

HB0536/666483/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 536

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Aging)” insert “and Delegates Hubbard, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Kach, Kipke, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner”; in line 9, strike “appointment” and substitute “selection”; in line 14, after “regulations;” insert “requiring the Secretary to adopt certain regulations in consultation with area agencies on aging”; and in line 16, after “persons;” insert “requiring the State Long-Term Care Ombudsman to submit a certain annual report to the Governor and the General Assembly; requiring the Department of Aging to reconvene a certain workgroup; requiring the workgroup to meet on a certain basis; providing for the duties of the Department and the State Long-Term Care Ombudsman in conducting the workgroup; defining certain terms”.

AMENDMENT NO. 2

On page 2, in line 12, strike “**THE SECRETARY AND**”.

AMENDMENT NO. 3

On page 3, in line 2, strike “**APPOINTED**” and substitute “**SELECTED**”; in line 11, after “(C)” insert “**(1)**”; after line 12, insert:

“(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION SHALL ESTABLISH:

(I) THE REQUIREMENTS FOR AN ANNUAL REVIEW BY THE DEPARTMENT OF ALL OMBUDSMAN ACTIVITIES; AND

(Over)

(II) THE PROCESS FOR ASSISTING INDIVIDUALS WITH ORGANIZING AND OPERATING A RESIDENT COUNCIL AND A FAMILY COUNCIL IN A LONG-TERM CARE FACILITY.;

in line 17, strike “APPOINT” and substitute “SELECT”; in line 21, strike “APPOINT” and substitute “SELECT”; and in lines 26 and 27, strike beginning with the first comma in line 26 down through “AGING” in line 27.

AMENDMENT NO. 4

On page 4, in line 5, strike “SOLVE” and substitute “RESOLVE”; in the same line, after “COMPLAINTS” insert “FROM ANY SOURCE”; in line 7, after “DECISION” insert “,”; strike beginning with “BY” in line 7 down through “AGENCY” in line 8; and in line 9, after “RESIDENT” insert “INCLUDING THE WELFARE AND RIGHTS OF RESIDENTS WITH RESPECT TO THE APPOINTMENT AND ACTIVITIES OF GUARDIANS AND REPRESENTATIVE PAYEES, OF:

(I) A PROVIDER, OR A REPRESENTATIVE OF A PROVIDER, OF LONG-TERM CARE SERVICES;

(II) A PUBLIC AGENCY; OR

(III) A HEALTH OR SOCIAL SERVICE AGENCY”.

On page 5, strike beginning with “PROVIDE” in line 3 down through “RESIDENTS” in line 5 and substitute “PROVIDE SERVICES TO ASSIST RESIDENTS IN PROTECTING THE HEALTH, SAFETY, WELFARE, AND RIGHTS OF RESIDENTS”; in line 14, strike “AGENCIES” and substitute “ENTITIES”; and in line 18, after “SECRETARY” insert “, IN CONSULTATION WITH AREA AGENCIES ON AGING,”.

On page 6, in lines 21 and 29, in each instance, after “**SECRETARY**” insert “**, IN CONSULTATION WITH AREA AGENCIES ON AGING,**”; in line 27, after “**OR**” insert “**IMMEDIATE**”; and strike in its entirety line 30 and substitute “**THE CONFIDENTIALITY OF INFORMATION AND DOCUMENTS, INCLUDING RESIDENT RECORDS, FACILITY RECORDS, AND COMPLAINANT IDENTIFICATION.**”.

AMENDMENT NO. 5

On page 7, in line 11, after “**SYSTEM**” insert “**FOR THE PROGRAM**”; and in line 16, after “**REPORT**” insert “**TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.**”.

AMENDMENT NO. 6

On page 8, after line 2, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before July 31, 2010, the Department of Aging shall reconvene, and the State Long-Term Care Ombudsman shall attend meetings with the stakeholder groups involved in the Department’s “A Plan for Excellence for the Maryland Long-Term Care Ombudsman Program” including the AARP Maryland, Maryland Disabilities Law Center, Legal Aid Bureau, United Seniors of Maryland, and Voices for Quality Care.

(b) (1) The State Long-Term Care Ombudsman shall expand the stakeholder group to include at least one nursing home resident or representative of a nursing home resident and one assisted living facility resident or representative of an assisted living facility resident.

(2) The nursing home resident or assisted living facility resident included in the stakeholder group, or the nursing home resident or assisted living facility resident who has a representative who is included in the stakeholder group

shall be a current resident of a facility and may not be represented by any other member of the stakeholder group.

(c) (1) The stakeholder group shall meet at least quarterly until January 2013, unless the stakeholder group determines that the meetings can be held less frequently.

(2) At the meetings, the Department shall provide updates, solicit input, and identify barriers to the progress to refine and implement the strategic action plan to improve the Ombudsman Program.

(3) Before the first meeting of the stakeholder group, the State Long-Term Care Ombudsman shall gather up-to-date names, addresses, and electronic mail addresses of the individuals who will represent the stakeholder groups to set dates for the meetings and ensure the timely dispersal of information required under this section.

(4) Between meetings, the Department shall provide information to the stakeholder group of any significant proposed actions regarding the Ombudsman Program.”.

AMENDMENT NO. 7

On page 8, in line 3, strike “3.” and substitute “4.”; and in line 4, strike “October” and substitute “June”.