

HOUSE BILL 132

O2

7lr0123

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Aging)**

Introduced and read first time: January 18, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the Secretary of Aging to consult with the State Long-Term
4 Care Ombudsman when adopting certain regulations that relate to the Long-Term
5 Care Ombudsman Program, including certain annual reviews, resident councils and
6 family councils in long-term care facilities, training and designating ombudsmen,
7 conflicts of interest, and confidentiality of certain information and documents; and
8 generally relating to the Long-Term Care Ombudsman Program.

9 BY repealing and reenacting, with amendments,
10 Article – Human Services
11 Section 10-902, 10-904, and 10-906
12 Annotated Code of Maryland
13 (2007 Volume and 2016 Supplement)

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

16 **Article – Human Services**

17 10-902.

18 (a) There is a Long-Term Care Ombudsman Program in the Department.

19 (b) The purpose of the Program is to fulfill the requirements of:

20 (1) the Program under this subtitle; and

21 (2) the federal Older Americans Act, including the requirements of 42
22 U.S.C. § 3058G.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) The Secretary, **IN CONSULTATION WITH THE STATE LONG-TERM**
2 **CARE OMBUDSMAN**, shall adopt regulations necessary to carry out this subtitle.

3 (2) The regulations adopted under paragraph (1) of this subsection shall
4 establish:

5 (i) the requirements for an annual review by the Department of all
6 ombudsman activities; and

7 (ii) the process for assisting individuals with organizing and
8 operating a resident council and a family council in a long-term care facility.

9 10-904.

10 (a) Entities eligible to be designated as local long-term care ombudsman entities
11 shall:

12 (1) have demonstrated capability to carry out the responsibilities of the
13 Office;

14 (2) be public or nonprofit entities;

15 (3) be free of conflicts of interest; and

16 (4) meet any additional requirements that the Secretary and the State
17 Long-Term Care Ombudsman specify.

18 (b) (1) The Secretary, in consultation with **THE STATE LONG-TERM CARE**
19 **OMBUDSMAN AND** area agencies on aging, shall adopt regulations to establish
20 requirements for training and designating ombudsmen, including in-service training.

21 (2) The regulations shall prohibit the State Long-Term Care Ombudsman
22 from designating an individual as an ombudsman unless the individual has successfully
23 completed the required training and satisfied the requirements for designation.

24 10-906.

25 (a) The Secretary, in consultation with **THE STATE LONG-TERM CARE**
26 **OMBUDSMAN AND** area agencies on aging, shall adopt regulations to govern conflicts of
27 interest to ensure that:

28 (1) no individual, or member of the immediate family of an individual,
29 involved in the designation of the State Long-Term Care Ombudsman or a local long-term
30 care ombudsman entity, is subject to a conflict of interest; and

1 (2) no ombudsman or immediate family member of an ombudsman is
2 subject to a conflict of interest.

3 (b) The Secretary, in consultation with **THE STATE LONG-TERM CARE**
4 **OMBUDSMAN AND** area agencies on aging, shall adopt regulations governing the
5 confidentiality of information and documents, including resident records, facility records,
6 and complainant identification.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.