

2023 Kansas Statutes

75-7309. Ombudsman access to records and documents concerning residents. (a) With the consent of the resident of the facility, the resident representative or next of kin of a deceased resident, an ombudsman shall have access to all records and documents kept for or concerning the resident.

(b) An ombudsman shall have access to all records and documents kept for or concerning a resident (1) in any case in which the resident is unable to consent and there is no resident representative, and (2) in a case in which (A) access to the records and documents is necessary to investigate a complaint, (B) the resident is unable to consent and the resident representative refuses to give permission for such access, (C) the investigating ombudsman has reasonable cause to believe that the resident representative is not acting in the best interests of the resident, and (D) the state long-term care ombudsman has approved such access by the investigating ombudsman.

(c) In addition, in assisting a resident of a facility, an ombudsman or volunteer ombudsman shall have access to all administrative records, policies and documents of the facility that the residents have or the general public has access to that are relevant to such assistance to the extent necessary to carry out the provisions of the long-term care ombudsman act.

History: L. 1980, ch. 291, § 5; L. 1990, ch. 328, § 9; L. 1998, ch. 101, § 10; L. 2018, ch. 38, § 5; July 1.