

Sec. 17b-411-10. Confidentiality and Disclosure.

(a) For purposes of this section, the terms “records” or “files” mean all documentation including, but not limited to, complaints, reports, findings, medical and social records of residents or information accessed or collected to conduct an investigation of a complaint.

(b) **Maintenance of Records.** The Long-Term Care Ombudsman Program records shall be maintained in a secure location to ensure confidentiality. Measures shall be implemented by the host agency and the local ombudsman entity to ensure the privacy of Regional Ombudsmen and the State Ombudsman with respect to the receipt of complaints by mail, fax or telephone.

(c) **Confidentiality.** All records and files maintained by the Long-Term Care Ombudsman Program shall remain confidential, unless otherwise provided under state or federal law.

(d) **Disclosure.** Subject to subsection (e) of this section, records maintained by the Long-term care ombudsman program may not be disclosed to any individual or entity unless the State Ombudsman authorizes the disclosure. The State Ombudsman or the person designated by the State Ombudsman may, at their discretion, disclose information to other persons or agencies when the Ombudsman determines that such release is in the best interest of the resident or resident population.

(e) The State Ombudsman, or any representative of the Long-Term Care Ombudsman Program, shall not release the identity of a complainant or a resident, either by name or by release of sufficient facts to allow the identity of the complainant or resident to be inferred, unless:

(1) The complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure in writing; or

(2) a court orders the disclosure in the course of a legal proceeding.

(f) **Requests for Disclosure.** Requests by the parties involved in a complaint to review the report of findings shall be made in writing to the State Ombudsman.

(1) No records, required by state or federal law to be kept confidential, shall be released to any party except with the written consent of the resident or the resident’s legal representative.

(2) Upon receipt of authorization the Long-Term Care Ombudsman’s Office shall have ten days to provide the requested documentation.

(3) Materials, reports, records or other information utilized by the Volunteer Resident Advocate, Regional Ombudsmen or State Ombudsman in the investigation of the complaint or report and used to prepare a report of findings shall not be considered public information and shall, therefore, not be available for review.

(Effective April 3, 2013)