
SENATE BILL 6124

State of Washington 52nd Legislature 1992 Regular Session

By Senators Wojahn, Johnson, Gaspard, Niemi, Rasmussen and Madsen

Read first time 01/16/92. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to long-term care ombudsmen; amending RCW
2 43.190.030; and making an appropriation.

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

4 **Sec. 1.** RCW 43.190.030 and 1988 c 119 s 2 are each amended to read
5 as follows:

6 There is created the office of the state long-term care ombudsman.
7 The department of community development shall contract with a private
8 nonprofit organization to provide long-term care ombudsman services as
9 specified under, and consistent with, the federal older Americans act
10 as amended, federal mandates, the goals of the state, and the needs of
11 its citizens. The contract shall require that long-term care ombudsmen
12 are placed or are available throughout the state at locations
13 convenient to long-term care facility patients, with at least one such
14 ombudsman being located in each county with a population over five

1 hundred thousand. The department of community development shall ensure
2 that all program and staff support necessary to enable the ombudsman to
3 effectively protect the interests of residents, patients, and clients
4 of all long-term care facilities is provided by the nonprofit
5 organization that contracts to provide long-term care ombudsman
6 services. The long-term care ombudsman program shall have the
7 following powers and duties:

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

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

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

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

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

1 (a) Such complainant or resident, or the complainant's or
2 resident's legal representative, consents in writing to such
3 disclosure; or

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

5 NEW SECTION. **Sec. 2.** The sum of fifty thousand dollars, or as
6 much thereof as may be necessary, is appropriated from the general fund
7 to the department of community development office of the state long-
8 term care ombudsman for the purpose of contracts under RCW 43.190.030.