

SECOND REGULAR SESSION

SENATE BILL NO. 846

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 9, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4157S.01I

AN ACT

To repeal section 192.2305, RSMo, and to enact in lieu thereof one new section relating to the office of state ombudsman for long-term care facility residents.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 192.2305, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.2305, to read as follows:

192.2305. 1. There is hereby established within the department of health and senior services the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities **and Missouri veterans' homes, as defined in section 42.002**, and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. Section 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his or her entire time to the duties of his or her position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities **and Missouri veterans' homes** relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The department shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility **or Missouri veterans' homes** and have access to residents of the facility at a reasonable time and in a reasonable

21 manner. The ombudsman shall have access to review resident records, if given
22 permission by the resident or the resident's legal guardian. Residents of the
23 facility shall have the right to request, deny, or terminate visits with an
24 ombudsman;

25 (2) Make the necessary inquiries and review such information and records
26 as the ombudsman or representative of the office deems necessary to accomplish
27 the objective of verifying these complaints.

28 5. The office shall acknowledge complaints, report its findings, make
29 recommendations, gather and disseminate information and other material, and
30 publicize its existence.

31 6. The ombudsman may recommend to the relevant governmental agency
32 changes in the rules and regulations adopted or proposed by such governmental
33 agency which do or may adversely affect the health, safety, welfare, or civil or
34 human rights of any resident in a facility. The office shall analyze and monitor
35 the development and implementation of federal, state and local laws, regulations
36 and policies with respect to long-term care facilities and services **and Missouri**
37 **veterans' homes** in the state and shall recommend to the department changes
38 in such laws, regulations and policies deemed by the office to be appropriate.

39 7. The office shall promote community contact and involvement with
40 residents of facilities through the use of volunteers and volunteer programs
41 directed by the regional ombudsman coordinators.

42 8. The office shall develop and establish by regulation of the department
43 statewide policies and standards for implementing the activities of the
44 ombudsman program, including the qualifications and the training of regional
45 ombudsman coordinators and ombudsman volunteers.

46 9. The office shall develop and propose programs for use, training and
47 coordination of volunteers in conjunction with the regional ombudsman
48 coordinators and may:

49 (1) Establish and conduct recruitment programs for volunteers;

50 (2) Establish and conduct training seminars, meetings and other programs
51 for volunteers; and

52 (3) Supply personnel, written materials and such other reasonable
53 assistance, including publicizing their activities, as may be deemed necessary.

54 10. The regional ombudsman coordinators and ombudsman volunteers
55 shall have the authority to report instances of abuse and neglect to the
56 ombudsman hotline operated by the department.

57 11. If the regional ombudsman coordinator or volunteer finds that a
58 nursing home administrator is not willing to work with the ombudsman program
59 to resolve complaints, the state ombudsman shall be notified. The department
60 shall establish procedures by rule in accordance with chapter 536 for
61 implementation of this subsection.

62 12. The office shall prepare and distribute to each facility written notices
63 which set forth the address and telephone number of the office, a brief
64 explanation of the function of the office, the procedure to follow in filing a
65 complaint and other pertinent information.

66 13. The administrator of each facility shall ensure that such written
67 notice is given to every resident or the resident's guardian upon admission to the
68 facility and to every person already in residence, or to his or her guardian. The
69 administrator shall also post such written notice in a conspicuous, public place
70 in the facility in the number and manner set forth in the regulations adopted by
71 the department.

72 14. The office shall inform residents, their guardians or their families of
73 their rights and entitlements under state and federal laws and rules and
74 regulations by means of the distribution of educational materials and group
75 meetings.

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