

(C) Postage, when the individual has requested the copy be mailed.

§483.10(g)(3) With the exception of information described in paragraphs (g)(2) and (g)(11) of this section, the facility must ensure that information is provided to each resident in a form and manner the resident can access and understand, including in an alternative format or in a language that the resident can understand. Summaries that translate information described in paragraph (g)(2) of this section may be made available to the patient at their request and expense in accordance with applicable law.

DEFINITIONS §483.10(g)(2)-(3)

“Records,” includes all records, in addition to clinical records, pertaining to the resident, such as trust fund ledgers pertinent to the resident and contracts between the resident and the facility.

GUIDANCE §483.10(g)(2)-(3)

An oral request is sufficient to produce the resident’s personal and medical record for review.

The facility may charge a reasonable, cost-based fee for providing a copy of the requested records, whether in paper or electronic form. This may only include the cost of labor for copying the records, supplies for creating the paper copy or electronic media, and postage, if applicable. Additional fees for locating the records or typing forms/envelopes may not be assessed.

KEY ELEMENTS OF NONCOMPLIANCE §483.10(g)(2)-(3)

To cite deficient practice at F573, the surveyor’s investigation will generally show that the facility failed to do one or more of the following:

- Support the resident’s right to access his or her own personal and medical records; **or**
- Provide the resident access to his or her personal and medical records within 24 hours (excluding weekends and holidays) of a written request; **or**
- Allow the resident to purchase a copy of his or her personal and medical records upon request and with 2 working days advanced notice; **or**
- Charge a reasonable, cost-based fee, including only the cost of labor, supplies, and postage involved in providing or sending the personal and medical records requested; **or**
- Ensure the information is provided:
 - In a form the resident can access and understand ;**or**
 - In a form and format agreed upon by the facility and the resident.

F574

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§483.10(g)(4) The resident has the right to receive notices orally (meaning spoken) and in writing (including Braille) in a format and a language he or she understands, including:

- (i) Required notices as specified in this section. The facility must furnish to each resident a written description of legal rights which includes –**
 - (A) A description of the manner of protecting personal funds, under paragraph (f)(10) of this section;**

- (B) A description of the requirements and procedures for establishing eligibility for Medicaid, including the right to request an assessment of resources under section 1924(c) of the Social Security Act.**
 - (C) A list of names, addresses (mailing and email), and telephone numbers of all pertinent State regulatory and informational agencies, resident advocacy groups such as the State Survey Agency, the State licensure office, the State Long-Term Care Ombudsman program, the protection and advocacy agency, adult protective services where state law provides for jurisdiction in long-term care facilities, the local contact agency for information about returning to the community and the Medicaid Fraud Control Unit; and**
 - (D) A statement that the resident may file a complaint with the State Survey Agency concerning any suspected violation of state or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the facility, non-compliance with the advance directives requirements and requests for information regarding returning to the community.**
- (ii) Information and contact information for State and local advocacy organizations including but not limited to the State Survey Agency, the State Long-Term Care Ombudsman program (established under section 712 of the Older Americans Act of 1965, as amended 2016 (42 U.S.C. 3001 et seq) and the protection and advocacy system (as designated by the state, and as established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.)**
 - (iii) Information regarding Medicare and Medicaid eligibility and coverage;**
 - (iv) Contact information for the Aging and Disability Resource Center (established under Section 202(a)(20)(B)(iii) of the Older Americans Act); or other No Wrong Door Program;**
 - (v) Contact information for the Medicaid Fraud Control Unit; and**
 - (vi) Information and contact information for filing grievances or complaints concerning any suspected violation of state or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the facility, non-compliance with the advance directives requirements and requests for information regarding returning to the community.**

DEFINITIONS §483.10(g)(4)

“Orally and in writing” means if a resident can read and understand written materials without assistance, an oral summary, along with the written document, is acceptable.

“In a language he or she understands” means verbally, in writing (including Braille), and in a language that is clear and understandable to the resident or his or her representative.

GUIDANCE §483.10(g)(4)

If a resident or his or her representative’s understanding of English or the predominant language of the facility is inadequate for their comprehension, a means to communicate information in a language or format familiar to the resident or his or her representative must be used. The facility must have written translations, including Braille and make the services of an interpreter available as needed. For those residents who communicate in American Sign Language (ASL), the facility