

**75-7305. State long-term care ombudsman duties; avoidance of conflicts of interest; availability of legal counsel; resources to provide remedies; contracts for services, limitation, bidding exemption; grants and donations.** (a) The state long-term care ombudsman shall ensure that:

(1) No individual involved in the authorization of any individual to represent the office as an ombudsman or a volunteer ombudsman is subject to a conflict of interest;

(2) no officer, employee or other representative of the office is subject to a conflict of interest;

(3) policies and procedures are in place to identify and remedy all conflicts of interest specified under paragraphs (1) and (2);

(4) legal counsel is available to the office for advice and consultation and that legal representation is provided to any ombudsman against whom suit or other legal action is brought in connection with the performance of the ombudsman's official duties; and

(5) the office has the ability to pursue administrative, legal and other appropriate remedies on behalf of residents of facilities.

(b) The state long-term care ombudsman may enter into contracts with service providers to provide investigative, legal, public education, training or other services as may be required to assist the state long-term care ombudsman in providing ombudsman services to residents of facilities or as otherwise required to carry out the powers, duties and functions of the office. Contracts entered into under this subsection shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto. No contract may be entered into by the state long-term care ombudsman to privatize the office or to otherwise provide that all or substantially all of the ombudsman services or functions of the office are to be performed by one or more service providers.

(c) For the purposes of carrying out the powers and duties of the office of the state long-term care ombudsman, the state long-term care ombudsman may request and accept a grant or donation from any person, firm, association or corporation or from any federal, state or local governmental agency and may enter into contracts or other transactions with any such person or entity in connection with the grant or donation.

**History:** L. 1990, ch. 328, § 2; L. 1998, ch. 101, § 6; June 14.