

AMENDED IN ASSEMBLY JUNE 28, 2012
AMENDED IN ASSEMBLY JUNE 20, 2012
AMENDED IN ASSEMBLY MAY 14, 2012
AMENDED IN ASSEMBLY MAY 7, 2012
AMENDED IN ASSEMBLY APRIL 26, 2012
AMENDED IN SENATE JANUARY 12, 2012
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AMENDED IN SENATE APRIL 25, 2011
AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 345

**Introduced by Senator Wolk
(Principal coauthor: Senator Alquist)
(Coauthor: Senator Strickland)**

February 15, 2011

An act to amend Sections 9701, 9710.5, 9712, 9713, 9714, 9714.5, 9716, 9717, 9719, 9722, 9724, 9726, 9726.1, and 9740 of, to add Sections 9712.5 and 9716.11 to, and to repeal Section 9720 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Wolk. Office of the State Long-Term Care Ombudsman.

Existing law, as part of the ~~Mello-Greenland~~ *Mello-Granlund* Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman, under the direction 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, among other things, require the office to submit an annual advocacy report to the Legislature and others in accordance with specified provisions of federal law, would require the office to perform specified duties relating to protecting the health, safety, welfare, and rights of residents in long-term care facilities, and would require the office to maintain an Internet Web presence, as prescribed. This bill would also make conforming changes and technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. This act shall be known; and may be cited; as the
- 2 Long-Term Care Ombudsman Program Independence and
- 3 Improvement Act of 2012.
- 4 SEC. 2. The Legislature finds and declares all of the following:
- 5 (a) The protection of residents in California’s long-term care
- 6 facilities is of paramount importance to the citizens of California.
- 7 (b) The Office of the State Long-Term Care Ombudsman was
- 8 established pursuant to the federal Older Americans Act and the
- 9 Mello-Granlund Older Californians Act to identify, investigate,
- 10 and endeavor to resolve complaints made by, or on behalf of,
- 11 residents of long-term care facilities.
- 12 (c) The Office of the State Long-Term Care Ombudsman is
- 13 operated by the California Department of Aging, a department
- 14 within the California Health and Human Services Agency.
- 15 (d) The vulnerable residents of long-term care facilities rely on
- 16 the State Long-Term Care Ombudsman to advocate on their behalf
- 17 in the long-term care system and at state and federal levels of
- 18 government.
- 19 (e) The federal Older Americans Act requires the State
- 20 Long-Term Care Ombudsman to represent the interests of
- 21 long-term care facility residents before governmental agencies,

1 and seek administrative, legal, and other remedies to protect the
2 health, safety, welfare, and rights of the residents.

3 SEC. 3. Section 9701 of the Welfare and Institutions Code is
4 amended to read:

5 9701. Unless the contrary is stated or clearly appears from the
6 context, the following definitions shall govern the interpretation
7 of this chapter:

8 (a) “Approved organization” means any public agency or other
9 appropriate organization that has been designated by the Office of
10 the State Long-Term Care Ombudsman to hear, investigate, and
11 resolve complaints made by or on behalf of patients or residents
12 of long-term care facilities relating to matters that may affect the
13 health, safety, welfare, and rights of these patients or residents.

14 (b) “Long-term care facility” means any of the following:

15 (1) Any nursing or skilled nursing facility, as defined in Section
16 1250 of the Health and Safety Code, including distinct parts of
17 facilities that are required to comply with licensure requirements
18 for skilled nursing facilities.

19 (2) Any residential care facility for the elderly as defined in
20 Section 1569.2 of the Health and Safety Code.

21 (c) “Office” means the Office of the State Long-Term Care
22 Ombudsman, including approved organizations.

23 (d) “Ombudsman coordinator” means the individual selected
24 by the governing board or executive director of the approved
25 organization to manage the day-to-day operation of the ombudsman
26 program, including the implementation of federal and state
27 requirements governing the office.

28 (e) “Resident” or “patient” means an individual living in a
29 long-term care facility.

30 (f) “State Ombudsman” means the State Long-Term Care
31 Ombudsman.

32 SEC. 4. Section 9710.5 of the Welfare and Institutions Code
33 is amended to read:

34 9710.5. (a) The Legislature finds and declares as follows:

35 (1) The Office of the State Long-Term Care Ombudsman has
36 an extremely important role in protecting and advocating for the
37 rights and health and safety of long-term care facility residents,
38 and in providing leadership, direction, and support to local
39 long-term care ombudsman programs.

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

4 (3) The position of State Ombudsman requires both an extensive
5 background in social or health services programs, and an ability
6 to manage and motivate individuals and groups.

7 (4) Remuneration for the position of State Ombudsman should
8 be commensurate with the demands of the position.

9 (b) The Director of the California Department of Aging shall
10 do all of the following:

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

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

17 (3) Within 30 days of the occurrence of a vacancy, convene a
18 meeting with the advisory council established by the department
19 pursuant to Section 9740, for the purpose of obtaining the advice,
20 consultation, and recommendations of the council regarding the
21 selection of a candidate.

22 SEC. 5. Section 9712 of the Welfare and Institutions Code is
23 amended to read:

24 9712. (a) The office shall be headed by an individual, to be
25 known as the State Long-Term Care Ombudsman, who shall meet
26 the qualifications established by the federal Older Americans Act
27 (42 U.S.C. Sec. 3001 et seq.) and be selected from among
28 individuals with expertise and experience in the fields of long-term
29 care and advocacy. Within the first year of appointment, the State
30 Ombudsman shall complete the training described in subparagraph
31 (B) of paragraph (1) of subdivision (a) of Section 9719, and a
32 10-hour internship performing ombudsman services in a long-term
33 care facility.

34 (b) The State Ombudsman shall be located in Sacramento. Other
35 staff employed by the office may be located elsewhere in the state.

36 (c) (1) The State Ombudsman shall possess at least a bachelor's
37 degree, and have a minimum of five years' professional experience
38 that shall include all of the following areas:

39 (A) Gerontology, long-term care, or other relevant social
40 services or health services programs.

1 (B) The legal system and the legislative process.

2 (C) Dispute or problem resolution techniques, including
3 investigation, mediation, and negotiation.

4 (D) Organizational management and program administration.

5 (2) The professional experience described in paragraph (1)
6 requires any reasonable combination of the fields described in
7 subparagraphs (A) to (D), inclusive, of that paragraph for a total
8 of five years, and does not require five years' experience in each
9 area. At the discretion of the director, a master's or doctoral degree
10 relevant to a field described in paragraph (1) may be substituted
11 for one or two years, respectively, of professional experience.
12 However, the applicant's professional experience and field of study
13 leading to the master's or doctoral degree shall, nevertheless,
14 include all of the fields described in paragraph (1).

15 (d) The State Ombudsman may not have been employed by any
16 long-term care facility within the three-year period immediately
17 preceding his or her appointment.

18 (e) Neither the State Ombudsman nor any member of his or her
19 immediate family may have, or have had within the past three
20 years, any pecuniary interest in long-term care facilities.

21 SEC. 6. Section 9712.5 is added to the Welfare and Institutions
22 Code, to read:

23 9712.5. The State Ombudsman shall, personally or through
24 representatives of the office, do all of the following:

25 (a) (1) Identify, investigate, and resolve complaints that are
26 made by, or on behalf of, residents of long-term care facilities that
27 relate to actions, inactions, or decisions that may adversely affect
28 the health, safety, welfare, or rights of residents, including, but not
29 limited to, the welfare and rights of residents with respect to the
30 appointment and activities of conservators and representative
31 payees. For purposes of this section, complaints include, but are
32 not limited to, complaints against providers, representatives of
33 providers, long-term care services, public agencies, or health and
34 social services agencies. Complaint investigation shall be done in
35 an objective manner to ascertain the pertinent facts.

36 (2) The requirement described in paragraph (1) shall not
37 preclude the referral of other individuals' complaints and concerns
38 that a representative becomes aware are occurring in the facility
39 to the appropriate governmental agency.

1 (3) At the conclusion of any investigation of a complaint, the
2 findings shall be reported to the complainant. If the office does
3 not investigate a complaint, the complainant shall be notified in
4 writing of the decision not to investigate and the reasons for the
5 decision.

6 (b) Provide services to assist residents in the protection of their
7 health, safety, welfare, and rights.

8 (c) Inform residents about the means of obtaining services
9 delivered by the providers or agencies described in paragraph (1)
10 of subdivision (a) or services described in subdivision (b).

11 (d) (1) Ensure that residents have regular and timely access to
12 the services provided through the office and that the residents or
13 other complainants receive timely responses from representatives
14 of the office to complaints.

15 (2) To the extent permitted under federal law, paragraph (1)
16 shall be implemented only to the maximum extent possible within
17 available resources.

18 (e) Represent the interests of the residents before governmental
19 agencies and seek administrative, legal, and other remedies to
20 protect the health, safety, welfare, and rights of the residents.

21 (f) Provide administrative and technical assistance to entities
22 designated as local ombudsman programs, to assist the entities in
23 participating in the program.

24 (g) Analyze, comment on, and monitor the development and
25 implementation of federal, state, and local laws, regulations, and
26 other governmental policies and actions that pertain to the health,
27 safety, welfare, and rights of the residents, with respect to the
28 adequacy of long-term care facilities and services in the state,
29 without interference from the office of the Governor, any state
30 agency, or other entity.

31 (h) Facilitate public comment on relevant laws, regulations,
32 policies, and actions.

33 (i) Recommend changes to relevant laws, regulations, policies,
34 or actions that the office determines to be appropriate.

35 (j) Provide information that the office determines to be necessary
36 to public and private agencies, legislators, and other persons,
37 regarding the problems and concerns of residents of long-term
38 care facilities and recommendations relating to resolving these
39 problems and concerns.

40 (k) Provide for training representatives of the office.

1 (l) Promote the development of citizen organizations to
2 participate in the program.

3 SEC. 7. Section 9713 of the Welfare and Institutions Code is
4 amended to read:

5 9713. (a) Upon request of the office, the Attorney General
6 shall represent the office or the department and the state in
7 litigation concerning affairs of the office, unless the Attorney
8 General represents another state agency, in which case the agency
9 or the office shall employ other counsel.

10 (b) The State Ombudsman may employ technical experts and
11 other employees that, in his or her judgment, are necessary for the
12 conduct of the business of the office.

13 SEC. 8. Section 9714 of the Welfare and Institutions Code is
14 amended to read:

15 9714. The office shall solicit and receive funds, gifts, and
16 contributions to support the operations and programs of the office.
17 The office may form a foundation eligible to receive tax-deductible
18 contributions to support the operations and programs of the office
19 and the operations of the foundation. The office shall not solicit
20 or receive any funds, gifts, or contributions where the solicitation
21 or receipt would jeopardize the independence and objectivity of
22 the office.

23 SEC. 9. Section 9714.5 of the Welfare and Institutions Code
24 is amended to read:

25 9714.5. (a) The foundation formed pursuant to Section 9714
26 shall be under the direction and management of a five-member
27 board of directors. One member shall be appointed by the Speaker
28 of the Assembly, one member shall be appointed by the Senate
29 Committee on Rules, and three members shall be appointed by the
30 Governor. The members of the board shall each be experienced
31 in the management, promotion, and funding of nonprofit charitable
32 organizations.

33 (b) The board shall select from among its members a chair, a
34 vice chair, and any other officers as it deems necessary.

35 (c) The members of the board shall serve without compensation,
36 but shall be reimbursed for all necessary expenses actually incurred
37 in the performance of their duties as directors.

38 (d) Three members of the board shall constitute a quorum for
39 the purpose of conducting the board's business.

1 (e) By March 1 of each year, the board shall determine the
2 amount of funds to be appropriated from the foundation to the
3 office for the support of the operations and programs of the office
4 and the operations of the foundation. Foundation funds may only
5 be appropriated for the support of the operations and programs of
6 the office and the operations of the foundation.

7 (f) The members of the board shall be free from conflicts of
8 interest and shall be subject to the same conflict of interest
9 provisions that apply to the State Ombudsman under Section
10 3058g(f)(3) of Title 42 of the United States Code.

11 SEC. 10. Section 9716 of the Welfare and Institutions Code is
12 amended to read:

13 9716. (a) The office shall be responsible for activities that
14 promote the development, coordination, and utilization of resources
15 to meet the long-term care needs of older individuals, consistent
16 with its mission. These responsibilities shall include establishing
17 a statewide uniform reporting system to collect and analyze data
18 relative to complaints and conditions in long-term care facilities
19 for the purpose of identifying and resolving significant problems.
20 The office shall submit the data to the state agency responsible for
21 licensing or certifying long-term care facilities and to the federal
22 Administration on Aging.

23 (b) Notwithstanding Section 10231.5 of the Government Code,
24 beginning September 30, 2013, and annually thereafter, the office
25 shall prepare and submit an annual advocacy report in accordance
26 with Section 3058g(h)(1) of Title 42 of the United States Code.
27 The annual advocacy report shall do all of the following:

28 (1) Describe the activities carried out by the office in the year
29 for which the report is prepared, including, but not limited to,
30 actions taken to carry out the advocacy duties of the office
31 described in Sections 9712.5 and 9726.1 and prescribed by the
32 federal Older Americans Act in Section 3058g(a)(3)(E) and (G)
33 of Title 42 of the United States Code.

34 (2) Contain and analyze the data collected pursuant to Section
35 3058g(c) of Title 42 of the United States Code.

36 (3) Evaluate the problems experienced by, and the complaints
37 made by or on behalf of, residents.

38 (4) Contain recommendations for both of the following:

39 (A) Improving quality of the care and life of residents.

40 (B) Protecting the health, safety, welfare, and rights of residents.

1 (5) (A) Analyze the success of the ombudsman program,
2 including success in providing services to residents of long-term
3 care facilities and other similar adult care facilities.

4 (B) Identify barriers that prevent the optimal operation of the
5 program.

6 (6) Provide policy, regulatory, and legislative recommendations
7 to solve identified problems, to resolve complaints, to improve the
8 quality of care and life of residents, to protect the health, safety,
9 welfare, and rights of residents, and to remove the barriers
10 identified in subparagraph (B) of paragraph (5).

11 (c) The office shall promptly post the annual advocacy report
12 on its Internet Web site and shall submit it to the Assistant
13 Secretary of the federal Administration on Aging, the Governor,
14 the Legislature, the State Department of Public Health, the State
15 Department of Social Services, local ombudsman programs, and
16 other appropriate governmental entities.

17 (d) The State Ombudsman shall consult with the local
18 ombudsman programs in developing the report.

19 SEC. 11. Section 9716.11 is added to the Welfare and
20 Institutions Code, to read:

21 9716.11. (a) The Office of the State Long-Term Care
22 Ombudsman shall maintain an Internet Web presence.

23 (b) The Internet Web site shall be easily found and prominent
24 on the department's homepage. The Legislature finds and declares
25 that resources currently exist for this purpose.

26 (c) The Internet Web site shall be consumer driven and shall
27 include, but not be limited to, current long-term care trends and
28 issues, links to local ombudsman programs, the annual advocacy
29 report described in Section 9716, and other information relevant
30 to long-term care facility residents and consumers.

31 SEC. 12. Section 9717 of the Welfare and Institutions Code is
32 amended to read:

33 9717. (a) All advocacy programs and any programs similar in
34 nature to the Long-Term Care Ombudsman Program that receive
35 funding or official designation from the state shall cooperate with
36 the office, where appropriate. These programs include, but are not
37 limited to, the Office of Human Rights within the State Department
38 of Mental Health, the Office of Patients' Rights, Disability Rights
39 California, and the Department of Rehabilitation's Client
40 Assistance Program.

1 (b) The office shall maintain a close working relationship with
2 the Legal Services Development Program for the Elderly within
3 the department.

4 (c) In order to ensure the provision of counsel for patients and
5 residents of long-term care facilities, the office shall seek to
6 establish effective coordination with programs that provide legal
7 services for the elderly, including, but not limited to, programs
8 that are funded by the federal Legal Services Corporation or under
9 the federal Older Americans Act (42 U.S.C. Sec. 3001 et seq.), as
10 amended.

11 (d) The department and other state departments and programs
12 that have roles in funding, regulating, monitoring, or serving
13 long-term care facility residents, including law enforcement
14 agencies, shall cooperate with and meet with the office periodically
15 and as needed to address concerns or questions involving the care,
16 quality of life, safety, rights, health, and well-being of long-term
17 care facility residents.

18 SEC. 13. Section 9719 of the Welfare and Institutions Code is
19 amended to read:

20 9719. (a) (1) The office shall sponsor a training of
21 representatives of approved organizations at least twice each year.
22 The office shall provide training to these representatives as
23 appropriate. Prior to the certification of an ombudsman by the
24 office, individuals shall meet both of the following requirements:

25 (A) Have a criminal offender record clearance conducted by
26 the State Department of Social Services. A clearance pursuant to
27 Section 1569.17 of the Health and Safety Code shall constitute
28 clearances for the purpose of entry to any long-term care facility.

29 (B) Have received a minimum of 36 hours of certification
30 training that is approved by the office and offered by an approved
31 organization.

32 (2) Upon receipt of an applicant's criminal record clearance and
33 acceptance by the office, the office shall issue a card identifying
34 the bearer as a certified ombudsman. Each ombudsman shall
35 receive a minimum of 12 hours of additional training annually.

36 (b) (1) The department shall contract with the State Department
37 of Social Services to conduct a criminal offender record
38 information search, pursuant to Section 1569.17 of the Health and
39 Safety Code, for each applicant seeking certification as an

1 ombudsman. The State Department of Social Services shall notify
2 the individual and the office of the individual's clearance or denial.

3 (2) An applicant for certification as an ombudsman shall not be
4 responsible for any costs associated with transmitting the
5 fingerprint images and related information or conducting criminal
6 record clearances.

7 (c) Nothing in this section shall be construed to prohibit the
8 Department of Justice from assessing a fee pursuant to Section
9 11105 of the Penal Code to cover the cost of searching for or
10 furnishing summary criminal offender record information.

11 SEC. 14. Section 9720 of the Welfare and Institutions Code is
12 repealed.

13 SEC. 15. Section 9722 of the Welfare and Institutions Code is
14 amended to read:

15 9722. (a) Representatives of the office shall have the right to
16 enter long-term care facilities and to unescorted, unhindered
17 movement within them for the purposes of identifying, hearing,
18 investigating, and resolving complaints, observing and monitoring
19 conditions of residents and facilities, speaking confidentially with
20 residents, and providing services to assist residents in protecting
21 their health, safety, welfare, and rights. Entry shall be provided at
22 any time deemed necessary and reasonable by the State
23 Ombudsman to effectively carry out this chapter, for any of the
24 purposes described in this subdivision.

25 (b) Nothing in this chapter shall be construed to restrict, limit,
26 or increase any existing right of any organizations or individuals
27 not described in subdivision (a) to enter, or provide assistance to
28 patients or residents of, long-term care facilities.

29 (c) Nothing in this chapter shall restrict any right or privilege
30 of any patient or resident of a long-term care facility to receive
31 visitors of his or her choice.

32 (d) Notwithstanding any other provision of law, a long-term
33 care facility, upon request by a representative of the office, shall
34 provide a roster, census, or other list of the names and room
35 numbers or room locations of all current residents or patients
36 residing in the facility.

37 SEC. 16. Section 9724 of the Welfare and Institutions Code is
38 amended to read:

39 9724. Notwithstanding Part 2.6 (commencing with Section 56)
40 of Division 1 of the Civil Code, in order for the office to carry out

1 its responsibilities under this chapter, the office shall have access
2 to the medical or personal records of a patient or resident of a
3 long-term care facility that are retained by the facility, under the
4 following conditions:

5 (a) If the patient or resident has the ability to write, access may
6 only be obtained by the written consent of the patient or resident.

7 (b) If the patient or resident is unable to write, oral consent may
8 be given in the presence of a third party as witness.

9 (c) If the patient or resident is under a California guardianship
10 or conservatorship of the person that provides the guardian or
11 conservator with the authority to approve review of records, the
12 office shall obtain the permission of the guardian or conservator
13 for review of the records, unless any of the following apply:

14 (1) The existence of the guardianship or conservatorship is
15 unknown to the office or the facility.

16 (2) The guardian or conservator cannot be reached within three
17 working days.

18 (3) The office has reason to believe the guardian or conservator
19 is not acting in the best interests of the ward or the conservatee.

20 (d) If the patient or resident is unable to express written or oral
21 consent and there is no guardian, conservator, or legal
22 representative, or the notification of the guardian, conservator, or
23 legal representative is not applicable for reasons set forth in
24 subdivision (c), inspection of records may be made by ombudsmen
25 when there is sufficient cause for the inspection. The licensee may,
26 at his or her discretion, permit other representatives of the office
27 to inspect records in the performance of their official duties. Copies
28 may be reproduced by the office. The licensee and facility
29 personnel who disclose records pursuant to this subdivision shall
30 not be liable for the disclosure. If investigation of records is sought
31 pursuant to this subdivision, the ombudsman shall, upon request,
32 produce a statement signed by the ombudsman coordinator
33 authorizing the ombudsman to review the records.

34 (e) Facilities providing copies of records pursuant to this section
35 may charge the actual copying cost for each page copied.

36 (f) Upon request by the office, a long-term care facility shall
37 provide to the office, within 24 hours, the name, address, and
38 telephone number of the conservator, legal representative, or
39 next-of-kin of any patient or resident.

1 SEC. 17. Section 9726 of the Welfare and Institutions Code is
2 amended to read:

3 9726. (a) The office shall establish a toll-free telephone hotline
4 to receive telephone calls concerning any crises discovered by any
5 person in a long-term care facility, as defined in subdivision (b)
6 of Section 9701. The telephone hotline established under this
7 section shall be operated to include at least all of the following:

8 (1) The telephone hotline shall be available 24 hours a day,
9 seven days a week.

10 (2) The operator shall respond to a crisis call by contacting the
11 appropriate office, agency, or individual in the local community
12 in which the crisis occurred.

13 (3) The toll-free telephone hotline number shall be posted
14 conspicuously in either the facility foyer, lobby, residents' activity
15 room, or other conspicuous location easily accessible to residents
16 in each licensed facility by the licensee. The office shall issue, in
17 conjunction with the State Department of Social Services and the
18 State Department of Public Health, guidelines concerning the
19 posting of the toll-free telephone hotline number. The posting
20 shall, at a minimum, include the purpose of the toll-free telephone
21 hotline number.

22 (b) The office shall respond to telephone hotline calls.

23 (c) The toll-free telephone hotline shall be staffed in a manner
24 consistent with available resources in the office. The office may
25 contract for the services of organizations to staff the telephone
26 hotline. The office shall seek to provide opportunities for older
27 individuals to be employed to staff the hotline. The State
28 Department of Public Health and the State Department of Social
29 Services, and other appropriate departments, shall make available
30 to the department and the office training and technical assistance
31 as needed.

32 SEC. 18. Section 9726.1 of the Welfare and Institutions Code
33 is amended to read:

34 9726.1. (a) The office and approved organizations may do any
35 of the following:

36 (1) Advise the public of any inspection report, statements of
37 deficiency, and plans of correction, for any long-term care facilities
38 within its service area.

39 (2) Promote visitation programs to long-term care facilities
40 within its service area.

1 (3) Establish and assist in the development of resident, family,
2 and friends' councils.

3 (4) Sponsor other community involvement in long-term care
4 facilities.

5 (5) Present community education and training programs to
6 long-term care facilities, human service workers, families, and the
7 general public, about long-term care and residents' rights issues.

8 (b) Those programs created under this section that are held in
9 a facility shall be developed in consultation with the facility. If the
10 facility and the ombudsman cannot agree on these programs, the
11 State Ombudsman may assist in resolving the dispute.

12 SEC. 19. Section 9740 of the Welfare and Institutions Code is
13 amended to read:

14 9740. (a) The department shall establish an advisory council
15 for the office of no less than 7 and no more than 11 members on
16 or before June 30, 2013. Members of the council shall be appointed
17 by the director and shall include representatives of service agencies
18 within the aging and disability communities, community
19 organizations, consumers, and two local long-term care
20 ombudsman programs. The representatives of the two local
21 long-term care ombudsman programs shall be appointed in
22 consultation with the California Long-Term Care Ombudsman
23 Association.

24 (b) The advisory council shall provide advice and consultation
25 to the State Long-Term Care Ombudsman Program and the director
26 on issues affecting the provision of ombudsman services, including
27 the review of proposed policy changes to the operation of the
28 program, and may make recommendations, within 30 days, as
29 appropriate. The advisory council shall provide advice and
30 consultation on operation of the ombudsman program and on issues
31 of concern to long-term care facility residents and local long-term
32 care ombudsman programs. The issues of concern shall be
33 identified by residents, patients, the State Ombudsman, local
34 long-term care ombudsman programs, and others. The advisory
35 council shall meet at least three times annually. Representatives
36 on the advisory council shall receive their actual and necessary
37 travel and other expenses incurred in participation on the advisory
38 council. Participation on the advisory council shall be voluntary

1 and members of the advisory council shall serve without
2 compensation.

O