

AMENDED IN ASSEMBLY AUGUST 21, 2012

AMENDED IN ASSEMBLY JUNE 28, 2012

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AMENDED IN ASSEMBLY MAY 14, 2012

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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, and 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-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.

1 (e) The federal Older Americans Act requires the State
2 Long-Term Care Ombudsman to represent the interests of
3 long-term care facility residents before governmental agencies,
4 and seek administrative, legal, and other remedies to protect the
5 health, safety, welfare, and rights of the residents.

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

8 9701. Unless the contrary is stated or clearly appears from the
9 context, the following definitions shall govern the interpretation
10 of this chapter:

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

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

18 (1) Any nursing or skilled nursing facility, as defined in Section
19 1250 of the Health and Safety Code, including distinct parts of
20 facilities that are required to comply with licensure requirements
21 for skilled nursing facilities.

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

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

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

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

33 (f) “State Ombudsman” means the State Long-Term Care
34 Ombudsman.

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

37 9710.5. (a) The Legislature finds and declares as follows:

38 (1) The Office of the State Long-Term Care Ombudsman has
39 an extremely important role in protecting and advocating for the
40 rights and health and safety of long-term care facility residents,

1 and in providing leadership, direction, and support to local
2 long-term care ombudsman programs.

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

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

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

11 (b) The Director of the California Department of Aging shall
12 do all of the following:

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

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

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

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

26 9712. (a) The office shall be headed by an individual, to be
27 known as the State Long-Term Care Ombudsman, who shall meet
28 the qualifications established by the federal Older Americans Act
29 (42 U.S.C. Sec. 3001 et seq.) and be selected from among
30 individuals with expertise and experience in the fields of long-term
31 care and advocacy. Within the first year of appointment, the State
32 Ombudsman shall complete the training described in subparagraph
33 (B) of paragraph (1) of subdivision (a) of Section 9719, and a
34 10-hour internship performing ombudsman services in a long-term
35 care facility.

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

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

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

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

4 (C) Dispute or problem resolution techniques, including
5 investigation, mediation, and negotiation.

6 (D) Organizational management and program administration.

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

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

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

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

25 9712.5. The State Ombudsman shall, personally or through
26 representatives of the office, do all of the following:

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

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

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

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

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

15 (d) (1) Ensure that residents have regular and timely access to
16 the services provided through the office and that the residents or
17 other complainants receive timely responses from representatives
18 of the office to complaints.

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

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

25 (f) Provide administrative and technical assistance to entities
26 designated as local ombudsman programs, to assist the entities in
27 participating in the program.

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

35 (h) Facilitate public comment on relevant laws, regulations,
36 policies, and actions.

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

39 (j) Provide information that the office determines to be necessary
40 to public and private agencies, legislators, and other persons,

1 regarding the problems and concerns of residents of long-term
2 care facilities and recommendations relating to resolving these
3 problems and concerns.

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

5 (l) Promote the development of citizen organizations to
6 participate in the program.

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

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

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

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

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

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

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

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

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

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

6 (e) By March 1 of each year, the board shall determine the
7 amount of funds to be appropriated from the foundation to the
8 office for the support of the operations and programs of the office
9 and the operations of the foundation. Foundation funds may only
10 be appropriated for the support of the operations and programs of
11 the office and the operations of the foundation.

12 (f) The members of the board shall be free from conflicts of
13 interest and shall be subject to the same conflict of interest
14 provisions that apply to the State Ombudsman under Section
15 3058g(f)(3) of Title 42 of the United States Code.

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

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

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

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

39 (2) Contain and analyze the data collected pursuant to Section
40 3058g(c) of Title 42 of the United States Code.

- 1 (3) Evaluate the problems experienced by, and the complaints
2 made by or on behalf of, residents.
- 3 (4) Contain recommendations for both of the following:
4 (A) Improving quality of the care and life of residents.
5 (B) Protecting the health, safety, welfare, and rights of residents.
- 6 (5) (A) Analyze the success of the ombudsman program,
7 including success in providing services to residents of long-term
8 care facilities and other similar adult care facilities.
9 (B) Identify barriers that prevent the optimal operation of the
10 program.
- 11 (6) Provide policy, regulatory, and legislative recommendations
12 to solve identified problems, to resolve complaints, to improve the
13 quality of care and life of residents, to protect the health, safety,
14 welfare, and rights of residents, and to remove the barriers
15 identified in subparagraph (B) of paragraph (5).
- 16 (c) The office shall promptly post the annual advocacy report
17 on its Internet Web site and shall submit it to the Assistant
18 Secretary of the federal Administration on Aging, the Governor,
19 the Legislature, the State Department of Public Health, the State
20 Department of Social Services, local ombudsman programs, and
21 other appropriate governmental entities.
- 22 (d) The State Ombudsman shall consult with the local
23 ombudsman programs in developing the report.
- 24 SEC. 11. Section 9716.11 is added to the Welfare and
25 Institutions Code, to read:
26 9716.11. (a) The Office of the State Long-Term Care
27 Ombudsman shall maintain an Internet Web presence.
- 28 (b) The Internet Web site shall be easily found and prominent
29 on the department's homepage. The Legislature finds and declares
30 that resources currently exist for this purpose.
- 31 (c) The Internet Web site shall be consumer driven and shall
32 include, but not be limited to, current long-term care trends and
33 issues, links to local ombudsman programs, the annual advocacy
34 report described in Section 9716, and other information relevant
35 to long-term care facility residents and consumers.
- 36 SEC. 12. Section 9717 of the Welfare and Institutions Code is
37 amended to read:
38 9717. (a) All advocacy programs and any programs similar in
39 nature to the Long-Term Care Ombudsman Program that receive
40 funding or official designation from the state shall cooperate with

1 the office, where appropriate. These programs include, but are not
2 limited to, the Office of Human Rights within the State Department
3 of Mental Health, the Office of Patients’ Rights, Disability Rights
4 California, and the Department of Rehabilitation’s Client
5 Assistance Program.

6 (b) The office shall maintain a close working relationship with
7 the Legal Services Development Program for the Elderly within
8 the department.

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

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

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

25 9719. (a) (1) The office shall sponsor a training of
26 representatives of approved organizations at least twice each year.
27 The office shall provide training to these representatives as
28 appropriate. Prior to the certification of an ombudsman by the
29 office, individuals shall meet both of the following requirements:

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

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

37 (2) Upon receipt of an applicant’s criminal record clearance and
38 acceptance by the office, the office shall issue a card identifying
39 the bearer as a certified ombudsman. Each ombudsman shall
40 receive a minimum of 12 hours of additional training annually.

1 (b) (1) The department shall contract with the State Department
2 of Social Services to conduct a criminal offender record
3 information search, pursuant to Section 1569.17 of the Health and
4 Safety Code, for each applicant seeking certification as an
5 ombudsman. The State Department of Social Services shall notify
6 the individual and the office of the individual's clearance or denial.

7 (2) An applicant for certification as an ombudsman shall not be
8 responsible for any costs associated with transmitting the
9 fingerprint images and related information or conducting criminal
10 record clearances.

11 (c) Nothing in this section shall be construed to prohibit the
12 Department of Justice from assessing a fee pursuant to Section
13 11105 of the Penal Code to cover the cost of searching for or
14 furnishing summary criminal offender record information.

15 SEC. 14. Section 9720 of the Welfare and Institutions Code is
16 repealed.

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

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

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

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

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

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

3 9724. Notwithstanding Part 2.6 (commencing with Section 56)
4 of Division 1 of the Civil Code, in order for the office to carry out
5 its responsibilities under this chapter, the office shall have access
6 to the medical or personal records of a patient or resident of a
7 long-term care facility that are retained by the facility, under the
8 following conditions:

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

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

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

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

20 (2) The guardian or conservator cannot be reached within three
21 working days.

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

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

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

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

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

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

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

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

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

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

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

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

38 9726.1. (a) The office and approved organizations may do any
39 of the following:

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

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

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

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

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

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

17 ~~SEC. 19. Section 9740 of the Welfare and Institutions Code is~~
18 ~~amended to read:~~

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

29 ~~(b) The advisory council shall provide advice and consultation~~
30 ~~to the State Long-Term Care Ombudsman Program and the director~~
31 ~~on issues affecting the provision of ombudsman services, including~~
32 ~~the review of proposed policy changes to the operation of the~~
33 ~~program, and may make recommendations, within 30 days, as~~
34 ~~appropriate. The advisory council shall provide advice and~~
35 ~~consultation on operation of the ombudsman program and on issues~~
36 ~~of concern to long-term care facility residents and local long-term~~
37 ~~care ombudsman programs. The issues of concern shall be~~
38 ~~identified by residents, patients, the State Ombudsman, local~~
39 ~~long-term care ombudsman programs, and others. The advisory~~
40 ~~council shall meet at least three times annually. Representatives~~

1 ~~on the advisory council shall receive their actual and necessary~~
2 ~~travel and other expenses incurred in participation on the advisory~~
3 ~~council. Participation on the advisory council shall be voluntary~~
4 ~~and members of the advisory council shall serve without~~
5 ~~compensation.~~

O