

**PROPOSED REGULATION OF THE AGING AND DISABILITY
SERVICES DIVISION OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

LCB File No. R017-10

ADVOCATES FOR RESIDENTS OF FACILITIES FOR LONG-TERM CARE

Chapter 427A of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 9, inclusive, of these proposed regulations.

Section 1. *Definitions:*

1. *“Advocate” has the meaning ascribed to it in Section 3, SB 65, 2009 Legislative Session.*
2. *“Facility for long-term care” has the meaning ascribed to it in NRS 427A.028.*
3. *“Family Council” – A group of residents’ family members formed within a facility to discuss concerns about the facility and communicate with facility staff about the concerns.*
4. *“Ombudsman” has the meaning ascribed to it in Section 1, SB 65, 2009 Legislative Session.*
5. *“Resident Council” – A group of residents formed within a facility to address concerns relating to the facility, communicate the concerns to facility staff and cooperate in finding solutions.*
6. *“Resident’s Responsible Party” – Any person with a known close relationship to the resident, including but not limited to an attorney-in-fact or legal guardian.*
7. *“Residents’ Rights” – Specific rights of residents of long term care facilities pursuant to C.F.R. 483.10.*
8. *“Routine Visit” – An unannounced visit to a long-term care facility by the Ombudsman or an advocate that is not complaint related.*

Section 2. (NRS 427A.135(a))

The Ombudsman or an Advocate may advocate for and assist residents and family members through the discharge process when requested to do so by the resident or resident’s family. Upon request from the resident or resident’s family, the Ombudsman or an Advocate may advocate for residents that appeal a discharge notice.

Section 3. (NRS 427A.135(b))

An Advocate or volunteer Advocate for residents of long-term care facilities may make any number of routine visits to a facility each month.

Section 4. (NRS 427A.145)

If a resident is able to give verbal consent, the Advocate will continue with the investigation. If the resident refuses assistance and will not give consent, the Advocate will close the case with no further action. If the resident is confused and unable to give verbal consent, the Advocate must contact the guardian or responsible party for verbal consent. If there is no guardian or responsible party, the Advocate may move forward with the case if it is deemed to be in the best interest of the resident. Verbal consent is adequate.

Section 5. (NRS 427A.155(2))

The Ombudsman or an Advocate shall notify the complainant of the outcome of the matter raised in the complaint unless the resident specifically does not allow notification. Notification may be verbal.

Section 6. (Section 5(2)(a) and Section 6(2) of SB 65 – 2009 Legislature)

Each Advocate and volunteer Advocate must be certified by completion of the Long Term Care Ombudsman Training and Certification Manual and by passing a written test and a field test. Each Advocate and volunteer Advocate must complete 8 hours of approved continuing education and be re-certified annually.

Section 7. (Section 5(2)(a)(4) of SB 65 – 2009 Legislature)

The Ombudsman, Advocates and volunteer Advocates may assist in the forming and activities of the residents' councils and family councils at any time in any long-term care facility.

Section 8. (Section 6(2) of SB 65 – 2009 Legislature)

A volunteer Advocate may visit a long-term care facility at any reasonable time. They must make their presence known to the staff of the facility. They will visit with residents and staff and then report to the Ombudsman or her designee about the visit.

Section 9. (NRS 427A.165)

Long term care facilities shall post information regarding how and where residents and the public may contact Nevada's Long-Term Care Ombudsman Program to file

confidential complaints if their rights have been violated and/or to request assistance from an Advocate. The notices shall be posted in prominent locations throughout the facility including the entry area, the dining area(s) and areas where residents convene for activities. The information must include the program's name and the addresses and telephone numbers of the Aging and Disability Services Division's offices statewide.