

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 345

Introduced by Senator Wolk

February 15, 2011

~~An act to amend Section 9720 of the Welfare and Institutions Code, An act to amend Section 9710.5 of, and to repeal Article 5 (commencing with Section 9740) of Chapter 11 of Division 8.5 of, the Welfare and Institutions Code, relating to public social services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Wolk. Long-Term Care Ombudsman Program.

Existing law, as part of the Mello-Granlund Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman in the California Department of Aging. Existing law provides for the Long-Term Care Ombudsman Program under which funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities and residential care facilities by, among other things, investigating and seeking to resolve complaints against these facilities.

~~This bill would make a technical, nonsubstantive change to these provisions:~~

Existing law requires the department to establish an 11-member advisory council for the office to provide advice and consultation on issues affecting the provision of ombudsman services.

This bill would delete the provisions relating to the advisory council.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 9710.5 of the Welfare and Institutions*
 2 *Code is amended to read:*

3 9710.5. (a) The Legislature finds and declares as follows:

4 (1) The position of State Ombudsman is extremely important
 5 to the successful coordination of ombudsman services at the local
 6 level.

7 (2) The position of State Ombudsman requires both an extensive
 8 background in social or health services programs, and an ability
 9 to manage and motivate individuals and groups.

10 (3) Remuneration for the position of State Ombudsman should
 11 be commensurate with the demands of the position.

12 (b) The Legislature, therefore, encourages the Director of the
 13 California Department of Aging, to do all of the following:

14 (1) Provide widespread notification of the availability of the
 15 position of State Long-Term Care Ombudsman in order to reach
 16 the greatest number of qualified candidates and hire the most
 17 capable individual for the position.

18 (2) Within 10 days of the occurrence of a vacancy, publicly
 19 announce the vacancy and solicit candidates for the position.

20 ~~(3) Within 30 days of the occurrence of a vacancy, convene a~~
 21 ~~meeting with the advisory council established by Section 9740,~~
 22 ~~for the purpose of obtaining the advice, consultation, and~~
 23 ~~recommendations of the council regarding the selection of a~~
 24 ~~candidate.~~

25 *SEC. 2. Article 5 (commencing with Section 9740) of Chapter*
 26 *11 of Division 8.5 of the Welfare and Institutions Code is repealed.*

27 ~~SECTION 1. Section 9720 of the Welfare and Institutions Code~~
 28 ~~is amended to read:~~

29 ~~9720. (a) The office shall investigate and seek to resolve~~
 30 ~~complaints and concerns communicated by, or on behalf of,~~
 31 ~~patients, residents, or clients of any long-term care facility. This~~
 32 ~~requirement shall not preclude the referral of other individuals'~~
 33 ~~complaints and concerns that a representative becomes aware are~~
 34 ~~occurring in the facility to the appropriate governmental agency.~~
 35 ~~Investigations of complaints shall be done in an objective manner~~
 36 ~~to ascertain the pertinent facts.~~

37 ~~(b) At the conclusion of any investigation of a complaint, the~~
 38 ~~findings shall be reported to the complainant. If the office does~~

- 1 ~~not investigate a complaint, the complainant shall be notified in~~
- 2 ~~writing of the decision not to investigate and the reasons for the~~
- 3 ~~decision.~~

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