

STATE OF NEW YORK

10045

IN ASSEMBLY

April 29, 2022

Introduced by M. of A. CLARK -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to annual reporting requirements of the state long-term care ombudsman

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 14 of section 218 of the elder law, as amended
2 by chapter 259 of the laws of 2018, is amended and a new subdivision
3 14-a is added to read as follows:

4 14. Annual report. On or before March thirty-first, two thousand five,
5 and annually thereafter, the state ombudsman shall submit to the gover-
6 nor, commissioner of the federal administration on aging, speaker of the
7 assembly, temporary president of the senate, director of the state
8 office for the aging, commissioner of the department of health, and the
9 commissioner of children and family services a report and make such
10 report available to the public:

11 (a) describing the activities carried out by the office of the state
12 long-term care ombudsman during the prior calendar year;

13 (b) containing and analyzing data relating to complaints and condi-
14 tions in long-term care facilities and to residents for the purpose of
15 identifying and resolving significant problems, including an examination
16 of any recurring issues in any long-term care facilities to determine
17 any systemic issues in such facilities;

18 (c) evaluating the problems experienced by, and the complaints made by
19 or on behalf of, residents;

20 (d) containing policy recommendations and recommendations for appro-
21 priate state legislation, rules and regulations and other action for the
22 governor and state legislature based on data collected pursuant to this
23 section, concerns raised by residents and families of residents, and
24 observations made when visiting long-term care facilities, to improve
25 the quality of the care and life of the residents, protecting the
26 health, safety and welfare and rights of the residents and resolving
27 resident complaints and identified problems or barriers;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (e) containing an analysis of the success of the long-term care
2 ombudsman program, including success in providing services to residents;
3 (f) describing barriers that prevent the optimal operation of the
4 ombudsman program;

5 (g) describing any organizational conflicts of interest in the ombuds-
6 man program that have been identified and the steps taken to remove or
7 remedy such conflicts; [~~and~~]

8 (h) containing all complaints received by the state ombudsman relating
9 to long-term care facilities, listed by facility name and by region;

10 (i) containing the number of visits to each long-term care facility,
11 listed by facility name and by region, and names of long-term care
12 facilities that did not receive any visits in the prior year; and

13 (j) any other matters as the state ombudsman, in consultation with the
14 director of the state office for the aging, determines to be appropri-
15 ate.

16 14-a. Report to attorney general. Annually, upon submission of the
17 annual report pursuant to subdivision fourteen of this section, the
18 state ombudsman shall submit an additional report to the attorney gener-
19 al that shall contain general information relating to instances of
20 abuse, neglect, and exploitation in long-term care facilities in a
21 manner that does not violate individual resident confidentiality, for
22 review and possible enforcement action.

23 § 2. This act shall take effect immediately.