

HOUSE BILL REPORT

HB 1837

As Reported By House Committee On:

Health Care

Title: An act relating to the long-term care ombudsman program.

Brief Description: Modifying the duties of a long-term care ombudsman.

Sponsors: Representatives Ruderman, Parlette, Cody, Carlson, Kenney, Conway, Skinner, Clements, Thomas and Edmonds.

Brief History:

Committee Activity:

Health Care: 2/19/99, 2/26/99 [DPS].

Brief Summary of Substitute Bill

- Updates the state Long-term Care Ombudsman statute to conform with changes in federal law regarding the scope of duties of volunteer ombudsmen.
- Provides additional funding of \$250,000 annually to the program to increase the number of volunteer ombudsmen to work in nursing facilities and adult family homes.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Campbell; Conway; Edmonds; Edwards and Ruderman.

Minority Report: Do not pass. Signed by 3 members: Representatives Alexander; Boldt and Mulliken.

Staff: Antonio Sanchez (786-7383).

Background:

The state Long-Term Care Ombudsman Program was established under federal and state law. The state was required to comply with federal law. Until 1989, the ombudsman program was contained within the Department of Social and Health Services (DSHS) and used few volunteer ombudsmen. State statute (RCW 43.190.060) prohibited volunteers from investigating complaints.

In 1989, the ombudsman program was removed from the DSHS and housed in a private non-profit organization. The organization was directed to recruit and train local volunteer ombudsmen in order to increase the presence of ombudsmen in long-term care (LTC) facilities. In 1992, federal law (42 U.S.C. ú 3058g) was amended to expressly say that local volunteer ombudsmen *shall* investigate complaints concerning the residents of LTC facilities, and shall perform other duties, including informing residents of their rights.

Volunteer ombudsmen are currently investigating complaints concerning the residents of LTC facilities and performing other appropriate duties including informing residents of their rights. However, although federal law allows this current practice, conforming changes in state law are needed in order for volunteers to continue to conduct these ombudsman duties.

Volunteer ombudsmen visit facilities on a weekly basis and provide a community presence in the facility. Last year the ombudsman program handled over 4,000 complaints statewide. One-third involved residents' rights violations; another third concerned poor care. Over 93 percent of all complaints were resolved, with only seven percent of the complaints referred to law enforcement or a licensing or regulatory agency.

The use of non-nursing home long-term services has grown steadily in the past three years. During this period of time boarding homes have realized a 22 percent growth in licensed beds.

Summary of Substitute Bill:

Language is removed that directly conflicts between state law and federal law and allows the ombudsman to have the duties and authorities set forth under federal law regarding their ability to investigate complaints.

Changes in this act will not change any of the practices of the ombudsman program, which have been investigating complaints since the 1992 federal law amendment. The term "investigate complaints" does not give the ombudsman program any licensing or enforcement authority, but instead is the term used to refer to ombudsmen responding to issues and concerns raised by residents and their family members.

Additional funding is requested (\$250,000 annually) for the ombudsman program. The money will be distributed statewide to the regional offices to recruit, train, and supervise more volunteer ombudsmen. The volunteers will be assigned to adult family homes and boarding homes.

The \$250,000 annual increase will increase the ombudsman staff by five FTEs, which will allow the ombudsman program to serve train and supervise an additional 125 volunteers, serve an additional 125 facilities and 6,000 residents, and receive and resolve an additional 1,500 potential complaints.

Substitute Bill Compared to Original Bill: Clarification that the state long-term care ombudsman and local long-term care ombudsman will not have any statutory regulatory licensing or sanctioning authority.

Appropriation: The sum of \$500,000.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Will increase the capability and capacity of the state Long-term Care Ombudsman Program. Linking the facility to a volunteer in their own community prevents poor care and promotes good care in the facility.

Testimony Against: The bill needs to be amended to insure that the additional ombudsman duties are not beyond what federal law allows.

Testified: (support) Irene Robbins, Senior Citizen Lobby; and Kary Hyre, Long-term Care Ombudsman.

(support w/suggestions) Nick Federici, Washington Association of Housing Services for the Aging; Tom Stanley, NorALFA; and Jeff Larsen, Washington State Residential Care Council.

(support sections 1 & 2) Kathy Leitch, Department of Social & Health Services.

(neutral) Nancy Hanna, Department of Community, Trade, and Economic Development.