

1 AMENDMENT TO HOUSE BILL 1484

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1484 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".