

**Testimony**  
**Engrossed Senate Bill 2065– Department of Human Services**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**  
**February 23, 2015**

Chairman Weisz, and members of the House Human Services Committee, I am Karla Backman, State Long Term Care Ombudsman with the Department of Human Services (Department), Aging Services Division. I am here today to testify in support of Engrossed Senate Bill 2065, which was introduced at the request of the Department.

This bill proposes to amend sections 50-10.1-02, 50-10.1-04, 50-10.1-05, and 50-10.1-07 of the North Dakota Century Code, relating to the long-term care ombudsman program.

Section 1 of the bill proposes to change the wording to reflect actual practice. The state long term care ombudsman position is and has been employed by the Department rather than appointed.

Sections 1 and 4 of the Bill propose to change the term “regional” ombudsman to “local” ombudsman as the ombudsman assignments no longer follow the borders of the established state planning regions. This is a result of balancing and distributing facilities and residents among the available ombudsman.

Section 2 of the Bill proposes to eliminate the time restrictions for visits by the ombudsman. The ombudsman is an advocate for the resident and may be hindered by the restrictions of “normal working hours or by appointment.” There are times in the course of resolving concerns

regarding resident rights and health, welfare, and safety that a visit may need to be made outside of “normal working hours.” The “by appointment” requirement reduces the ombudsman’s opportunity to observe normal facility practices.

Section 2 also proposes to update the language so it mirrors the Older Americans Act, our federal authority. ([See the attachment.](#)) The Older Americans Act, requires the State to ensure that state ombudsmen are able to access records and residents. The current language of section 50-10.1-04 creates a barrier not anticipated in the language of the Older Americans Act. In particular, the Older Americans Act requires the State to ensure that resident records be available to the ombudsmen without requiring intervention by a Court. The proposed change in this bill will make the access language consistent with the Older Americans Act. The language change in Section 2 will benefit residents who are not able to speak on their own behalf, who have no legal representative, or whose legal representative or guardian is suspected of exploiting the resident. Access to residents and records as proposed will also allow more immediate investigation and determination of complaints, and where, appropriate, facilitate more immediate referrals to the appropriate agencies including for any needed protective action. The Senate adopted amendments to this section that were proposed by the Long Term Care Association and with which the Department agreed. Altogether, the changes in Section 2 of the Bill allow the ombudsmen to provide more complete advocacy for residents of the long-term care facilities.

Section 3 of the Bill proposes to replace the requirement that facilities post a copy of the ombudsman code chapter with a requirement that facilities post basic information about the ombudsman program. The

ombudsman program provides a poster that tells what services the program provides as well as contact information. This is a quick reference and more user-friendly than posting the century code.

This concludes my testimony. I will address questions you may have.  
Thank you.