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SENATE BILL NO. 572

Offered January 9, 2014

A BILL to amend and reenact § 51.5-140 of the Code of Virginia, relating to the Office of the State Long-Term Care Ombudsman.

Patron—Barker

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 51.5-140 of the Code of Virginia is amended and reenacted as follows:****§ 51.5-140. Access to residents, facilities, and patients' records by Office of State Long-Term Care Ombudsman.**

The entity designated by the Department to operate the programs of the Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act (42 U.S.C. § 3001 et seq.), shall, in the investigation of complaints referred to the program, have the same access to the facilities providing services, the client, and, upon the consent of the client or his legal representative, the records of (i) residents, facilities, and patients' records of licensed adult care residences in accordance with § 63.2-1706 and licensed assisted living facilities as defined in § 63.2-100; (ii) patients, facilities, and patients' records of licensed adult day care centers as defined in § 63.2-100; (iii) home care organizations as defined in § 32.1-162.7; (iv) hospice facilities as defined in § 32.1-162.1; (v) certified nursing facilities or nursing homes in accordance with § 32.1-25, and shall have access to the individuals receiving services and their records in as defined in § 32.1-123; (vi) providers as defined in § 37.2-403; (vii) state hospitals or training centers operated by the Department of Behavioral Health and Developmental Services; and (viii) area agencies on aging or any entity providing services pursuant to a contract with an area agency on aging. However, if a patient or individual receiving services client is unable to consent to the review of his medical and social records and has no legal guardian representative, such representatives the entity designated by the Department to operate the programs of the Office of the State Long-Term Care Ombudsman shall have appropriate access to such records in accordance with this section the client's records if necessary to investigate a complaint. If the client's legal representative refuses to consent and reasonable cause exists to believe the legal representative is not acting in the client's best interest, the entity designated by the Department to operate the programs of the Office of the State Long-Term Care Ombudsman shall have access to the client's records. Notwithstanding the provisions of § 32.1-125.1, the entity designated by the Department 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 in accordance with this section. Access to patients, residents, individuals receiving services facilities, clients, and their records, and facilities, and state hospitals shall be available during normal working hours except in emergency situations.

INTRODUCED

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