

- Interview the resident, resident's representative and facility staff to determine if:
 - o Residents are informed in a manner they understand of their right to request or refuse treatment;
 - o A resident has an advance directive and if staff are aware of what this directive states;
 - o A resident does not have an advance directive and, if so, how the resident was informed of his or her right to develop one and was the resident provided assistance in doing so; and
 - o Staff periodically assess a resident's decision making capacity, how often and how and by whom is this done.
- Review the resident's medical record to determine if:
 - o The resident has an advance directive and a copy is located in the medical record; and
 - o The facility has policies and procedures to implement advance directives.

KEY ELEMENTS OF NONCOMPLIANCE §483.10(c)(6), (c)(8), (g)(12):

To cite deficient practice at F578, the surveyor's investigation will generally show that the facility failed to do one or more of the following:

- Provide information to the resident regarding their right to refuse medical or surgical treatment or to formulate an advance directive once the resident was able to receive the information; or
- Honor a resident's, their family, and/or their representative's decision to request, refuse, or discontinue experimental research; or
- Ensure that a current copy of a resident's advance directive was in the resident's medical record; or
- Have policies and procedures for implementing advance directives; or
- Follow policies to implement advance directives and applicable State laws regarding advance directives.

POTENTIAL TAGS FOR ADDITIONAL CONSIDERATION

Examples of some of the related requirements that may be considered when non-compliance has been identified include, but are not limited to, the following:

- 42 CFR §483.10(a)(3)-(7), F551 o For concerns regarding designation of resident representative.
- 42 CFR §483.10(c)(2)-(3), F553, Right to Participate in Planning Care o For concerns regarding the resident's right to participate in and be informed of his or her treatment.

F579

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

§483.10(g)(13) The facility must display in the facility written information, and provide to residents and applicants for admission, oral and written information about how to apply