

<b>LONG TERM CARE OMBUDSMAN PROGRAM Confidentiality</b>	<b>DAIL – LTCOP – 16.25</b>
<b>Effective Date: December 30, 2009 Revised Date: July 1, 2017 Previous Revised: January 4, 2016</b>	<b>Page 1 of 1</b>

### **Policy Statement**

All investigatory files, complaints, responses to complaints and all other information related to any complaint or investigation maintained by the Long-Term Care Ombudsman Program shall be considered confidential information.

**Legal Authority:** OAA Section 307(12) (B) (D);  
910 KAR 1:210 Section 9

### **Procedure**

- 1) No person who gains access to residents' records shall discuss or disclose information in the records or disclose a resident's identity outside of the program without written consent of such resident or resident's legal representative.
- 2) Information or records maintained by the Long-Term Care Ombudsman Program (LTCOP) shall be disclosed only at the discretion of the Kentucky Long-Term Care Ombudsman (KLTCO).
- 3) The identity or identifying information of any complainant or resident shall not be disclosed by the KLTCO except:
  - a) The resident, or legal representative consents in writing to the disclosure;  
or
  - b) A court orders the disclosure.
- 4) Maintaining records:
  - a) All complain/discharge and transfer files maintained by the program are to be in a locked file cabinet.
  - b) Computer data systems shall have secure access codes;
  - c) Computer data software shall be stored in a secured file cabinet.