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## SENATE JOINT RESOLUTION NO. 51

Offered January 13, 2010

Prefiled January 12, 2010

*Directing the Joint Legislative Audit and Review Commission to study the need for additional state funding for the Office of the State Long-Term Care Ombudsman and local ombudsman offices and whether the state office should have greater administrative control resource allocation and other administrative decisions. Report.*

Patron—Puller

Referred to Committee on Rules

WHEREAS, under the federal law set forth in the Older Americans Act (42 U.S.C. § 3001 et seq.), every state is required to establish and operate an Office of the State Long-Term Care Ombudsman, and to administer through the Office a statewide ombudsman program that (i) identifies, investigates, and resolves complaints made by, or on behalf of, residents of long-term care facilities; (ii) provides services to assist the residents of long-term care facilities in protecting the health, welfare, and rights of the residents; and (iii) ensures that residents have regular and timely access and response to services provided by the Office; and

WHEREAS, under Virginia law, ombudsman program staff serve not only residents of long-term care facilities, such as nursing homes and assisted living facilities, but also persons age 60 and older receiving long-term care services in the community; and

WHEREAS, the Institute of Medicine in a 1995 report recommended that ombudsman programs be staffed at the level of at least one full-time ombudsman to every 2,000 long-term care residents; and

WHEREAS, the staff ombudsman to resident ratio in Virginia is currently 1/2300 and many local ombudsman offices employ only a part-time ombudsman whose time may be divided among multiple programs at the agency; and

WHEREAS, program funding levels have not enabled the program to be staffed at the recommended level; and

WHEREAS, the current level of resources allocated to the state office and the local offices appears to be inadequate to meet projected future demands on the program that will result from the growth in the elderly population and the state mandate to provide ombudsman services for individuals receiving community-based care; and

WHEREAS, under the Older Americans Act, the State Ombudsman Office is responsible for managing the statewide program; however, the State Office appears to lack administrative control over resource allocation and other administrative decisions; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission (JLARC) be requested to examine the need for additional state funding for the Office of the State Ombudsman and the local offices and whether the state office should have greater administrative control resource allocation and other administrative decisions.

Technical assistance for this study shall be provided to JLARC by the Virginia Department for the Aging. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

JLARC shall complete its meetings by November 30, 2011, and shall submit an executive summary of its findings and recommendations to the Division of Legislative Automated Systems no later than the first day of the 2012 Regular Session of the General Assembly. The executive summary shall state whether JLARC intends to submit a report of its findings and recommendations to the General Assembly and the Governor for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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