



General Assembly

February Session, 2018

***Raised Bill No. 309***

LCO No. 1766



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT ALIGNING THE OFFICE OF THE LONG-TERM CARE  
OMBUDSMAN WITH THE OLDER AMERICANS ACT.***

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

1 Section 1. Section 17a-405 of the 2018 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) As used in this chapter:

5 (1) "State agency" means the [Office of Policy and Management]  
6 Department of Rehabilitation Services.

7 (2) "Office" or "Office of the Long-Term Care Ombudsman" means  
8 the [Office of the] organizational unit which is headed by the State  
9 Long-Term Care Ombudsman established in this section.

10 (3) "State Ombudsman" means the [State Ombudsman] individual  
11 who heads the office established in this section.

12 (4) "Program" means the long-term care ombudsman program

13 established in this section.

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

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

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

29 (8) ["Secretary" means the Secretary of the Office of Policy and  
30 Management] "Commissioner" means the Commissioner of  
31 Rehabilitation Services.

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

34 (10) "Resident representative" means (A) an individual chosen by  
35 the resident to act on behalf of the resident in order to support the  
36 resident in decision making, accessing medical, social or other personal  
37 information of the resident, managing financial matters, or receiving  
38 notifications; (B) a person authorized by state or federal law to act on  
39 behalf of the resident in order to support the resident in decision  
40 making, accessing medical, social or other personal information of the  
41 resident, managing financial matters, or receiving notifications; (C) a  
42 legal representative, as used in Section 712 of the Older Americans Act;

43 or (D) the court-appointed guardian or conservator of a resident.

44 (b) There is established an independent Office of the Long-Term  
45 Care Ombudsman within the [Office of Policy and Management]  
46 Department of Rehabilitation Services. The [Secretary of the Office of  
47 Policy and Management] Commissioner of Rehabilitation Services  
48 shall appoint a State Ombudsman who shall be selected from among  
49 individuals with expertise and experience in the fields of long-term  
50 care and advocacy to head the office and the State Ombudsman shall  
51 appoint [assistant] regional ombudsmen. In the event the State  
52 Ombudsman or [an assistant] a regional ombudsman is unable to  
53 fulfill the duties of the office, the [secretary] commissioner shall  
54 appoint an acting State Ombudsman and the State Ombudsman shall  
55 appoint an acting assistant regional ombudsman.

56 (c) Notwithstanding the provisions of subsection (b) of this section,  
57 on and after July 1, 1990, the positions of State Ombudsman and  
58 regional ombudsmen shall be classified service positions. The State  
59 Ombudsman and regional ombudsmen holding said positions on said  
60 date shall continue to serve in their positions as if selected through  
61 classified service procedures. As vacancies occur in such positions  
62 thereafter, such vacancies shall be filled in accordance with classified  
63 service procedures.

64 (d) The activities of the State Ombudsman or representatives of the  
65 office do not constitute lobbying under 45 CFR Part 93.

66 Sec. 2. Section 17a-406 of the general statutes is repealed and the  
67 following is substituted in lieu thereof (*Effective from passage*):

68 (a) Residents' advocates shall be appointed by the State  
69 Ombudsman, in consultation with the regional ombudsmen, for each  
70 region in sufficient number to serve the long-term care facilities within  
71 such region. Such residents' advocates shall, if possible, be residents of  
72 the region in which they will serve, and shall have demonstrated an  
73 interest in the care of [the elderly] individuals who reside in long-term

74 care facilities. Residents' advocates shall serve without compensation  
75 but may be reimbursed for reasonable expenses incurred in the  
76 performance of their duties, within available appropriations.

77 (b) The residents' advocates shall be appointed after submission of  
78 recommendations from at least two former employers or other  
79 nonrelated persons.

80 (c) The residents' advocates shall serve for a term of years specified  
81 by the State Ombudsman provided a residents' advocate may be  
82 removed by the State Ombudsman whenever the State Ombudsman  
83 finds such residents' advocate guilty of misconduct, material neglect of  
84 duty or incompetence in the conduct of the office or noncompliance  
85 with specified requirements of the position.

86 (d) Nothing in sections 17a-405 to 17a-417, inclusive, as amended by  
87 this act, 19a-523, 19a-524, 19a-530, 19a-531, 19a-532 and 19a-554 shall be  
88 construed to preclude the use of additional trained volunteers when it  
89 is deemed necessary to assist the State Ombudsman, regional  
90 ombudsmen or the residents' advocates.

91 (e) Until such time as residents' advocates are appointed in  
92 accordance with the provisions of sections 17a-405 to 17a-417,  
93 inclusive, as amended by this act, 19a-523, 19a-524, 19a-530, 19a-531,  
94 19a-532 and 19a-554, those residents' advocates previously appointed  
95 shall continue to perform their assigned duties and responsibilities.

96 Sec. 3. Section 17a-408 of the general statutes is repealed and the  
97 following is substituted in lieu thereof (*Effective from passage*):

98 (a) The State Ombudsman shall establish and operate ombudsman  
99 programs in this state pursuant to Sections 711 to 713, inclusive, of the  
100 federal Older Americans Act of 1965, as amended from time to time,  
101 and all regulations promulgated thereunder.

102 (b) The State Ombudsman shall serve on a full-time basis, and shall

103 personally or through representatives of the office:

104 (1) Identify, investigate and resolve complaints that:

105 (A) Are made by, or on behalf of, residents or, as to complaints  
106 involving the application for admission to a long-term care facility, by  
107 or on behalf of applicants; and

108 (B) Relate to action, inaction or decisions that may adversely affect  
109 the health, safety, welfare or rights of the residents, including the  
110 welfare and rights of the residents with respect to the appointment and  
111 activities of guardians and representative payees, of (i) providers or  
112 representatives of providers of long-term care services, (ii) public  
113 agencies, or (iii) health and social service agencies;

114 (2) Provide services to protect the health, safety, welfare and rights  
115 of the residents;

116 (3) Inform the residents about means of obtaining services provided  
117 by providers or agencies described in subparagraph (B) of subdivision  
118 (1) of this subsection or services described in subdivision (2) of this  
119 subsection;

120 (4) Ensure that the residents and, as to issues involving applications  
121 for admission to long-term care facilities, applicants have regular and  
122 timely access to the services provided through the office and that the  
123 residents and complainants receive timely responses from  
124 representatives of the office to complaints;

125 (5) Represent the interests of the residents, and of applicants in  
126 relation to issues concerning applications to long-term care facilities,  
127 before governmental agencies and seek administrative, legal and other  
128 remedies to protect the health, safety, welfare and rights of the  
129 residents;

130 (6) Provide administrative and technical assistance to  
131 representatives of the office and training in areas including, but not

132 limited to, Alzheimer's disease and dementia symptoms and care;

133 (7) (A) Analyze, comment on and monitor the development and  
134 implementation of federal, state and local laws, regulations, and other  
135 governmental policies and actions that pertain to the health, safety,  
136 welfare and rights of the residents with respect to the adequacy of  
137 long-term care facilities and services in this state and to the rights of  
138 applicants in relation to applications to long-term care facilities;

139 (B) Recommend any changes in such laws, regulations, policies and  
140 actions as the office determines to be appropriate; and

141 (C) Facilitate public comment on such laws, regulations, policies  
142 and actions;

143 (8) Advocate for:

144 (A) Any changes in federal, state and local laws, regulations and  
145 other governmental policies and actions that pertain to the health,  
146 safety, welfare and rights of residents with respect to the adequacy of  
147 long-term care facilities and services in this state and to the health,  
148 safety, welfare and rights of applicants which the State Ombudsman  
149 determines to be appropriate;

150 (B) Appropriate action by groups or agencies with jurisdictional  
151 authority to deal with problems affecting individual residents and the  
152 general resident population and applicants in relation to issues  
153 concerning applications to long-term care facilities; and

154 (C) The enactment of legislative recommendations by the General  
155 Assembly and of regulatory recommendations by commissioners of  
156 Connecticut state agencies;

157 (9) (A) Provide for training representatives of the office;

158 (B) Promote the development of citizen organizations to participate  
159 in the program; and

160 (C) Provide technical support for the development of resident and  
161 family councils to protect the well-being and rights of residents;

162 (10) Coordinate ombudsman services with the protection and  
163 advocacy systems for individuals with developmental disabilities and  
164 mental illnesses established under (A) Part A of the Development  
165 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and  
166 (B) The Protection and Advocacy for Mentally Ill Individuals Act of  
167 1986 (42 USC 10801 et seq.);

168 (11) Coordinate, to the greatest extent possible, ombudsman services  
169 with legal assistance provided under Section 306(a)(2)(C) of the federal  
170 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from  
171 time to time, through the adoption of memoranda of understanding  
172 and other means;

173 (12) Create, and periodically update as needed, a training manual  
174 for nursing home facilities identified in section 19a-522c that provides  
175 guidance on structuring and implementing the training required by  
176 said section;

177 [(13) Provide services described in this subsection, to residents  
178 under age sixty living in a long-term care facility, if (A) a majority of  
179 the residents of the facility where the younger person resides are over  
180 age sixty and (B) such services do not weaken or decrease service to  
181 older individuals covered under this chapter;

182 (14) Implement and administer, within available appropriations, a  
183 pilot program that serves home and community-based care recipients  
184 in Hartford County; and]

185 (13) Develop policies and procedures regarding the communication  
186 and documentation of informed consent in the case of resident  
187 complaints, including, but not limited to, the use of auxiliary aids and  
188 services or the use of a resident representative; and

189 [(15)] (14) Carry out such other activities and duties as may be  
190 required under federal law.

191 Sec. 4. Section 17a-410 of the general statutes is repealed and the  
192 following is substituted in lieu thereof (*Effective from passage*):

193 The regional ombudsmen shall, in accordance with the policies and  
194 procedures established by the Office of the Long-Term Care  
195 Ombudsman:

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

198 (2) Ensure that residents in service areas have regular timely access  
199 to representatives of the [program] office and timely responses to  
200 complaints and requests for assistance;

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

206 (4) Represent the interests of residents and applicants, in relation to  
207 their applications to long-term care facilities, before government  
208 agencies and seek administrative, legal and other remedies to protect  
209 the health, safety, welfare and rights of the residents;

210 (5) (A) Review and, if necessary, comment on any existing and  
211 proposed laws, regulations and other government policies and actions  
212 that pertain to the rights and well-being of residents and applicants in  
213 relation to their applications to long-term care facilities, and (B)  
214 facilitate the ability of the public to comment on the laws, regulations,  
215 policies and actions;

216 (6) Support the development of resident and family councils; and



217 (7) Carry out other activities that the State Ombudsman determines  
218 to be appropriate.

219 Sec. 5. Subsection (c) of section 17a-411 of the 2018 supplement to  
220 the general statutes is repealed and the following is substituted in lieu  
221 thereof (*Effective from passage*):

222 (c) The Commissioner of [Social Services] Rehabilitation Services  
223 shall have authority to seek funding for the purposes contained in this  
224 section from public and private sources, including but not limited to  
225 any federal or state funded programs.

226 Sec. 6. Section 17a-412 of the general statutes is repealed and the  
227 following is substituted in lieu thereof (*Effective from passage*):

228 (a) Any physician or surgeon licensed under the provisions of  
229 chapter 370, any resident physician or intern in any hospital in this  
230 state, whether or not so licensed, and any registered nurse, licensed  
231 practical nurse, medical examiner, dentist, optometrist, chiropractor,  
232 podiatrist, social worker, clergyman, police officer, pharmacist,  
233 physical therapist, long-term care facility administrator, nurse's aide or  
234 orderly in a long-term care facility, any person paid for caring for a  
235 patient in a long-term care facility, any staff person employed by a  
236 long-term care facility and any person who is a sexual assault  
237 counselor or a domestic violence counselor as defined in section 52-  
238 146k who has reasonable cause to suspect or believe that a resident in a  
239 long-term care facility has been abused, neglected, exploited or  
240 abandoned, or is in a condition that is the result of such abuse, neglect,  
241 exploitation or abandonment, shall, not later than seventy-two hours  
242 after such suspicion or belief arose, report such information or cause a  
243 report to be made in any reasonable manner to the Commissioner of  
244 [Social Services] Rehabilitation Services pursuant to chapter 319dd.  
245 Any person required to report under the provision of this section who  
246 fails to make such report within the prescribed time period shall be  
247 fined not more than five hundred dollars, except that, if such person

248 intentionally fails to make such report within the prescribed time  
249 period, such person shall be guilty of a class C misdemeanor for the  
250 first offense and a class A misdemeanor for any subsequent offense.

251 (b) Such report shall contain the name and address of the long-term  
252 care facility, the name of the involved resident, information regarding  
253 the nature and extent of the abuse, neglect, exploitation or  
254 abandonment and any other information which the reporter believes  
255 might be helpful in an investigation of the case and for the protection  
256 of the resident.

257 (c) Any other person having reasonable cause to believe that a  
258 resident in a long-term care facility is being, or has been, abused,  
259 neglected, exploited or abandoned, or any person who wishes to file  
260 any other complaint regarding a long-term care facility, shall report  
261 such information in accordance with subsection (b) of this section in  
262 any reasonable manner to the Commissioner of [Social Services]  
263 Rehabilitation Services who shall inform the resident of the services of  
264 the Office of the Long-Term Care Ombudsman.

265 (d) Such report or complaint shall not be deemed a public record,  
266 and shall not be subject to the provisions of section 1-210. Information  
267 derived from such reports or complaints for which reasonable grounds  
268 are determined to exist after investigation as provided for in section  
269 17a-413, as amended by this act, including the identity of the long-term  
270 care facility, the number of complaints received, the number of  
271 complaints substantiated and the types of complaints, may be  
272 disclosed by the Commissioner of [Social Services] Rehabilitation  
273 Services, except that in no case shall the name of the resident or the  
274 complainant be revealed, unless such person specifically requests such  
275 disclosure or unless a judicial proceeding results from such report or  
276 complaint. Notwithstanding the provisions of this section or section  
277 17b-452, not later than twenty-four hours, or as soon as possible, after  
278 receiving a report pursuant to subsection (a) of this section concerning  
279 a resident of a long-term care facility, the commissioner shall notify

280 such resident's guardian or conservator, if any, or legally liable relative  
281 or other responsible party. Such notification shall not be required  
282 when such guardian, conservator, legally liable relative or other  
283 responsible party is suspected of perpetrating the abuse, neglect,  
284 exploitation or abandonment that is the subject of the report. The  
285 commissioner shall obtain the contact information for such guardian,  
286 conservator, legally liable relative or other responsible party from the  
287 long-term care facility.

288 (e) Any person who makes a report or complaint pursuant to this  
289 section or who testifies in any administrative or judicial proceeding  
290 arising from the report shall be immune from any civil or criminal  
291 liability on account of such report or complaint or testimony, except  
292 for liability for perjury, unless such person acted in bad faith or with  
293 malicious purpose.

294 (f) Any person who is discharged or in any manner discriminated or  
295 retaliated against for making, in good faith, a report or complaint  
296 pursuant to this section shall be entitled to all remedies available  
297 under law including, but not limited to, remedies available under  
298 sections 19a-532 and 31-51m, as applicable.

299 (g) The person filing a report or complaint pursuant to the  
300 provisions of this section shall be notified, in general terms, of the  
301 findings of any investigation conducted by the Commissioner of  
302 [Social Services] Rehabilitation Services not later than forty-five days  
303 after completion of the investigation, provided: (1) The person who  
304 made such report was legally mandated to make such report, (2) the  
305 information is not otherwise privileged or confidential under state or  
306 federal law, (3) the names of the witnesses or other persons  
307 interviewed are kept confidential, and (4) the names of the person or  
308 persons suspected to be responsible for the abuse, neglect, exploitation  
309 or abandonment are not disclosed unless such person or persons have  
310 been arrested as a result of the investigation.

311 (h) The Commissioner of [Social Services] Rehabilitation Services  
312 shall maintain a registry of the reports received, the investigations  
313 made, the findings and the actions recommended and taken.

314 Sec. 7. Section 17a-413 of the general statutes is repealed and the  
315 following is substituted in lieu thereof (*Effective from passage*):

316 Upon receipt of a report or complaint as provided in section 17a-  
317 412, as amended by this act, the Commissioner of [Social Services]  
318 Rehabilitation Services shall determine immediately whether there are  
319 reasonable grounds for an investigation. If it is determined that  
320 reasonable grounds do not exist for an investigation, the complainant  
321 or the person making the report shall be notified of this determination  
322 not later than five working days after the receipt of such complaint or  
323 report. If such reasonable grounds are found, the Commissioner of  
324 [Social Services] Rehabilitation Services shall investigate such report or  
325 complaint not later than ten working days thereafter. The  
326 Commissioner of [Social Services] Rehabilitation Services shall  
327 complete an investigation and make a report of the findings not later  
328 than fifteen working days after the receipt of the complaint or report. If  
329 the investigation indicates that there is a possible violation of section  
330 19a-533, 19a-535 or 19a-537, the Commissioner of [Social Services]  
331 Rehabilitation Services shall refer the report or complaint together  
332 with a report of any investigation the commissioner has undertaken to  
333 the Department of Public Health for action as appropriate. If the  
334 investigation indicates that there is a possible violation of the  
335 provisions of the Public Health Code with respect to licensing  
336 requirements, the Commissioner of [Social Services] Rehabilitation  
337 Services shall refer the report or complaint, together with a report of  
338 the investigation, to the Commissioner of Public Health for  
339 appropriate action. If no violation of the Public Health Code is  
340 indicated, the Commissioner of [Social Services] Rehabilitation  
341 Services shall take whatever action said commissioner deems  
342 necessary, and shall notify the complainant or the person making the  
343 report, of the action taken not later than fifteen working days after

344 receipt of the complaint or report. If the investigation indicates that a  
345 person has abused, neglected, exploited or abandoned a resident in a  
346 long-term care facility, the Commissioner of [Social Services]  
347 Rehabilitation Services shall refer such information in writing to the  
348 Chief State's Attorney or the Chief State's Attorney's designee who  
349 shall conduct such further investigation, if any, as deemed necessary  
350 and shall determine whether criminal proceedings should be initiated  
351 against such person in accordance with applicable state law.

352 Sec. 8. Section 17a-414 of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective from passage*):

354 (a) The state agency shall ensure that:

355 (1) Adequate legal counsel is available and is able, without conflict  
356 of interest, to: (A) Provide advice and consultation needed to protect  
357 the health, safety, welfare and rights of residents and applicants in  
358 relation to their applications to long-term care facilities; and (B) assist  
359 the [ombudsman] State Ombudsman and representatives of the office  
360 in the performance of the official duties of the [ombudsman] State  
361 Ombudsman and representatives of the office; and

362 (2) Administrative, legal and other appropriate remedies are  
363 pursued on behalf of residents and applicants in relation to their  
364 applications to long-term care facilities.

365 (b) The regional ombudsmen and residents' advocates shall be  
366 considered state employees under section 4-141 for the purposes of any  
367 civil action for damages on account of any act or omission that is not  
368 wanton, wilful or malicious and that is within the scope of  
369 employment or duties under sections 17a-405 to 17a-417, inclusive, as  
370 amended by this act, 19a-531 and 19a-532.

371 Sec. 9. Section 17a-415 of the general statutes is repealed and the  
372 following is substituted in lieu thereof (*Effective from passage*):

373 (a) The [ombudsman] State Ombudsman and representatives of the  
374 office shall have:

375 (1) Access to long-term care facilities and residents;

376 (2) Appropriate access to review the medical and social records of a  
377 resident, if (A) the representative of the office has the permission of the  
378 resident, or the legal representative of the resident, (B) the resident is  
379 unable to consent to the review and has no legal representative, or (C)  
380 access to the records is necessary to investigate a complaint and a  
381 [legal guardian of the] resident representative refuses to give  
382 permission, a representative of the office has reasonable cause to  
383 believe that the [guardian] resident representative is not acting in the  
384 best interests of the resident, and the representative of the office  
385 obtains the approval of the ombudsman;

386 (3) Access to the administrative records, policies and documents, to  
387 which the residents have, or the general public has access, of long-term  
388 care facilities; and

389 (4) Access to and, on request, copies of all licensing and certification  
390 records maintained by the state with respect to long-term care  
391 facilities.

392 (b) Any person or entity who wilfully interferes with  
393 representatives of the office in the performance of the official duties of  
394 the representatives of the office, or any long-term care facility or other  
395 entity which retaliates or exacts reprisals with respect to any resident,  
396 employee or other person for filing a complaint with, providing  
397 information to, or otherwise cooperating with any representative of the  
398 office, or long-term care facility which refuses to permit the State  
399 Ombudsman or any regional ombudsman or any residents' advocate  
400 entry into such facility or refuses to cooperate with the State  
401 Ombudsman, or any regional ombudsman or any residents' advocate  
402 in the carrying out of their mandated duties and responsibilities  
403 enumerated under sections 17a-405 to 17a-417, inclusive, as amended

404 by this act, 19a-531 and 19a-532 or refuses to permit residents or staff  
405 to communicate freely with the State Ombudsman or any regional  
406 ombudsman or any residents' advocate shall be subject to the penalty  
407 prescribed for a class B violation under section 19a-527.

408 (c) In carrying out the duties enumerated in sections 17a-405 to 17a-  
409 417, inclusive, as amended by this act, 19a-531 and 19a-532, the State  
410 Ombudsman, the regional ombudsmen and the residents' advocates  
411 shall have access to all relevant public records, except that records  
412 which are confidential to a resident shall only be divulged with the  
413 written consent of the resident.

414 (d) In the performance of the duties and responsibilities enumerated  
415 under sections 17a-405 to 17a-417, inclusive, as amended by this act,  
416 19a-531 and 19a-532, the State Ombudsman, the regional ombudsmen  
417 and the residents' advocates may utilize any other state department,  
418 agency or commission, or any other public or private agencies, groups  
419 or individuals who are appropriate and who may be available.

420 Sec. 10. Section 17a-416 of the 2018 supplement to the general  
421 statutes is repealed and the following is substituted in lieu thereof  
422 (*Effective from passage*):

423 The [Secretary of the Office of Policy and Management]  
424 Commissioner of Rehabilitation Services, after consultation with the  
425 State Ombudsman, shall adopt regulations in accordance with the  
426 provisions of chapter 54, to carry out the provisions of sections 17a-405  
427 to 17a-417, inclusive, as amended by this act, 19a-531 and 19a-532.

428 Sec. 11. Section 17a-417 of the 2018 supplement to the general  
429 statutes is repealed and the following is substituted in lieu thereof  
430 (*Effective from passage*):

431 The [Secretary of the Office of Policy and Management]  
432 Commissioner of Rehabilitation Services shall require the State  
433 Ombudsman to:

434 (1) Prepare an annual report:

435 (A) Describing the activities carried out by the office in the year for  
436 which the report is prepared;

437 (B) Containing and analyzing the data collected under section 17a-  
438 418;

439 (C) Evaluating the problems experienced by and the complaints  
440 made by or on behalf of residents;

441 (D) Containing recommendations for (i) improving the quality of  
442 the care and life of the residents, and (ii) protecting the health, safety,  
443 welfare and rights of the residents;

444 (E) (i) Analyzing the success of the program including success in  
445 providing services to residents of long-term care facilities; and (ii)  
446 identifying barriers that prevent the optimal operation of the program;  
447 and

448 (F) Providing policy, regulatory and legislative recommendations to  
449 solve identified problems, to resolve the complaints, to improve the  
450 quality of the care and life of residents, to protect the health, safety,  
451 welfare and rights of residents and to remove the barriers that prevent  
452 the optimal operation of the program.

453 (2) Analyze, comment on and monitor the development and  
454 implementation of federal, state and local laws, regulations and other  
455 government policies and actions that pertain to long-term care facilities  
456 and services, and to the health, safety, welfare and rights of residents  
457 in the state, and recommend any changes in such laws, regulations and  
458 policies as the office determines to be appropriate.

459 (3) (A) Provide such information as the office determines to be  
460 necessary to public and private agencies, legislators and other persons,  
461 regarding (i) the problems and concerns of older individuals residing  
462 in long-term care facilities; and (ii) recommendations related to the



463 problems and concerns; and (B) make available to the public and  
464 submit to the federal assistant secretary for aging, the Governor, the  
465 General Assembly, the Department of Public Health and other  
466 appropriate governmental entities, each report prepared under  
467 subdivision (1) of this section.

468 Sec. 12. Section 17a-420 of the general statutes is repealed and the  
469 following is substituted in lieu thereof (*Effective from passage*):

470 In planning and operating the program, the state agency, in  
471 consultation with the [ombudsman] State Ombudsman, shall consider  
472 the views of area agencies on aging, [older individuals] long-term care  
473 facility residents and providers of long-term care.

474 Sec. 13. Section 17a-421 of the general statutes is repealed and the  
475 following is substituted in lieu thereof (*Effective from passage*):

476 The state agency shall:

477 (1) Ensure that no individual, or member of the immediate family of  
478 an individual, involved in the designation of the State Ombudsman,  
479 whether by appointment or otherwise, or the designation of  
480 representatives of the office is subject to a conflict of interest;

481 (2) Ensure that no officer or employee of the office, representative of  
482 the office, or member of the immediate family of the officer, employee  
483 or representative of the office, is subject to a conflict of interest;

484 (3) Ensure that the State Ombudsman: (A) Does not have a direct  
485 involvement in the licensing or certification of a long-term care facility  
486 or of a provider of a long-term care service; (B) does not have an  
487 ownership or investment interest, represented by equity, debt or other  
488 financial relationship, in a long-term care facility or a long-term care  
489 service; (C) is not employed by, or participating in the management of,  
490 a long-term care facility and has not been employed by or participated  
491 in such management in the twelve months prior to being State

492 Ombudsman; and (D) does not receive, or have the right to receive,  
 493 directly or indirectly, remuneration, in cash or in kind, under a  
 494 compensation arrangement with an owner or operator of a long-term  
 495 care facility; and

496 (4) Establish and specify, in writing, mechanisms to identify and  
 497 remove conflicts of interest described in subdivisions (1) and (2) of this  
 498 section, and to identify and eliminate the relationships described in  
 499 subdivision (3) of this section, including such mechanisms as: (A) The  
 500 methods by which the state agency will examine individuals and  
 501 immediate family members to identify the conflicts; and (B) the actions  
 502 that the state agency will require the individuals and such family  
 503 members to take to remove such conflicts.

504 Sec. 14. Subsection (c) of section 17a-422 of the general statutes is  
 505 repealed and the following is substituted in lieu thereof (*Effective from*  
 506 *passage*):

507 (c) Not later than June 30, 2005, the Long-Term Care Ombudsman  
 508 shall submit a report on the pilot program to the Commissioners of  
 509 [Social Services] Rehabilitation Services and Public Health, to the joint  
 510 standing committees of the General Assembly having cognizance of  
 511 matters relating to human services, public health and appropriations,  
 512 and to the select committee of the General Assembly having  
 513 cognizance of matters relating to aging. The report shall be submitted  
 514 in accordance with section 11-4a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-405
Sec. 2	<i>from passage</i>	17a-406
Sec. 3	<i>from passage</i>	17a-408
Sec. 4	<i>from passage</i>	17a-410
Sec. 5	<i>from passage</i>	17a-411(c)
Sec. 6	<i>from passage</i>	17a-412
Sec. 7	<i>from passage</i>	17a-413

Sec. 8	<i>from passage</i>	17a-414
Sec. 9	<i>from passage</i>	17a-415
Sec. 10	<i>from passage</i>	17a-416
Sec. 11	<i>from passage</i>	17a-417
Sec. 12	<i>from passage</i>	17a-420
Sec. 13	<i>from passage</i>	17a-421
Sec. 14	<i>from passage</i>	17a-422(c)

**Statement of Purpose:**

To align the Office of the Long-Term Care Ombudsman with the Older Americans Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*