# STATE OF NEW YORK

7211

2023-2024 Regular Sessions

# IN SENATE

May 18, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the reporting and resolution of issues at residential care facilities; and to amend the elder law, in relation to establishing an outreach and awareness program to promote and recruit long-term care ombudsman and the training of such ombudsmen

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

Section 1. Subdivision 13 of section 2803 of the public health law, as amended by chapter 19 of the laws of 2022, is amended to read as follows:

[~~13.~~] **14.** (a) The commissioner, in consultation with the state long-term care ombudsman, shall establish policies and procedures for: (i) reporting to the department, by staff and volunteers of the long-term care ombudsman program, **on** issues identified or witnessed by such staff and volunteers that relate to actions, inactions or decisions that may adversely affect the health, safety and welfare of residents at residential health care facilities licensed or certified by the department in this state. Such policies and procedures shall include, but not be limited to, establishing a telephone hotline number and reporting form on the department's website for use by long-term care ombudsman program staff and volunteers for the submission of reports;

(ii) timely and regular [~~communications by the department to the state long-term care ombudsman regarding such issues reported by staff and volunteers pursuant to subparagraph (i) of this paragraph and the resolution of such issues~~] **resolution to any such issues reported to the department pursuant to subparagraph (i) of this paragraph. No later than sixty days after the receipt of any such issue, the department shall provide the staff or volunteer who reported such issue a report on the status of such issue. Following the initial report, the department shall**

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

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provide additional reports to such staff or volunteer no less than every sixty days thereafter until such issue is resolved. Upon resolution of such issue, the department shall provide a timely report to such staff or volunteer and the state long-term care ombudsman indicating the manner in which the issue was resolved; and

(iii) requiring the department to notify the local ombudsman entity as defined in paragraph (c) of subdivision one of section two hundred eighteen of the elder law after the department conducts a recertification survey of a facility.

(b) Nothing in this subdivision shall be construed to limit in any way a resident's right to privacy and confidentiality pursuant to the regulations of the long-term care ombudsman program or the right to refuse to consent to the involvement of the long-term care ombudsman.

§ 2. Subparagraph 7 of paragraph (d) of subdivision 3 of section 218 of the elder law, as amended by chapter 259 of the laws of 2018, is amended to read as follows:

(7) develop a certification training program and continuing education for ombudsmen which at a minimum shall specify the minimum hours of training, the annual number of hours of in-service training, and the content of the training, including, but not limited to, training relating to cultural competency and diversity, federal, state, and local laws, regulations, and policies with respect to long-term care facilities in the state, investigative and resolution techniques, and such other training-related matters as the state ombudsman determines to be appropriate;

§ 3. Subdivision 15 of section 218 of the elder law, as added by section 1 of part A of chapter 759 of the laws of 2021, is amended to read as follows:

15. [~~Long-term care ombudsman~~] Outreach and awareness program. The [~~office of the~~] state long-term care ombudsman shall facilitate and coordinate the planning and implementation of an outreach and awareness program to advertise and promote the long-term care ombudsman program and to recruit additional ombudsmen. Such program shall utilize educational and informational materials [~~such as~~] including, but not limited to, media advertising, billboards, social media and the official website of the long-term care ombudsman program.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.