



ODIN Case #:

Resident Name:

Place of Residence:

Person Completing Consent Form:

Resident

Resident Representative

Ombudsman Representative

Name of Ombudsman Representative Obtaining Consent:

I authorize representatives of the Long-Term Care Ombudsman Program to advocate for me in the resolution of my complaint(s) and:

1. Access and make copies of my medical, social, and other records to assist in the resolution of my complaints *except* as stated below.

Yes

No

N/A

Exception(s):

2. Take and disclose photographs of me or my circumstances to assist in the resolution of my complaints.

Yes

No

N/A

3. Access financial institution records listed below, as authorized by Government Code Section 7480(b)-(e).

Yes

No

N/A

Name of Institution(s) and Targeted Account(s):



4. Disclose my file, records, and other information obtained by the Ombudsman representative, including my identity, to long-term care facility staff, licensing and law enforcement agencies, or other organizations that may be of assistance in the resolution of my complaints except as stated below.

Yes

No

N/A

Exception(s):

I understand that there may be circumstances where my file, records, and other information, including my identity, may be disclosed, regardless of my consent. Such circumstances include, but are not limited to, when production is mandated by court order.

This authorization is effective immediately and will remain in effect until my complaints are resolved. I understand that this document is required as part of the record of my complaint investigation, and that I have a right to a free copy of this signed authorization form.

**Signature of Resident or
Resident Representative**

Print Name

Date



AUTHORIZATION BY RESIDENT'S ORAL CONSENT

I understand the terms of this authorization, but I am unable to provide my signature. I have given my consent orally, visually, or through the use of auxiliary aids and services to the items noted above, and my consent has been documented by a representative of the Long-Term Care Ombudsman Program.

Signature of LTCOP Representative

**Signature of Third-Party Witness if
Accessing Records**

Print Name

Date

Print Name

Date

Copy of Consent provided to:

Resident

Resident Representative

Not Requested

Basis for Resident Representative's Authority (if applicable):

Designated Agent through an Advance Health Care Directive

Designated Agent through a Power of Attorney

Court-appointed Guardian or Conservator

Spouse or Registered Domestic Partner

Next-of-Kin

Executor

Court-appointed Personal Representative

Other:

Provide documentation to verify authority to represent the resident to the local LTCOP.



Instructions to the Ombudsman Representative Completing this Form:

Use this form to document consent from a resident or resident's representative to access and disclose confidential resident information that would assist you in the resolution of a complaint. Do not use this form to authorize the release of confidential information to any organization, attorney or others in a civil matter. Use OSLTCO S202 for that purpose.

You must obtain resident consent to investigate prior to the start of a complaint investigation and document consent in the case record. You will use this form to obtain signed consent before accessing resident records or disclosing resident information to others. You must include documentation of all consent in the case/complaint record retained by the local Ombudsman Program. (42 U.S.C. § 3058g (b)(1)(B)(i)(I); 45 C.F.R. § 1324.19(b); Welf. & Inst. Code § 9724)

Where a resident can communicate informed consent orally, visually, or through the use of auxiliary aids and services, but is unable to provide written consent to access resident records or disclose resident information, you may obtain consent from the resident using the resident's preferred method. If non-written consent includes access to medical, social, or other resident records contained in the facility, have a third party sign this form as a witness. (Welf. & Inst. Code § 9724(b)) The third-party witness may be a family member, another resident with capacity, or another Ombudsman representative.

If the resident is unable to communicate informed consent, seek consent from a resident representative: 1) a court-appointed guardian or conservator (Prob. Code § 1800 et seq.), 2) the resident's designated agent through an advance health care directive or power of attorney for health care (Prob. Code § 4670 et seq.), 3) the resident's next of kin (Cobbs v. Grant (1972) [8 Cal.3d 299] and other case law).

Please note that Ombudsman access is limited to information pertinent to the particular complaint. If there are records that the resident does not wish you to access, list those records in the "exceptions" space below the authorization statement.

If any of the items 1-4 on this form are not applicable to a complaint, check the N/A box for that item.

If the resident does not want his or her identity disclosed to particular organizations or persons, list those organizations or persons in the "exceptions" space below the disclosure authorization statement. (42 U.S.C. § 3058g (d); Welf. & Inst. Code § 9725).

Be advised that there are circumstances when the consent of the resident will not be necessary to release resident information, including when we receive a request for patient records or information through a court order or from a licensing agency or law enforcement agency (42 U.S.C. § 3058d(a)(6)(C)(ii)-(iii); 42 U.S.C. § 3058i(e)(2)(B)-(C); Welf. & Inst. Code § 9725). As such, inform the resident that there may be times when disclosure without consent may be necessary.



Under Government Code section 7480, certified Ombudsman representatives may access financial institution (bank, credit union, savings association) information when investigating financial abuse. The financial institution is to disclose whether the resident has any accounts at the institution and any identifying numbers of those accounts. (Gov. Code § 7480 (e)) When a police department, sheriff's department or district attorney provides written certification to the financial institution that a crime report has been filed alleging the fraudulent use of a resident's accounts, the bank or financial institution must provide information related to specific accounts at the request of the Ombudsman representative. (Gov. Code §§ 7480 (b)-(d))

The U.S. Department of Health and Human Services has determined that the State Long-Term Care Ombudsman and designated Ombudsman entities and representatives are "health oversight agencies" for the purposes of the HIPAA Privacy Rule. (45 C.F.R. § 164.501) This means that for HIPAA purposes, certified Ombudsman representatives have the same right to access residents' health records and other appropriate information as any other health oversight agency, including licensing agencies. Nursing homes and other HIPAA-covered entities may share protected health information with certified Ombudsman representatives without violating the Privacy Rule. (45 C.F.R. § 1324.11(e)(2)(vii); AoA-IM-03-01)