stated she would be happy to provide this information to the RAP. Ms. Wood asked about the types of arrangements other states had in the provision of legal services. Ms. Smetanka noted that Washington State had a contract with their Poverty Law Center. She offered to provide additional information about the types of legal services arrangements compiled by the National Long-Term Care Ombudsman Resource Center with DARS staff. Other states' structure for the SLTCOP were also discussed.

Next Steps

Ms. Arbogast thanked the RAP members for participating. She stated that DARS staff would compile the draft proposed regulations and include references to the sections where the draft text mirrored federal language as well as the sections where the draft language was specific to Virginia's practices. This would be sent out to the RAP prior to the June 20 RAP meeting so the members would have time to review the regulatory text.

The meeting was adjourned at 11:10 am.

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to secure independence and employment*

**Regulatory Action Panel (RAP):
State Long-Term Care Ombudsman Program (SLTCOP)**


April 30, 2019
8004 Franklin Farms Drive, Henrico, VA 23229

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Acronyms

- AAA = Area Agency on Aging
- ACL = U.S. Administration for Community Living
- ALF = Assisted Living Facility
- AoA = U.S. ACL Administration on Aging
- APS = Adult Protective Services
- CFR = Code of Federal Regulations
- COI = Conflict of interest
- DARS = Virginia Department for Aging and Rehabilitative Services
- DBHDS = Virginia Department of Behavioral Health and Developmental Services
- DPB = Virginia Department of Planning and Budget
- DSS = Virginia Department of Social Services
- HCBS = Home and Community-Based Services
- HIPAA = Health Insurance Portability and Accountability Act
- LOE = Local Ombudsman Entity
- LTC = Long-Term Care
- MFCU = Medicaid Fraud Control Unit
- MH = Mental Health
- MOA = Memorandum of Agreement
- NF = Nursing Facility
- NOIIRA = Notice of Intended Regulatory Action
- NORS = National Ombudsman Reporting System
- NWD = No Wrong Door
- OAA = Older Americans Act
- OAG = Virginia Office of the Attorney General
- OBRA 87 = Omnibus Reconciliation Act 1987
- OSLTCO = Office of the State Long-Term Care Ombudsman
- RAP = Regulatory Action Panel
- SHHR = Secretary of Health and Human Resources
- SLTCOP = State Long-Term Care Ombudsman Program
- SUA or State Agency = State Unit on Aging
- V4A = Virginia Association of Area Agencies on Aging
- VDH = Virginia Department of Health



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OUTLINE

- Purpose of the RAP
- State LTC Ombudsman Program History & Requirements
- Federal LTC Ombudsman Final Rule
- Virginia Regulatory Action

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PURPOSE OF THE RAP

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Regulatory Action Panel (RAP)

- 22VAC30-11-70 (Public Participation Guidelines): DARS may appoint a RAP to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action.
- The RAP membership includes individuals who have expertise in providing long-term care services, serving as State Long-Term Care Ombudsman Program (SLTCOP) representatives, or advocating for older and other vulnerable adults receiving long-term care services.
- RAP members will assist DARS in the careful consideration of proposed regulation content.
- This RAP will consist of two meetings: April 30 and June 20.

Conducted in accordance with the Virginia Administrative Process Act (§ 2.2-4007.02 of the Code of Virginia)



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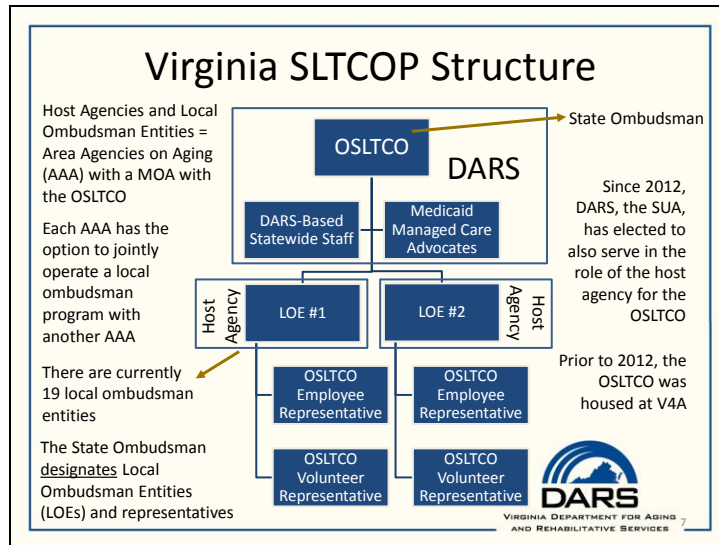


STATE LTC OMBUDSMAN PROGRAM HISTORY & REQUIREMENTS

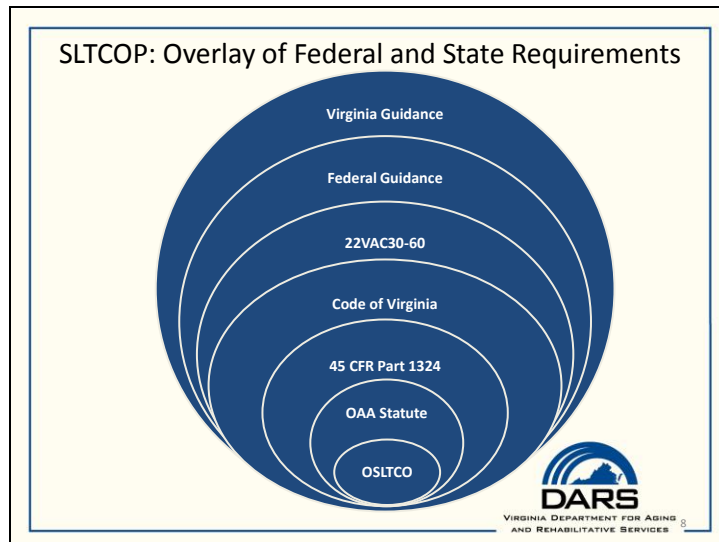
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SLTCOP Funding

- Virginia SLTCOP receives funding under the OAA
 - Local Ombudsman Entity funding spelled out in the Intrastate Funding Formula in the Virginia State Plan for Aging Services
 - Includes a base amount
 - Additional funding based on NF, ALF, and Geriatric MH beds in the service area
 - \$ used for work in LTC facilities
- Virginia SLTCOP also receives State General Funds
 - Funds for SLTCOP Operations and Local Ombudsman Entities
 - \$ used for work in LTC facilities and with HCBS
 - Funds for Medicaid Managed Care Advocates

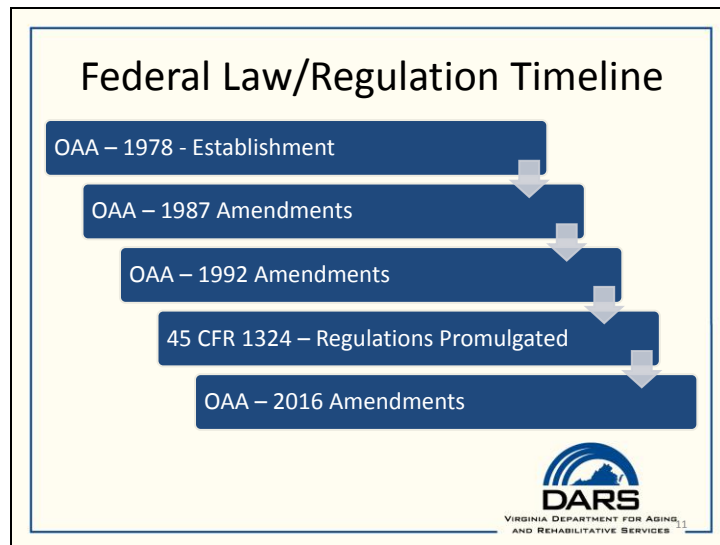


SLTCOP Roles as Prescribed by Law and as Funded:

<h4>Federal Role</h4> <p>“LTC Facilities”, which the OSLTCO in Virginia has defined as:</p> <ul style="list-style-type: none">• Nursing Facilities,• Assisted Living Facilities, and• Geriatric Mental Health Facilities providing LTC.	<h4>State Role</h4> <p>“LTC Facilities”</p> <p>HCBS providers, which can include:</p> <ul style="list-style-type: none">• Adult Day Care Centers• Home Care• Hospice• DBHDS Licensed Providers• AAAs• And More...
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Federal Law: Older Americans Act (OAA)


- 42 U.S.C. 3001 et seq.
- Placed within the U.S. Administration for Community Living (ACL) – Administration on Aging (AoA)
- Program first developed in mid-1970s
- 1978 amendments to OAA elevated the SLTCOP to a statutory level
- 1987 OAA (same time as “OBRA ’87”) and the 1992 OAA reauthorizations
 - For the most part, these lay out the current SLTCOP structure w/ additional updates made with the 2016 OAA reauthorization

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OAA Amendments

- **1987:** OAA Amendments made substantive changes in the ombudsman program, including:
 - Requiring states to provide for ombudsman access to residents and residents' records;
 - Immunity to ombudsmen for the good faith performance of their duties; and
 - Prohibitions against willful interference with the official duties of an ombudsman and/or retaliation against an ombudsman, resident or other individual for assisting representatives of the program in the performance of their duties.
- **1992:** OAA amendments strengthened the ombudsman program and transferred it to a new title in the Act, Title VII, Vulnerable Elder Rights Protection Activities:
 - Which also included Programs for Prevention of Elder Abuse, Neglect and Exploitation, the State Elder Rights and Legal Assistance Development Program and an Outreach, Counseling and Assistance Program.

Taken from National Consumer Voice:
<https://ltombudsman.org/about/about-ombudsman/program-history>




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Federal Regulations: 45 CFR Part 1324

- Proposed Rule was published in 2013
- Final Rule was published in 2015, effective in 2016
 - First promulgated as 45 CFR Part 1327, later relocated to 45 CFR Part 1324
- Until 2015, SLTCOPs operated under the OAA prescribed requirements and program instructions (i.e. guidance) issued by ACL/AoA
- However, ACL recognized the need for federal regulations for SLTCOPs to minimize variations in interpretation and implementation of these programs across the U.S.
- The new regulations provide greater clarity regarding program implementation at the state level and include:
 - Specific roles and responsibilities of SUAs, state LTC ombudsmen, LOEs, and designated ombudsman representatives;
 - Requirements to identify and mitigate conflicts of interest;
 - Requirements to ensure the independence of the program to engage in advocacy activities to fulfill program mandates; and
 - Training requirements for representatives of the program.

The next section will explore these in more detail.




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2016 OAA Reauthorization

- Authorizes SLTCOPs to serve all LTC facility residents, regardless of their age.
- Clarifies fiscal management responsibilities for the OSLTCO.
- Clarifies that programs may work to resolve complaints on behalf of residents unable to communicate their wishes, including those lacking an authorized representative.
- Requires residents have private, unimpeded access to the program.
- Requires programs to actively encourage, and assist in the development of, resident and family councils in LTC facilities.
- Authorizes programs to serve residents transitioning from a facility to a HCBS, when feasible.
- Clarifies that the program is a "health oversight agency" for purposes of the HIPAA.
- Applies OAA disclosure provisions to all SLTCOP information and clarifies exceptions for disclosure of information relating to residents unable to communicate their wishes, including those lacking an authorized representative.
- Provides specific examples of conflicts of interest and requires remediation or removal of those conflicts.
- Requires that each State Ombudsman participate in ACL trainings.


ACL/AoA indicates that it does not need to revise regulations to accommodate these newer amendments (i.e. no conflict).



State Law: Code of Virginia

- SLTCOP requirements are found under Article 3 (Services to Older Virginians) of Chapter 14 (DARS) of Title 51.5 (Persons with Disabilities):

§ 51.5-134 (Definitions)	§ 51.5-139 (Responsibility of Department for complaints regarding long-term care services)	§ 51.5-140 (Access to clients, patients, individuals, providers, and records by Office of the State Long-Term Care Ombudsman; interference, retaliation, and reprisals against complainants)
§ 51.5-141 (Confidentiality of records of Office of the State Long-Term Care Ombudsman)	§ 51.5-142 (Protection for representatives of the Office of the State Long-Term Care Ombudsman; interference, retaliation, and reprisals)	




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Current Virginia Regulations

- 22VAC30-60 Grants to Area Agencies on Aging

22VAC30-60-10 Purpose	22VAC30-60-20 Definitions	22VAC30-60-80 Preparation and submission of the area plan
22VAC30-60-570. Office of the State Long-Term Care Ombudsman	22VAC30-60-580. Substate long-term care ombudsman programs	22VAC30-60-590. Conflict of interest

Substate (outdated term) = Local Ombudsman Entity




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Guidance: Federal and State

- AoA Guidance for SLTCOPs:
 - <https://acl.gov/programs/protecting-rights-and-preventing-abuse/program-instructions-information-memoranda-and>
- Virginia Guidance for Local Ombudsman Entities and Designated Ombudsman Representatives:
 - <http://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=6497>*
 - *This will likely need to be updated once Virginia regulations are finalized.




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FEDERAL LTC OMBUDSMAN FINAL RULE

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Federal Regulations: 45 CFR Part 1324

§ 1324.1 Definitions	§ 1324.11 Establishment of the Office of the State Long- Term Care Ombudsman	§ 1324.13 Functions and responsibilities of the State Long-Term Care Ombudsman
§ 1324.15 State agency responsibilities related to the Ombudsman program	§ 1324.17 Responsibilities of agencies hosting local Ombudsman entities	§ 1324.19 Duties of the representatives of the Office
§ 1324.21 Conflicts of interest		




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Disclaimer

Some of the regulatory requirements in 45 CFR 1324 were: 1) previously built into the Older Americans Act; 2) already common practice; or 3) previously laid out by ACL, in a similar form, in federal guidance materials.


Not everything in the federal regulations will sound “new.”



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§ 1324.1 Definitions

- Immediate Family
 - relates to conflicts of interest
- OSLTCO
- OSLTCO Representative
- Resident Representative
- State Ombudsman
- SLTCOP
- Willful Interference
 - relates to sanctions



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§ 1324.11 Establishment of the OSLTCO


- Distinct entity, separately identifiable
- State Ombudsman is full-time and meets the identified qualifications
- OSLTCO establishes policies & procedures on:

Program Administration	Access	Disclosure	Conflicts of Interest
Systems Advocacy	Designation of LOEs and Representatives	Grievance Process	Determinations

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§ 1324.13 Functions and responsibilities of the State Ombudsman

- Identify, investigate, and resolve complaints;
- Relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of residents;
- Ensure that residents have regular and timely access to the services provided through the SLTCOP and that residents and complainants receive timely responses from representatives of the OSLTCO to requests for information and complaints;
- Represent the interests of residents before governmental agencies, assure that individual residents have access to, and pursue administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents;
- Provide administrative and technical assistance to representatives of the OSLTCO and agencies hosting LOEs;
- Conduct systems advocacy;
- Coordinate with and promote the development of citizen organizations consistent with the interests of residents; and
- Promote, provide technical support for the development of, and provide ongoing support as requested by resident and family councils to protect the well-being and rights of residents.
- Plus: Fiscal Management and Annual Reporting Responsibilities


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§ 1324.15 State agency responsibilities related to the SLTCOP


- The state agency (DARS) must:
 - Ensure sufficient authority and access
 - Provide opportunities for trainings
 - Provide personnel supervision and management for State Ombudsman and SLTCOP who are employees of the SUA
 - Provide monitoring
 - Ensure compliance with the disclosure limitations
 - Integrate and coordinate with State Plan goals
 - Provide elder rights leadership
 - Ensure mechanisms for handling interference, retaliation and reprisals [and provide for sanctions]
 - Ensure adequate legal counsel



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§ 1324.17 Responsibilities of agencies hosting LOEs


- The host agency is responsible for the personnel management, but not the programmatic oversight, of SLTCOP representatives (employee and volunteers).
- The host agency shall not have personnel policies or practices which prohibit the SLTCOP representatives from performing the duties, or from adhering to the access, confidentiality and disclosure requirements and the policies and procedures of the OSLTCO.
- Policies, procedures and practices, including personnel management practices of the host agency, which the State Ombudsman determines conflict with the laws or policies governing the SLTCOP shall be sufficient grounds for the refusal, suspension, or removal of the designation of LOE by the State Ombudsman.
- Nothing in this provision shall prohibit the host agency from requiring that the SCLTOP representatives adhere to the personnel policies and procedures of the agency which are otherwise lawful.



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§ 1324.19 Duties of the representatives of the Office

- Duties comparable to those of the State Ombudsman
- Outlines process for receiving and processing complaints, including those involving resident representatives when residents cannot provide informed consent
- Provisions and limitations for the disclosure of resident-identifying information
- Requirements for instances of suspected abuse, neglect or exploitation
- Provisions for the State Ombudsman approval prior to disclosure, or prompt notification to the State Ombudsman after the disclosure




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§ 1324.21 Conflicts of interest

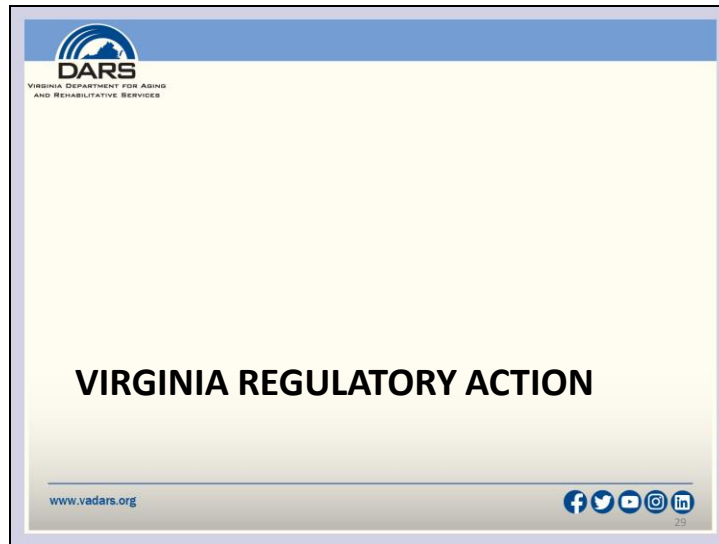
<p>Organizational COI</p> <ul style="list-style-type: none">• Applies to OSLTCO and LOEs• The rule requires the followings regarding organizational COI:<ul style="list-style-type: none">– Avoid COI prior to designating or renewing designation– Require disclosure of COI and steps taken to remove/remedy– Establish criteria and process for review/approval of steps taken to remedy/remove COI– Report through the National Ombudsman Reporting System (NORS)	<p>Individual COI</p> <ul style="list-style-type: none">• Applies to the State Ombudsman, representatives, and members of their immediate family• The rule requires the following regarding individual COIs:<ul style="list-style-type: none">– Establish and implement policies and procedures related to COI– Identify COIs– Avoid appointing or designating individuals with COI– Remove or Remedy the conflict
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Ongoing: Establish a process for periodic review and identification of conflicts



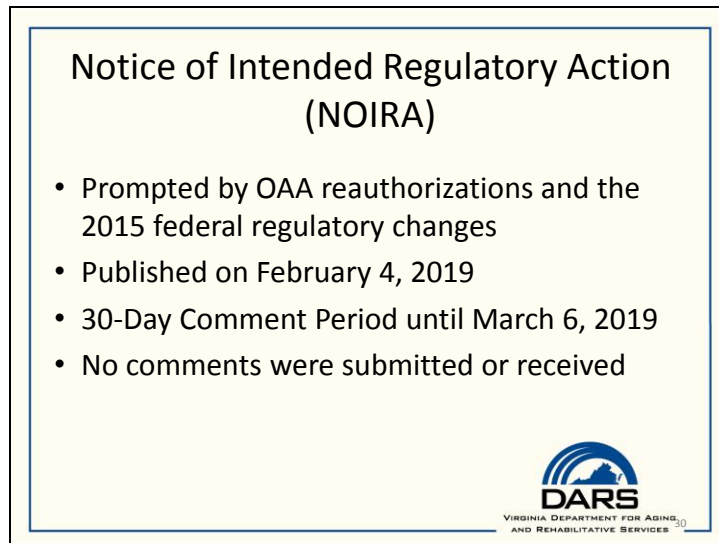
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The slide features the DARS logo in the top left corner, which includes a stylized blue and white globe icon above the text "DARS" and "VIRGINIA DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES". The main title "VIRGINIA REGULATORY ACTION" is centered in a large, bold, black font. At the bottom left, the website "www.vadars.org" is listed. At the bottom right, there are social media icons for Facebook, Twitter, YouTube, Instagram, and LinkedIn, with a small number "29" below them.

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The slide is titled "Notice of Intended Regulatory Action (NOIRA)" in a bold, black font. Below the title is a bulleted list of four points: "Prompted by OAA reauthorizations and the 2015 federal regulatory changes", "Published on February 4, 2019", "30-Day Comment Period until March 6, 2019", and "No comments were submitted or received". The DARS logo is positioned in the bottom right corner, with the text "DARS" and "VIRGINIA DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES" below it, and a small number "30" to the right.

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NOIRA Anticipated Changes

REPEAL Repeal sections 22VAC30-60-570 through 22VAC30-60-590;	AMEND Amend certain sections within 22VAC30-60 to remove any remaining OSLTCO or SLTCOP content, as appropriate; and	CREATE Establish a new chapter (State Long-Term Care Ombudsman Program, 22VAC30-140) (next slide).
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Anticipated Regulatory Framework: 22VAC30-140 SLTCOP

- **General Regulations:**
 - General authority, establishment, or purpose of the OSLTCO
 - Definitions
 - Mitigation of organizational-level and individual-level conflict of interest
 - Protections from interference, retaliation and reprisal
 - Departmental decisions, sanctions and grievance processes
 - Access to records and facilities
 - Confidentiality requirements and limitations regarding disclosure
 - Ombudsman liability protections and access to legal counsel
- **OSLTCO:**
 - Responsibilities of the Department and the OSLTCO
 - Oversight of LOEs
 - Process for receiving complaints
 - Criteria for designation or removal as a LOE and representative
- **Designated LOEs and Representatives:**
 - Responsibilities of LOEs and representatives
 - Process for receiving complaints
 - Parameters for the use of volunteer representatives
 - Training requirements for representatives
 - Processes for use of cross or neighboring jurisdiction representatives



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**NEXT STEPS
QUESTIONS?
PUBLIC COMMENT**

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Next Steps

- Second RAP Meeting: June 20, 2019
 - Agenda: Discuss Proposed Regulations
- DARS' Proposed Regulations work is due September 2, 2019
 - It will then undergo a review by the Office of the Attorney General (OAG), Department of Planning and Budget (DPB), Secretary of Health and Human Resources (HHR), and Governor's Office.

DARS
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