

SECOND REGULAR SESSION

HOUSE BILL NO. 1766

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

4376H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 192.2305, RSMo, and to enact in lieu thereof one new section relating to the state ombudsman for long-term care facility residents.

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

Section A. Section 192.2305, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.2305, to read as follows:

192.2305. 1. There is hereby established within the department of health and senior services 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 facilities **and Missouri veterans' homes as defined in section 42.002** and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. Section 3001, et seq.

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

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

4. The department shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility **or Missouri veterans' home** and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 have access to review resident records, if given permission by the resident or the resident's legal
19 guardian. Residents of the facility shall have the right to request, deny, or terminate visits with
20 an ombudsman;

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

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

26 6. The ombudsman may recommend to the relevant governmental agency changes in the
27 rules and regulations adopted or proposed by such governmental agency which do or may
28 adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility.
29 The office shall analyze and monitor the development and implementation of federal, state and
30 local laws, regulations and policies with respect to long-term care facilities, **Missouri veterans'**
31 **homes**, and services in the state and shall recommend to the department changes in such laws,
32 regulations and policies deemed by the office to be appropriate.

33 7. The office shall promote community contact and involvement with residents of
34 facilities through the use of volunteers and volunteer programs directed by the regional
35 ombudsman coordinators.

36 8. The office shall develop and establish by regulation of the department statewide
37 policies and standards for implementing the activities of the ombudsman program, including the
38 qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

39 9. The office shall develop and propose programs for use, training and coordination of
40 volunteers in conjunction with the regional ombudsman coordinators and may:

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

42 (2) Establish and conduct training seminars, meetings and other programs for volunteers;
43 and

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

46 10. The regional ombudsman coordinators and ombudsman volunteers shall have the
47 authority to report instances of abuse and neglect to the ombudsman hotline operated by the
48 department.

49 11. If the regional ombudsman coordinator or volunteer finds that a nursing home
50 administrator is not willing to work with the ombudsman program to resolve complaints, the
51 state ombudsman shall be notified. The department shall establish procedures by rule in
52 accordance with chapter 536 for implementation of this subsection.

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

56 13. The administrator of each facility shall ensure that such written notice is given to
57 every resident or the resident's guardian upon admission to the facility and to every person
58 already in residence, or to his or her guardian. The administrator shall also post such written
59 notice in a conspicuous, public place in the facility in the number and manner set forth in the
60 regulations adopted by the department.

61 14. The office shall inform residents, their guardians or their families of their rights and
62 entitlements under state and federal laws and rules and regulations by means of the distribution
63 of educational materials and group meetings.

✓