

HOUSE BILL No. 2242

By Representative Sloan

2-4

9 AN ACT concerning the state long-term care ombudsman; relating to
10 the authority of the state long-term care ombudsman; amending K.S.A.
11 2008 Supp. 75-7306 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 75-7306 is hereby amended to read as
15 follows: 75-7306. The state long-term care ombudsman shall be an ad-
16 vocate of residents in facilities throughout the state, *as well as individuals*
17 *who would otherwise qualify to reside in a facility but do not*. The state
18 long-term care ombudsman shall:

19 (a) *Prioritize*, investigate and resolve complaints made by or on behalf
20 of the residents relating to action, inaction or decisions of facilities or the
21 representatives of facilities, or both, except that all complaints of abuse,
22 neglect or exploitation of a resident shall be referred to the secretary of
23 aging in accordance with provisions of K.S.A. 39-1401 et seq. and amend-
24 ments thereto;

25 (b) develop continuing programs to inform residents, their family
26 members or other persons responsible for residents regarding the rights
27 and responsibilities of residents and such other persons;

28 (c) provide the legislature and the governor with an annual report
29 containing data, findings and outcomes regarding the types of problems
30 experienced and complaints received by or on behalf of residents and
31 containing policy, regulatory and legislative recommendations to solve
32 such problems, resolve such complaints and improve the quality of care
33 and life in facilities and shall present such report and other appropriate
34 information and recommendations to the senate committee on public
35 health and welfare, the senate committee on ways and means, the house
36 of representatives committee on health and human services and the house
37 of representatives committee on appropriations during each regular ses-
38 sion of the legislature;

39 (d) analyze and monitor the development and implementation of fed-
40 eral, state and local government laws, rules and regulations, resolutions,
41 ordinances and policies with respect to long-term care facilities and serv-
42 ices provided in this state, and recommend any changes in such laws,
43 regulations, resolutions, ordinances and policies deemed by the office to

1 be appropriate;

2 (e) provide information and recommendations directly to news media
3 representatives, public agencies, legislators and others, as deemed nec-
4 essary by the office, regarding the problems and concerns of residents in
5 facilities, including recommendations related thereto, except that the
6 state long-term care ombudsman shall give the information or recom-
7 mendations to any directly affected parties or their representatives before
8 providing such information or recommendations to news media
9 representatives;

10 (f) prescribe and provide for the training of each regional long-term
11 care ombudsman and any individual designated as an ombudsman under
12 subsection (h) of this section, and any individual who is an ombudsman
13 volunteer in (1) federal, state and local laws, rules and regulations, reso-
14 lutions, ordinances and policies with respect to facilities located in Kansas,
15 (2) investigative techniques, and (3) such other matters as the state long-
16 term care ombudsman deems appropriate;

17 (g) coordinate ombudsman services provided by the office with the
18 protection and advocacy systems for individuals with developmental dis-
19 abilities and mental illness established under part A of the federal devel-
20 opmental disabilities assistance and bill of rights act, 42 U.S.C.A. 6001 et
21 seq., and under the federal protection and advocacy for mentally ill in-
22 dividuals act of 1986, public law 99-316;

23 (h) authorize an individual, who is an employee of the office and who
24 has satisfactorily completed the training prescribed by the state long-term
25 care ombudsman under subsection (f), to be an ombudsman or a volun-
26 teer ombudsman and to be a representative of the office and such an
27 authorized individual shall be deemed to be a representative of the office
28 for the purposes of and subject to the provisions of the long-term care
29 ombudsman act;

30 (i) establish and maintain a system to recruit and train individuals to
31 become volunteer ombudsmen;

32 (j) develop and implement procedures for authorizing and for with-
33 drawing the authorization of individuals to be ombudsmen or volunteer
34 ombudsmen to represent the office in providing ombudsmen services;

35 (k) provide services to residents of facilities throughout the state di-
36 rectly or through service providers to meet needs for ombudsmen
37 services;

38 (l) collaborate with the department of social and rehabilitation serv-
39 ices and the department on aging to establish a statewide system to collect
40 and analyze information on complaints and conditions in facilities; and

41 (m) perform such other duties and functions as may be provided by
42 law.

43 Sec. 2. K.S.A. 2008 Supp. 75-7306 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.