

Salt Lake County Aging Services Ombudsman Program
Self-Study Module
Ombudsman Best Practices: Confidentiality

Instructions:

- 1) Read *Ombudsman Best Practices: Confidentiality*, National Long Term Care Ombudsman Resource Center, December, 2000.
 - 2) Take the following review quiz.
 - 3) Return the Booklet and quiz to the volunteer coordinator.
 - 4) After the volunteer coordinator reviews and scores the quiz, a copy will be returned to you with corrections.
 - 5) You will receive 2 hours credit towards your annual re-certification. (Certified Ombudsmen are required to have 24 hours of on-going training, and QIS are required to have 12 hours of on-going training annually).
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1. List 7 reasons for such great importance being placed on confidentiality.
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
 - g. _____

Underlying Principles:

2. The ombudsman practice must always be _____-driven and _____-centered.
3. The ombudsman first seeks to _____ and _____ residents to advocate for themselves.
 - a. ___ advocate
 - b. ___ take charge of the problems
 - c. ___ empower
 - d. ___ educate
4. Ombudsmen must be guided by _____ and _____ and pace in matters of confidentiality.
 - a. ___ regulations and consciousness
 - b. ___ resident's wishes
 - c. ___ Other: _____

Promoting and preserving confidentiality in four areas of ombudsman work:

5. There are four areas of ombudsman practice in which State Ombudsman need to ensure confidentiality. Please list each of the four:
 - a. _____
 - b. _____
 - c. _____
 - d. _____

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6. Under what circumstances may the identity of any complainant or resident with respect to whom the Office maintains such files or records be revealed?
- a. The complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing.
 - b. The complainant or resident gives consent orally; and the consent is documented contemporaneously in a writing made by a representative of the Ombudsman Program in accordance with such requirements as the State agency shall establish.
 - c. the disclosure is required by court order.
7. In order for the consent to be 'informed', this involves two important considerations:
- a. The possible difficulties in investigating and resolving problems if identity is not revealed.
 - b. The possible risks of consenting to the disclosure of identity and the limits of confidentiality.
 - c. The type of complaint being followed up on. If it is a systemic issue being addressed you will never need an informed consent signed.
8. True False Ombudsmen should approach the disclosure of identity the same way that they approach the problem resolution process.
9. If the ombudsman believes that they need to disclose the resident's and/or complainant's identity to additional people or entities, what does the ombudsman need to do?

When Consent is Refused or the Resident is Unable to give it

10. If the ombudsman determines that it is the only way to resolve a problem for the resident and/or complainant, the ombudsman may by-pass the resident's or complainant's decision to refuse disclosure of their identities.
 True False
11. What questions would the SLTCO ask in order to determine that the release of records was not consistent with the wishes or interests of the resident?
- 1. _____
 - 2. _____
 - 3. _____
 - 4. _____
 - 5. _____

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12. What could be appropriate circumstances which would justify releasing LTCOP records without consent?
- a. The ombudsman would not otherwise be able to resolve the case.
 - b. The ombudsman is witness to a felony.
 - c. A threat or threats of bodily harm are communicated to the ombudsman.
 - d. A threat or threats of extensive property damage are communicated to the ombudsman.
13. The inability to consent applies only to disclosure of identity and not consent to work on the complaint.
 True False.
14. Does the ombudsman try to resolve a problem on the resident's behalf without consent when the resident is unable to give it?
 Yes No
Explain: _____

Sharing Ombudsman Program Information

15. Under the Older American's Act (OAA) are ombudsmen permitted to disclose resident and complainant identities or identifying information without consent to anyone outside of the ombudsman program (i.e. AG's office, APS, etc.)?
 Yes No
Explain: _____

16. When making a complaint referral to the state survey team it is not necessary to get consent from the resident.
 True False

Program Files and Records

17. Under the OAA, ombudsman program files and records can only be disclosed with the permission of :
- a. the resident
 - b. the complainant
 - c. the local ombudsman program manager
 - d. the state ombudsman