

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2546

By: Seikel

AS INTRODUCED

An Act relating to aging; amending 63 O.S. 1991, Section 1-2213, as amended by Section 1, Chapter 89, O.S.L. 1994 (63 O.S. Supp. 1995, Section 1-2213), which relates to State Long-Term Care Ombudsman; clarifying language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2213, as amended by Section 1, Chapter 89, O.S.L. 1994 (61 O.S. Supp. 1995, Section 1-2213), is amended to read as follows:

Section 1-2213. A. There is hereby created within the Department of Human Services the Office of the State Long-Term Care Ombudsman. The Office, under the auspices and general direction of the State Long-Term Care Ombudsman, shall carry out a long-term care ombudsman program in accordance with the Older Americans Act of 1965, as amended, and in accordance with federal ~~regulations~~ rules issued pursuant to the Older Americans Act.

B. 1. In accordance with the Older Americans Act of 1965, as amended and in accordance with federal ~~regulations~~ rules issued pursuant thereto, the State Long-Term Care Ombudsman and representatives of the Office shall have:

- a. access to long-term care facilities and residents,
- b. (1) access to review the medical and social records of a resident, if:
 - (a) the representative of the Office 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 and the representative of the Office obtains the approval of the State Long-Term Care Ombudsman, or
- (2) access to the records as is necessary to investigate a complaint if:
 - (a) a legal guardian of the resident refuses to give the permission,
 - (b) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident, and
 - (c) the representative obtains the approval of the State Long-Term Care Ombudsman,
- c. access to the administrative records, policies and documents, to which the residents have, or the general public has access, of long-term care facilities, and
- d. access to copies of all licensing and certification records maintained by the Department or any other agency of this state with respect to long-term care facilities.

2. For purposes of this subsection, the term "Representative of the Office" shall not include any unpaid or volunteer state, area, or local ombudsman.

SECTION 2. This act shall become effective November 1, 1996.

45-2-8176

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