

388-97-0520 Access and visitation rights

(1)

The resident has the right and the nursing home must provide immediate access to any resident by the following: (a) For medicare and medicaid residents any representative of the U.S. department of health and human services (DHHS); (b) Any representative of the state; (c) The resident's personal physician; (d) Any representative of the state long term care ombuds program (established under section 307(a)(12) of the Older American's Act of 1965); (e) Any representative of the Washington protection and advocacy system, or any other agency (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act); (f) Any representative of the Washington protection and advocacy system, or any agency (established under the Protection and Advocacy for Mentally Ill Individuals Act); (g) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and (h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(a)

For medicare and medicaid residents any representative of the U.S. department of health and human services (DHHS);

(b)

Any representative of the state;

(c)

The resident's personal physician;

(d)

Any representative of the state long term care ombuds program (established under section 307(a)(12) of the Older American's Act of 1965);

(e)

Any representative of the Washington protection and advocacy system, or any other agency (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act);

(f)

Any representative of the Washington protection and advocacy system, or any agency (established under the Protection and Advocacy for Mentally Ill Individuals Act);

(g)

Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

(h)

Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(2)

The nursing home must provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(3)

The nursing home must allow representatives of the state ombuds, described in subsection (1)(d) of this section, to examine a resident's clinical records with the permission of the resident or the resident's surrogate decision maker, and

consistent with state law. The ombuds may also, under federal and state law, access resident's records when the resident is incapacitated and has no surrogate decision maker, and may access records over the objection of a surrogate decision maker if access is authorized by the state ombuds pursuant to 42 U.S.C. § 3058g(b) and RCW 43.190.065.