

SENATE BILL 13

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(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Aging)**

Requested: October 10, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Long-Term Care Ombudsman Program Advisory Committee

FOR the purpose of establishing the Long-Term Care Ombudsman Program Advisory Committee; providing for the purpose and membership of the Advisory Committee; requiring the Advisory Committee to submit a certain annual report to the Governor, Secretary of Aging, State Long-Term Care Ombudsman, and the General Assembly; providing that a member of the Advisory Committee may not receive certain compensation, but is entitled to certain reimbursement; requiring the Advisory Committee to meet on a certain basis; prohibiting members of the Advisory Committee from having certain conflicts of interest; providing for the Secretary of Aging to appoint a chair of the Advisory Committee; requiring the State Long-Term Care Ombudsman to appoint certain categories of members, to the extent feasible; requiring the Office of the Long-Term Care Ombudsman to staff the Advisory Committee; defining a certain term; providing for the terms of the members of the Advisory Committee; specifying the terms of the initial members of the Advisory Committee; providing for the termination of this Act; and generally relating to the establishment of the Long-Term Care Ombudsman Program Advisory Committee.

BY repealing and reenacting, without amendments,

Article – Human Services

Section 10-901

Annotated Code of Maryland

(2007 Volume and 2013 Supplement)

BY adding to

Article – Human Services

Section 10-912

Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2007 Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Human Services

10–901.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Local long–term care ombudsman entity” means an entity designated by the State Long–Term Care Ombudsman to assist in carrying out the duties of the Program.
- (c) “Long–term care facility” means:
 - (1) a nursing facility, as defined in § 19–301 of the Health – General Article; or
 - (2) an assisted living program, as defined in § 19–1801 of the Health – General Article.
- (d) “Office” means the Office of the Long–Term Care Ombudsman established under this subtitle.
- (e) “Ombudsman” means:
 - (1) the State Long–Term Care Ombudsman; and
 - (2) any individual, whether a paid employee or a volunteer, who is designated by the State Long–Term Care Ombudsman as an ombudsman.
- (f) “Program” means the Long–Term Care Ombudsman Program established under this subtitle.
- (g) “Resident” means a resident of a long–term care facility located in the State.
- (h) “State Long–Term Care Ombudsman” means the individual selected by the Secretary under § 10–903 of this subtitle.

10–912.

(A) IN THIS SECTION, “ADVISORY COMMITTEE” MEANS THE LONG–TERM CARE OMBUDSMAN PROGRAM ADVISORY COMMITTEE.

(B) THERE IS A LONG-TERM CARE OMBUDSMAN PROGRAM ADVISORY COMMITTEE.

(C) THE PURPOSE OF THE ADVISORY COMMITTEE IS TO:

(1) PROVIDE THE STATE LONG-TERM CARE OMBUDSMAN WITH ADVICE ON:

(I) GOALS, PRIORITIES, AND OBJECTIVES OF THE PROGRAM;

(II) POLICIES AND PROCEDURES OF THE PROGRAM;

(III) SOLUTIONS TO PROBLEMS AND BARRIERS FACED BY THE PROGRAM, INCLUDING MANAGEMENT AND ORGANIZATIONAL ISSUES;

(IV) OUTREACH AND EDUCATIONAL FUNCTIONS OF THE PROGRAM;

(V) CURRENT AND PROPOSED STATUTES, REGULATIONS, POLICIES, AND PROCEDURES RELATED TO LONG-TERM CARE, INCLUDING ADVOCACY POSITIONS THE PROGRAM COULD TAKE TO PROMOTE QUALITY OF CARE AND QUALITY OF LIFE FOR RESIDENTS;

(VI) AVAILABLE RESOURCES FOR THE PROGRAM AND RESIDENTS; AND

(VII) PUBLIC REPORTS MADE BY THE PROGRAM; AND

(2) PROVIDE A PUBLIC FORUM FOR EXCHANGING INFORMATION ON ISSUES THAT AFFECT THE PROGRAM BY ALLOWING TIME AT THE END OF AT LEAST FOUR MEETINGS PER YEAR FOR PUBLIC COMMENT.

(D) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE REPRESENTATIVE OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM, APPOINTED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

(2) ONE REPRESENTATIVE OF THE DEPARTMENT OF VETERANS AFFAIRS, APPOINTED BY THE SECRETARY OF VETERANS AFFAIRS;

(3) ONE REPRESENTATIVE OF THE DEPARTMENT OF DISABILITIES, APPOINTED BY THE SECRETARY OF DISABILITIES;

(4) ONE REPRESENTATIVE OF THE MARYLAND LEGAL AID BUREAU, INC., APPOINTED BY THE MARYLAND LEGAL AID BUREAU, INC.;

(5) ONE REPRESENTATIVE OF THE MARYLAND DISABILITY LAW CENTER, INC., APPOINTED BY THE MARYLAND DISABILITY LAW CENTER, INC.;

(6) TWO REPRESENTATIVES OF THE MARYLAND ASSOCIATION OF AREA AGENCIES ON AGING, APPOINTED BY THE MARYLAND ASSOCIATION OF AREA AGENCIES ON AGING; AND

(7) THE FOLLOWING MEMBERS, APPOINTED BY THE STATE LONG-TERM CARE OMBUDSMAN:

(I) ONE REPRESENTATIVE OF INDIVIDUALS UNDER THE AGE OF 40 RESIDING IN A LONG-TERM CARE FACILITY;

(II) ONE REPRESENTATIVE OF INDIVIDUALS 40 OR OLDER RESIDING IN A LONG-TERM CARE FACILITY;

(III) ONE REPRESENTATIVE OF STAFF THAT PROVIDES DIRECT CARE TO RESIDENTS;

(IV) ONE REPRESENTATIVE OF VOLUNTEER OMBUDSMEN;

(V) TWO REPRESENTATIVES OF FRIENDS OR FAMILY MEMBERS OF RESIDENTS OF A LONG-TERM CARE FACILITY;

(VI) ONE INDIVIDUAL WITH A DISABILITY TO REPRESENT INDIVIDUALS WITH DISABILITIES;

(VII) TWO MEMBERS OF THE GENERAL PUBLIC;

(VIII) TWO REPRESENTATIVES OF LOCAL LONG-TERM CARE OMBUDSMAN ENTITIES;

(IX) ONE REPRESENTATIVE OF AN ORGANIZATION THAT ADVOCATES FOR INDIVIDUALS WITH BEHAVIORAL HEALTH CONCERNS;

(X) ONE REPRESENTATIVE OF AN ORGANIZATION THAT ADVOCATES FOR INDIVIDUALS WITH DEMENTIA; AND

(XI) ONE REPRESENTATIVE OF A CONSUMER ORGANIZATION THAT ADVOCATES FOR RESIDENTS.

(E) WHEN APPOINTING MEMBERS UNDER SUBSECTION (D)(7) OF THIS SECTION, THE STATE LONG-TERM CARE OMBUDSMAN SHALL, TO THE EXTENT FEASIBLE, APPOINT MEMBERS THAT:

(1) REFLECT THE RACIAL, AGE, GEOGRAPHIC, ETHNIC, AND GENDER DIVERSITY OF THE POPULATION OF THE STATE; AND

(2) ARE CURRENT OR FORMER RESIDENTS OR ARE FAMILY MEMBERS OF CURRENT OR FORMER RESIDENTS.

(F) AN ADVISORY COMMITTEE MEMBER MAY NOT:

(1) HAVE AN ECONOMIC INTEREST IN A LONG-TERM CARE FACILITY, A LONG-TERM CARE PROVIDER, OR AN ORGANIZATION OR A TRADE ASSOCIATION OF LONG-TERM CARE FACILITIES OR PROVIDERS; OR

(2) BELONG TO AN ORGANIZATION OR A TRADE ASSOCIATION OF LONG-TERM CARE FACILITIES OR PROVIDERS.

(G) (1) THE TERM OF A MEMBER OF THE ADVISORY COMMITTEE IS 4 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COMMITTEE ON OCTOBER 1, 2014.

(3) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

(4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(H) A MEMBER OF THE ADVISORY COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(I) THE OFFICE SHALL PROVIDE STAFF FOR THE ADVISORY COMMITTEE.

(J) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE ADVISORY COMMITTEE.

(K) THE ADVISORY COMMITTEE SHALL MEET AT LEAST FOUR TIMES A YEAR.

(L) EACH YEAR, THE ADVISORY COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE SECRETARY, THE STATE LONG-TERM CARE OMBUDSMAN, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Long-Term Care Ombudsman Program Advisory Committee shall expire as follows:

(1) members appointed under § 10-912(d)(7)(v), (vi), and (vii) of Article – Human Services, as enacted by Section 1 of this Act, in 2016;

(2) members appointed under § 10-912(d)(7)(i), (ii), (iii), and (iv) of Article – Human Services, as enacted by Section 1 of this Act, in 2017; and

(3) members appointed under § 10-912(d)(1) through (6) and (d)(7)(viii) through (xi) of Article – Human Services, as enacted by Section 1 of this Act, in 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014. It shall remain effective for a period of 10 years and, at the end of September 30, 2024, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.