

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 132

(Chair, Health and Government Operations  
Committee)(By Request - Departmental - Aging)

Health and Government Operations

Finance

---

**Long-Term Care Ombudsman Program - Regulations**

---

This departmental bill aligns statute with federal regulations regarding the scope of the State Long-Term Care (LTC) Ombudsman Program. The bill requires the Secretary of Aging to consult with the State LTC Ombudsman when adopting regulations (1) to implement the State LTC Ombudsman Program; (2) to establish requirements for training and designating ombudsmen; (3) governing conflicts of interest; and (4) governing the confidentiality of specified information and documents.

---

**Fiscal Summary**

**State Effect:** The Maryland Department of Aging (MDOA) can handle the bill's requirements with existing resources. Revenues are not affected.

**Local Effect:** The bill is not anticipated to impact local government finances or operations.

**Small Business Effect:** MDOA has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

---

## Analysis

### **Current Law:**

#### *Implementing the State LTC Ombudsman Program*

The Secretary of Aging is required to adopt regulations necessary to implement the State LTC Ombudsman Program. The Secretary must establish the requirements for an annual review by MDOA of all ombudsman activities as well as establish the process for assisting individuals with organizing and operating a resident council and family council in a long-term care facility.

#### *Training and Designating Requirements*

The Secretary is required to consult area agencies on aging in adopting regulations to establish requirements for training and designating ombudsmen, including in-service training. The regulations must prohibit the State LTC Ombudsman from designating another individual as an ombudsman, unless the training and related requirements have been met.

#### *Conflict of Interest*

The Secretary is required to consult area agencies on aging when adopting regulations governing conflicts of interest. The regulations must ensure that (1) no individual, or immediate family member of an individual, involved in the designation of the State LTC Ombudsman or a local long-term care ombudsman entity, is subject to a conflict of interest, and (2) no ombudsman or immediate family member of an ombudsman is subject to a conflict of interest.

#### *Confidentiality*

The Secretary is required to consult area agencies on aging when adopting regulations governing confidentiality of information and documents, including resident records, facility records, and complainant identification.

#### *Federal Systemic Advocacy Requirements*

Federal regulations require that the State LTC Ombudsman provide systemic advocacy – which includes the ability to analyze, comment on, and monitor state regulations pertaining to the State LTC Ombudsman Program.

**Background:** The State LTC Ombudsman Program was established under federal mandate through the Older Americans Act. Long-term care ombudsmen are advocates for residents of nursing homes, board and care homes, assisted living facilities, and similar adult care facilities. They work to resolve problems of individual residents and to bring about changes at the local, state, and national levels that will improve residents' care and quality of life.

Begun in 1972 as a demonstration program, the State LTC Ombudsman Program today exists in all states, the District of Columbia, Puerto Rico, and Guam. Each state has an Office of the State LTC Ombudsman, headed by a full-time state ombudsman. Local ombudsman staff and volunteers work in communities throughout the country as part of the statewide ombudsman programs.

The statewide programs are federally funded under Titles III and VII of the Act and with other federal, state, and local sources. The federal Administration on Aging funds the National Long-Term Care Ombudsman Resource Center, which provides training and technical assistance to state and local ombudsmen.

MDOA advises that the bill aligns the statute with federal regulations by ensuring that the State LTC Ombudsman is consulted on any proposed State regulation which would impact the State LTC Ombudsman Program.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Aging; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2017  
mm/ljm Third Reader - February 21, 2017

---

Analysis by: Nathan W. McCurdy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Consultation with the State Long-Tenn Care Ombudsman

BILL NUMBER: HB 132

PREPARED BY: Maryland Department of Aging -Andrew Ross,  
[andrew.ross@maryland.gov](mailto:andrew.ross@maryland.gov), 410-767-2116

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

...X.. WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON  
MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

Bill impacts internal operations in a very minor manner by requiring the Secretary to consult with the State Long-Tenn Care Ombudsman on proposed regulations. No small businesses are impacted by this bill.