



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #165

Relocation Ombudsman Position (Board on Aging and Long-Term Care)

[LFB 2009-11 Budget Summary: Page 111, #4]

CURRENT LAW

The Board on Aging and Long-Term Care (BOALTC) serves as an advocate for elderly and long-term care consumers. Through its long-term care ombudsman program, the Board investigates complaints of improper treatment of aged and disabled persons receiving long-term care, and serves as mediator or advocate to resolve problems.

As part of the ombudsman program, the Board currently assigns 1.0 project position to support individuals relocating from a long-term care facility as a result of that facility closing or reducing the number of licensed beds. Currently, the position is funded entirely with revenue the Department of Health Services (DHS) receives from civil monetary penalties paid by nursing homes that are found to have violated federal nursing home standards. Because the position is a project position, it is scheduled to expire on June 30, 2009.

GOVERNOR

Provide \$79,600 PR annually to support 1.0 permanent position that would provide ombudsman services to residents and administrators in long-term care facilities that are in the process of closing or reducing the number of licensed beds. Under the Governor's bill, the position would be supported 50% from civil monetary penalty revenue and 50% from federal MA matching funds claimed by the Department of Health Services. All of this funding would be budgeted in DHS and transferred to the Board.

MODIFICATION

Modify the Governor's recommendation by changing the 1.0 position authorized in the Governor's budget bill from a permanent position to a project position. The new position would be scheduled to expire on June 30, 2011.

Explanation: Federal restrictions on the use of revenue generated from civil monetary penalties prevent the state from using these funds to fund continuing commitments, including permanent positions. As a result, the administration has requested that the relocation ombudsman position be funded as a temporary project position rather than the permanent position assumed in the Governor's budget bill. DHS has confirmed that using civil monetary penalty revenue to fund an ongoing position at the Board is not consistent with federal guidelines regarding the use of these funds.

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