216.541 Willful interference with representatives of Office of the Long-Term-Care Ombudsman prohibited -- Retaliation against complainant prohibited -- Penalty -- Liability insurance for representatives of the ombudsman program.

(1)   Willful interference, as defined in KRS 216.535, with representatives of the Office of the Long-Term-Care Ombudsman in the lawful performance of official duties, as set forth in the Older Americans Act, 42 U.S.C. secs. 3001 et seq., shall be unlawful.

(2)   Retaliation and reprisals by a long-term-care facility or other entity against any employee or resident for having filed a complaint or having provided information to the long-term care ombudsman shall be unlawful.

(3)   A violation of subsection (1) or (2) of this section shall result in a fine of one hundred dollars ($100) to five hundred dollars ($500) for each violation. Each day the violation continues shall constitute a separate violation. The manner in which appeals are presented for violations of this section shall be in accordance with administrative regulations prescribed by the secretary for determining the rights of the parties. All fines collected pursuant to this section shall be used for programs administered by the Department for Aging and Independent Living.

(4)   The Cabinet for Health and Family Services shall authorize the acquisition of liability insurance for the protection of representatives of the Long-Term-Care Ombudsman Program who are not employed by the state, to ensure compliance with the federal mandate that no representative of the office shall be liable under state law for the good faith performance of official duties.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 24, sec. 20, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 486, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 6, sec. 29, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 430, effective July 15, 1998. -- Created 1990 Ky. Acts ch. 235, sec. 3, effective July 13, 1990.