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HOUSE BILL 1743

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Dyer, Cody, Kenney, Cooke and Blalock

Read first time 02/06/97. Referred to Committee on Health Care.

1            AN ACT Relating to the long-term care ombudsman program; amending  
2 RCW 43.190.030; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 43.190.030 and 1995 c 399 s 105 are each amended to  
5 read as follows:

6            There is created the office of the state long-term care ombudsman.  
7 The department of community, trade, and economic development shall  
8 contract with a private nonprofit organization to provide long-term  
9 care ombudsman services as specified under, and consistent with, the  
10 federal older Americans act as amended, federal mandates, the goals of  
11 the state, and the needs of its citizens. The department of community,  
12 trade, and economic development shall ensure that all program and staff  
13 support necessary to enable the ombudsman to effectively protect the  
14 interests of residents, patients, and clients of all long-term care  
15 facilities is provided by the nonprofit organization that contracts to  
16 provide long-term care ombudsman services. The department of  
17 community, trade, and economic development shall adopt rules to carry  
18 out this chapter and the long-term care ombudsman provisions of the  
19 federal older Americans act, as amended, and applicable federal

1 regulations. The long-term care ombudsman program shall have the  
2 following powers and duties:

3 (1) To provide services for coordinating the activities of long-  
4 term care ombudsmen throughout the state;

5 (2) Carry out such other activities as the department of community,  
6 trade, and economic development deems appropriate;

7 (3) Establish procedures consistent with RCW 43.190.110 for  
8 appropriate access by long-term care ombudsmen to long-term care  
9 facilities and patients' records, including procedures to protect the  
10 confidentiality of the records and ensure that the identity of any  
11 complainant or resident will not be disclosed without the written  
12 consent of the complainant or resident, or upon court order;

13 (4) Establish a state-wide uniform reporting system to collect and  
14 analyze data relating to complaints and conditions in long-term care  
15 facilities for the purpose of identifying and resolving significant  
16 problems, with provision for submission of such data to the department  
17 of social and health services and to the federal department of health  
18 and human services, or its successor agency, on a regular basis; and

19 (5) Establish procedures to assure that any files maintained by  
20 ombudsman programs shall be disclosed only at the discretion of the  
21 ombudsman having authority over the disposition of such files, except  
22 that the identity of any complainant or resident of a long-term care  
23 facility shall not be disclosed by such ombudsman unless:

24 (a) Such complainant or resident, or the complainant's or  
25 resident's legal representative, consents in writing to such  
26 disclosure; or

27 (b) Such disclosure is required by court order.

28 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and takes effect  
31 immediately.

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