

**43.035 Commonwealth Office of the Ombudsman -- Duties -- Expenses charged to entity under review.**

- (1) The Commonwealth Office of the Ombudsman is hereby created as an office within the Auditor of Public Accounts. The Auditor shall appoint an executive director of the Commonwealth Office of the Ombudsman, who shall serve as the ombudsman and be responsible for overseeing the operations of the office.
- (2) The Commonwealth Office of the Ombudsman shall:
  - (a) Investigate, upon complaint or on its own initiative, any administrative act or inaction of an organizational unit, employee, or contractor of the Cabinet for Health and Family Services without regard to the finality of the administrative act or inaction. Organizational units, employees, or contractors of the Cabinet for Health and Family Services shall not willfully obstruct an investigation, restrict access to records or personnel, or retaliate against a complainant or cabinet employee;
  - (b) Make recommendations that resolve citizen complaints about the Cabinet for Health and Family Services and improve the cabinet's performance and may require corrective action when policy violations are identified;
  - (c) Provide evaluation and information analysis of the Cabinet for Health and Family Service's performance and compliance with state and federal law;
  - (d) Place an emphasis on research and best practices, program accountability, quality service delivery, and improved performance of the Cabinet for Health and Family Services;
  - (e) Provide information on how to contact the office in poster, brochure, pamphlet, or other format to the Cabinet for Health and Family Services, which shall print and publicly post or otherwise make the information available at all offices where Department for Community Based Services of the Cabinet for Health and Family Services employees or contractors work, at any facility where a child in the custody of the cabinet resides, and to all cabinet or contracted foster parents in a manner approved by the ombudsman;
  - (f) Report to the Cabinet for Health and Family Services, Office of Inspector General for review and investigation:
    1. Any charge or case against an employee of the Cabinet for Health and Family Services where it has cause to believe the employee has engaged in dishonest, unethical, or illegal conduct or practices related to his or her job duties; or
    2. A violation of state law or administrative regulation by any organization or individual regulated by or contracted with the cabinet;
  - (g) Compile a report of all citizen complaints about programs or services of the Cabinet for Health and Family Services and a summary of resolution of the complaints and submit the report upon request to the Interim Joint Committee on Health Services and the Interim Joint Committee on Families and Children;
  - (h) Provide information to the Office of the Attorney General, when requested, related to substantiated violations of state law against an employee or

contractor of the Cabinet for Health and Family Services or a foster or adoptive parent;

- (i) Notwithstanding any other provision of law, maintain confidentiality except when disclosures may be advisable in the ombudsman's judgment to enable the office to carry out its duties and to support recommendations; and
  - (j) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary to perform its duties as specified in this chapter.
- (3) Any expense incurred by the Commonwealth Office of the Ombudsman for discretionary investigations, reviews, evaluations, information analysis, or other work performed under this section at the direction of the ombudsman shall be charged to the entity that is the subject of that work at the same rate as established by the Auditor for audit work done pursuant to KRS 43.050. The Commonwealth Office of the Ombudsman shall maintain records of all time and expenses for such work.

**Effective:** March 27, 2025

**History:** Amended 2025 Ky. Acts ch. 117, sec. 21, effective March 27, 2025. -- Created 2023 Ky. Acts ch. 124, sec. 86, effective July 1, 2024.

**Legislative Research Commission Note (7/1/2024).** Pursuant to Ky. Acts ch. 124, sec. 103, a reference to the Interim Joint Committee on Health, Welfare, and Family Services in subsection (7) of this section has been changed in codification to the Interim Joint Committee on Health Services and the Interim Joint Committee on Families and Children.