

1996 SESSION

INTRODUCED

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HOUSE BILL NO. 1058

Offered January 22, 1996

A BILL to amend and reenact § 2.1-373.1 of the Code of Virginia, relating to State Long-Term Care Ombudsman.

Patrons—Ingram, Albo, Barlow, Callahan, Councill, Davies, Dudley, Grayson, Hall, Nixon, Purkey, Reid, Rollison, Ruff and Wagner; Senators: Hanger, Lambert and Newman

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-373.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-373.1. Access to residents, facilities and patients' records by Office of State Long-Term Care Ombudsman.

The ~~personnel~~ entity designated by the Department for the Aging to operate the programs of the Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act, Public Law 100-175, shall, in the investigation of complaints referred to the program, have the same access (i) to residents, facilities and patients' records of licensed adult care residences as is provided for in § 63.1-177 and (ii) to patients, facilities and patients' records of nursing facilities or nursing homes as is provided for in § 32.1-25, and shall have access to the patients, residents and patients' records of state hospitals operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. However, if a patient is unable to consent to the review of his medical and social records and has no legal guardian, such representatives shall have appropriate access to such records in accordance with the provisions above. Notwithstanding the provisions of § 32.1-125.1, the ~~personnel~~ entity designated by the Department for the Aging to operate the programs of the Office of the State Long-Term Care Ombudsman shall have access to nursing facilities and nursing homes and state hospitals as herein provided. Access to residents, facilities and patients' records shall be during normal working hours except in emergency situations.

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