

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: HB 240

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: O'Bannon

3. Committee: Health, Welfare and Institutions

4. Title: Office of State Long-Term Care Ombudsman; access to clients, patients, individuals, facilities, etc.

5. Summary: The substitute bill provides that the Office of the State Long-Term Care Ombudsman shall have access to client records, during the investigation of complaints, of licensed assisted living facilities, adult day care centers, hospices, home care organizations, certified nursing facilities, other providers licensed by the Department of Behavioral Health and Developmental Services, and providers of services provided by an area agency aging or private nonprofit or proprietary agency. The bill further requires that if an individual is unable to consent to the review of their medical records and has a legal representative that refuses to consent then the records can still be reviewed if the representative's refusal is deemed contrary to the best interests of the individual. Lastly, the bill requires that any records that are confidential under state or federal law shall be maintained as confidential by the Office of the State Long-Term Care Ombudsman.

6. Budget Amendment Necessary: No.

7. No Fiscal Impact

8. Fiscal Implications: This bill has no fiscal impact. It adds to the list of long-term care providers that must allow access to medical records by the Office of the State Long-Term Care Ombudsman during investigations of complaints filed with the office. In addition, it specifies how that access is granted if the client is unable to consent.

9. Specific Agency or Political Subdivisions Affected: Department for Aging and Rehabilitative Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.