

Article 70B - Department of Aging

5.

(a) The Secretary shall receive, investigate, and seek to resolve complaints concerning the operations of related institutions, as defined in § 19-301 of the Health - General Article, and the Secretary may, on the Secretary's own motion, make on-site visits to determine if these institutions are in compliance with applicable laws, rules, and regulations.

(b) If the Secretary finds that any such related institution is in violation of any statute, rule, or regulation of any State agency which is directly and specifically charged with the regulation of any aspect of the institution, the Secretary shall immediately notify that agency in writing of the findings of fact. If the violation or condition is not corrected within a reasonable time, the Secretary shall request the State agency to take the steps necessary to bring the institution into compliance, and the agency shall take appropriate action.

(c) There is established in the Department a Maryland Long-Term Care Ombudsman Program. The Secretary shall designate a Maryland Long-Term Care Ombudsman.

(d) (1) The Secretary may delegate the Secretary's authority under subsection (a) of this section to the Maryland Long-Term Care Ombudsman and to the director of a local office on aging in accordance with a local long-term care ombudsman program established pursuant to regulations promulgated by the Secretary.

~~(2) WHEN THE MATTER TO BE RESOLVED DOES NOT RELATE TO ABUSE, AN OMBUDSMAN MAY ADVOCATE FOR A CONFUSED RESIDENT, IN A NURSING HOME OR A RELATED INSTITUTION, WHO HAS NO SURROGATE DECISION-MAKER.~~

~~{(2)}~~ (2) The regulations shall provide for:

(i) Minimum training requirements for all program staff and volunteers;

(ii) Cooperation with the Departments of Health and Mental Hygiene and Human Resources;

(iii) Annual review of all ombudsman activities by the Department;

(iv) Complaint review, investigation, and resolution procedures including provisions which assure the confidentiality of complaints and the right of privacy of any complainant or resident of a related institution;

(v) Maintenance by the local ombudsman of a recordkeeping or information system which assures the confidentiality of records or files and the right of privacy of any complainant or resident of a related institution; and

(vi) Access, review, and copying of medical records to the extent authorized by § 4-305(b)(3) of the Health - General Article when the local ombudsman is the person in interest or as otherwise provided by law.