

WAC 365-18-100 Ombudsmen access to facilities, residents, and records.

(1) All ombudsmen shall have access to all long-term care facilities and residents at any time deemed necessary and reasonable to effectively carry out the ombudsman duties set forth in this chapter, chapter 43.190 RCW, and federal law. Access to facilities and residents by ombudsmen shall be deemed necessary and reasonable at the following times:

(a) Any time during a facility's regular business day, regular visiting hours, or other period the facility is open to the public; and

(b) Any other time access may be required by the particular condition to be investigated or monitored.

(2) Upon entering a facility, or as soon as practicable thereafter, all ombudsmen shall report their presence to the facility administration or staff in charge and, upon request, present identification as an ombudsman.

(3) Ombudsmen shall have access to residents to perform the duties set forth in this chapter, chapter 43.190 RCW, and federal law. Provision shall be made by the facility and the ombudsman to secure privacy for the purpose of building relationships, providing information, and hearing, investigating, and resolving complaints of, and rendering advice to, residents of the facility at any time deemed necessary and reasonable by the ombudsmen to effectively carry out the provisions of this chapter.

(4) Ombudsmen shall have private access to residents without willful interference from the facility or the resident's representative, including a guardian, family member, or holders of powers of attorney.

(5) Ombudsmen shall have the following access to a resident's records:

(a)(i) Prompt access to review and timely access to obtain copies of all medical and social records of a resident, and other records relating to the resident if:

(A) The ombudsman has the permission of the resident, or the legal representative of the resident; or

(B) The resident is unable to consent to the review and has no legal representative; or

(ii) Prompt access to review and timely access to obtain copies of all medical, social, and other records of a resident, as is necessary to investigate a complaint if:

(A) A legal representative of the resident, including a guardian, refuses to give the permission;

(B) The ombudsman has reasonable cause to believe that the legal representative or guardian is not acting in the best interest of the resident; and

(C) The ombudsman obtains the prior approval of the state long-term care ombudsman or his or her designee;

(b) Prompt access to review and timely access to obtain copies of any long-term care facility's documents to which the residents or the general public have access, including administrative records and policies; provided, that in licensed nursing facilities this shall include, but not be limited to, the records and policies set forth in RCW 74.42.430.

(6) Ombudsmen shall have timely access to, and copies where requested, of all licensing and certification records maintained by the state with respect to long-term care facilities.

(7) For any copies obtained under this section, the ombudsman may be charged a reasonable rate not to exceed the community standard.

[Statutory Authority: Chapter 43.190 RCW and Older Americans Act of 1965 (42 U.S.C., 3001 et seq., as amended). WSR 00-09-060, § 365-18-100, filed 4/17/00, effective 5/18/00.]