

2011 -- H 5278

LC00922

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - LONG-TERM CARE  
OMBUDSPERSON ACT OF 1995

Introduced By: Representatives E Coderre, Hearn, Ruggiero, Watson, and Naughton

Date Introduced: February 08, 2011

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-66.7-3 of the General Laws in Chapter 42-66.7 entitled "Long-  
2 Term Care Ombudsperson Act of 1995" is hereby amended to read as follows:

3 **42-66.7-3. Definitions.** -- As used in this chapter:

4 (1) An "act" of any facility or government agency includes any failure or refusal to act  
5 by any facility or government agency.

6 (2) "Administrator" means any person who is charged with the general administration or  
7 supervision of a facility whether or not that person has an ownership interest and whether or not  
8 that person's functions and duties are shared with one or more other persons.

9 (3) "Elderly" means any person sixty (60) years of age or older who is a resident of any  
10 facility.

11 (4) "Facility" means any facility or institution, home care provider or home nursing care  
12 provider, whether public or private, offering health or health related services for the  
13 institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision  
14 by any government agency. "Facilities" include, but are not limited to, nursing homes,  
15 intermediate care facilities, extended care facilities, convalescent homes, rehabilitation centers,  
16 home care agencies, homes for the aged, veterans' homes, boarding homes, [shared living](#)  
17 [programs](#) and adult supportive care, residential care and assisted living residences.

18 (5) "Government agency" means any department, division, office, bureau, board,

1 commission, authority, non-profit community organization, or any other agency or  
2 instrumentality created by any municipality or by the state, or to which the state is a party, which  
3 is responsible for the regulation, inspection, visitation, or supervision of facilities or which  
4 provides services to residents of facilities.

5 (6) "Ombudsperson" means the person or persons designated by the director. That person  
6 or persons shall have expertise and experience in the fields of social work, long-term care, and  
7 advocacy, and shall be qualified and experienced in communicating with the elderly.

8 (7) "Resident" means any person age sixty (60) years of age or older who is receiving  
9 treatment, care, or housing in any facility in all of its aspects including, but not limited to,  
10 admission, retention, confinement, period of residence, transfer, discharge, and in any instances  
11 directly related to that status. Residents include patients and clients. Residents shall also include  
12 disabled persons under sixty (60) years of age residing in nursing homes, or clients of residential  
13 and assisted living facilities and home care providers/home nursing care providers and long-term  
14 care units at the Eleanor Slater Hospital, including the Zambarano facility.

15 (8) "Interfere" means willful and continuous conduct which prevents the ombudsperson  
16 from performing her or his official duties.

17 (9) "Official duties" means work pursuant to the long-term care ombudsperson program  
18 authorized by the federal Older Americans Act or the long-term care ombudsperson program  
19 authorized by state law and carried out under the auspices and general direction of the state long-  
20 term care ombudsperson.

21 (10) "Director" means the director of the department of elderly affairs.

22 (11) "Person" means any individual, trust, or estate, partnership, limited liability  
23 corporation, corporation (including associations, joint stock companies, and insurance  
24 companies), state, or political subdivision or instrumentality of a state.

25 (12) "Health oversight agency" means, for the purposes of this chapter, the department of  
26 elderly affairs or the person or entity designated as the state's long-term care ombudsperson by  
27 the director of the department of elderly affairs, including the employees or agents of such person  
28 or entity, when they are acting to fulfill the duties and responsibilities of the state's long-term care  
29 ombudsperson program in which health information is necessary to oversee the health system and  
30 in accordance with the U.S. Health Insurance Portability and Accountability Act (HIPAA) of  
31 1996.

32 SECTION 2. This act shall take effect upon passage.

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would expand the definition of "facility" in the Long-Term Care Ombudsman
- 2   Act to include shared living programs.
- 3           This act would take effect upon passage.

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