

Senate File 2278 - Introduced

SENATE FILE 2278

BY J. SMITH, R. TAYLOR, RAGAN,
JOCHUM, BOULTON, CELSI,
WAHLS, KINNEY, DOTZLER,
T. TAYLOR, LYKAM, HOGG,
GIDDENS, BOLKCOM, PETERSEN,
MATHIS, QUIRMBACH, and
BISIGNANO

A BILL FOR

1 An Act relating to the office of the state long-term care
2 ombudsman, and making an appropriation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231.42, Code 2020, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 14. *Protocol for operation.* The provision
4 of high-quality advocacy for and responsive assistance to
5 residents and tenants of long-term care facilities, assisted
6 living programs, and elder group homes in the state is a
7 fundamental and critical role of state government. To ensure
8 that responsive and high-quality services are being provided,
9 the office of long-term care ombudsman shall do all of the
10 following:

11 a. On at least a quarterly basis, hold either in-person or
12 in-person-via-video meetings with all staff including local
13 long-term care ombudsmen to discuss workloads, policies and
14 procedures, accomplishments, and concerns; obtain suggestions;
15 generate ideas to improve service; foster communication; and
16 encourage teamwork.

17 b. Assign cases to local long-term care ombudsmen based on a
18 geographic territory to enable more effective and efficient use
19 of resources including making unscheduled noncomplaint-related
20 visits, responding to resident and tenant inquiries and
21 complaints, and developing a familiarity with long-term care
22 facilities, assisted living programs, elder group homes,
23 administrators, staff, residents, tenants, and certified
24 volunteers in the assigned geographic territory.

25 c. Establish a policy and process to ensure that each local
26 long-term care ombudsman makes unscheduled noncomplaint-related
27 visits to a minimum of twenty percent of the long-term care
28 facilities, assisted living programs, and elder group homes in
29 the assigned geographic territory, annually.

30 d. Implement a policy that ensures that the response to
31 resident and tenant inquiries is in the manner preferred by
32 the resident or tenant and that all visits are completed
33 in a timely manner. The policy shall provide that if a
34 resident or tenant prefers inquiries via phone or the use of
35 technology, a local long-term care ombudsman shall ensure that

1 assistance is provided in a manner that is comfortable to and
2 convenient for the resident or tenant while assuring privacy
3 and confidentiality.

4 e. Ensure the existence and maintenance of a vibrant
5 certified volunteer long-term care ombudsman program by
6 increasing the numbers of, support to, and communications with
7 Iowans wishing to perform this vital service. The program
8 shall ensure that certified volunteers work closely with local
9 long-term care ombudsmen within the same geographic territory
10 to share information and insights, coordinate efforts, and
11 enhance services to residents and tenants.

12 f. Provide necessary vehicles and coverage of related
13 expenses to local long-term care ombudsmen to properly fulfill
14 their duties.

15 NEW SUBSECTION. 15. *Organizational structure.* The office
16 of long-term care ombudsman shall not pursue or issue a
17 request for proposals or utilize any other process to modify
18 the organizational structure of the office or to outsource
19 duties or staffing of the office without prior visible and
20 effective notice to and input from the public, and without
21 prior conversation and consultation with staff members,
22 certified volunteers, advocates for older Iowans and Iowans
23 with disabilities and the paid and informal caregivers who
24 support them, organizations representing long-term care
25 facilities, assisted living programs, and elder group homes,
26 unions representing staff of the office, the commission, and
27 the members of the general assembly's joint appropriations
28 subcommittee on health and human services.

29 Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN —
30 APPROPRIATION.

31 1. There is appropriated from the general fund of the
32 state to the office of long-term care ombudsman for the fiscal
33 year beginning July 1, 2020, and ending June 30, 2021, in
34 addition to any other funds appropriated from the general
35 fund of the state to, and in addition to any other full-time

1 equivalent positions authorized for, the office of long-term
2 care ombudsman for the same purpose, the following amount, or
3 so much thereof as is necessary, to be used for the purpose
4 designated:

5 To increase the number of local long-term care ombudsmen
6 including for salaries, support, administration, maintenance,
7 and miscellaneous purposes, and for not more than the following
8 full-time equivalent positions:

9	\$	173,486
10	FTEs	2.00

11 2. The funding appropriated and the full-time equivalent
12 positions authorized under this section are in addition to any
13 other funds appropriated from the general fund of the state
14 and any other full-time equivalent positions authorized for
15 local long-term care ombudsmen during the same fiscal year.
16 A sufficient portion of the funding appropriated under this
17 section shall be used to provide a vehicle and other support
18 for each of the additional local long-term care ombudsmen to
19 assist in fulfilling their duties pursuant to chapter 231.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the office of state long-term care
24 ombudsman.

25 The bill establishes protocol for operation of the office
26 of long-term care ombudsman (OLTCO). The OLTCO consists
27 of the state long-term care ombudsman, any local long-term
28 care ombudsmen, and any certified volunteer long-term care
29 ombudsmen. The bill requires the office to, on at least a
30 quarterly basis, hold either in-person or in-person-via-video
31 meetings with all staff; assign cases to local long-term
32 care ombudsmen based on a geographic territory to enable
33 more effective and efficient use of resources; establish a
34 policy and process to ensure that each local long-term care
35 ombudsman makes unscheduled noncomplaint-related visits to

1 a minimum of 20 percent of the long-term care facilities,
2 assisted living programs, and elder group homes in the assigned
3 geographic territory, annually; implement a policy that ensures
4 that the response to resident and tenant inquiries is in
5 the manner preferred by the resident or tenant and that all
6 visits are completed in a timely manner; ensure the existence
7 and maintenance of a vibrant certified volunteer long-term
8 care ombudsman program; and provide necessary vehicles and
9 coverage of related expenses to local long-term care ombudsmen
10 to fulfill their duties. The bill also prohibits the OLTCO
11 from pursuing or issuing a request for proposals or other
12 process to modify the organizational structure of the office
13 or to outsource duties or staffing of the office without prior
14 visible and effective notice to and input from the public, and
15 without prior conversation and consultation with specified
16 persons. The bill makes an appropriation from the general fund
17 of the state to the OLTCO for FY 2020-2021, in addition to any
18 other funds appropriated from the general fund of the state to,
19 and in addition to any other full-time equivalent positions
20 authorized for, the OLTCO for the same purpose, for the purpose
21 of increasing the number of local long-term care ombudsmen.
22 The funding appropriated and the full-time equivalent positions
23 authorized are in addition to any other funds appropriated
24 from the general fund of the state and any other full-time
25 equivalent positions authorized for local long-term care
26 ombudsmen during the same fiscal year. A sufficient portion
27 of the funding appropriated shall be used to provide a vehicle
28 and other support for each of the additional local long-term
29 care ombudsmen to assist in fulfilling their duties pursuant to
30 Code chapter 231.