

1 AMENDMENT TO SENATE BILL 1067

2 AMENDMENT NO. _____. Amend Senate Bill 1067 on page 1, by
3 replacing line 11 with the following: "in accordance with the
4 provisions of the"; and

5 on page 2, line 22, after "Act" by inserting "of 1965, as now
6 or hereafter amended, and Departmental policy"; and

7 on page 2, by replacing lines 29 and 30 with the following:
8 "by the Department in rules and in accordance with the
9 provisions of the Older Americans Act of 1965, as now or
10 hereafter amended."; and

11 on page 3, line 3, by deleting "designated"; and

12 on page 3, by replacing lines 6 through 8 with the following:
13 "The Department, in consultation with the Office, shall
14 promulgate administrative rules in accordance with the
15 provisions of the Older Americans Act of 1965, as now or
16 hereafter amended, to"; and

17 on page 3, by replacing line 24 with the following:
18 "regulatory State agency. The Department, in consultation
19 with the Office, shall"; and

20 on page 4, by replacing lines 18 through 20 with the
21 following:

1 "Office appropriate access, as defined by the
2 Department, in consultation with the Office, in
3 administrative rules, to the resident's records."; and

4 on page 4, line 29, by changing "any designated" to "any";
5 and

6 on page 5, line 4, by changing "any designated" to "any"; and

7 on page 5, line 11 by changing "any designated" to "any"; and

8 on page 5, by replacing lines 15 and 16 with the following:

9 "(3) The Director of Aging, in consultation with the
10 Office, shall notify the State's Attorney of the county
11 in"; and

12 on page 5, by replacing lines 21 through 33 with the
13 following:

14 "(g) Confidentiality of records and identities. The
15 Department shall establish procedures for the disclosure by
16 the State Ombudsman or the regional ombudsmen entities of
17 files maintained by the program. The procedures shall provide
18 that the files and records may be disclosed only at the
19 discretion of the State Long Term Care Ombudsman or the
20 person designated by the State Ombudsman to disclose the
21 files and records, and the procedures shall prohibit the
22 disclosure of the identity of any complainant, resident,
23 witness, or employee of a long term care provider unless:

24 (1) the complainant, resident, witness, or employee
25 of a long term care provider or his or her legal
26 representative consents to the disclosure and the consent
27 is in writing;

28 (2) the complainant, resident, witness, or employee
29 of a long term care provider gives consent orally; and
30 the consent is documented contemporaneously in a writing
31 in accordance with such requirements as the Department

1 shall establish; or

2 (4) the disclosure is required by court order.

3 ~~No files or records maintained by the Office of State~~
4 ~~Long-Term Care Ombudsman shall be disclosed unless the State~~
5 ~~Ombudsman or the ombudsman having the authority over the~~
6 ~~disposition of such files authorizes the disclosure in~~
7 ~~writing. The ombudsman shall not disclose the identity of any~~
8 ~~complainant, resident, witness or employee of a long-term~~
9 ~~care provider involved in a complaint or report unless such~~
10 ~~person or such person's guardian or legal representative~~
11 ~~consents in writing to the disclosure, or the disclosure is~~
12 ~~required by court order.~~

13 on page 6, line 1, by changing "any designated" to "any".