



# House of Representatives

General Assembly

**File No. 156**

February Session, 2014

House Bill No. 5350

*House of Representatives, March 27, 2014*

The Committee on Aging reported through REP. SERRA of the 33rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING AN ASSISTANT TO THE LONG-TERM CARE OMBUDSMAN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-400 of the 2014 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2014*):

4 (a) As used in this chapter:

5 (1) "State agency" means the Department on Aging.

6 (2) "Office" means the Office of the Long-Term Care Ombudsman  
7 established in this section.

8 (3) "State Ombudsman" means the State Ombudsman established in  
9 this section.

10 (4) "Assistant State Ombudsman" means the Assistant State  
11 Ombudsman appointed by the State Ombudsman to carry out duties

12 pursuant to section 2 of this act.

13 [(4)] (5) "Program" means the long-term care ombudsman program  
14 administered by the Office of the Long-Term Care Ombudsman  
15 established in this section.

16 [(5)] (6) "Representative" includes the Assistant State Ombudsman, a  
17 regional ombudsman, a residents' advocate or an employee of the  
18 Office of the Long-Term Care Ombudsman who is individually  
19 designated by the State Ombudsman.

20 [(6)] (7) "Resident" means an older individual who resides in or is a  
21 patient in a long-term care facility who is sixty years of age or older.

22 [(7)] (8) "Long-term care facility" means any skilled nursing facility,  
23 as defined in Section 1819(a) of the Social Security Act [,] (42 USC  
24 1395i-3(a)),<sub>z</sub> any nursing facility, as defined in Section 1919(a) of the  
25 Social Security Act [,] (42 USC 1396r(a)),<sub>z</sub> a board and care facility,<sub>z</sub> as  
26 defined in Section 102(19) of the federal Older Americans Act [,] (42  
27 USC 3002(19)),<sub>z</sub> and for purposes of ombudsman program coverage, an  
28 institution regulated by the state pursuant to Section 1616(e) of the  
29 Social Security Act [,] (42 USC 1382e(e)) and any other adult care home  
30 similar to a facility or nursing facility or board and care home.

31 [(8)] (9) "Commissioner" means the Commissioner on Aging.

32 [(9)] (10) "Applicant" means an older individual who has applied for  
33 admission to a long-term care facility.

34 (b) There is established an independent Office of the Long-Term  
35 Care Ombudsman within the Department on Aging. The  
36 Commissioner on Aging shall appoint a State Ombudsman who shall  
37 be selected from among individuals with expertise and experience in  
38 the fields of long-term care and advocacy to head the office and the  
39 State Ombudsman shall appoint [assistant] an Assistant State  
40 Ombudsman and regional ombudsmen. In the event the State  
41 Ombudsman [or an assistant regional ombudsman] is unable to fulfill  
42 the duties of the office, the commissioner shall appoint an acting State

43 Ombudsman and in the event that the Assistant State Ombudsman or  
44 a regional ombudsman is unable to fulfill the duties of the office, the  
45 State Ombudsman shall appoint an acting [assistant] Assistant State  
46 Ombudsman or an acting regional ombudsman, as the case may be.

47 (c) Notwithstanding the provisions of subsection (b) of this section,  
48 on and after July 1, 1990, the positions of State Ombudsman, Assistant  
49 State Ombudsman and regional ombudsmen shall be classified service  
50 positions. The State Ombudsman and regional ombudsmen holding  
51 said positions on said date shall continue to serve in their positions as  
52 if selected through classified service procedures. As vacancies occur in  
53 such positions thereafter, such vacancies shall be filled in accordance  
54 with classified service procedures.

55 Sec. 2. (NEW) (*Effective July 1, 2014*) The Assistant State  
56 Ombudsman shall act in accordance with the policies and procedures  
57 established by the Office of the Long-Term Care Ombudsman and the  
58 State Ombudsman. The Assistant State Ombudsman, under the  
59 supervision of the State Ombudsman, shall:

60 (1) Provide services to protect the health, safety, welfare and rights  
61 of residents;

62 (2) Ensure that residents in service areas have regular timely access  
63 to representatives of the program and timely responses to complaints  
64 and requests for assistance;

65 (3) Identify, investigate and resolve complaints made by or on  
66 behalf of residents that relate to action, inaction or decisions that may  
67 adversely affect the health, safety, welfare or rights of the residents or  
68 by, or on behalf of, applicants in relation to issues concerning  
69 applications to long-term care facilities;

70 (4) Provide technical assistance to the regional ombudsmen;

71 (5) Represent the interests of residents and applicants in relation to  
72 their applications to long-term care facilities before government  
73 agencies and seek administrative, legal and other remedies to protect

74 the health, safety, welfare and rights of the residents;

75 (6) Review and, if necessary, comment on any existing and  
76 proposed laws, regulations and other government policies and actions  
77 that pertain to the rights and well-being of residents and applicants in  
78 relation to their applications to long-term care facilities, and facilitate  
79 the ability of the public to comment on the laws, regulations, policies  
80 and actions;

81 (7) Support the development of resident and family councils;

82 (8) Support the development and implementation of the pilot  
83 community ombudsman program created pursuant to subdivision (14)  
84 of subsection (b) of section 17b-403 of the general statutes;

85 (9) Support the development of technology to promote outreach and  
86 education;

87 (10) Monitor program data entry, prepare reports and analyze data;

88 (11) Support program volunteer recruitment and training efforts;  
89 and

90 (12) Carry out other activities that the State Ombudsman determines  
91 to be appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2014	17b-400
Sec. 2	July 1, 2014	New section

**AGE**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
State Department on Aging	GF - Cost	80,000	82,400
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	29,328	30,208

**Municipal Impact:** None

**Explanation**

The bill creates the position of Assistant to the Long-Term Care Ombudsman at the Department on Aging and specifies certain responsibilities for the position. Based on current staffing costs at the agency, this new position is expected to cost \$109,328 in FY 15 and \$112,608 in FY 16.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

**OLR Bill Analysis****HB 5350*****AN ACT CONCERNING AN ASSISTANT TO THE LONG-TERM CARE OMBUDSMAN.*****SUMMARY:**

This bill creates the position of assistant state ombudsman in the Office of the Long-Term Care Ombudsman. The position, like the state ombudsman and regional ombudsmen positions, is in the classified service. The bill establishes the assistant ombudsman's duties, which, with some additions, are the same as those performed by regional ombudsmen.

It requires the state ombudsman to appoint and supervise the assistant ombudsman and appoint someone to act for the assistant whenever he or she cannot perform the duties of the office. By law, the state ombudsman also appoints the regional ombudsmen.

By law, the Office of the Long-Term Care Ombudsman represents the interests of residents of nursing and residential care homes and helps them resolve complaints about the facilities.

EFFECTIVE DATE: July 1, 2014

**CLASSIFIED EMPLOYEES**

The bill makes the assistant ombudsman a classified employee. By law, classified employees are civil servants subject to state civil service merit hiring, promotion, and termination requirements.

**DUTIES OF ASSISTANT STATE OMBUDSMAN**

The assistant ombudsman must perform the following duties, which are the same as those performed by regional ombudsmen:

1. provide services to protect the health, safety, welfare, and rights

- of nursing and residential care home residents;
2. ensure that residents in the office's various service areas have regular timely access to program representatives and timely responses to complaints and requests for assistance;
  3. identify, investigate, and resolve complaints related to (a) action, inaction, or decisions that may adversely affect the residents' health, safety, welfare, or rights or (b) applications to long-term care facilities;
  4. represent the interests of residents, and applicants in relation to their applications to long-term care facilities, before government agencies and seek administrative, legal, and other remedies to protect the residents' health, safety, welfare, and rights; and
  5. review and, if necessary, comment on existing and proposed laws, regulations, and other government policies and actions on the rights and well-being of residents and applicants in relation to their applications to long-term care facilities, and facilitate public comment on the laws, regulations, policies and actions; and
  6. support the development of resident and family councils.

The assistant ombudsman must also:

1. support the development and implementation of the pilot community ombudsman program;
2. provide technical assistance to the regional ombudsmen;
3. support the development of technology to promote outreach and education;
4. monitor program data entry, prepare reports, and analyze data; and
5. support program volunteer recruitment and training efforts.

The assistant ombudsman, like the regional ombudsmen, must carry out other activities the state ombudsman determines to be appropriate.

**BACKGROUND**

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

The program is mandated by the federal Older Americans Act to protect the health, safety, welfare, and rights of people living, or applying to live, in nursing homes, residential care homes, or assisted living communities. It helps this population resolve complaints about actions, inactions, or decisions that may adversely affect their health, safety, welfare, or rights regarding these facilities. It is also responsible for monitoring state and federal laws and regulations affecting the lives of long-term care residents and making recommendations for improvements.

One state and nine regional ombudsmen carry out these duties, assisted by over 60 volunteers.

**COMMITTEE ACTION**

Aging Committee

Joint Favorable

Yea 12    Nay 0    (03/11/2014)