

SENATE BILL No. 88

By Committee on Public Health and Welfare

1-28

1 AN ACT concerning the state long-term care ombudsman; requiring the
2 state long-term care ombudsman and any regional ombudsman to
3 receive training in memory care; amending K.S.A. 75-7306 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 75-7306 is hereby amended to read as follows: 75-
8 7306. The state long-term care ombudsman shall be an advocate of
9 residents in facilities throughout the state. The state long-term care
10 ombudsman shall:

11 (a) Investigate and resolve complaints made by or on behalf of the
12 residents:

13 (1) Relating to action, inaction or decisions of providers, or
14 representatives of providers, of long-term care, public agencies or health
15 and social services agencies, except that complaints of abuse, neglect or
16 exploitation of a resident may be referred to the secretary for aging and
17 disability services in accordance with *the* provisions of K.S.A. 39-1401 et
18 seq., and amendments thereto, with the resident or resident's
19 representative's consent or as permitted by federal law; or

20 (2) regarding the welfare and rights of residents with respect to the
21 appointment or activities of resident representatives;

22 (b) develop continuing programs to inform residents, their family
23 members or other persons responsible for residents regarding the rights
24 and responsibilities of residents and such other persons;

25 (c) provide the legislature and the governor with an annual report
26 containing data, findings and outcomes regarding the types of problems
27 experienced and complaints received by or on behalf of residents and
28 containing policy, regulatory and legislative recommendations to solve
29 such problems, resolve such complaints and improve the quality of care
30 and life in facilities and ~~shall~~ present such report and other appropriate
31 information and recommendations to the senate committee on public
32 health and welfare, the senate committee on ways and means, the house of
33 representatives committee on health and human services and the house of
34 representatives committee on appropriations during each regular session of
35 the legislature;

36 (d) analyze and monitor the development and implementation of

1 federal, state and local government laws, rules and regulations, resolutions,
2 ordinances and policies with respect to long-term care facilities and
3 services provided in this state, and recommend any changes in such laws,
4 regulations, resolutions, ordinances and policies deemed by the office to be
5 appropriate;

6 (e) provide information to public and private agencies, the media,
7 legislators and others, as deemed necessary by the office, regarding the
8 problems and concerns of residents in facilities, including
9 recommendations related thereto. The state long-term care ombudsman
10 may give the information or recommendations to any directly affected
11 public and private agency or legislator or their representatives before
12 providing such information or recommendations to news media
13 representatives;

14 (f) prescribe and provide for the training of each regional long-term
15 care ombudsman, ~~and any individual designated as an ombudsman under~~
16 ~~subsection (h) of this section,~~ and any individual who is an ombudsman
17 volunteer in:

18 (1) Federal, state and local laws, rules and regulations, resolutions,
19 ordinances and policies with respect to facilities located in Kansas;

20 (2) investigative techniques;

21 (3) *the needs and rights of long-term care residents who have*
22 *Alzheimer's disease and other dementia and strategies to care for and*
23 *address the specific issues encountered by such residents. Topics shall*
24 *include, but not be limited to:*

25 (A) *Understanding the warning signs and symptoms of Alzheimer's*
26 *and other dementia;*

27 (B) *knowledge of person-centered dementia care;*

28 (C) *effectively communicating with individuals living with*
29 *Alzheimer's and other dementia;*

30 (D) *recognizing behavioral symptoms, including alternatives to*
31 *physical and chemical restraints for residents;*

32 (E) *addressing specific threats to residents' safety, such as*
33 *wandering;*

34 (F) *referring residents' care partners and families to accurate and*
35 *up-to-date sources of information, support and resources regarding*
36 *Alzheimer's and other dementia; and*

37 (G) *protocols for connecting individuals living with Alzheimer's and*
38 *other dementia to local care resources and professionals who are skilled*
39 *in dementia care to encourage cross-referral and reporting regarding*
40 *incidents of abuse; and*

41 ~~(4)~~ such other matters as the state long-term care ombudsman
42 deems appropriate;

43 (g) coordinate ombudsman services provided by the office with the

1 protection and advocacy systems for individuals with developmental
2 disabilities and mental illness established under part A of the federal
3 developmental disabilities assistance and bill of rights act, 42 U.S.C.A. §
4 6001 et seq., and under the federal protection and advocacy for mentally ill
5 individuals act of 1986, public law 99-316;

6 (h) authorize an individual; who is an employee of the office and who
7 has satisfactorily completed the training prescribed by the state long-term
8 care ombudsman under subsection (f); to be an ombudsman or a volunteer
9 ombudsman and to be a representative of the office and such an authorized
10 individual shall be deemed to be a representative of the office for the
11 purposes of and subject to the provisions of the long-term care
12 ombudsman act;

13 (i) establish and maintain a system to recruit and train individuals to
14 become volunteer ombudsmen;

15 (j) develop and implement procedures for authorizing and for
16 withdrawing the authorization of individuals to be ombudsmen or
17 volunteer ombudsmen to represent the office in providing ombudsmen
18 services;

19 (k) provide services to residents of facilities throughout the state,
20 directly or through service providers, to meet needs for ombudsmen
21 services;

22 (l) collaborate with the Kansas department for aging and disability
23 services to review and maintain the statewide system that collects and
24 analyzes information on complaints and conditions in facilities; and

25 (m) perform such other duties and functions as may be provided by
26 law.

27 Sec. 2. K.S.A. 75-7306 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its
29 publication in the statute book.