

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 343

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “prohibiting a family council from being created or led by certain persons;” and substitute “authorizing a family council to be created or led by certain persons under certain circumstances;”; in line 13, after “files;” insert “requiring the Secretary of Aging to adopt certain regulations;”; and after line 25, insert:

“BY repealing and reenacting, without amendments,

Article 70B - Department of Aging

Section 5(c) and (d)(1)

Annotated Code of Maryland

(2003 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 70B - Department of Aging

Section 5(d)(2)

Annotated Code of Maryland

(2003 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, in line 14, after “(2)” insert “(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,”; in the same line, strike “NOT”; in the same line, strike “OR LED”; and after line 15, insert:

“(II) IN ORDER TO FACILITATE THE DEVELOPMENT OF A FAMILY COUNCIL, THE OWNER, OPERATOR, OR STAFF OF A NURSING HOME MAY LEAD THE FAMILY COUNCIL FOR NO LONGER THAN 6 MONTHS AT WHICH TIME THE FAMILY COUNCIL SHALL BE LED BY A MEMBER OF THE FAMILY COUNCIL.”.

(Over)

AMENDMENT NO. 3

On page 2, strike in its entirety line 10; in line 11, strike “(II)” and substitute “(I)”; in the same line, after “FAMILY;” insert “OR

(II) AN INDIVIDUAL APPOINTED BY THE RESIDENT, OR IF THE RESIDENT IS INCAPABLE OF APPOINTING AN INDIVIDUAL, AN INDIVIDUAL APPOINTED BY THE RESIDENT’S FAMILY.”;

and strike in their entirety lines 12 and 13.

AMENDMENT NO. 4

On page 2, in line 21, strike “AND”; and in line 23, after “SECTION” insert “; AND

(4) THE NAME, ADDRESS, AND PHONE NUMBER OF THE STATE OR LOCAL OMBUDSMAN”.

AMENDMENT NO. 5

On page 2, in line 26, strike “10” and substitute “14 CALENDAR”.

AMENDMENT NO. 6

On page 3, after line 9, insert:

“Article 70B - Department of Aging

5.

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

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

(2) The regulations shall provide for:

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

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

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

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

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

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

(VII) A PROCESS FOR ASSISTING INDIVIDUALS WITH ORGANIZING AND OPERATING A FAMILY COUNCIL IN A NURSING HOME.”.