

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Don Kidd

A MEMORIAL

REQUESTING THE STATE AGENCY ON AGING AND THE ATTORNEY GENERAL
TO DETERMINE IF RULES ARE NEEDED OR APPROPRIATE TO REGULATE
ACTIVITIES CONDUCTED PURSUANT TO THE OMBUDSMAN PROGRAM.

WHEREAS, the ombudsman program of the state agency on
aging is a federally mandated activity to improve the
environment for residents of long-term care facilities; and

WHEREAS, the state agency on aging and its ombudsman
program have carried out undercover operations in long-term
care facilities; and

WHEREAS, the state agency on aging has never developed
rules to define the scope of undercover operations, the
factors to consider when such an operation may be appropriate
or other rules for the conduct of such operations; and

WHEREAS, there is a substantial question whether the
operations are legally authorized in the absence of rules;

underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the state agency on aging, in cooperation with the office of the attorney general, be requested to determine whether such rules are needed or appropriate; and

BE IT FURTHER RESOLVED that the state agency on aging, if it determines that such rules are needed or appropriate, be requested to develop and implement reasonable rules; and

BE IT FURTHER RESOLVED that the state agency on aging be requested to report on its conclusions, together with any rules adopted, to the appropriate interim legislative committee by December 1, 2000; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the state agency on aging and the office of the attorney general.