

HOUSE BILL 865

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2000 Regular Session
0lr1246
CF 0lr1247

By: **Delegates Klausmeier, Hammen, Boutin, Nathan-Pulliam, Kach, Frush,
and Redmer**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Long-Term Care Ombudsman Program - Appointment of an Ombudsman for**
3 **a Nursing Home Resident**

4 FOR the purpose of authorizing the Secretary of Aging to delegate the authority to the
5 Maryland Long-Term Care Ombudsman and to the director of a local office of
6 aging to appoint an Ombudsman for a confused nursing home resident under
7 certain circumstances; requiring the Secretary to establish and budget for
8 certain staffing ratios; and generally relating to the Ombudsman Program for
9 nursing homes.

10 BY repealing and reenacting, without amendments,
11 Article 70B - Department of Aging
12 Section 5(a), (b), and (c)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 70B - Department of Aging
17 Section 5(d)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 1999 Supplement)

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

22 **Article 70B - Department of Aging**

23 5.

24 (a) The Secretary shall receive, investigate, and seek to resolve complaints
25 concerning the operations of related institutions, as defined in § 19-301 of the Health
26 - General Article, and the Secretary may, on the Secretary's own motion, make

1 on-site visits to determine if these institutions are in compliance with applicable
2 laws, rules, and regulations.

3 (b) If the Secretary finds that any such related institution is in violation of
4 any statute, rule, or regulation of any State agency which is directly and specifically
5 charged with the regulation of any aspect of the institution, the Secretary shall
6 immediately notify that agency in writing of the findings of fact. If the violation or
7 condition is not corrected within a reasonable time, the Secretary shall request the
8 State agency to take the steps necessary to bring the institution into compliance, and
9 the agency shall take appropriate action.

10 (c) There is established in the Department a Maryland Long-Term Care
11 Ombudsman Program. The Secretary shall designate a Maryland Long-Term Care
12 Ombudsman.

13 (d) (1) The Secretary may delegate the Secretary's authority under
14 subsection (a) of this section to the Maryland Long-Term Care Ombudsman and to
15 the director of a local office on aging in accordance with a local long-term care
16 ombudsman program established pursuant to regulations promulgated by the
17 Secretary.

18 (2) WHEN THE MATTER TO BE RESOLVED DOES NOT RELATE TO ABUSE,
19 AN OMBUDSMAN MAY ADVOCATE FOR A CONFUSED RESIDENT, IN A NURSING HOME
20 OR A RELATED INSTITUTION, WHO HAS NO SURROGATE DECISION MAKER.

21 [(2)] (3) The regulations shall provide for:

22 (i) Minimum training requirements for all program staff and
23 volunteers;

24 (ii) Cooperation with the Departments of Health and Mental
25 Hygiene and Human Resources;

26 (iii) Annual review of all ombudsman activities by the Department;

27 (iv) Complaint review, investigation, and resolution procedures
28 including provisions which assure the confidentiality of complaints and the right of
29 privacy of any complainant or resident of a related institution;

30 (v) Maintenance by the local ombudsman of a recordkeeping or
31 information system which assures the confidentiality of records or files and the right
32 of privacy of any complainant or resident of a related institution; and

33 (vi) Access, review, and copying of medical records to the extent
34 authorized by § 4-305(b)(3) of the Health - General Article when the local
35 ombudsman is the person in interest or as otherwise provided by law.

36 (4) THE SECRETARY SHALL ESTABLISH AND SUBMIT A BUDGET FOR
37 MINIMUM STAFFING RATIOS FOR THE OMBUDSMAN PROGRAM AT THE HIGHER OF:

1 (I) ONE FULL-TIME OMBUDSMAN PER 1,000 LONG-TERM CARE
2 BEDS;

3 (II) 20 HOURS OF OMBUDSMAN TIME PER WEEK PER AREA AGENCY;
4 OR

5 (III) 10 HOURS OF OMBUDSMAN TIME PER WEEK PER NURSING
6 HOME.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2000.