

Health information and services must be provided in ways that are easy for the resident and/or the resident's representative to understand. This includes, but is not limited to, communicating in plain language, explaining technical and medical terminology in a way that makes sense to the resident, offering language assistance services to residents who have limited English proficiency, and providing qualified sign language interpreters or auxiliary aids if hearing is impaired. This does not mean that a facility is required to supply and pay for hearing aids.

The physician or other practitioner or professional must inform the resident or their representative in advance of treatment risks and benefits, options, and alternatives. The information should be communicated at times it would be most useful to them, such as when they are expressing concerns, raising questions, or when a change in treatment is being proposed. The resident or resident representative has the right to choose the option he or she prefers.

Discussion and documentation of the resident's choices regarding future health care may take place during the development of the initial comprehensive assessment and care plan and periodically thereafter.

**NOTE:** While surveyors must only cite F552 when deficient practice is found related to applicable program requirements as reflected in the CFR, the following information may inform surveyors about important considerations in making compliance decisions. The Federal Patient Self - Determination Act contained in Public Law 101-508 is the authority on an individual's rights and facility responsibilities related to advance directives. This includes, the right of an individual to direct his or her own medical treatment, including withholding or withdrawing life-sustaining treatment. If there are concerns with advance directives, refer to §483.10(g)(12), F578.

See §483.21(a), F655 (Baseline Care Plans), Comprehensive Person-Centered Care Planning, for additional guidance.

## **F553**

**(Rev. 173, Issued: 11-22-17, Effective: 11-28-17, Implementation: 11-28-17)**

**§483.10(c)(2) The right to participate in the development and implementation of his or her person-centered plan of care, including but not limited to:**

- (i) The right to participate in the planning process, including the right to identify individuals or roles to be included in the planning process, the right to request meetings and the right to request revisions to the person-centered plan of care.**
- (ii) The right to participate in establishing the expected goals and outcomes of care, the type, amount, frequency, and duration of care, and any other factors related to the effectiveness of the plan of care.**
- (iii) The right to be informed, in advance, of changes to the plan of care.**
- (iv) The right to receive the services and/or items included in the plan of care.**
- (v) The right to see the care plan, including the right to sign after significant changes to the plan of care.**

**§483.10(c)(3) The facility shall inform the resident of the right to participate in his or her treatment and shall support the resident in this right. The planning process must—**

- (i) Facilitate the inclusion of the resident and/or resident representative.**
- (ii) Include an assessment of the resident's strengths and needs.**
- (iii) Incorporate the resident's personal and cultural preferences in developing goals of care.**

**INTENT §483.10(c)(2)-(3)**

To ensure facility staff facilitates the inclusion of the resident or resident representative in all aspects of person-centered care planning and that this planning includes the provision of services to enable the resident to live with dignity and supports the resident's goals, choices, and preferences including, but not limited to, goals related to their daily routines and goals to potentially return to a community setting.

**GUIDANCE §483.10(c)(2)-(3)**

Residents and their representative(s) must be afforded the opportunity to participate in their care planning process and to be included in decisions and changes in care, treatment, and/or interventions. This applies both to initial decisions about care and treatment, as well as the refusal of care or treatment. Facility staff must support and encourage participation in the care planning process. This may include ensuring that residents, families, or representatives understand the comprehensive care planning process, holding care planning meetings at the time of day when a resident is functioning best, providing sufficient notice in advance of the meeting, scheduling these meetings to accommodate a resident's representative (such as conducting the meeting in-person, via a conference call, or video conferencing), and planning enough time for information exchange and decision making.

A resident has the right to select or refuse specific treatments options before the care plan is instituted, based on the information provided as required under §483.10(c)(1), (4)-(5), F552. While Federal regulations affirm a resident's right to participate in care planning and to refuse treatment, the regulations do not require the facility to provide specific medical interventions or treatments requested by the resident, family, and/or resident representative that the resident's physician deems inappropriate for the resident's medical condition.

A resident whose ability to make decisions about care and treatment is impaired, or a resident who has been declared incompetent by a court, must, to the extent practicable, be kept informed and be consulted on personal preferences.

The resident has the right to see the care plan and sign after significant changes are made.

**PROCEDURES §483.10(c)(2)-(3)**

During observations, interviews, and record reviews, surveyors must:

- Interview the resident, and/or his or her representative to determine the level of participation in care planning.
- Identify ways staff involve residents and/or their representative(s) in care planning.
- Determine if care plan meetings are scheduled to accommodate residents and/or their representative.