

SB 59 -A3 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 4/10, 4/12

WHAT THE MEASURE DOES:

Authorizes Long Term Care Ombudsman to appear in existing protective proceeding involving resident of long term care facility, residential facility or adult foster home. Specifies protective orders court may enter, including appointment of counsel, investigators and experts. Limits information Ombudsman may disclose to court. Makes certain visitor reports, and information disclosed by Ombudsman, confidential absent good cause. Declares emergency, effective on passage.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A3 Limits orders Ombudsman may request to orders removing a fiduciary, modifying the powers or authority of the fiduciary or terminating a protective proceeding.

BACKGROUND:

The Long Term Care Ombudsman's current practice is to request protective orders through the Department of Human Services (DHS) in limited cases. Senate Bill 59-A provides the Ombudsman with specific authority to request a protective order in an existing protective proceeding, on behalf of residents of long term care facilities, residential facilities and adult foster homes. The measure requires notice to specified parties, limits the information the Ombudsman may disclose to the court and requires the court to keep confidential specified information in protective proceedings in which the Ombudsman appears.