

FIRST REGULAR SESSION

HOUSE BILL NO. 656

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CAMPBELL AND LADD BAKER (Co-sponsors).

Read 1st time February 6, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0282L.02I

AN ACT

To repeal sections 660.600 and 660.603, RSMo 2000, relating to the office of state ombudsman, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 660.600 and 660.603, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 660.600 and 660.603, to read as follows:
660.600. As used in sections 660.600 to 660.608, the following terms mean:

(1) ["Division", the division of aging of the department of social services;

(2)] "Long-term care facility", any facility licensed pursuant to chapter 198, RSMo, and long-term care facilities connected with hospitals licensed pursuant to chapter 197, RSMo;

[(3)] (2) "Office", the office of the state ombudsman for long-term care facility residents;

[(4)] (3) "Ombudsman", the state ombudsman for long-term care facility residents;

[(5)] (4) "Regional ombudsman coordinators", designated individuals working for, or under contract with, the [area agencies on aging] **office of lieutenant governor**, and who are so designated by the [area agency on aging] **office of lieutenant governor** and certified by the ombudsman as meeting the qualifications established by the [division] **office of lieutenant governor**;

[(6)] (5) "Resident", any person who is receiving care or treatment in a long-term care facility.

660.603. 1. There is hereby established within the [division of aging] **office of lieutenant governor** the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 facilities and to improve the quality of life experienced by them, in accordance with the federal
5 Older Americans Act, 42 U.S.C. 3001, et seq.

6 2. The office shall be administered by the state ombudsman, who shall devote his **or her**
7 entire time to the duties of his **or her** position.

8 3. The office shall establish and implement procedures for receiving, processing,
9 responding to, and resolving complaints made by or on behalf of residents of long-term care
10 facilities relating to action, inaction, or decisions of providers, or their representatives, of
11 long-term care services, of public agencies or of social service agencies, which may adversely
12 affect the health, safety, welfare or rights of such residents.

13 4. The [division] **office of lieutenant governor** shall establish and implement
14 procedures for resolution of complaints. The ombudsman or representatives of the office shall
15 have the authority to:

16 (1) Enter any long-term care facility and have access to residents of the facility at a
17 reasonable time and in a reasonable manner. The ombudsman shall have access to review
18 resident records, if given permission by the resident or the resident's legal guardian. Residents
19 of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

20 (2) Make the necessary inquiries and review such information and records as the
21 ombudsman or representative of the office deems necessary to accomplish the objective of
22 verifying [these] complaints.

23 5. The office shall acknowledge complaints, report its findings, make recommendations,
24 gather and disseminate information and other material, and publicize its existence.

25 6. **In cases in which the office or any employee or volunteer of the office suspects**
26 **or has reason to suspect that a resident has been abused or neglected, the office or such**
27 **employee or volunteer shall make a report of the suspected abuse or neglect to the elder**
28 **abuse and neglect hot line and the local law enforcement agency. Any employee or**
29 **volunteer of the office who makes such a report shall notify his or her supervisor that a**
30 **report was made to the hot line and the local law enforcement agency. Any employee or**
31 **volunteer who, in good faith, reports a suspected case of abuse or neglect to the hot line and**
32 **local law enforcement agency pursuant to this subsection shall not be terminated,**
33 **suspended, transferred or otherwise disciplined for making such a report.**

34 7. The ombudsman may recommend to the relevant governmental agency changes in the
35 rules and regulations adopted or proposed by such governmental agency which do or may
36 adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility.
37 The office shall analyze and monitor the development and implementation of federal, state and
38 local laws, regulations and policies with respect to long-term care facilities and services in the
39 state and shall recommend to the [division] **office of lieutenant governor** changes in such laws,

40 regulations and policies deemed by the office to be appropriate.

41 [7.] **8.** The office shall promote community contact and involvement with residents of
42 facilities through the use of volunteers and volunteer programs directed by the regional
43 ombudsman coordinators.

44 [8.] **9.** The office shall develop and establish [by regulation of the division] statewide
45 policies and standards for implementing the activities of the ombudsman program, including the
46 qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

47 [9.] **10.** The office shall develop and propose programs for use, training and coordination
48 of volunteers in conjunction with the regional ombudsman coordinators and may:

49 (1) Establish and conduct recruitment programs for volunteers;

50 (2) Establish and conduct training seminars, meetings and other programs for volunteers;
51 and

52 (3) Supply personnel, written materials and such other reasonable assistance, including
53 publicizing their activities, as may be deemed necessary.

54 [10.] **11.** The office shall prepare and distribute to each facility written notices which set
55 forth the address and telephone number of the office, a brief explanation of the function of the
56 office, the procedure to follow in filing a complaint and other pertinent information.

57 [11.] **12.** The administrator of each facility shall ensure that such written notice is given
58 to every resident or [his] **every resident's** guardian upon admission to the facility and to every
59 person already in residence, or to his **or her** guardian. The administrator shall also post such
60 written notice in a conspicuous, public place in the facility in the number and manner set forth
61 [in the regulations adopted by the division] **by the office of lieutenant governor.**

62 [12.] **13.** The office shall inform residents, their guardians or their families of their rights
63 and entitlements under state and federal laws and rules and regulations by means of the
64 distribution of educational materials and group meetings.

65 **14. All funding designated for and full-time employees currently employed by the**
66 **division of aging to fund and staff the office of state ombudsman for long-term care facility**
67 **residents shall be transferred to the office of lieutenant governor.**

68 **15. The office of lieutenant governor may establish additional ombudsman**
69 **programs relating to elder care if the office of lieutenant governor obtains the necessary**
70 **funding for such a program. The office of lieutenant governor shall actively seek any state**
71 **or federal funding sources available to implement the provisions of this subsection.**