§ 13.34 On-site client advocacy in developmental centers.

1. There shall be at each developmental center facility listed in section 13.17 of this article, an ombudsman who shall be an employee of the justice center for the protection of people with special needs under article twenty of the executive law and who shall be responsible for receiving and responding to any complaints regarding individuals receiving services residing in such facility. The ombudsman shall have the following powers and duties:

i. to advise and consult with individuals receiving services, parents, guardians, correspondents and other interested persons with respect to any complaints, or issues related to individuals receiving services;

ii. to review and attempt to remedy specific complaints with responsible and appropriate staff;

iii. where it appears that care has not been rendered as required by applicable standards to refer the complaint to the appropriate agency or body for its attention;

iv. to receive and keep confidential any complaint, information or inquiry from any source. The records of the ombudsman shall be confidential, and shall not be available to the public;

v. to advise and consult with the board of visitors served by the ombudsman with respect to any complaints or issues relating to individuals receiving services, treatment and care and to regularly attend the meetings of such board; and

vi. to meet with the commissioner, or a representative of the commissioner, on a quarterly basis regarding systemic issues in the ombudsman's jurisdiction.

2. The ombudsman shall be afforded initial training and orientation by the justice center for the protection of people with special needs.

3. The director of each developmental center shall insure that parents, guardians and correspondents of clients and other interested persons at the facility under his direction are informed with respect to the existence and duties of the ombudsman established pursuant to this section by regularly and conspicuously posting the name, location and duties of the ombudsman within such facility.

4. The facility director shall insure that each ombudsman is given reasonable and private office quarters, including a means of record keeping, on the grounds of the facility under his or her direction and that adequate administrative resources are provided to the ombudsman for the purpose of carrying out the duties prescribed by this section.

5. No one shall prevent or inhibit the ombudsman from reasonably executing the powers and duties prescribed by this section.