

AN ACT

D.C. ACT 19-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 20, 2012

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2012 Summer  
Supp.

West Group  
Publisher

To amend the District of Columbia Long-Term Care Ombudsman Program Act of 1988 to include long-term care services as services received at a long-term care facility and services provided to residents in the community who need a nursing home level of care and receive home health care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Long-Term Care Ombudsman Program Amendment Act of 2012”.

Sec. 2. The District of Columbia Long-Term Care Ombudsman Program Act of 1988, effective March 16, 1989 (D.C. Law 7-218; D.C. Official Code § 7-701.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-701.01) is amended as follows:

(1) A new paragraph (6A) is added to read as follows:

“(6A) “Home care agency” shall have the same meaning as provided in section 2(a)(7) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(7)).”

(2) A new paragraph (7A) is added to read as follows:

“(7A) “Long-term care services” means services received at a long-term care facility and services provided to residents in the community who need a nursing home level of care and receive home health care through the Medicaid Elderly and Physically Disabled Waiver.”

(3) Paragraph (13) is amended to read as follows:

“(13) “Resident” means a resident of a long-term care facility or an individual receiving long-term care services from a home care agency through the Medicaid Elderly and Physically Disabled Waiver.”

(b) Section 204(a) (D.C. Official Code § 7-702.04(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the word “Investigate” and inserting the phrase “Receive, investigate,” in its place.

(2) Paragraph (14) is amended by striking the phrase “long-term care facility”

Amend  
§ 7-701.01

Amend  
§ 7-702.04

**ENROLLED ORIGINAL**

and inserting the phrase “long-term care facility or home care agency” in its place.

(c) Section 302(e) (D.C. Official Code § 7-703.02(e)) is amended by striking the phrase “long-term care facility” and inserting the phrase “long-term care facility or home care agency” in its place. Amend  
§ 7-703.02

(d) A new section 303 is added to read as follows:

“Sec. 303. Visits to the home of a resident.

“The Ombudsman may communicate and visit with a resident who receives home care services; provided, that the Ombudsman obtains permission from the resident or a representative of the resident to enter the resident’s home.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

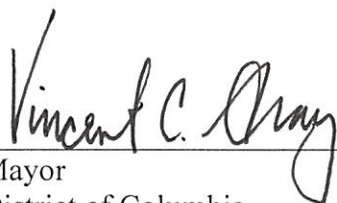
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**WASHINGTON, D.C. 20004**

Docket No. **B19-360**

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FIRST READING, 12-06-11**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

**ALL PRESENT**

ROLL CALL VOTE - Result \_\_\_\_\_ (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

1-9-12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FINAL READING, 01-04-12**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

**MENDELSON AND THOMAS, JR.**

ROLL CALL VOTE - Result \_\_\_\_\_ (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.				X
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson				X					

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

1-9-12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result \_\_\_\_\_ (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown					Catania					Orange				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown, M					Mendelson									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD



Secretary to the Council

Date