
OLR Bill Analysis

sHB 5227

AN ACT ESTABLISHING THE COMMUNITY OMBUDSMAN PROGRAM FOR HOME CARE.

SUMMARY

This bill establishes a Community Ombudsman program within the Office of the Long-Term Care (LTC) Ombudsman (see BACKGROUND). It charges the program with, among other things, responding to complaints about long-term services and supports provided to adults in home and community-based programs administered by the Department of Social Services.

By October 1, 2022, the LTC Ombudsman must (1) appoint a community ombudsman program supervisor and up to 12 regional community ombudsmen and (2) hire up to two administrative staff, all of whom report to the LTC Ombudsman. Among other things, the bill requires the LTC Ombudsman, program supervisor, and regional community ombudsmen to ensure that any home care recipient's health data obtained by the program is protected in accordance with the Health Insurance Portability and Accountability Act (HIPAA).

Under the bill, a "home care provider" is a person or organization, including a home health agency, hospice agency, or homemaker-companion agency. "Long-term services and supports" are (1) health, health-related, personal care, and social services provided to persons with physical, cognitive, or mental health conditions or disabilities to facilitate optimal functioning and quality of life or (2) hospice care provided to persons who may be nearing the end of their lives.

EFFECTIVE DATE: July 1, 2022

COMMUNITY OMBUDSMEN DUTIES

The bill requires the program supervisor and regional community ombudsmen to:

1. have access to data on long-term services and supports provided by a home care provider to a client, if the client or his or her authorized representative generally consents in writing (see below);
2. identify, investigate, refer, and resolve complaints about home care services;
3. raise public awareness about home care and the program;
4. advocate for LTC options and promote access to home care services;
5. coach individuals in self-advocacy; and
6. provide referrals to home care clients.

The bill grants the ombudsmen access to data without a client's written consent if he or she cannot provide it due to (1) a physical, cognitive, or mental health condition or disability and (2) lack of an authorized representative. In this case, the program supervisor must determine that the data is necessary to investigate a complaint about the client's care.

LTC OMBUDSMAN OVERSIGHT

The bill requires the LTC Ombudsman's office to oversee the community ombudsman program and provide administrative and organizational support by:

1. developing and implementing a public awareness strategy;
2. applying for, or collaborating with other state agencies to apply for, available federal funding;
3. collaborating with administrators of other state programs and services to design and implement an agenda to promote the rights of elderly people and people with disabilities;
4. providing information to public and private agencies, legislators,

- and the media on home care recipients' problems and concerns;
5. advocating for improvements in the home and community-based long-term services and supports system; and
 6. recommending changes in federal, state, and local laws, regulations, policies, and actions pertaining to the health, safety, welfare, and rights of home care recipients.

Starting by December 1, 2023, the LTC Ombudsman must annually report to the Aging, Human Services, and Public Health committees on (1) the program's public awareness strategy implementation, (2) the number of persons served, (3) the number of home care complaints filed, (4) the disposition of these complaints, and (5) any gaps in services and resources needed to address them.

BACKGROUND

LTC Ombudsman Program

This state program represents the interests of residents in nursing and residential care homes and helps them resolve complaints about these facilities. One state and eight regional ombudsmen carry out these duties, assisted by 11 volunteers. The office also provides assistance and education to residents in assisted living facilities. People in state-subsidized assisted living programs have priority for these services, but the office will also help people in private assisted living facilities to the extent that funding is available.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute Change of Reference - APP
Yea 14 Nay 6 (03/08/2022)

Appropriations Committee

Joint Favorable
Yea 50 Nay 0 (04/07/2022)