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Chapter 61@ DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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Subchapter 61-17@ STANDARDS FOR LICENSING NURSING HOMES

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Sec2 61-17.800@ RESIDENT RECORDS

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Section 61-17.800.804@ Record Maintenance

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A.

Organization. 1. The Administrator shall designate a staff member the responsibility for the maintenance of resident and outpatient records. 2. Resident and outpatient records shall be properly indexed and filed for ready access by staff members.

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B.

Accommodations. 1. The licensee shall provide space, supplies, and equipment adequate for the maintenance, protection and storage of resident and outpatient records. 2. The facility shall maintain records pertaining to resident personal funds accounts, as applicable, financial matters, statements of resident rights and responsibilities, and resident possessions (provided that the facility has been notified by the resident or responsible party that items have been added or removed). 3. The licensee shall determine the medium in which information is stored. The information shall be readily retrievable and accessible by staff, as needed. 4. Records of residents and outpatients shall be maintained for at least six

(6) years following discharge or death. Facilities that microfilm (or use other processes that accurately reproduce or form a durable medium) inactive records before six (6) years have expired shall process the entire record. Records may be destroyed after six (6) years provided that: a. Records of minors must be retained until after the expiration of the period of election following achievement of majority as prescribed by statute; and b. The facility retains an index, register, or summary cards providing such basic information as dates of admission and discharge, and name of responsible physician for all records so destroyed. 5. Records of residents and outpatients are the property of the facility and shall not be removed without court order. EXCEPTION: When a resident moves from one licensed facility to another within the same provider network (same licensee), the original record may follow the resident; the sending facility shall maintain documentation of the resident's transfer and discharge date and identification information. In the event of change of licensee, all resident records or copies of resident records shall be transferred to the new licensee. 6. When a resident is transferred from one facility to another, a transfer summary, to include copies of relevant documents, shall accompany the resident to the receiving facility at the time of transfer or be forwarded immediately after the transfer. Documentation of the information forwarded shall be maintained in the resident record. 7. Upon discharge or death of a resident, the record shall be completed and filed in an inactive file within a time period as determined by the facility, but no later than thirty (30) days after discharge or death. 8. Facilities shall comply with R.61-19 with regard to vital statistics.

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Access. 1. The resident and outpatient record is confidential. Records containing protected or confidential health information shall be made available only to individuals granted access to that information, in accordance with state, federal, and local laws. 2. A facility may charge a fee for the search and duplication of a resident record in accordance with S.C. Code Section 44-7-325.

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D.

Copies of the criminal record check results of direct care staff shall be provided to the Department upon request within a reasonable amount of time after receiving the request. A copy of the criminal record check results shall be retained at the facility.

E.

Regulation-required documents other than resident records, such as fire drills, medication destruction records, activity schedules, firefighting equipment inspections, monthly pharmacist reviews, controlled medication count sheets, emergency generator logs, shall be maintained for a minimum of twelve (12) months or until the next inspection by the Department, whichever is longer. Records of menus as served shall be maintained for at least thirty (30) days and available for inspection.