

F583 – Privacy & Confidentiality

F583 in [Appendix PP](#) relates to privacy and confidentiality including the following components:

- The resident's medical and personal records.
- Written, Spoken and Electronic Communication
- Personal care
- Visits
- Meeting with resident groups

While the resident has the right to privacy, this regulation requires that the nursing home allow access to the resident's medical, social, and administrative records to the Office of the State Long-Term Care Ombudsman in accordance with state law.

The interpretative guidance for F583 includes the following points for providers to consider for compliance:

- The regulation requires that the nursing home allow for privacy and the resident's right to send and promptly receive unopened mail, letters and other packages. Promptly is defined in the regulation within 24 hours of delivery from the postal service, except when there is no regularly scheduled postal delivery and pick-up service.
- Only authorized staff directly involved in providing care and services should be present when care is provided to the resident, unless the resident consents to individuals being present during the delivery of care. This means that any consultants, surveyors, or others wishing to observe care should be asking the resident's consent to observe care unless it is necessary.
- During delivery of care, staff must remove residents from the public view, pull privacy curtains or close doors, and provide clothing or draping to prevent exposure of body parts.
- Taking unauthorized photographs or videos of residents or their personal items is prohibited unless the resident or their representative provides written consent. This means that providers should have some type of consent or release for staff to take appropriate photographs or videos (such as residents participating in activities or special events). Inappropriate photographs or videos are strictly prohibited and can be considered abuse.
- Personal and medical records include all types of information the provider may keep on a resident such as medical, social, fund accounts, automated or electronic

records. Posting signs in residents' rooms or in areas visible to others that include clinical or personal information could be considered a violation of the resident's privacy. This doesn't prohibit the display of resident names on their doors, memorabilia outside their room but must be done so with their consent or the consent of the representative. Posting signs outside of the room may include information on isolation precautions necessary to enter the resident's room but must not include the type of infection present.

- Personal information must be communicated in a way that protects the confidentiality of the information and the dignity of residents. This includes both verbal and written information. Lists of certain conditions (such as incontinent or pressure sore presence) should not be maintained in an area accessible to the general public or staff that don't need the information.

Key takeaways from the regulatory language and interpretative guidance for F583 includes that providers must have written consent for taking and using photographs and videos and only in appropriate circumstances as well as posting of resident name or identifiable information outside their room door or other places in the building where the public may see it. A best practice may be to include this information in forms that are reviewed with the resident and/or their representative upon admission to ensure that each resident has the appropriate documentation. If a resident or their representative declines consent to photographs or having their names posted, this information should be communicated to all staff to ensure that the resident's wishes are being followed.

Mail and deliveries must be delivered unopened to the resident within 24 hours of it being delivered from the postal service.

Signs posted in public viewing shall not include identifiable information such as the type of infection but can include information on the type of isolation precautions the resident needs. Signs within the resident's room may be posted if requested by the resident or their representative such as a directive to not take the resident's blood pressure in their left arm.