**GUIDE FOR RELEASE OF OMBUDSMAN RECORDS**

Source of Request

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| **The request for LTCO records is made**  **by….** | **THEN the LTCO or designee shall….** |
| A resident or resident representative (POA or Guardian). Ombudsman needs copy of verification of relationship. | Contact the SLTCO for approval;   * Provide the case numbers of records requested to the SLTCO for review and details of the request; * With approval, release records generated by the LTCO which are directly relevant to that resident provided that the identity of other residents or complainants is redacted; |
| A complainant if not the resident | * The request will be submitted in writing per (OM) * The Local Ombudsman will notify the SLTCO; * Provide the case numbers of records requested to the SLTCO for review; * With the approval for the release of records by the resident or representative, relevant records may be released; * The SLTCO and Local Ombudsman will determine that the release is not in conflict with the wishes or interests of the relevant resident; and * The identity of other residents or complainants will be redacted. |
| Another agency or program | Records will be released only if:   * The request will be submitted in writing per (OM) * Contact the SLTCO for approval; * Provide the case numbers of records requested to the SLTCO for review; * The resident or the resident representative communicates informed consent to the disclosure and the consent is given in writing or through the use of auxiliary aids and services; * The resident or resident representative communicates informed consent orally, visually, or through the use of auxiliary aids and services and such consent is documented contemporaneously by a representative of the Office in accordance with such procedures; * The identities of residents or complainants who have not provided consent (outlined above) for the release of their names are not revealed or; * The disclosure is required by court order. |

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| GUIDE FOR RELEASE OF OMBUDSMAN RECORDS (cont.) | **3rd party records will not be released without a court order.** |
| **The request for LTCO records is made by…** | **THEN the LTCO or designee shall….** |
|  | **NOTE**: **Where federal requirements conflict with Idaho State law, the federal requirement takes**  **precedence**. |
| A judge | Contact the SLTCO for approval;   * Provide a copy of the Court order to SLTCO; * Provide the case numbers of records requested to the SLTCO for review; * Release any records directly; responsive to a court order; and * Provide an explanation to the court regarding the importance of not revealing the identity of residents and complainants and/or requesting the court to seal the LTCO records where the SLTCO determines   that the release of records would be inconsistent with the wishes or interests of the resident. |
| Any other party | Contact the SLTCO for approval and release the records  only if:   * The request is made in writing (OM) * The resident or the resident representative communicates informed consent to the disclosure and the consent is given in writing or through the use of auxiliary aids and services; * The resident or resident representative communicates informed consent orally, visually, or through the use of auxiliary aids and services and such consent is documented contemporaneously by a representative of the Office in accordance with such procedures; * (IF the resident is unable to provide consent, the resident’s legal representative may provide consent),and * The identities of residents or complainants who have not provided consent outlined above (for the release of their names) are not revealed. * The disclosure is required by court order. * Provide the SLTCO the case numbers of records being requested for review. |