

**CHAPTER 1100: Emergency Preparedness**

**1101: Emergency Plan Communication and Coordination: Prior to an Emergency**

**1102: Emergency Plan Communication and Coordination: During an Emergency**

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**1104: Emergency Plan Coordination: After an Emergency**

**1101: Emergency Plan Communication and Coordination: Prior to an Emergency**

A. Responsibilities of the Office

1. The Office shall annually assess the need for the Ombudsman Program communication resources and develop guidelines for their use by Regional Programs in order to maintain communication before, during (if possible) and after a disaster. Relevant communication resources may include:
  - a) landline phones (not cordless);
  - b) mobile phones;
  - c) smart phone apps (e.g., Facebook Safety Check, Twitter, etc.);
  - d) websites, other social media tools; and/or
  - e) other resources as available.
2. The Office shall implement the Continuity of Operations Plan described in Section 1102 to meet the operational needs of the Program at the state and local level.
3. The Office shall implement a system to remind Regional Programs to review their emergency preparedness plan, to restock their individualized emergency preparedness kits (e.g., Go Kits) as necessary, and to send updated contact information to the Office on a semi-annual basis.
4. The Office shall develop educational preparedness materials for Ombudsmen, residents and families and support coordinated messaging with other entities.

B. Responsibilities of the State Ombudsman

1. The State Ombudsman shall communicate and coordinate with relevant state officials and regional representatives of federal agencies regarding ongoing emergency planning, to prepare for anticipated emergencies and to coordinate response during an emergency.

2. The State Ombudsman shall participate with non-governmental organizations for emergency planning and assistance such as national, state, and local long-term care provider associations; long-term care facility corporate leaders; the American Red Cross; and others as applicable.
  
3. The State Ombudsman shall coordinate with the Department to plan and prepare for an emergency and ensure the plan addresses the role, responsibilities, and functions of the Ombudsman Program with respect to emergency preparation and response, including, at a minimum, the complaint process, and information and assistance to residents, their families, resident representatives, and facility staff
  
4. The State Ombudsman shall coordinate with Regional Ombudsmen to determine capacity and support needed to plan and prepare for an emergency.
  
5. State Ombudsman coordination with outside entities may include:
  - a) informing agencies of the role, responsibilities, and functions of the Ombudsman Program with respect to emergency preparation and response, including, at a minimum, the complaint process and information and assistance to residents, their families, other resident representatives, and facility staff;
  
  - b) discussing systems issues with provider associations related to emergency plans with attention to residents' rights and preferences and collaborating on relevant legislation, regulations, policies, and training opportunities;
  
  - c) participating in the state emergency planning team as part of the public health and emergency management operations center, when appropriate, and serving as a visible advocate of residents' interest;
  
  - d) attending or assisting with development of joint agency planning, trainings, and emergency exercises.

**C. Responsibilities of Regional Ombudsmen**

1. Regional Ombudsmen shall coordinate with their Provider Agency and the Area Agency on Aging (AAA) to plan and prepare for an emergency and shall inform the Provider Agency and AAA of the role, responsibilities, and functions of the Ombudsman Program with

- respect to emergency preparation and response including, at a minimum, the complaint process and information and assistance to residents, their families, resident representatives, and facility staff.
2. Regional Ombudsmen shall develop and monitor the maintenance of individualized emergency kits a recommended by [www.ready.gov](http://www.ready.gov).
  3. Regional Ombudsmen shall develop a process to request a copy of all facilities' emergency preparedness plans and to ensure all Ombudsmen have access to the plans of the facilities in which individual Ombudsmen are assigned.
  4. When the facility's policies and procedures include actions of the Ombudsman Program, the Regional Ombudsman or designee shall discuss the plan with the facility administrator or the person responsible for implementing the facility's plan, to ensure the Ombudsman role is mutually agreed upon and the Program is updated as changes are made to the plan.
  5. Regional Ombudsmen shall ensure all facilities within their service area are informed of the role, responsibilities, and functions of the Ombudsman Program with respect to emergency preparation and response.
  6. Regional Ombudsmen shall ensure all Ombudsmen within the Regional Program are trained on the role, responsibilities, and functions of the Ombudsman Program with respect to emergency preparation and response.
  7. Regional Ombudsman may attend or assist with the development of joint agency planning, training sessions and emergency exercises and may encourage Ombudsmen within the Program to do the same.
  8. Regional Ombudsmen may participate in the local emergency planning team and when doing so, shall serve as a visible advocate of residents' interest.
  9. When coordinating with other local entities, the Regional Ombudsman shall explain of the role, responsibilities, and functions of the Ombudsman Program with respect to emergency preparation and response; including, at a minimum, the complaint process and information and assistance to residents, their families, resident representatives, and facility staff.

**1102: Emergency Plan Communication and Coordination: During an Emergency**

- A. Coordination responsibilities of the Office and the State Ombudsman
  - 1. The State Ombudsman shall obtain information about affected facilities and/or geographic areas and the impact of the emergency on residents.
  - 2. The State Ombudsman shall coordinate with the Department and other state and local entities engaged in the emergency response.
  - 3. The Office shall maintain communications with the Regional Ombudsman Programs within the impacted geographic area to determine Ombudsman availability to respond, what actions Ombudsmen have been completed and what further actions are necessary.
  - 4. The Office shall Provide technical assistance and support to the Regional Programs, such as:
    - a) Developing the plan of action;
    - b) Determining the need for additional coordination and the availability of Ombudsmen from other service areas; and
    - c) Providing information and assistance and other Ombudsman services by telephone or other remote means to residents, families, and resident representatives by the Office and/or Ombudsmen from other service areas when those services cannot be done in person.
  
- B. Coordination responsibilities of Regional Ombudsmen
  - 1. Regional Ombudsmen shall immediately notify the Office, their Provider Agency and the AAA of any known emergencies in their service area and the known impact on residents.
  - 2. Regional Ombudsmen shall contact local Ombudsmen to inform them of the emergency and the plan of action .
  - 3. Regional Ombudsmen shall notify the Office if additional assistance is needed during the emergency.

4. Regional Ombudsmen shall communicate with the Office and other Regional Ombudsman Programs as necessary regarding emergency

planning, information sharing, and resource sharing when it is anticipated that residents will be relocated into another service area.

5. Regional Ombudsmen or their designee shall request a listing of residents and their representatives along with their new location from the facility and shall assure follow-up with residents either via phone, electronically or in-person as soon as it is safe to do so.

**1103: Ombudsman Program Services Related to Emergencies**

- A. The State Ombudsman shall assess the policies and procedures applicable to the delivery of services under normal operating conditions and determine if there is a need to make adjustments in response to an emergency.
- B. Policies and procedures may be adjusted and communicated, as relevant, to impacted AAAs and Regional Ombudsman Programs.
- C. Such adjustments may include temporary changes to the policies and procedures and benchmark measures, including, but not limited to:
  - 1. timely response to complaints;
  - 2. facility coverage through visits to residents;
  - 3. access by Ombudsmen to residents including the ability to provide Ombudsman services in non-facility settings to which residents may have been relocated, such as emergency shelters, FEMA's Individual Assistance programs, and Disaster Recovery Centers;
  - 4. coordinating with the Department, Provider Agencies and the AAAs with regard to providing Ombudsman services outside of the geographic boundaries of their service areas; and
  - 5. suspension of some Ombudsman Program services, such as presentations to resident or family councils, or community education, unless those activities support emergency response efforts.
- D. The State Ombudsman shall assess complaint intake, response, investigation, referral, and resolution procedures applicable under normal operating conditions and then determine if adjustments are needed in order to respond to emergencies. The complaint process during emergencies shall continue to reflect the primacy of the resident's goals, wishes and determination of satisfaction with the resolution, as required by 45 CFR 1327.19(b).
- E. The Ombudsman Program shall maintain complaint processing practices regarding disclosure of resident or complainant identifying information, as required by 45 CFR 1327.19(b). Informed consent is obtained to the greatest extent possible with consideration of the specific circumstances of each emergency.
- F. The State Ombudsman shall provide technical assistance and support to Ombudsmen on working with entities not familiar with complaint processes and resident rights such as emergency shelters, and first responders.

- G. The State Ombudsman shall provide training and technical assistance to assure the competency of Ombudsmen to process complaints frequently associated with emergency response and recovery, such as:
1. relocation and evacuation with accessible transportation;
  2. wishes related to returning to the facility or to move to other settings;
  3. quality of care;
  4. access to medications;
  5. access to resident medical and social records;
  6. security concerns;
  7. access to durable medical equipment;
  8. residents who cannot be immediately located;
  9. reunification assistance services;
  10. loss of residents' personal belongings;
  11. access to FEMA's Individual Assistance programs or other eligible recovery funds;
  12. utility response time to power outages;
  13. pets or service animals; and
  14. emergency management response.
- H. The Office shall facilitate Regional Ombudsman Program visitation to residents for services, both in emergency shelters and in facilities, as soon as possible after the emergency and continuing on a regular basis until residents and facilities recover. Procedures may include the following:
1. Coordinating among Regional Ombudsman Programs and/or other State Ombudsman programs, when residents must evacuate out of the state or to a different part of the state.
  2. Providing alternative means of access (e.g., telephone, e-mail, video conference software) when visits are impractical or impossible (such as due to impassable roads or other safety hazards).



3. Providing instructions to Ombudsmen with regard to reporting of emergency-related information to the Office. Reports may include, for example:
  - a. describing the impact of the emergency,
  - b. needed areas of service or advocacy, and
  - c. whether the facility has reported to the agency coordinating the emergency response.
- I. The Office provides technical assistance and resources to assist Ombudsmen in educating residents, families, and other resident representatives in order to raise awareness about emergency planning.
- J. Ombudsmen shall provide information and assistance to residents and families during resident visits. In addition, Ombudsmen shall provide education during resident or family council meetings, or through other mechanisms. The content of such education shall include, but not be limited to:
  1. responsibilities of facility staff (e.g., evacuation plan, family notification, and reunification),
  2. responsibilities of first responders, health care and behavioral health providers, and other relevant parties during an emergency; and,
  3. distribution and promotion of the CMS emergency planning checklist and/or similar long-term care facility-focused checklists.
- K. Ombudsmen shall support resident and/or family councils in emergency preparedness by:
  1. developing goals to conduct outreach to resident and family councils annually;
  2. providing a ready-made presentation, recommended materials, other talking points;
  3. encouraging and facilitating councils' involvement in facility emergency preparations and exercises (e.g., evacuate, shelter-in-place, point of distribution, etc.); and
  4. providing assistance or referrals when requested.
- L. The Office shall assure that Ombudsmen have access to resources to assist them in meeting the requirements of these procedures, including:

1. ready-made presentation for use in training or discussions;
  2. CMS Emergency Planning Checklist and/or similar long-term care facility-focused checklists; and,
  3. guidance on how to obtain facility-specific emergency plans and procedures.
- M. During or immediately after an emergency, the Office shall utilize a variety of methods and communication tools to disseminate regular updates on the status of an emergency. Tools and methods will depend on the circumstances of the emergency. These methods may include, but are not limited to:
1. Ombudsman Program and/or related websites;
  2. media announcements, and/or
  3. social media.
- N. During or immediately after an emergency, the Office will give Ombudsmen materials describing how the Ombudsman Program can be a resource to residents, families, resident representatives, and facilities to help facilitate access to recovery services.
- O. The Ombudsman Program shall provide information to provider associations and consult with facility leaders on emergency planning as follows:
1. informing facility providers of the responsibilities of the Ombudsman Program in responding to emergencies;
  2. informing facility providers of any known emergency preparedness and recovery resources.

**1104: Emergency Plan Coordination: After an Emergency**

- A. The State Ombudsman shall analyze strengths, weaknesses, opportunities, and challenges faced in response to the emergency in order to facilitate improvements and to plan for future emergencies.
- B. The State Ombudsman shall conduct systems-level advocacy to address gaps in resident-centered emergency preparedness including development and maintenance of information clearinghouses and registries, when applicable.
- C. Regional Ombudsmen shall analyze strengths and weakness faced during an emergency and report to the Office when concerns and challenges were faced during an emergency because of gaps within the plan or where there was a breakdown in communication with outside entities.
- D. Should resident concerns remain as a result of the emergency, but after the emergency has dissipated, the Ombudsman Program shall continue to work to resolve resident complaints pursuant to this Manual.