

1 (g) coordinate ombudsman services provided by the office with the
 2 protection and advocacy systems for individuals with developmental
 3 disabilities and mental illness established under part A of the federal
 4 developmental disabilities assistance and bill of rights act, 42 U.S.C.A. §
 5 6001 et seq., and under the federal protection and advocacy for mentally ill
 6 individuals act of 1986, public law 99-316;

7 (h) authorize an individual, who is an employee of the office and who
 8 has satisfactorily completed the training prescribed by the state long-term
 9 care ombudsman under subsection (f), to be an ombudsman or a volunteer
 10 ombudsman and to be a representative of the office and such an authorized
 11 individual shall be deemed to be a representative of the office for the
 12 purposes of and subject to the provisions of the long-term care
 13 ombudsman act;

14 (i) establish and maintain a system to recruit and train individuals to
 15 become volunteer ombudsmen;

16 (j) develop and implement procedures for authorizing and for
 17 withdrawing the authorization of individuals to be ombudsmen or
 18 volunteer ombudsmen to represent the office in providing ombudsmen
 19 services;

20 (k) provide services to residents of facilities throughout the state
 21 directly or through service providers to meet needs for ombudsmen
 22 services;

23 (l) collaborate with the Kansas department for aging and disability
 24 services to ~~establish a review and maintain the statewide system to effect~~
 25 ~~and analyze that collects and analyzes~~ information on complaints and
 26 conditions in facilities; and

27 (m) perform such other duties and functions as may be provided by
 28 law.

29 Sec. 5. K.S.A. 2017 Supp. 75-7309 is hereby amended to read as
 30 follows: 75-7309. (a) With the consent of the resident of the facility,
 31 ~~guardian of the resident representative or next of kin of a deceased~~
 32 ~~resident, an ombudsman or volunteer ombudsman~~ shall have access to all
 33 records and documents kept for or concerning the resident.

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

or an ombudsman

1 investigating ombudsman ~~or volunteer ombudsman~~
 2 (c) In addition, in assisting a resident of a facility, an ombudsman ~~or~~
 3 ~~volunteer ombudsman~~ shall have access to all records and documents of
 4 the facility which are relevant to such assistance to the extent necessary to
 5 carry out the provisions of the long-term care ombudsman act.

6 ~~(d) A volunteer ombudsman shall have access to the plan of care and~~
 7 ~~other records or documents kept for or concerning the resident to the same~~
 8 ~~extent and under the same circumstances as an ombudsman under this~~
 9 ~~section, except that a volunteer ombudsman shall not have access to any~~
 10 ~~such other records and documents that are privileged medical records.~~

11 Sec. 6. K.S.A. 2017 Supp. 75-7310 is hereby amended to read as
 12 follows: 75-7310. All information, records and reports received by or
 13 developed by an ombudsman or a volunteer ombudsman which relate to a
 14 resident of a facility, including written material identifying a resident or
 15 other complainant, are confidential and not subject to the provisions of
 16 K.S.A. 45-215 ~~to through 45-226, inclusive,~~ and amendments thereto, and
 17 shall not be disclosed or released by an ombudsman or a volunteer
 18 ombudsman, either by name of the resident or other complainant or of
 19 facts which allow the identity of the resident or other complainant to be
 20 inferred, except upon the order of a court or unless the resident or the
 21 resident's legal representative ~~or other complainant~~ consents in writing to
 22 such disclosure or release by an ombudsman or a volunteer ombudsman,
 23 except the state long-term care ombudsman shall forward to the secretary
 24 for aging and disability services ~~copies of reports received by the state~~
 25 ~~long-term care ombudsman a quarterly summary report~~ relating to the
 26 health and safety of residents ~~and complaints reported~~. A summary report
 27 ~~and findings shall may be forwarded to the facility posted on the SLTCDP~~
 28 ~~website quarterly,~~ exclusive of information or material that identifies
 29 residents or any other individuals.
 30 Sec. 7. K.S.A. 2017 Supp. 75-7302, 75-7303, 75-7304, 75-7306, 75-
 31 7309 and 75-7310 are hereby repealed.
 32 Sec. 8. This act shall take effect and be in force from and after its
 33 publication in the statute book.

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that the residents have or the general public has access to