

Sources of Law for The Ombudsman Program in Colorado (Updated 2018)

I. Long-Term Care Ombudsman Program

■ **Federal Statute:**

- The Older Americans Act - 42 USC § 3058 et. seq.
 - State Long-Term Care Ombudsman Program - 42 USC §3058(g)
- See also:
 - Establishment of AoA- 42 USC §3011(d)
 - State Plans - 42 USC § 3027 (a)(9)

■ **Federal Regulations:**

- State Long-Term Care Ombudsman Program - 45 CFR § 132
 - Functions and responsibilities of the State Long-Term Care Ombudsman - 45 CFR § 1324.13
 - Duties of the representatives of the Office – 45 CFR 1324.19
 - See also: Grants to State and Community Programs on Aging- 45 CFR § 1321

■ **Other Guidance:**

- State Operations Manual Ch. 7 & Appendices P & PP (42 CFR § 488)

■ **State Statute:**

- The Colorado Long-term Care Ombudsman Act - CRS § 26-11.5-101-113.
 - Creation of state and local long-term care and PACE ombudsman programs - CRS § 26-11.5-10
 - Access to facility--residents--records—confidentiality - § 26-11.5-108
 - Interference with ombudsmen prohibited - § 26-11.5-109.

■ **State Regulations:**

- Colorado Long-term Care Ombudsman Program - 12 CCR 2505-1, § 10.420

■ **Other Guidance:** Policy & Procedure Manual

II. Nursing Homes (NHs)

- **Federal Statute:**

- Requirements for Nursing Facilities
- 42 USC § 1396r (OBRA '87)

- **Federal Regulations:**

- Requirements for LTC Facilities -
42 CFR § 483 (Resident Rights
Sections located at 483.10)

- **State Statute:**

- CRS § 25-1-107.5

- **State Regulations**

- 6 CCR 1011-1 Chap. V (Part 12:
Residents' Rights)

III. Assisted Living (ALRs)

- **Federal Statute:**

- None

- **Federal Regulations:**

- None

- **State Statute:**

- Assisted Living Residences - CRS § 25-27-101 et. seq.

- **State Regulations**

- Assisted Living Residences - 6 CCR 1011-1 Chap. VII, §§ 1.101-1.113 esp. §1.106(2)- Omb. Access

IV. Medicaid LTSS

▪ **Federal Statute:**

- 42 USC § 1396-1396w-5(general)
- 42 USC §1396r (Nursing Facilities)

▪ **Federal Regulations:**

- 42 CFR §§ 430-456 esp. §442 (NHs)

▪ **State Statute:**

- CRS § 25.5-4-101 (general)
- CRS § 25.5-6-201 (NHs)
- CRS § 25.5-6-114 (ALRs)

▪ **State Regulations**

- 6 CCR 1011-1, Ch. VII §§ 1.101-1.113 (CDPHE)
- 10 CCR 2505-1, § 8100 , §8.300 & 8.400 (HCPF)

V. Guide to Specific Medicaid Issues in Colorado's Regulation
10 CCR 2505-1, § 8. 400 et seq.

- § 8.408 – Levels of Care – SNF
- § 8.409 – Intermediate Nursing Care
- § 8.423 – Visits by LTCO
- § 8.435 – Civil Monetary Penalties (CMP)
- § 8.440 – NF Benefits
- § 8.441 - MDS
- § 8.443 – NF Reimbursement
- § 8.443-10- Suppl. Payments for Special Care
- § 8.470 - Hospital Back-up Program
- § 8.482 - Residents' Income & Possessions (includes Bed Hold Policy & PETI payments)
- § 9.482.5 - Personal Needs Allowance
- § 8.495 - Alternate Care Facilities (ACFs)
- § 8.495.4 - Client Rights in ACFs

- **Acronym Guide:**
 - **Federal**
 - USC = United States Code
 - CFR= Code of Federal Regulations
 - OAA = Older Americans Act
 - OBRA = Omnibus Budget Reconciliation Act
 - **Colorado**
 - CRS = Colorado Revised Statutes
 - CCR = Code of Colorado Regulations