

Date: April 23, 2021
To: State & Local Officials, Adult Care Home Operators/Owners/Administrators,
Stakeholders, Industry Associations, General Public
From: Camille Russell, Kansas State Long Term Care Ombudsman (KSLTCO)
Re: Ombudsmen Resuming In-person Resident Visits

Due to health and safety concerns related to COVID-19 for residents, facility staff, and ombudsmen, the Kansas Long Term Care Ombudsman Program suspended in-person visits to residents in March 2020.

Effective immediately, the Kansas Long Term Care Ombudsman Program will resume conducting in-person visits at facilities in accordance with KSLTCO issued guidance.

We acknowledge this has been an extraordinarily difficult year in long term care. It has been hard for the residents, families and of course all the adult care healthcare staff working diligently to keep COVID-19 out, or minimize the spread of it, in the homes. Please know we share that goal.

Ombudsman will self-screen daily before visiting any adult care home and are to follow current core practices for infection prevention and control during their visit. Facility visitation protocols should be provided to Ombudsman upon request.

Additionally, Ombudsman will provide answers, if requested, regarding any signs and symptoms of COVID-19 and submit to temperature checks prior to entry. Ombudsman will plan to allow reasonable amount of time for requested on-site screening protocols. Ombudsman will not be required to provide information regarding vaccination or provide proof of, or submit to a Covid-19 test, to gain entry.

Should an Ombudsman develop Covid-19 symptoms and/or test positive, they are to be prepared to provide public health with a list of facilities they have visited and follow additional prevention control protocol.

Ombudsmen are never allowed to visit when ill, are monitoring themselves for COVID-19 symptoms, and are required to follow CDC guidelines regarding when it is safe to discontinue isolation and precautions if the ombudsman has symptoms of COVID-19.

Facilities regulated by the Center for Medicare and Medicaid Services, CMS issued QSO-20-28-NH Revised, which specifies that a certified ombudsman has access to a nursing facility.

Additionally, KDADS guidance issued 3-15-21 states:

Regulations at 42 CFR § 483.10(f)(4)(i)(C) require that a Medicare and Medicaid- certified nursing home provide representatives of the Office of the State Long-Term Care Ombudsman with immediate access to any resident. K.A.R. 26-39-102(g)(4) also has this same requirement that all Adult Care Homes must follow. During the public health emergency, in-person access may be limited due to infection control concerns and/or transmission of COVID-19, however, in-person access may not be limited without reasonable cause. Representatives of the Office of the Ombudsman should adhere to the core principles of COVID-19 infection prevention as described above. If in-person access is deemed inadvisable (e.g., the Ombudsman has signs or symptoms of COVID-19), facilities must, at a minimum, facilitate alternative resident communication with the ombudsman, such as by phone or through use of other technology. Nursing homes are also required under 42 CFR § 483.10(h)(3)(ii) to allow the Ombudsman to examine the resident's medical, social, and administrative records as otherwise authorized by State law as are all Adult Care Homes per K.S.A. 39-1406.

As facilities may not restrict visitation without a reasonable clinical or safety cause, consistent with 26-39-103(m). Ombudsman will expect a written statement on-site stating the reason (relating to clinical necessity or resident safety) for any denial to immediate access to facilitate visitation.

If you have questions pertaining to this memo, please contact the Kansas State Long Term Care Ombudsman by email: Camille Russell at Camille.Russell@ks.gov.

Thank you for your cooperation and continued support of residents as long-term care ombudsmen carefully resume safe in-person visits.

Respectfully,



Camille Russell
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