

2 **SHB 1258** - S AMD TO HC COMM AMD (S-4287.1/92)

3 By Senators Wojahn, Madsen, Rasmussen and Gaspard

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5 On page 10, after line 19 of the amendment insert the following:

6 "Sec. 13. RCW 43.190.030 and 1988 c 119 s 2 are each amended to
7 read as follows:

8 There is created the office of the state long-term care ombudsman.
9 The department of community development shall contract with a private
10 nonprofit organization to provide long-term care ombudsman services as
11 specified under, and consistent with, the federal older Americans act
12 as amended, federal mandates, the goals of the state, and the needs of
13 its citizens. The contract shall require that long-term care ombudsmen
14 are placed or are available throughout the state at locations
15 convenient to long-term care facility patients, with at least one such
16 ombudsman being located in each county with a population over five
17 hundred thousand. The department of community development shall ensure
18 that all program and staff support necessary to enable the ombudsman to
19 effectively protect the interests of residents, patients, and clients
20 of all long-term care facilities is provided by the nonprofit
21 organization that contracts to provide long-term care ombudsman
22 services. The long-term care ombudsman program shall have the
23 following powers and duties:

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

26 (2) Carry out such other activities as the department of community
27 development deems appropriate;

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

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

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

18 (a) Such complainant or resident, or the complainant's or
19 resident's legal representative, consents in writing to such
20 disclosure; or

21 (b) Such disclosure is required by court order."

22 "NEW SECTION. Sec. 14. The sum of fifty thousand dollars, or as
23 much thereof as may be necessary, is appropriated from the general fund
24 to the department of community development office of the state long-
25 term care ombudsman for the purpose of contracts under RCW 43.190.030."

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2 By Senator

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4 On page 10, line 25 of the title amendment, strike "and 18.52.140"

5 and insert "18.52.140, and 43.190.030"

6 On page 10, line 26 of the title amendment, after "18.52 RCW;"

7 strike "and"

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11 On page 11, line 1 of the title amendment, after "18.52.070" insert

12 "; and making an appropriation"