

HOUSE BILL REPORT

2SSB 5766

As Passed House:

April 8, 1999

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

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

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Long, Franklin, Winsley, Rasmussen and Costa).

Brief History:

Committee Activity:

Health Care: 4/1/99 [DP].

Floor Activity:

Passed House: 4/8/99, 95-0.

Brief Summary of Second Substitute Bill

- Updates the state Long-term Care Ombudsman statute to conform with changes in federal law regarding the scope of duties of volunteer ombudsman.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 11 members: Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

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 ombudsman. 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. 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 Bill:

Long-term care ombudsmen are given explicit authority to inform residents, their representatives and others about their rights as clients of long-term care facilities under state law. They are also authorized to investigate and resolve complaints made by or on behalf of residents of long-term care facilities.

Further language brings all duties and authority authorized under the federal Older Americans Act into state law.

Appropriation: None.

Fiscal Note: Requested on March 25, 1999.

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

Testimony For: This bill will allow the state Long-term Care Ombudsman Program to be more effective and insure higher standards of care.

Testimony Against: None.

Testified: (support) Nancy Hanna, Department of Community, Trade, and Economic Development; and Kary Hyre, Washington State Long-term Care Ombudsman Program.