

By County Administration and Human Services Committees

Seconded by

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 5 of 2009, ENTITLED: "A LOCAL LAW AMENDING ARTICLE XIV OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE REGARDING THE DEPARTMENT OF NURSING HOMES"

WHEREAS, the Administrator of the Willow Point Nursing Home, requests authorization to amend Article XIV of the Broome County Administrative Code, to comply with New York State Quality assessment and assurance program codes, rules and regulations, and to more accurately reflect current and desired practice, and

WHEREAS, current detail in the Charter wording puts the Nursing Home at risk of being out of compliance with the Charter and New York State, and

WHEREAS, the proposed wording assures compliance by being more general and referencing the pertinent New York State regulation, now, therefore, be it

RESOLVED, that Local Law Intro. No. 5 of 2009, entitled: "A Local Law Amending Article XIV of the Broome County Charter and Administrative Code Regarding the Department of Nursing Homes", be and the same hereby is adopted and approved in accordance with the Broome County Charter and Administrative Code and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 5 of 2009

A LOCAL LAW AMENDING ARTICLE XIV OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE REGARDING THE DEPARTMENT OF NURSING HOMES

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

Section 1. Article XIV of the Broome County Charter and Administrative Code, as amended, be and hereby is amended to read as follows:

ARTICLE XIV. Department of Nursing Homes [and Health-Related Facilities]

§ A1401. Department; Administrator.

There shall be a Department of Nursing Homes **[and Health-Related Facilities]** headed by an Administrator . **The Administrator will hold a currently valid Nursing Home Administrator's license and registration, or temporary license, issued pursuant to Article 28-D of the New York State Public Health Law.** The Administrator shall be appointed by the County Executive subject to Legislative confirmation and shall continue to serve at the pleasure of the County Executive.

§ A1402. Powers and duties.

The Administrator shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

§ A1403. Reports.

[On or before March 1 in each year, the Administrator shall make an annual] Annually the Administrator shall make a report for the immediately preceding calendar year, covering generally the work of his office. He shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. **[Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.]**

§ A1404. Nursing Home **[s] Advisory Board [of Directors].**

There shall be a Nursing Homes Board of Directors to oversee the quality of care and treatment of residents of the Broome County Nursing Homes and to advise the County Executive and the Nursing Homes Administrator of conditions affecting the welfare of residents in the facilities.

The **Advisory** Board shall consist of **[13 or more voting]** members as follows: The County Executive or a designee and the Chair of the County Legislature or a designee, **and Administrator of the Broome County Nursing Home** who shall serve ex officio; at least one resident; at least one family member; one physician; **[one provider representative]**; one nurse; one holder of a master's degree in social work; and five members at large. Board members other than those serving ex officio shall be appointed by the County Executive, subject to confirmation by the County Legislature. Resident member(s) and family member(s), the total of which shall not exceed five, shall serve at the pleasure of the County Executive. Other members appointed by the County Executive, subject to confirmation by the County Legislature, shall be appointed for three-year terms so that the terms of three (3) members shall expire each year. A

member shall not be eligible for reappointment until one (1) year after having served two (2) consecutive three-year terms. The County Executive shall have the authority to appoint an additional ex officio member to the Board.

[The Board shall elect each year a Chairman, Vice Chairman and Secretary. No officer shall serve more than two (2) consecutive terms in the same office.] The Board shall adopt a schedule of at least ten (10) regular meetings per year and shall establish rules for the conduct of its meetings. The Board shall also hold special meetings upon the call of the Chairman, the County Executive or the Nursing Home[s] Administrator or upon written request of three (3) Board members. Board members, the Nursing Homes Administrator, the County Executive and the Clerk of the County Legislature shall be notified of all Board meetings.

[The Chairman shall appoint all Committees with the approval of the Board, as needed, at the request of the County Executive or the Board. There shall be a Committee, known as the "Quality Assurance Committee," which shall consist of a physician, a nurse, a holder of a master's degree in social work, a dietician, a provider representative, two (2) members at large and a resident or family member. The Chair of the Quality Assurance Committee shall be a member of the Board. The Quality Assurance Committee shall meet at least once a month and review patient care questions or concerns, review complaints or alleged abuses, conduct on-site inspections of the facilities and perform any other duties assigned by the Board.] Willow Point Nursing Home will establish and maintain a coordinated Quality Assessment and Assurance Program which integrates the review activities of all nursing home programs and services to enhance the quality of life and resident care and treatment. Pursuant to "Codes, Rules and Regulations of the State of New York, title 10, §415".

When any Board member fails to attend three (3) consecutive meetings or attends less than seventy-five percent (75%) of the regular meetings scheduled for the year, the Board shall have the authority to remove such member from office. In exercising such authority, the Board shall take into consideration whether such member had a bona fide reason for not attending and whether advance notification was given to the Administrator or the Chair. Any Board member who fails to visit and inspect any facility at least once annually shall be considered to have automatically vacated his or her office.

The Board shall make recommendations at any time pertaining to any matter at **[either] the facility to the [facility] administrator or the County Executive; aid and/or recommend to the [facility] administrator in regard to facility operation, staffing, community relations, facility conditions, construction plans and the programs and activities of the facility; advise the County Executive regarding the proposed appointment of a facility administrator; investigate any charge against the administration. [; and investigate any case of alleged resident abuse or mistreatment.]**

The **Advisory Board [of Directors]** shall perform the above responsibilities consistent with the advice and direction, where applicable, of the Department of Law, Department of Personnel and Department of Audit and Control and in accordance with the provisions of any resolution now or hereafter adopted by the County Legislature.

Members of the Board and of the Quality Assurance Committee, either individually or jointly, while acting in their official capacity, are agents of the County of Broome, and, in consideration of said services, the County shall indemnify and save harmless such members from any and all

claims, suits, damages, costs, losses and expenses arising out of any act or omission while such members were acting within the scope of their official duties.

The member shall deliver, within ten (10) days of the time he or she is served with any summons, complaint, process, notice, demand or pleading, the original copy thereof to the County Attorney and request the County Attorney to assume control of his or her representation. Upon determining that the member was acting within the scope of his or her duties as a member, said determination being final unless arbitrary and capricious, the County Attorney shall assume control of the representation of the member. When the County Attorney assumes such control, the member shall cooperate fully with the County Attorney.

§ A1405. Deputies.

(A) The Administrator may appoint three deputies, who shall be the Deputy Nursing Home Administrator for Fiscal Services, the Deputy Nursing Home Administrator for Health Services and the Deputy Nursing Home Administrator for Administration Services. All Deputy Nursing Home Administrators shall serve at the pleasure of the Administrator.

(B) The Administrator shall designate a Deputy or Deputies to whom shall be delegated all the powers and duties of the Administrator and shall have the authority to act generally for and in place of said Administrator. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the Legislature.

Section 2. This Local Law shall take effect upon filing with the Secretary of State

Material in **[brackets]** deleted
Material **underlined** added