



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

October 13, 2014

**AL TSA: NH #2014-022**  
**LONG-TERM CARE OMBUDS ACCESS TO RESIDENT INFORMATION AND RECORDS**

Dear Nursing Facility/Home Administrator:

Residential Care Services is pleased to work in partnership with providers and the State Long-Term Care Ombuds Program (Ombuds Program) in order to promote and protect the rights, security, and well-being of the residents living in Nursing Homes. In July 2014, I issued a letter describing the role of the Ombuds, as required by the federal Older Americans Act and state law. Based upon recent questions and concerns, I am providing an update and clarification to that letter. This letter replaces the July 2014 letter (NH #2014-008).

The citations in this letter refer to the Revised Code of Washington (RCW), and the Washington Administrative Code (WAC).

Facilities are expected to accommodate representatives of the Ombuds Program. Upon request, representatives of the Ombuds Program must present proper identification (that is, a badge and/or identification card).

**Access to Residents and Residents' Representatives**

- Residents have the right to unrestricted private visits from the Ombuds at all times. RCW 70.129.090; WAC 365-18-100; WAC 388-97-0520(1)
- Facilities must provide privacy during visits to allow the Ombuds to perform his or her legally required duties. WAC 365-18-080(3); WAC 365-18-100(3)
- The Ombuds has several duties that require active outreach and access to residents and residents' representatives. When requested, facilities must give contact information for residents' representatives to the Ombuds Program. WAC 365-18-060
- Representatives of the Ombuds Program have the right to immediate and private access to residents, including for the purpose of asking residents if they want to talk. Residents always have the right to choose whether or not they wish to receive visitors, including visitors from the Ombuds Program. WAC 388-97-0180, WAC 388-97-0240, WAC 388-97-0520

**Access to Records**

- The Ombuds Program has the right to access and copy a resident's confidential records when:
  - The resident consents;
  - The resident is unable to consent and does not have a representative; or
  - The resident's representative refuses access, and the Ombuds reasonably believes that the representative is not acting in the resident's best interest. WAC 388-97-0520(3); WAC 365-18-100(5)
- The Ombuds Program has the right to access and copy facility/home records and policies that the residents and the general public have access to review and copy. WAC 365-18-100(5)

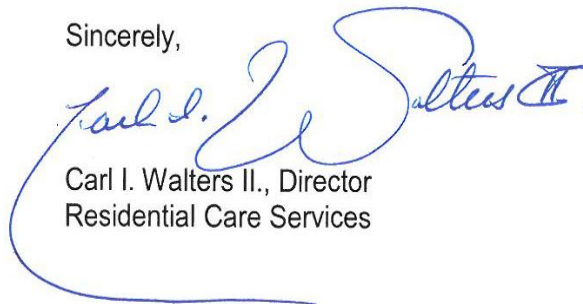
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**Interference Not Allowed**

- Facilities must not interfere with the Ombuds Program's performance of duties or the Ombuds' private access to residents. WAC 388-97-0460(3)
- Residents' representatives, including guardians, family members, and holders of powers of attorney, must not interfere with the Ombuds' private access to residents. WAC 365-18-100(4)

If you have any questions about the Ombuds Program, feel free to contact your local representative or RCS Field Manager.

Sincerely,

A handwritten signature in blue ink that reads "Carl I. Walters II." The signature is stylized and cursive, with a large, sweeping flourish at the end.

Carl I. Walters II., Director  
Residential Care Services

*"Transforming Lives"*