

By the Committee on Health, Aging and Long-Term Care

317-416A-02

1 A bill to be entitled
2 An act relating to the long-term care ombudsman
3 program; amending s. 400.0069, F.S.; increasing
4 the maximum membership of the local long-term
5 care ombudsman councils; amending s. 400.0089,
6 F.S.; requiring the State Long-Term Care
7 Ombudsman Council to publish complaint
8 information quarterly; amending s. 400.0091,
9 F.S.; specifying training requirements for
10 employees of the Office of the State Long-Term
11 Care Ombudsman and its volunteers; providing an
12 effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (4) of section 400.0069, Florida
17 Statutes, is amended to read:

18 400.0069 Local long-term care ombudsman councils;
19 duties; membership.--

20 (4) Each local ombudsman council shall be composed of
21 no less than 15 members and no more than 40 ~~30~~ members from
22 the local planning and service area, to include the following:
23 one medical or osteopathic physician whose practice includes
24 or has included a substantial number of geriatric patients and
25 who may have limited practice in a long-term care facility;
26 one registered nurse who has geriatric experience, if
27 possible; one licensed pharmacist; one registered dietitian;
28 at least six nursing home residents or representative consumer
29 advocates for nursing home residents; at least three residents
30 of assisted living facilities or adult family-care homes or
31 three representative consumer advocates for long-term care

1 facility residents; one attorney; and one professional social
2 worker. In no case shall the medical director of a long-term
3 care facility or an employee of the Agency for Health Care
4 Administration, the Department of Children and Family
5 Services, or the Department of Elderly Affairs serve as a
6 member or as an ex officio member of a council. Each member
7 of the council shall certify that neither the council member
8 nor any member of the council member's immediate family has
9 any conflict of interest pursuant to subsection (10). Local
10 ombudsman councils are encouraged to recruit council members
11 who are 60 years of age or older.

12 Section 2. Section 400.0089, Florida Statutes, is
13 amended to read:

14 400.0089 Agency reports.--The State Long-Term Care
15 Ombudsman Council, shall, in cooperation with the Department
16 of Elderly Affairs, maintain a statewide uniform reporting
17 system to collect and analyze data relating to complaints and
18 conditions in long-term care facilities and to residents, for
19 the purpose of identifying and resolving significant problems.
20 The council shall submit such data as part of its annual
21 report required pursuant to s. 400.0067(2)(g) to the Agency
22 for Health Care Administration, the Department of Children and
23 Family Services, the Florida Statewide Advocacy Council, the
24 Advocacy Center for Persons with Disabilities, the
25 Commissioner for the United States Administration on Aging,
26 the National Ombudsman Resource Center, and any other state or
27 federal entities that the ombudsman determines appropriate.
28 The State Long-Term Care Ombudsman Council shall publish
29 quarterly and make readily available information pertaining to
30 the number and types of complaints received by the long-term
31 care ombudsman program.

1 Section 3. Section 400.0091, Florida Statutes, is
2 amended to read:

3 400.0091 Training.--The ombudsman shall provide
4 appropriate training to all employees of the Office of State
5 Long-Term Care Ombudsman and to the state and local long-term
6 care ombudsman councils, including all unpaid volunteers. All
7 volunteers and appropriate employees of the Office of the
8 State Long-Term Care Ombudsman must be given a minimum of 20
9 hours of training upon employment or enrollment as a volunteer
10 and 10 hours of continuing education annually thereafter.
11 Training must cover, at a minimum, guardianships and powers of
12 attorney, medication administration, care and medication of
13 residents with dementia and Alzheimer's disease, accounting
14 for residents' funds, discharge rights and responsibilities,
15 and cultural sensitivity.No employee, officer, or
16 representative of the office or of the state or local
17 long-term care ombudsman councils, other than the ombudsman,
18 may carry out any authorized ombudsman duty or responsibility
19 unless the person has received the training required by this
20 section and has been approved by the ombudsman as qualified to
21 carry out ombudsman activities on behalf of the office or the
22 state or local long-term care ombudsman councils.

23 Section 4. This act shall take effect July 1, 2002.

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26 SENATE SUMMARY

27 Increases from 30 to 40 the maximum membership of local
28 long-term care ombudsman councils. Requires the State
29 Long-Term Care Ombudsman Council to publish complaint
30 information quarterly. Requires specified training for
31 employees of the Office of the State Long-Term Ombudsman
and its volunteers.