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SENATE BILL 1237

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATING TO LONG-TERM CARE; AMENDING THE LONG-TERM CARE
OMBUDSMAN ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 28-17-3 NMSA 1978 (being Laws 1989,
Chapter 208, Section 3) is amended to read:

"28-17-3. DEFINITIONS. --As used in the Long-Term Care
Ombudsman Act:

A. "adult protective services" means the ~~[human
services]~~ children, youth and families department pursuant to
the Adult Protective Services Act;

B. "agency" means the state agency on aging;

C. "care" means assistance with the activities of
daily living, including eating, dressing, oral hygiene, bathing,
mobility, toileting, grooming, taking medications, transferring

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1 from a bed or chair and walking;

2 [C-] D. "director" means the director of the state
3 agency on aging;

4 [D-] E. "licensing and certification" means the
5 licensing and certification bureau of the public health division
6 of the department of health [~~and environment department~~];

7 [E-] F. "long-term care facility" means any
8 residential facility that provides care to one or more persons
9 unrelated to the owner or operator of the facility for more than
10 twenty-four hours, including:

11 (1) a skilled nursing facility;

12 (2) an intermediate care nursing facility;

13 [~~(3)~~] ~~intermediate care facility for the~~
14 ~~mentally retarded;~~

15 [~~(4)~~] (3) a nursing facility;

16 [~~(5)~~] (4) an adult residential shelter care
17 home;

18 [~~(6)~~] (5) a boarding home;

19 [~~(7)~~] (6) any other adult care home or adult
20 residential care facility;

21 [~~(8)~~] (7) a continuing care community;

22 [~~(9)~~] (8) any swing bed in an acute care
23 facility or extended care facility; and

24 [~~(10)~~] (9) any adult day [~~health~~] care
25 facility;

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1 ~~[F.]~~ G. "office" means the office of the state long-
2 term care ombudsman;

3 ~~[G.]~~ H. "Older Americans Act" means the federal
4 Older Americans Act;

5 ~~[H. "older individual" means any individual who is
6 sixty years of age or older;]~~

7 I. "ombudsman" means an individual trained and
8 certified to act as a representative of the office of the state
9 long-term care ombudsman;

10 J. "ombudsman coordinator" means the coordinator of
11 a regional or local ombudsman program designated by the office
12 of the state ombudsman; ~~[and]~~

13 K. "program" means the New Mexico long-term care
14 ombudsman program; and

15 ~~[K.]~~ L. "state ombudsman" means the state long-term
16 care ombudsman. "

17 Section 2. Section 28-17-4 NMSA 1978 (being Laws 1989,
18 Chapter 208, Section 4) is amended to read:

19 "28-17-4. ESTABLISHMENT OF THE OFFICE OF THE STATE LONG-
20 TERM CARE OMBUDSMAN--GENERAL DUTIES OF THE OFFICE. --

21 A. Pursuant to the Older Americans Act, the agency
22 shall establish and operate ~~[either directly or by contract or
23 other arrangement]~~ an "office of the state long-term care
24 ombudsman" either directly or by contract or other arrangement
25 with any public agency or nonprofit private organization; except

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1 that no contract or arrangement may be made with any entity that
2 is responsible for licensing or certifying long-term care
3 services or an association or association affiliate of long-term
4 care facilities or of any other residential facilities.

5 ~~[B. The director shall designate the state~~
6 ~~ombudsman.~~

7 ~~C.]~~ B. The office shall ~~[carry out a long-term care~~
8 ~~ombudsman program to]~~ be directed by the state long-term care
9 ombudsman, who shall be an individual with expertise and
10 experience in the fields of long-term care and advocacy.

11 ~~[(1) investigate and resolve complaints made by~~
12 ~~or on behalf of older individuals who are patients, residents or~~
13 ~~clients of long-term care facilities relating to action,~~
14 ~~inaction or decisions of providers, or their representatives, of~~
15 ~~long-term care services, of public agencies or of social service~~
16 ~~agencies which may adversely affect the health, safety, welfare~~
17 ~~or rights of such residents;~~

18 ~~(2) provide for the training of staff and~~
19 ~~volunteers and promote the development of citizen organizations~~
20 ~~to participate in the ombudsman program;~~

21 ~~(3) analyze and monitor the development and~~
22 ~~implementation of federal, state and local laws, regulations and~~
23 ~~policies with respect to long-term care facilities and services~~
24 ~~and recommend any changes in such laws, regulations and policies~~
25 ~~deemed by the office to be appropriate;~~

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1 ~~(4) establish a statewide uniform reporting~~
2 ~~system to collect and analyze data relating to complaints and~~
3 ~~conditions in long-term care facilities for the purpose of~~
4 ~~identifying and resolving significant problems. Such data shall~~
5 ~~be submitted to state licensing and certification at least on an~~
6 ~~annual basis;~~

7 ~~(5) prepare an annual report for the director~~
8 ~~containing data and findings regarding the types of problems~~
9 ~~experienced and complaints received by or on behalf of~~
10 ~~individuals residing in long-term care facilities and provide~~
11 ~~policy, regulatory and legislative recommendations to solve such~~
12 ~~problems, resolve such complaints and improve the quality of~~
13 ~~care and life in long-term care facilities;~~

14 ~~(6) provide information to public agencies,~~
15 ~~legislators and others, as deemed necessary by the office,~~
16 ~~regarding the problems and concerns, including recommendations~~
17 ~~related to such problems and concerns, of older individuals~~
18 ~~residing in long-term care facilities; and~~

19 ~~(7) coordinate ombudsman services with the~~
20 ~~protection and advocacy systems for individuals with~~
21 ~~developmental disabilities and mental illness.]~~

22 C. The ombudsman shall serve on a full-time basis,
23 and shall, personally or through representatives of the office:

24 (1) identify, investigate and resolve
25 complaints that are made by, or on behalf of, residents and that

1 relate to action, inaction or decisions that may adversely
2 affect the health, safety, welfare or rights of the residents,
3 including the welfare and rights of the residents with respect
4 to the appointment and activities of guardians and
5 representative payees, of:

6 (a) providers, or representatives of
7 providers, of long-term care services;

8 (b) public agencies; or

9 (c) health and social service agencies;

10 (2) provide services to assist the residents in
11 protecting the health, safety, welfare and rights of the
12 residents;

13 (3) inform the residents about means of
14 obtaining services;

15 (4) ensure that the residents have regular and
16 timely access to the services provided through the office and
17 that the residents and complainants receive timely responses
18 from representatives of the office;

19 (5) represent the interests of the residents
20 before governmental agencies and seek administrative, legal and
21 other remedies on behalf of residents to protect the health,
22 safety, welfare and rights of the residents;

23 (6) provide administrative and technical
24 assistance to designated regional and local ombudsman programs
25 and assist the programs in participating in the program.

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1 (7) analyze, comment on and monitor the
2 development and implementation of federal, state and local laws,
3 regulations and other governmental policies and actions that
4 pertain to the health, safety, welfare and rights of the
5 residents, with respect to the adequacy of long-term care
6 facilities and services in the state and recommend any changes
7 in such laws, regulations, policies and actions as the office
8 determines to be appropriate; and facilitate public comment on
9 the laws, regulations, policies and actions;

10 (8) provide for training representatives of the
11 office, promote the development of citizen organizations to
12 participate in the program and provide technical support for the
13 development of resident and family councils to protect the well-
14 being and rights of residents;

15 (9) prepare an annual report:

16 (a) describing the activities carried out
17 by the office in the year for which the report is prepared;

18 (b) containing and analyzing the data
19 collected;

20 (c) evaluating the problems experienced
21 by, and the complaints made by or on behalf of, residents;

22 (d) containing recommendations for
23 improving quality of the care and life of the residents, and
24 protecting the health, safety, welfare and rights of the
25 residents;

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1 (e) analyzing the success of the program
2 including success in providing services to residents of board
3 and care facilities and other similar adult care facilities;

4 (f) identifying barriers that prevent the
5 optimal operation of the program; and

6 (g) providing policy, regulatory and
7 legislative recommendations to solve identified problems, to
8 resolve complaints, to improve the quality of care and life of
9 residents, to protect the health, safety, welfare and rights of
10 residents and to remove the barriers;

11 (10) coordinate ombudsman services with the
12 protection and advocacy systems for individuals with
13 developmental disabilities and mental illness;

14 (11) provide such information as the office
15 determines to be necessary to public and private agencies,
16 legislators and other persons regarding the problems and
17 concerns of older individuals residing in long-term care
18 facilities; and recommendations related to the problems and
19 concerns; and

20 (12) carry out such other activities as the
21 state ombudsman determines to be appropriate."

22 Section 3. Section 28-17-6 NMSA 1978 (being Laws 1989,
23 Chapter 208, Section 6) is amended to read:

24 "28-17-6. REGIONAL AND LOCAL LONG-TERM CARE OMBUDSMAN
25 PROGRAMS. -- ~~[The director shall establish criteria that the~~

1 ~~office shall use in designating a regional or local long-term~~
2 ~~care ombudsman program. A program shall be designated by the~~
3 ~~state ombudsman before it can provide ombudsman services. A~~
4 ~~program may be provisionally approved to provide ombudsman~~
5 ~~services pending designation by the state ombudsman. The~~
6 ~~criteria shall include, but are not limited to, the following:~~

7 ~~A. specifications regarding the location of the~~
8 ~~program's offices;~~

9 ~~B. requirements concerning the program's staffing,~~
10 ~~training and review; and~~

11 ~~C. requirements with regard to avoidance of~~
12 ~~conflicts of interest.] A. In carrying out the duties of the~~
13 ~~office, the state ombudsman may designate an entity as a~~
14 ~~regional or local ombudsman entity, and may designate an~~
15 ~~employee or volunteer to represent the entity. An individual so~~
16 ~~designated shall, in accordance with the policies and procedures~~
17 ~~established by the office and the agency:~~

18 ~~(1) provide services to protect the health,~~
19 ~~safety, welfare and rights of residents;~~

20 ~~(2) ensure that residents in the service area~~
21 ~~of the entity have regular, timely access to representatives of~~
22 ~~the program and timely responses to complaints and requests for~~
23 ~~assistance;~~

24 ~~(3) identify, investigate and resolve~~
25 ~~complaints made by or on behalf of residents that relate to~~

1 action, inaction or decisions that may adversely affect the
2 health, safety, welfare or rights of the residents;

3 (4) represent the interests of residents before
4 government agencies and seek administrative, legal and other
5 remedies to protect the health, safety, welfare and rights of
6 the residents;

7 (5) review and, if necessary, comment on any
8 existing and proposed laws, regulations and other government
9 policies and actions, that pertain to the rights and well-being
10 of residents;

11 (6) facilitate the ability of the public to
12 comment on the laws, regulations, policies and actions;

13 (7) support the development of resident and
14 family councils; and

15 (8) carry out other activities that the
16 ombudsman determines to be appropriate.

17 B. To be eligible to be designated as regional or
18 local ombudsman entities, and individuals eligible to be
19 designated as representatives of such entities, the entities
20 shall:

21 (1) have demonstrated capability to carry out
22 the responsibilities of the office;

23 (2) be free of conflicts of interest;

24 (3) in the case of the entities, be public or
25 nonprofit private entities; and

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1 (4) meet such additional requirements as the
2 state ombudsman may specify. "

3 Section 4. Section 28-17-9 NMSA 1978 (being Laws 1989,
4 Chapter 208, Section 9) is amended to read:

5 "28-17-9. REFERRALS. --

6 A. When abuse, neglect or exploitation of a patient,
7 resident or client of a long-term care facility is suspected,
8 the office shall make a referral to adult protective services
9 and licensing and certification, where appropriate. The office
10 shall coordinate with adult protective services and licensing
11 and certification pursuant to any investigation of abuse,
12 neglect or exploitation undertaken by those agencies.

13 B. The following state agencies or boards shall
14 endeavor to give priority to any complaint referred to them by
15 the office:

16 (1) licensing and certification;

17 (2) the [~~human services~~] children, youth and
18 families department;

19 (3) the New Mexico board of medical examiners;

20 (4) the board of nursing;

21 (5) the [~~state~~] board of nursing home
22 administrators; or

23 (6) the board of pharmacy.

24 The office shall coordinate its efforts with those of any state
25 agency or board to which it makes investigation referrals.

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1 C. Any state agency or board which responds to a
2 complaint against a long-term care facility or licensed
3 individual that was referred to the agency by the office shall
4 forward to the office copies of related inspection reports and
5 plans of correction, notice of any citations and sanctions
6 levied against the long-term care facility or the licensed
7 individual. "

8 Section 5. Section 28-17-11 NMSA 1978 (being Laws 1989,
9 Chapter 208, Section 11) is amended to read:

10 "28-17-11. ACCESS TO AGENCY RECORDS. -- Upon request, the
11 office shall have access to ~~[any record]~~ records of ~~[a]~~ any
12 state or local government agency, ~~[which is]~~ including copies of
13 all licensing and certification records relating to long-term
14 care facilities as necessary to carry out its responsibilities
15 under the Long-Term Care Ombudsman Act and which ~~[is otherwise]~~
16 records are available to the patient, resident or client, [and
17 ~~which does not violate]~~ except for records and information
18 unavailable pursuant to Section 7-1-8 NMSA 1978. "

19 Section 6. Section 28-17-13 NMSA 1978 (being Laws 1989,
20 Chapter 208, Section 13) is amended to read:

21 "28-17-13. ACCESS TO RECORDS OF PATIENTS, ~~[RESIDENT]~~
22 RESIDENTS OR CLIENTS. --

23 A. In order for the office to carry out its
24 responsibilities under the Long-Term Care Ombudsman Act, the
25 office shall have access to the medical and personal records of

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1 a patient, resident or client of a long-term care facility that
2 are retained by the facility. If the patient, resident or
3 client:

4 (1) has the ability to consent in writing,
5 access may only be obtained by the written consent of the
6 patient, resident or client;

7 (2) is unable to consent in writing, oral
8 consent may be given in the presence of a third party as
9 witness;

10 (3) ~~[is under a New Mexico guardianship or~~
11 ~~conservatorship that provides the guardian or conservator with~~
12 ~~the authority]~~ has a legally appointed surrogate decision maker
13 authorized to approve review of records, the office shall obtain
14 the permission of the ~~[guardian or conservator]~~ surrogate
15 decision maker for review of the records, unless any of the
16 following apply:

17 (a) the existence of the ~~[guardianship or~~
18 ~~conservatorship]~~ surrogate decision maker is unknown to the
19 office or the facility; ~~[or]~~

20 (b) the ~~[guardian or conservator]~~
21 surrogate decision maker cannot be reached within five working
22 days; ~~[and]~~ or

23 (c) access to the records is necessary to
24 investigate a complaint and the surrogate decision maker refuses
25 to give the permission and a representative of the office has

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1 reasonable cause to believe that the surrogate decision maker is
2 not acting in the best interests of the resident; and

3 (4) is unable to express written or oral
4 consent and there is no [~~guardian or conservator~~] surrogate
5 decision maker or the notification of the [~~guardian or~~
6 ~~conservator~~] surrogate decision maker is not applicable for
7 reasons set forth in Paragraph (3) of this subsection or the
8 patient, resident or client is deceased, inspection of records
9 may be made by employees of the office, ombudsman coordinators
10 and by ombudsmen approved by the ombudsman coordinator or the
11 state ombudsman.

12 B. Copies of records may be reproduced by the office.
13 If investigation of records is sought pursuant to this section,
14 the ombudsman shall upon request produce a statement signed by
15 the ombudsman coordinator or state ombudsman authorizing the
16 ombudsman to review the records. Facilities providing copies of
17 records pursuant to this section may charge the office for the
18 actual copying cost for each page copied.

19 C. Upon request by the office, a long-term care
20 facility shall provide to the office the name, address and
21 telephone number of the guardian, conservator, attorney-in-fact,
22 legal representative or next-of-kin of any patient, resident or
23 client and a copy of any document granting legal decision-making
24 power over a resident.

25 D. The long-term care facility and personnel who

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1 disclose records pursuant to this section shall not be liable
2 for the disclosure.

3 E. The office shall establish procedures to protect
4 the confidentiality of records obtained pursuant to this
5 section. "

6 Section 7. Section 28-17-14 NMSA 1978 (being Laws 1989,
7 Chapter 208, Section 14) is amended to read:

8 "28-17-14. CONFIDENTIALITY OF INFORMATION. --

9 A. ~~[Information relating to any complaint or~~
10 ~~investigation made pursuant to this Act that discloses the~~
11 ~~identities of complainants, patients, residents or clients shall~~
12 ~~remain confidential except]~~ The files and records of the office
13 may be disclosed only at the discretion of the state ombudsman
14 or person designated by him. The disclosure of the identity of
15 any complainant or resident about whom the office maintains
16 files or records is prohibited unless:

17 (1) ~~[where disclosure is authorized in writing by~~
18 ~~the complainant, patient, resident or client or the individual's~~
19 ~~guardian or legal representative]~~ the complainant or resident or
20 his legal representative consents in writing to the disclosure;

21 (2) ~~[where disclosure is necessary to an~~
22 ~~investigation of abuse, neglect or exploitation and the~~
23 ~~disclosure is made to adult protective services, licensing and~~
24 ~~certification or the attorney general]~~ the complainant or
25 resident gives oral consent that is documented immediately in

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1 writing by a representative of the office;

2 (3) [~~where~~] disclosure is necessary for the
3 provision of ombudsman services to the patient, resident or
4 client and the patient, resident or client is unable to express
5 written or oral consent; or

6 (4) [~~upon court order~~] disclosure is ordered by
7 the court.

8 [~~B. Access to the records and files of the office~~
9 ~~relating to any complaint or investigation made pursuant to the~~
10 ~~Long Term Care Ombudsman Act shall be permitted only at the~~
11 ~~discretion of the state ombudsman or the ombudsman having~~
12 ~~authority over disposition of such files, except that the~~
13 ~~identity of any complainant, witness, patient, resident or~~
14 ~~client shall not be disclosed by such ombudsman except:~~

15 (1) ~~where disclosure is authorized in writing by~~
16 ~~such complainant, witnesses, patient, resident or client or the~~
17 ~~individual's guardian or legal representative; or~~

18 (2) ~~upon court order.~~

19 ~~C.] B.~~ The director shall have access to the records
20 and files of the office to verify the effectiveness and quality
21 of the ombudsman program where the identity of any complainant,
22 witness, patient, resident or client is not disclosed. "

23 Section 8. Section 28-17-15 NMSA 1978 (being Laws 1989,
24 Chapter 208, Section 15) is amended to read:

25 "28-17-15. CONFLICT OF INTEREST. --The agency shall ensure

1 that:

2 A. no individual [~~involved in the designation of the~~
3 ~~state ombudsman or the designation of the head of any regional~~
4 ~~or local program has a pecuniary or other interest in a long-~~
5 ~~term care facility]~~ or a member of the immediate family of an
6 individual involved in the designation of the ombudsman or the
7 designation of a regional or local ombudsman is subject to a
8 conflict of interest;

9 B. no officer [~~employee or other representative of the~~
10 ~~office has a pecuniary or other interest in a long term care~~
11 ~~facility; and]~~ or employee of the office, ombudsman coordinator
12 or representative, or a member of their immediate family, is
13 subject to a conflict of interest; and

14 C. [~~mechanisms are in place to identify and remedy all~~
15 ~~such or other similar conflicts]~~ any ombudsman:

16 (1) does not have a direct involvement in the
17 licensing or certification of a long-term care facility or of a
18 provider of a long-term care service;

19 (2) does not have an ownership or investment
20 interest, represented by equity, debt or other financial
21 relationship, in a long-term care facility or a long-term care
22 service;

23 (3) is not employed by, or participating in the
24 management of, a long-term care facility; and

25 (4) does not receive, or have the right to

1 receive, directly or indirectly, remuneration in cash or in kind
2 under a compensation arrangement with an owner or operator of a
3 long-term care facility."

4 Section 9. Section 28-17-18 NMSA 1978 (being Laws 1989,
5 Chapter 208, Section 18) is amended to read:

6 "28-17-18. AVAILABILITY OF LEGAL COUNSEL. --The agency shall
7 ensure that:

8 A. adequate legal counsel is available [to the office
9 for advice and consultation and that legal representation is
10 provided to any representative of the office against whom suit
11 or other legal action is brought in connection with the
12 performance of the representative's official duties] and is
13 able, without conflict of interest, to:

14 (1) provide advice and consultation needed to
15 protect the health, safety, welfare and rights to residents; and

16 (2) assist the ombudsman and representatives of
17 the office in the performance of the official duties of the
18 ombudsman and representatives;

19 B. [the office has the ability to pursue
20 administrative, legal and other appropriate remedies on behalf
21 of patients, residents and clients of long term care facilities]
22 representation is provided to any representative of the office
23 against whom suit or other legal action is brought or threatened
24 to be brought in connection with the performance of the official
25 duties of the ombudsman or such a representative; and

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1 C. the office pursues administrative, legal and other
2 appropriate remedies on behalf of residents. "

3 Section 10. Section 28-17-19 NMSA 1978 (being Laws 1989,
4 Chapter 208, Section 19) is amended to read:

5 "28-17-19. INTERFERENCE WITH THE OFFICE AND RETALIATION
6 PROHIBITED--PENALTY--CIVIL.--

7 A. No person shall willfully interfere with the lawful
8 actions of the office, including the request for immediate entry
9 into a long-term care facility.

10 B. No person shall institute discriminatory,
11 disciplinary or retaliatory action against any [~~officer or~~
12 ~~employee of a long term care facility or government agency or~~
13 ~~against any patient, resident or client of a long term care~~
14 ~~facility or guardian or family member thereof for any~~
15 ~~communication by him with the office or for any information~~
16 ~~given or disclosed by him in good faith to aid the office in~~
17 ~~carrying out its duties and responsibilities] resident, employee
18 or other person for filing a complaint, providing information to
19 or otherwise cooperating with any representative of the office.~~

20 C. Any person [~~that~~] who violates Subsection A of this
21 section shall be subject to a civil penalty of up to [~~two~~
22 ~~thousand five hundred dollars (\$2,500)] five thousand dollars
23 (\$5,000) per occurrence. Any person [~~that~~] who violates
24 Subsection B of this section shall be subject to a civil penalty
25 of up to [~~five thousand dollars (\$5,000)]~~ ten thousand dollars~~

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1 (\$10,000) per occurrence. The agency may assess and collect the
2 penalty after notice and an opportunity for hearing, before a
3 hearing officer designated by the agency to hear the matter,
4 upon a determination that a person willfully interfered with the
5 office or discriminated, disciplined or retaliated against an
6 individual who communicated or disclosed information to the
7 office in good faith pursuant to Subsections A and B of this
8 section. The hearing officer has the power to administer oaths
9 on request of any party and issue subpoenas and subpoenas duces
10 tecum. However, if the violation is against a person covered by
11 the Personnel Act, the office shall refer the matter to the
12 agency employing the person for disciplinary action.

13 D. Any party may appeal to the court of appeals on the
14 record within thirty days after the final decision of the
15 agency. "

16 Section 11. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 1997.

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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5
6 March 6, 1997

7
8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

12
13 SENATE BILL 1237

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.
18

19
20 Respectfully submitted,

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25 _____
Roman M. Maes, III, Chairman

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1 Adopted _____ Not Adopted _____

2 (Chief Clerk) (Chief Clerk)

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4

5 Date _____

6

7

8 The roll call vote was 8 For 0 Against

9 Yes: 8

10 No: 0

11 Excused: Griego, Robinson

12 Absent: None

13

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15 S1237CT1

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1 FORTY-THIRD LEGISLATURE

SB 1237/a

2 FIRST SESSION, 1997

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6 March 10, 1997

7
8 Mr. President:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 SENATE BILL 1237

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16
17
18 1. On page 3, line 14, strike "and".

19
20 2. On page 3, between lines 14 and 15, insert:

21
22 "L. "resident" means any patient, client or person
23 residing in and receiving care in a long-term care facility;"

24
25 3. Reletter the succeeding subsection accordingly.

4. On page 3, line 16, strike the period and quotation mark

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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and insert "; and".

5. On page 3, between lines 16 and 17, insert:

"N. "surrogate decision maker" means a legally appointed agent, guardian or surrogate who is authorized to act on behalf of a resident. "".

6. On page 15, line 13, after "only" insert "for purposes of fulfilling the duties of the office of the ombudsman pursuant to Subsection C of Section 28-17-4 NMSA 1978".

7. On page 15, line 14, strike "disclosure of" and insert "state ombudsman shall not disclose".

8. On page 15, line 16, strike "is prohibited".

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Sanchez

Absent: None

Underscored material = new
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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