

#### **410 IAC 16.2-3.1-8 Access and visitation rights**

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

#### Sec. 8.

(a) Residents have the right to choose with whom they associate. The facility shall provide reasonable visiting hours which should include at least nine (9) hours a day. The hours shall be posted in a prominent place in the facility and made available to each resident. Policies shall also provide for emergency visitation at other than posted hours.

(b) The resident has the right and the facility must provide immediate access to any resident by the following:

(1) Individuals representing state or federal agencies.

(2) Any authorized representative of the state.

(3) The resident's individual physician.

(4) The state and area long term care ombudsman.

(5) The agency responsible for the protection and advocacy system for developmentally disabled individuals.

(6) The agency responsible for the protection and advocacy system for mentally ill individuals.

(7) Immediate family or other relatives of the resident, subject to the resident's right to deny or withdraw consent at any time.

(8) Subject to the resident's right to deny or withdraw consent at any time, the resident's legal representative or spiritual advisor.

(9) 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.

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

(d) The facility must allow representatives of the state ombudsman to examine a resident's clinical records with the permission of the resident or the resident's legal representative, and consistent with state law.

(e) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (b) or (c) is a deficiency; and

(2) subsection (a) or (d) is a noncompliance.

*(Indiana State Department of Health; 410 IAC 16.2-3.1-8; filed Jan 10, 1997, 4:00 p.m.:  
20 IR 1532, eff Apr 1, 1997; readopted filed  
Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-  
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