



HOUSE BILL 248: Ombudsman Changes/DHHS Study.

2017-2018 General Assembly

Committee:		Date:	July 17, 2017
Introduced by:		Prepared by:	Theresa Matula Committee Staff
Analysis of:	S.L. 2017-103		

OVERVIEW: *S.L. 2017-103 makes changes to the adult care home and nursing home community advisory committees and to the duties of the Office of the State Long-Term Care Ombudsman Program to conform to federal changes. The act also requires the Department of Health and Human Services to study Public Law 113-51, HIV Organ Policy Equity (HOPE) Act, and the Final Safeguards and Research Criteria publication by the US Department of Health and Human Services and the National Institutes of Health, to determine any necessary public health safeguards, regulations, and statutory changes. The Department is required to submit findings and recommendations on any necessary changes related to the HOPE Act and the corresponding safeguards to the Joint Legislative Oversight Committee on Health and Human Services on or before January 1, 2018.*

This act became effective July 12, 2017.

BILL ANALYSIS:

Section 1: Office of State Long-Term Care Ombudsman Changes – The federal Older Americans Act authorized Long-Term Care Ombudsman Programs. [North Carolina's Long-Term Care Ombudsman Program](#) consists of an Office of the State Long-Term Care Ombudsman and Offices of the Regional Long-Term Care Ombudsman housed in Area Agencies on Aging. Ombudsmen assist residents of long term care facilities in exercising their rights and attempt to resolve grievances between residents, families and facilities, in addition to other services for older adults and their families.¹ S.L. 2015-220, Section 2, made changes to the Long-Term Care Ombudsman Program to conform to federal changes. Section 2 of S.L. 2017-103 makes additional amendments to conform to the federal changes. Section 2(a) of the act amends the adult care home community advisory committee statute to specify that the committee members function as representatives of, and are accountable to, the Office of the State Long-Term Care Ombudsman. Section 2(b) amends the nursing home advisory committees in a similar manner. Both Section 2(a) and (b) provide that the training, certification, and designation is in accordance with 45 C.F.R. 1324.13(c)(2). Consistent with 45 C.F.R. 1324.11(e) and other similar provisions, Section 2(c) amends the duties of the Office of the State Long-Term Care Ombudsman Program to add the responsibility to designate, suspend, and remove the designation of volunteer representatives of the Office of the State Long-Term Care Ombudsman, including any community advisory committee appointees.

Section 2: DHHS Study HOPE Act Safeguard and Research Criteria – Section 3 of the act requires DHHS to examine P.L. 113-51 HIV Organ Policy Equity (HOPE) Act, and the Final Safeguards and

¹ 2015 [NC State Long-Term Care Ombudsman Program 2015 Report](#)

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House Bill 248

Page 2

Research Criteria for transplantation of HIV-positive donor organs in HIV-positive recipients, published by the US Department of Health and Human Services and National Institutes of Health. The NC Department of Health and Human Services is required to determine public health safeguards, regulations, and statutory changes necessary for consideration by the General Assembly. On or before January 1, 2018, the Department is required to submit a report of findings and recommendations, including any necessary statutory changes to the Joint Legislative Oversight Committee on Health and Human Services.

EFFECTIVE DATE: This act became effective July 12, 2017