

SENATE BILL 764

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2000 Regular Session
0lr1247
CF 0lr1246

By: **Senators Teitelbaum, Collins, and Hollinger (Task Force on Quality of Care in Nursing Homes)**

Introduced and read first time: February 4, 2000
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 2000

CHAPTER _____

1 AN ACT concerning

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

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

11 BY repealing and reenacting, without amendments,
12 Article 70B - Department of Aging
13 Section 5(a), (b), and (c)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 70B - Department of Aging
18 Section 5(d)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1999 Supplement)

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

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

2 5.

3 (a) The Secretary shall receive, investigate, and seek to resolve complaints
 4 concerning the operations of related institutions, as defined in § 19-301 of the Health
 5 - General Article, and the Secretary may, on the Secretary's own motion, make
 6 on-site visits to determine if these institutions are in compliance with applicable
 7 laws, rules, and regulations.

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

15 (c) There is established in the Department a Maryland Long-Term Care
 16 Ombudsman Program. The Secretary shall designate a Maryland Long-Term Care
 17 Ombudsman.

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

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

26 ~~{(2)}~~ ~~(3)~~ The regulations shall provide for:

27 (i) Minimum training requirements for all program staff and
 28 volunteers;

29 (ii) Cooperation with the Departments of Health and Mental
 30 Hygiene and Human Resources;

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

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

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

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

4 ~~(4)~~ (3) THE SECRETARY SHALL ESTABLISH AND SUBMIT A BUDGET
5 FOR MINIMUM STAFFING RATIOS FOR THE OMBUDSMAN PROGRAM AT THE HIGHER
6 OF:

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

9 (II) 20 HOURS OF OMBUDSMAN TIME PER WEEK PER AREA AGENCY;
10 OR

11 (III) 10 HOURS OF OMBUDSMAN TIME PER WEEK PER NURSING
12 HOME.

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