Schedule 13
Change Request for FY 08-09 Budget Request Cycle

Decision Item FY 08-09 ☐ Base Reduction Item FY 08-09 ☐ Supplemental FY 07-08 ☐ Budget Request Amendment FY 08-09 ☑

Request Title: Aging and Adult Services Ombudsman and Legal Assistance Developer Conversion from Contractors to FTE

Department: Human Services **Dept. Approval by:** Reynolds Ryan **Date:** 1/15/08

Priority Number: SBA-2 **OSPB Approval:** **Date:** 1/18/8

	Fund	1 Prior-Year Actual FY 06-07	2 Appropriation FY 07-08	3 Supplemental Request FY 07-08	4 Total Revised Request FY 07-08	5 Base Request FY 08-09	6 Decision/ Base Reduction FY 08-09	7 November 1 Request FY 08-09	8 Budget Amendment FY 08-09	9 Total Revised Request FY 08-09	10 Change from Base (Column 5) FY 09-10
Total of All Line Items	Total	222,031	222,031	0	222,031	222,031	0	222,031	15,000	237,031	15,000
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	61,898	61,898	0	61,898	61,898	0	61,898	15,000	76,898	15,000
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE	1,800	1,800	0	1,800	1,800	0	1,800	0	1,800	0
	FF	158,333	158,333	0	158,333	158,333	0	158,333	0	158,333	0
	MCF	0	1,800	0	1,800	1,800	0	1,800	0	1,800	0
	MGF	0	900	0	900	900	0	900	0	900	0
	NGF	0	62,798	0	62,798	62,798	0	62,798	15,000	77,798	15,000
(10) Adult Assistance Programs (D) Community Services for the Elderly; State Ombudsman Program	Total	222,031	222,031	0	222,031	222,031	0	222,031	15,000	237,031	15,000
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	61,898	61,898	0	61,898	61,898	0	61,898	15,000	76,898	15,000
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE	1,800	1,800	0	1,800	1,800	0	1,800	0	1,800	0
	FF	158,333	158,333	0	158,333	158,333	0	158,333	0	158,333	0
	MCF	0	1,800	0	1,800	1,800	0	1,800	0	1,800	0
	MGF	0	900	0	900	900	0	900	0	900	0
	NGF	0	62,798	0	62,798	62,798	0	62,798	15,000	77,798	15,000

Letternote revised text:

Cash Fund name/number, Federal Fund Grant name:

IT Request: ☐ Yes ☑ No

Request Affects Other Departments: ☐ Yes ☑ No **If Yes, List Other Departments Here:**

This page intentionally blank.

CHANGE REQUEST for FY 2008-09 BUDGET REQUEST CYCLE

Department:	Human Services
Priority Number:	SBA-2
Change Request Title:	Aging and Adult Services Ombudsman and Legal Assistance Developer

SELECT (click on box):
- ☐ Decision Item FY 08-09
- ☐ Base Reduction Item FY 08-09
- ☐ Supplemental Request FY 07-08
- ☒ Budget Request Amendment FY 08-09

SELECT (click on box):
Supplemental or Budget Request Amendment Criterion:
- ☐ Not a Supplemental or Budget Request Amendment
- ☐ An emergency
- ☐ A technical error which has a substantial effect on the operation of the program
- ☒ New data resulting in substantial changes in funding needs
- ☐ Unforeseen contingency such as a significant workload change

Short Summary of Request:

This budget amendment requests $15,000 in General Funds for the Aging and Adult Services (AAS) Division, for the Colorado Long-term Care Ombudsman and the Legal Assistance Developer program beginning in FY 2008-09.

Background and Appropriation History:

This request is for 6.75% increase, which is, rounded up to $15,000 in General Fund for the Adult Assistance Programs, Community Services for the Elderly, State Ombudsman Program line. This program currently has a contract with The Legal Center for People with Disabilities and Older People (a.k.a. The Legal Center), and has been working with them since 1988. In 2002 an RFP was released and The Legal Center successfully bid upon the RFP and was awarded the contract for renewal for up to five years. This year, FY 2007-08 the RFP for the Long-Term Care Ombudsman and Legal Assistance Developer programs was placed on the State BIDS system as well as emailed to the 16 Area Agencies on Aging, United Way, the Legal Center for People with Disabilities and Older People (The Legal Center), and Colorado Legal Services. Only The Legal Center responded to the RFP.

After review of the RFP (request for proposal) response, the evaluation committee found the proposal overall did not fully address the requirements in the RFP, due to the lack of available travel funding in the RFP. Therefore, this request is to increase the General Fund by $15,000, the amount needed to include necessary travel for the contractor, which would allow for continued ombudsman and the legal assistance developer services without any interruption or delays in services to the frailest and most vulnerable adults in Colorado.

Appropriation History	**Total**	**General Fund**	**Cash Funds Exempt**	**Federal Funds**	**FTE**
(10)Adult Assistance Programs (D) Community Services for the Elderly – State Ombudsman Program					
Long Bill FY 2006-07 HB 06-1385	$222,031	$61,898	$1,800	$158,333	0.0
Appropriation FY 2007-08 SB07-239	$222,031	$61,898	$1,800	$158,333	0.0

General Description of Request:

Due to a failed bid in mid-January, Aging and Adult Services (AAS) is requesting $15,000 in General Fund for the Colorado Long-term Care Ombudsman and the Colorado Legal Assistance Developer. The reauthorization of the Older American Act of 2006 (42 U.S.C. 3001) Public Law 89-73) Title VII- Allotments for Vulnerable elder Rights Protection Activities, Section 702 authorizes the Ombudsman program and the Legal Assistance Development Programs for the prevention of elder abuse, neglect, and exploitation of older adults and residents of long-term care facilities.

The Department released an RFP for the long-term care ombudsman and the legal assistance development programs on the State BIDS system in 2007. The RFP was emailed to 19 agencies but only received one response proposal. The proposal did not meet the requirements, subsequently resulting in a failed bid. The Departments options were to send the proposal back to the one agency requesting them to re-write the proposal, to re-write the RFP and put it back out to bid, to bring the administration of the programs into the Department, or to request a 6.75% increase which is $15,000 in General Fund dollars. Procurement indicated that since the original RFP was sent to 19 different agencies with the Department receiving only one proposal, their conclusion was

that redoing the RFP would not yield the results needed for a successful rebid and provide the Department time to implement these programs. Therefore, after careful consideration of the options available to the Department, it was decided to request additional funding to the existing appropriation for the State Ombudsman Program line. It is hoped that this increase will allow the program to negotiate a contract that will meet the program's needs and deliverables.

The federal funding for this program has been maximized. Medicaid funding ($1,800 CFE) is indicated in statute. The request is for an increase in the General Fund appropriation, as this is the only funding available.

The current contractor for the Colorado Long-term Care Ombudsman and the Colorado Legal Assistance Developer has been operating the programs since 1988. The appropriation for the program has not increased since the mid 90's, therefore the contractor has been decreasing the deliverables each year to maintain the program within the existing funding. At this time, we can no longer decrease the contract deliverables without being out of compliance with the federal Older American's Act. By increasing the contract there will be time to further review necessary services and requirements and give flexibility in negotiating for continued services for FY 2008-09 and beyond.

Consequences if Not Funded:

If a contractor is not secured for the Colorado Long-term Care Ombudsman and the Colorado Legal Assistance Developer, the State will be out of compliance with the Older Americans Act, Title VII. This could result in sanctions to the state for the Older Americans Act programs.

If the Colorado Long-term Care Ombudsman and the Colorado Legal Assistance Developer contractor is not funded older adults and individuals with disabilities who are residents of long-term care facilities will not have an independent representative to identify, investigate and resolve complaints on their behalf which may relate to action, inaction or decisions that may adversely affect the health, safety, welfare or rights of the residents. The State is required to provide assistance to older adults through the Legal

Assistance Developer in helping them to understand their rights, allowing them to exercise choice, benefiting from services and opportunities authorized by law, and maintaining the legal rights and services of older adults.

Not funding this request could lead to AAS failing to meet the Administration on Aging's requirements for the Older Americans Act.

Calculations for Request:

Summary of Request FY 2008-09	**Total Funds**	**General Fund**	**Cash Funds Exempt**	**Federal Funds**
Total Request	**$15,000**	**$15,000**	**$0**	
Summary of Request FY 2009-10	**Total Funds**	**General Fund**	**Cash Funds Exempt**	**Federal Funds**
Total Request	**$15,000**	**$15,000**	**$0**	

Assumptions for Calculations:

The following is the calculation for the additional $15,000 of General Fund needed for the Colorado Long-term Care Ombudsman and the Colorado Legal Assistance Developer. The ombudsman and legal assistance developer need to travel the state trouble shooting and helping find solutions to problems.

Travel will need to incorporate scheduled trips as well as one trip in case of an emergency situation that will need resources to resolve. Costs for each trip for each of the two individuals and for reviews of programs are delineated below.

Description	Rate	Days	Total
Per Diem	$39	5	$195
Car	$50	5	$250
Miscellaneous	$11	5	$55
Lodging	$100	5	$500
		Cost per Trip	$1,000

Travel by type of trip	Cost per Trip	# Trips	Total
Quarterly trainings	$1,000	4	$4,000
Emergency visit	$1,000	1	$1,000
Ombudsman Site Visits	$1,000	6	$6,000
Legal Assistance Developer Site Visits	$1,000	4	$4,000
Total travel for ombudsman and legal assistance developer each year			$15,000

The following table is the calculation of the increase. It is assumed that the Medicaid funding of $1,800 remains unchanged and that there is no additional federal funding available.

Calculation of State Program Change FY 2008-09	Total Funds	General Fund	CFE Medicaid	Federal Funds
FY 2008-09 November 1 request	$222,031	$61,898	$1,800	$158,333
6.75% increase	$15,000	$15,000	$0	$0
State Ombudsman Program Request FY 2008-09	$237,031	$76,898	$1,800	$158,333
Total FY 2008-09 Budget Amendment	**$15,000**	**$15,000**	**$0**	**$0**

Calculation of State Program Change FY 2009-10	Total Funds	General Fund	CFE Medicaid	Federal Funds
FY 2009-10 base	$222,031	$61,898	$1,800	$158,333
6.75% increase	$15,000	$15,000	$0	$0
State Ombudsman Program Request FY 2009-2010	$237,031	$76,898	$1,800	$158,333
Total FY 2009-10 Budget Amendment	**$15,000**	**$15,000**	**$0**	**$0**

Impact on Other Government Agencies: None.

Cost Benefit Analysis: Cost of continuing to contract for the Ombudsman and the Legal Assistance Developer with the current contractor is compared with not having ombudsman services in place for the frailest, most vulnerable adults in nursing facilities or assisted living residences. Older Americans Act funding could be jeopardized if the Ombudsman program is not in place by July 1, 2008.

Benefit	**Amount**
Contract time needed to continue support at current level @ current contractor cost $222, 031	$237,031
Total Benefit	**$237,031**
Cost	**Amount**
Cost to INCREASE	$15,000
Total Cost	**$15,000**
Cost less Benefit Difference	**$222,031**

Implementation Schedule:

Implementation Schedule	Date Completed
Negotiate contract for continued ombudsman and legal assistance developer services	2-29-08
Complete contract for ombudsman and legal assistance developer services	3-07-08

Implementation Schedule	Date Completed
Implement contract for ombudsman and legal assistance developer services	7-01-08

Statutory and Federal Authority:

Federally mandated by *Older Americans Act* of 1965 as Amended; 45 CFR1321. State mandated by *Older Coloradans Act* C.R.S (2007). 26-11-2.55 et seq.; Colorado Code of Register, 12 CCR 2510-1 and Section 1, Title 26-11.5-101 et.seq., C.R.S. (2007) (Revised 1990).

TITLE 42 - THE PUBLIC HEALTH AND WELFARE CHAPTER 35 - PROGRAMS FOR OLDER AMERICANS SUBCHAPTER XI - ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES Part A - State Provisions subpart ii - ombudsman programs Sec. 3058g. State Long-Term Care Ombudsman program

STATUTE:
(a) Establishment
(1) In general In order to be eligible to receive an allotment under section 3058b of this title from funds appropriated under section 3058a(a) of this title, a State agency shall, in accordance with this section -
(A) establish and operate an Office of the State Long-Term Care Ombudsman; and
(B) carry out through the Office a State Long-Term Care Ombudsman program.
(2) Ombudsman The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals with expertise and experience in the fields of long-term care and advocacy.

(4) Contracts and arrangements
(A) In general
Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.
(B) Licensing and certification organizations; associations The State agency may not enter into the contract or other arrangement described in subparagraph (A) with - (i) an agency or organization that is responsible for licensing or certifying long-term

care services in the State; or (ii) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

Section 26-11.5-101, C.R.S. Colorado Long-Term Care Ombudsman Act

26-11.5-102, C.R.S. (2007) Legislative declaration.

(1) The general assembly hereby recognizes that the former state department of social services, currently the state department of human services, pursuant to the federal "Older Americans Act of 1965", as amended, has established a state long-term care ombudsman program.

(2) The general assembly finds, determines, and declares that it is the public policy of this state to encourage community contact and involvement with patients, residents, and clients of long-term care facilities.

(3) The general assembly further finds, determines, and declares that in order to comply with the federal "Older Americans Act of 1965", as amended, and effectively assist patients, residents, and clients of long-term care facilities in the assertion of their civil, human, and legal rights, the structure of a state long-term care ombudsman program and the powers and duties there under shall be specifically defined.

26-11.5-104, C.R.S. (2007). Creation of state long-term care ombudsman program.

(1) Pursuant to the older Americans act, there is hereby established a state long-term care ombudsman program which shall be comprised of a state long-term care ombudsman office and local ombudsman offices established throughout the state.

(2) The state long-term care ombudsman office shall be established and operated under the state department of human services either directly or by contract with or grant to any public agency or other appropriate private nonprofit organization; except that such office shall not be administered by any agency or organization responsible for licensing or certifying long-

term care services in the state. The office shall be administered by a full-time qualified state long-term care ombudsman who shall be designated in accordance with rules and regulations promulgated by the state department.

(3) Local ombudsman programs shall be established statewide. Such programs shall be operated by the state department under contract, grant, or agreement between the state department and a public agency or an appropriate private nonprofit organization. Personnel of local programs shall be trained and designated as qualified representatives of the office in accordance with section 26-11.5-105 (1) (b).

Performance Measures:

Program	Workload Indicator	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09
		Actual	Actual	Current	Request
Aging and Adult Services	Minimize risk and maximize protection for residents of nursing homes and assisted living facilities. The indicator is the number of facility visitations required compared to those visitations completed as a result of complaint investigations and periodic visit requirements.	4,542 to 11,123	4,514 to 10,806	4,500 to 11,000	4,500 to 11,000

This page intentionally blank.