STATE OF NEW YORK

10045--A

IN ASSEMBLY

April 29, 2022

Introduced by M. of A. CLARK -- read once and referred to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 14 of section 218 of the elder law, as amended by chapter 259 of the laws of 2018, is amended to read as follows:

14. Annual report. On or before March thirty-first, two thousand five, and annually thereafter, the state ombudsman shall submit to the governor, commissioner of the federal administration on aging, speaker of the assembly, temporary president of the senate, director of the state office for the aging, commissioner of the department of health, and the commissioner of children and family services a report and make such report available to the public:

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

(b) containing and analyzing data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems**, including an examination of any recurring complaints to determine if there are systemic issues in such facilities**;

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

(d) containing recommendations for appropriate state legislation, rules and regulations and other action **based on data collected pursuant to this section, concerns raised by residents and families of residents, and observations made when visiting long-term care facilities,** to improve the quality of the care and life of the residents, protecting the health, safety and welfare and rights of the residents and resolving resident complaints and identified problems or barriers;

(e) containing an analysis of the success of the long-term care ombudsman program, including success in providing services to residents;

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

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(f) describing barriers that prevent the optimal operation of the ombudsman program;

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

(h) **containing all complaints received by the state ombudsman relating to long-term care facilities including but not limited to complaints that suggest the possible occurrence of physical abuse, mistreatment, neglect or Medicaid fraud, listed by type of complaint, facility name and by region;**

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

(j) any other matters as the state ombudsman, in consultation with the director of the state office for the aging, determines to be appropriate.

§ 2. This act shall take effect immediately.