

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray for legislation to establish a nursing home ombudsman unit. Health Care.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT ESTABLISHING THE NURSING HOME OMBUDSMAN UNIT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 19A, as added by St. 1973, c. 1168 is hereby amended by  
2 inserting after section 13 the following new section:

3 *Section 13A.* The secretary shall establish the nursing home  
4 ombudsman unit which shall be under the supervision of the  
5 nursing home ombudsman. The ombudsman shall be appointed by  
6 the secretary and shall be a person who is experienced in working  
7 with the problems of persons residing in long term care facilities.  
8 The ombudsman shall not be subject to the provisions of section  
9 nine A of chapter thirty and chapter thirty-one. The secretary,  
10 subject to appropriation, may hire additional staff for the ombuds-  
11 man unit, which shall be under the direction and supervision of the  
12 ombudsman.

13 The ombudsman shall receive and process complaints filed with  
14 him by patients of long term care facilities, individuals acting on  
15 their behalf or any individual or organization that have reason to  
16 believe that a long term care facility or organization has engaged in  
17 activities, practices or omissions that constitute violations of appli-  
18 cable statutes or regulations or that may have an adverse affect  
19 upon the health, safety, welfare and right of residents of long term  
20 care facilities.

21 Upon receipt of a complaint, the ombudsman shall determine  
22 whether sufficient grounds exist to justify the conduct of an investi-  
23 gation. If the ombudsman determines that no investigation shall be  
24 undertaken, he shall notify the complainant, in writing, specifying

25 the reasons for his decision. If the ombudsman determines that  
26 sufficient grounds exist to undertake an investigation, he shall  
27 notify the complainant and the long term care facility that is the  
28 subject of the complaint in writing of his intention to undertake  
29 an investigation and shall investigate the circumstances set forth in  
30 the complaint. The ombudsman may also initiate his own investi-  
31 gation of any long term care facility.

32 In the conduct of any investigation, the ombudsman may make  
33 unscheduled on-site inspections of any long term care facility;  
34 examine the contents of patient records; and examine the books  
35 and records of any long term care facility. The ombudsman shall  
36 not reveal or otherwise disclose any personal data, as defined in  
37 section one of chapter sixty-six A, concerning any complainant of  
38 any resident of a long term care facility, without first obtaining the  
39 complainant's or resident's consent in writing pursuant to the  
40 requirements of chapter sixty-six A by the department.

41 If the ombudsman determines that the actions of any long term  
42 care facility may constitute a violation of any applicable state or  
43 federal statute or regulation, he shall report his findings and con-  
44 clusions to the agency or agencies having jurisdiction to enforce the  
45 statutes or regulations in question. If the ombudsman determines  
46 that no violation of any applicable federal or state statute or  
47 regulations exists, but that the actions of any long term care facility  
48 or the condition therein might adversely affect the residents of the  
49 facility, he shall inform the facility in writing of his findings togeth-  
50 er with the specific recommendations for the elimination of the  
51 actions or conditions in question.

52 Within a reasonable time after the completion of his investiga-  
53 tion, the ombudsman shall notify the complainant and the long  
54 term care facility, that is the subject of the complaint, of his  
55 findings and the recommendations.

56 The ombudsman shall follow up on all referrals made by him to  
57 regulatory agencies having jurisdiction over long term care facili-  
58 ties. The ombudsman may make specific recommendations to said  
59 regulatory agencies, regarding any complaint referred by the om-  
60 budsman, and the practices of said agencies in the discharge of their  
61 regulatory and statutory responsibilities. The ombudsman shall  
62 have access to the records and files of said regulatory agencies.

63 The ombudsman, prior to the first of July of each year, shall file  
64 with the secretary, the governor and the general court, a report of  
65 the activities of the nursing home ombudsman unit during the prior  
66 fiscal year. The ombudsman's recommendations concerning long  
67 term care facilities and the protection of the rights of residents of  
68 said facilities.

69 Nothing in this section shall be construed to be a limitation of the  
70 powers and responsibilities assigned by law to other departments or  
71 agencies.

The first part of the report deals with the general situation of the country and the progress of the war. It is a very interesting and detailed account of the events of the year, and is written in a clear and concise style. The author has done a great deal of research, and his information is very accurate. The report is a valuable contribution to the history of the war, and is well worth reading.

The second part of the report deals with the military operations of the year. It is a very detailed account of the campaigns and battles, and is written in a clear and concise style. The author has done a great deal of research, and his information is very accurate. The report is a valuable contribution to the history of the war, and is well worth reading.

The third part of the report deals with the political situation of the country. It is a very detailed account of the events of the year, and is written in a clear and concise style. The author has done a great deal of research, and his information is very accurate. The report is a valuable contribution to the history of the war, and is well worth reading.