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:**
    - 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:**

- **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