



LONG-TERM CARE OMBUDSMAN PROGRAMS Coronavirus Response and Relief Supplemental Appropriations Act of 2021

February 1, 2021

The Administration for Community Living (ACL) is establishing the Coronavirus Response and Relief Supplemental Appropriations Act of 2021: Grants to Enhance Long-Term Care Ombudsman programs to respond to COVID-19 funding opportunity to implement Section 2043(a) of Subtitle B of Title XX of the Social Security Act, otherwise known as the Elder Justice Act (EJA). In accordance with these statutes, the purpose of this opportunity is to enhance and improve Ombudsman program services in response to the COVID-19 pandemic.

The following frequently asked questions (FAQs) are provided to assist Ombudsman programs understand the new funding opportunity. These FAQs further elucidate the information contained in the [Federal Register Announcement](#) for this Opportunity, and published on January 29, 2021.

GENERAL QUESTIONS

What is the statutory reference for this funding?

The statutory authority for grants under this program announcement is contained in the Elder Justice Act Section 2043(a) of Title XX of the Social Security Act [Public Law 74-271] [As Amended Through P.L. 115-123, Enacted February 9, 2018], and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021.

What is the purpose of this funding?

Funds expended from the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 are to be spent in accordance with Elder Justice Act Section 2043(a) for Ombudsman programs to respond to the Coronavirus Emergency. Ombudsman programs must expend funds on allowable activities as defined by the Elder Justice Act and state and local policy. This funding is intended to enhance, improve, and expand the ability of Ombudsman programs to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19.

How can these funds be used?

Funds must be expended on Ombudsman activities related to the Coronavirus Emergency. Below are examples of how these funds could be used that would be responsive to the requirements; these examples are for consideration only, and do not replace existing fiscal requirements:

- a. Enhance Ombudsman program complaint investigations during the COVID public health emergency to address complaints related to abuse, neglect and poor care;
- b. Resume in-person visitation at such time as visitation is permitted, such as when the COVID vaccine is accessible to residents, facility staff, and individuals working for the LTCO program;
- c. Conduct education and outreach on abuse and neglect identification and prevention during the COVID public health emergency to residents, their families and facility staff;
- d. Enable travel for representatives of the LTCO Office to ensure all residents have access to a LTCO representative;
 - For more information on indirect costs, see [45CFR75.414](#).
- e. Continue purchase of needed Personal Protective Equipment;
- f. Continue purchase of technology as needed;
- g. Enable participation in state-level “strike teams” to address complaints related to care and neglect; and
- h. Provide information and assistance on transitions from long-term care facilities to community-based, home care settings, consistent with section 712(a)(3) of the Older Americans Act.

What does ACL mean when it says funding is “one-time funding”?

Funding for this opportunity were made available through emergency legislation to support Americans during the COVID-19 crisis. Because this funding comes through a supplemental funding bill and is not considered a part of the annual federal budget, this funding is considered “one-time” funding. That is, grantees should have no expectation that there will be additional, similar funds available in the future. Grantees should plan their activities with this information in mind.

What Does ACL mean when it says this funding should “supplement and not supplant existing funding?”

The phrase “supplement and not supplant existing funding” means that the funding made available through this opportunity may not be used to replace existing state, territory, or local funding already appropriated for Ombudsman programs and services. Existing funds for an existing project or activities may not be displaced by federal funds and reallocated for other programmatic or organizational expenses. The funding available through this opportunity must add to the Ombudsman programs’ current funding levels, not be used to replace funding, even to cover funding reductions.

How does an Ombudsman program apply for the funding?

Funding will be distributed once ACL receives a *Letter of Assurance* eligible applicant by the due date. The due date, required elements for the plan and letter, and details about to whom and how to submit, are outlined in the [Federal Register Notice](#).

ELIGIBILITY QUESTIONS

Who is eligible to apply for this funding?

Per the Elder Justice Act Section 2043(a), eligible entities are the State Agencies on Aging Long-Term Care Ombudsman Programs having the legal responsibility for providing Long-Term Care Ombudsman services within the State.

Funding Related Questions

How will ACL distribute or allocate these funds?

ACL will distribute funds to States and territories via the same formula as is outlined in the Older Americans Act Section 703(a).

How much is each state and territory going to receive?

The amount of funds allocated for each of the 56 state-level Ombudsman programs is posted in the [Federal Register Notice](#).

Are matching funds required?

No.

How long do we have to use the funds?

The project period for these awards is anticipated to be 18-months, with an estimated start date of April 1, 2021, and an estimated end date of September 30, 2022. A grantee must commit their funding (i.e., spend it, incur an expense against it, and/or obligate it) by September 30, 2022.

If the COVID-19 public health emergency ends, is the Act funding no longer available?

The funding will be available for the full project period stated in the Notice of Award. It is estimated that the project period will be April 1, 2021 – September 30, 2022. Even if the COVID-19 public health emergency resolves prior to September 30, 2022, it is prudent to assume there will still be expenses related to the coronavirus response, such as costs associated with in-person visits to facilities and purchasing of personal protective equipment, for example.

Under a Major Disaster Declaration, are funds available for “bucketing” like the Older Americans Act funds?

No. The funds are administered under the authority of the Elder Justice Act, and do not have the same flexibilities as the Older Americans Act funding.

Reporting Requirements

Where and how will States/territories submit their financial reports?

Grantees are required to submit a [financial report SF-425](#) on a semi-annual basis. The SF-425 shall be submitted using the HHS' Payment Management System (PMS). PMS website is located at: <https://pms.psc.gov>. Reports are due within 30 days of the periods ending March 31 and September 30 (i.e., due April 30 and October 30), through September 30, 2022. A final PMS drawdown and a final SF-425 are due within 120 days after September 30, 2022 (i.e., due January 31, 2023). If a final SF-425 report will be submitted January 31, 2023, a semi-annual report is not required to be filed for report ending September 30, 2022.

For this opportunity, there will be three (3) SF-425 reports due: October 31, 2021, April 30, 2022, and a Final Report January 31, 2023.

On the SF-425 form, lines 10 a. through c. are reported on a quarterly calendar year basis (for the periods ending 12/31, 3/31, 6/30, 9/30) at the HHS' Payment Management System (PMS). Reconciliation of advances and disbursements is required for each quarter and the report must be completed within 30 days of the end of each quarter (i.e., by 1/30, 4/30, 7/30, 10/30). This reporting requirement is separate from completing the entire SF-425 as denoted in the financial reporting term.

What programmatic information will Ombudsman programs be required to report?

Ombudsman programs will report in accordance with National Ombudsman Reporting System (NORS) annual reporting requirements and [Reporting Requirements for CARES Act funding](#).