

**SELF SURVEY MODULE**  
**PRIVACY AND CONFIDENTIALITY OF THE RESIDENT**

**TAG F164**

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**REGULATION: F164 (e) Privacy and Confidentiality**

The resident has the right to personal privacy and confidentiality of his or her personal clinical records.

- ( 1 ) Personal privacy includes accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups, but this does not require the facility to provide private room for each resident;
- ( 2 ) Except as provided in paragraph ( e ) ( 3 ) of this section, the resident may approve or refuse the release of personal and clinical records to any individual outside the facility;
- ( 3 ) The resident's right to refuse release of personal and clinical records does not apply when --
  - ( i ) The resident is transferred to another health care institution;  
or
  - ( ii ) Record release is required by law.

**INTENT:** The intent of this regulation is to assure that the privacy and confidentiality of the resident is not compromised. Facility staff must ensure that their actions maintain the rights of privacy and confidentiality for the resident.

**DATA COLLECTION:**

**OBSERVATIONS:**

- A. Tour the facility and look and listen carefully for any denial of privacy and confidentiality of residents. If you observe any violations of residents' privacy, interview the resident and/or their representative to determine the resident's feelings regarding the incident. Always note the following:
  1. **How** did you observe this?
  2. **Where** is this taking place? (room number or location)
  3. **When** did you observe this? (date and time)
  4. **What** has you concerned?

Write down any observations that do not reflect privacy or confidentiality for residents after you do your tour.

- B. During the tour, think of the following questions:
  1. Are staff knocking on doors and waiting to be asked in?
  2. When you knock and are invited in:
    - a. Are residents covered/dressing?
    - b. Are privacy curtains used?
    - c. Are curtains/blinds drawn during personal care (such as bed baths, incontinence care, etc.)?

- d. Who is in the room? Explain why they are there.
  3. Are residents properly covered during transport to shower/bath?
  4. Is privacy provided for physician visit or rehabilitation service?
  5. Is there privacy when toileting (in bathroom, on bedside commode, on bed pan or urinal)?
  6. Is bathroom door closed when bathroom is in use?
  7. Is there a telephone available for private conversations?
  8. Do residents receive and send their mail unopened?
  9. During observations can staff be overheard discussing confidential resident information?
  10. Are all records pertaining to residents in an area that ensures privacy?
  11. Are policies and procedures for the release of residents' records being used (i.e., signatures for permission from the resident or their representative?)
- C. Begin the second part of the survey looking at those areas of concern you noted, as well as all aspects of privacy and confidentiality. Use the supplied questions as you do the following:
1. Look carefully (observation)
  2. Interview and ask questions of residents, staff, and family members.
  3. Review the records (i.e., if resident keeps unclothing themselves or is toileting publicly).

\*\*\* Respond to concerns by developing and implementing a plan of action. Repeat the survey in the future to assure your action plan has been implemented.

## **INTERVIEWS:**

### **RESIDENT INTERVIEW:**

1. Are you satisfied with the way you are dressed or covered around other people?
2. Do Staff keep other residents dressed or covered?
3. When you need medical treatment or hygiene assistance, is anyone other than the doctor, nurse, or staff person assisting you allowed to be in the room?
4. During rehabilitation therapies, do staff protect your privacy by:
  - a. Not letting people watch?
  - b. By making sure you are properly clothed or covered?
5. Does staff ask if someone can stay during medical/hygiene assistance or rehabilitation therapies?
6. Do staff knock on closed doors and wait to be asked in before entering?
7. Are you given privacy when you are using the toilet? In the bathroom? On bed pan or urinal? On bedside commode?
8. Are you given privacy during G-tube feedings? (if applicable)
9. Are privacy curtains/blinds or doors closed for privacy as needed?
10. Does anything about privacy concern you?
11. Are you provided with a place where you can make or receive private telephone calls?
12. Do you receive and send mail unopened?
13. Does the staff mail letters you have written without reading them?
14. Have you heard staff talking about another resident's condition?

15. When you have visitors (family, residents, etc.) can you see them in private?
16. Does staff provide you with a room or a space where you can visit privately?
17. Can you visit with whomever you wish?
18. Can you have visitors anytime you choose?
19. Have you been annoyed by anyone visiting your room when you don't want them?
20. Have staff requested permission to release the records or record information to others?
21. Have you requested to view or copy your records?
22. If so, what did you have to do to view or copy resident records?

**STAFF INTERVIEW:**

In interviewing staff concerning confidentiality of records, ask the following questions:

1. How do you insure the privacy of the residents' records?
2. What procedures or policies are in place to protect record privacy?
3. What is your responsibility in providing privacy of records?