**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;
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| 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.
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| 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.
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