



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, Washington 98504-5600

October 31, 2024

ALTSA: CCRSS #2024-031
DEVELOPMENTAL DISABILITIES OMBUDS ACCESS
TO CCRSS CLIENTS AND CLIENT RECORDS

Dear Provider:

This letter replaces previously published provider letter, CCRSS #2018-002

The Aging and Long-Term Support Administration (ALTSA) is committed to working in partnership with the Developmental Disabilities (DD) Ombuds program and residential care providers to promote and protect the rights, security, and well-being of residents.

Recently, ALTSA received a report that a representative of the Long-Term Care Ombuds office was refused admission to a facility while attempting to complete official duties. Although this did not take place in a Certified Community Residential Services and Supports (CCRSS) client home we are writing to draw attention to state laws requiring access to homes by the DD Ombuds. DD Ombuds access to homes and clients must be provided without interruption and in accordance with Revised Code of Washington (RCW), and Washington Administrative Code (WAC).

As providers who contract and partner with DSHS to provide residential care, it is critical we highlight the ongoing need for training to enhance staff expertise for residents' rights. Gatekeepers have a critical role to ensure public safety and protect residents' rights.

- [Chapter 43.382 RCW](#) – Developmental Disabilities Ombuds
- [Chapter 71A.26 RCW](#) – Client Rights
- [Chapter 74.34 RCW](#) – Abuse of Vulnerable Adults

This list is not exhaustive, and more are listed below signature. This letter serves as a reminder of statutory requirements that support the purpose of the DD Ombuds Program - to promote the interests, well-being, and rights of long-term care facility residents.

Additionally, Ombuds have the right to examine a resident's clinical records in the following circumstances:

- The resident or the resident's surrogate decision maker gives consent; or
- If the resident is incapacitated and has no surrogate decision maker; or
- If a resident's surrogate decision maker objects to resident record review by the Ombuds, and prior authorization is obtained from the state Ombuds or their designee pursuant to [RCW 43.190.065](#).

To safeguard resident rights and ensure compliance with both federal and state laws, it's crucial that CCRSS providers continue ongoing training and ensure ALL staff understand Ombuds access requirements. Training should also focus on access outside the standard business office hours of Monday through Friday from 8am to 5pm. This training should include the difference between the role of staff from Residential Care Services and the role of the Ombud's. Please refer to the following state rules for additional guidance:

- [Chapter 365-18 WAC](#) – LTC Ombudsman Program, Department of Community, Trade, and Economic Development.

ALTSA Provider Letter: **LONG-TERM CARE (LTC) OMBUDS ACCESS TO RESIDENTIAL CARE FACILITY RESIDENTS AND RESIDENT RECORDS**

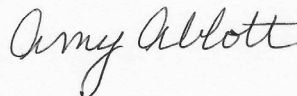
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- [Chapter 71A.26 RCW](#) Client Rights
- [Chapter 43.382 RCW](#) – Developmental Disabilities Ombuds
- [Chapter 74.34 RCW](#) -Abuse of Vulnerable Adults

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact: Debbie Hoeman, CCRSS Policy Program Manager, at (360) 764-6632 or RCSPolicy@dshs.wa.gov.

Sincerely,



Amy Abbott, Director
Residential Care Services

DSHS: “Partnering with People”

Authority to access homes and clients:

State Laws and Regulations (RCW and WAC)

- [RCW 43.190.030 \(3\)](#) Establish procedures consistent with RCW 43.190.110 for appropriate access by long-term care ombuds to long-term care facilities
- [RCW 43.190.080 \(1\)](#) The office of the state long-term care ombudsman shall have access to residents with provisions made for privacy for the purpose of hearing, investigating, and resolving complaints of, and rendering advice to, individuals who are patients or residents of the facilities at any time deemed necessary.
- [WAC 365-18-100 \(1\)](#) All ombudsmen shall have access to all long-term care facilities and residents at any time deemed necessary and reasonable to effectively carry out the ombudsman duties set forth in this chapter, chapter 43.190 RCW, and federal law.

Interference:

State Laws and Regulations (RCW and WAC)

- [RCW 74.39A.060\(7\)](#) A facility that provides long-term care services shall not willfully interfere with the performance of official duties by a long-term care ombuds. The department shall sanction and may impose a civil penalty of not more than three thousand dollars for a violation of this subsection.
- [WAC 365-18-120 \(1\)](#) It is unlawful under 42 U.S.C. Sec. 3058g(j) and RCW 43.190.090 to take any discriminatory, disciplinary, or retaliatory action against the following persons: (a) Any employee of a facility or agency; (b) Any resident or client of a long-term care facility or family member of a resident; (c) Any ombudsman; or (d) Any person; for any communication made, or information given or disclosed, to an ombudsman carrying out his or her duties unless that person acted maliciously or without good faith. (2) It is unlawful to willfully interfere with ombudsmen in the performance of their official duties. (3) No ombudsman shall be liable for good faith performance of his or her duties under this chapter, chapter 43.190 RCW, or federal law.
- [WAC 365-18-100\(4\)](#) Ombudsmen shall have private access to residents without willful interference from the facility or the resident's representative, including a guardian, family member, or holders of powers of attorney.