

Database updated through 21:11 V.A.R. February 7, 2005 (see [cumulative table](#))

12VAC5-371-140. Policies and procedures.

A. The nursing facility shall implement written policies and procedures approved by the governing body.

B. All policies and procedures shall be reviewed at least annually, with recommended changes submitted to the governing body for approval.

C. A written record of the annual policy review, including at least the review dates, participants, recommendations and action dates of the governing body, shall be maintained.

D. Administrative and operational policies and procedures shall include, but are not limited to:

1. Administrative records;
2. Admission, transfer and discharge;
3. Medical direction and physician services;
4. Nursing direction and nursing services;
5. Pharmaceutical services, including drugs purchased outside the nursing facility;
6. Dietary services;
7. Social services;
8. Activities services;
9. Restorative and rehabilitative resident services;
10. Contractual services;
11. Clinical records;
12. Resident rights and grievances;
13. Quality assurance and infection control;
14. Safety and emergency preparedness procedures; and

15. Professional and clinical ethics, including:

- a. Confidentiality of resident information;
- b. Truthful communication with residents;
- c. Observance of appropriate standards of informed consent and refusal of treatment; and
- d. Preservation of resident dignity, with special attention to the needs of the aged, the cognitively impaired, and the dying.

E. Personnel policies and procedures shall include, but are not limited to:

1. Written job descriptions that specify authority, responsibility, and qualifications for each job classification;
2. An on-going plan for employee orientation, staff development, in-service training and continuing education;
3. An accurate and complete personnel record for each employee including:
 - a. Verification of current professional license, registration, or certificate or completion of a required approved training course;
 - b. Criminal record check;
 - c. Verification that the employee has reviewed or received a copy of the job description;
 - d. Orientation to the nursing facility, its policies and to the position and duties assigned;
 - e. Completed continuing education program approved for the employee as determined by the outcome of the annual performance evaluation;
 - f. Annual employee performance evaluations; and
 - g. Disciplinary action taken.
4. Employee health-related information retained in a file separate from personnel files.

F. Financial policies and procedures shall include, but not be limited to:

1. Admission agreements;
2. Methods of billing:
 - a. Services not included in the basic daily or monthly rate;

- b. Services delivered by contractors of the nursing facility; and
- c. Third party payers;
- 3. Resident or designated representative notification of changes in fees and charges;
- 4. Correction of billing errors and refund policy;
- 5. Collection of delinquent resident accounts; and
- 6. Handling of resident funds.

G. Policies shall be made available for review, upon request, to residents and their designated representatives.

H. Policies and procedures shall be readily available for staff use at all times.

Statutory Authority

§§[32.1-12](#) and [32.1-127](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 17, eff. July 1, 1997.

Law Reviews

University of Richmond Law Review Annual Survey 2004 Annual Survey of Virginia Law DISCOVERY DIVIDE: VIRGINIA CODE SECTION 8.01-581'S QUALITY ASSURANCE PRIVILEGE AND ITS PROTECTION OF HEALTHCARE PROVIDER POLICIES AND INCIDENT REPORTS. Michael L. Goodman, Kathleen M. McCauley and Suzanne S. Duvall, 39 U. Rich. L. Rev. 61 (2004).

Discovery 1

1. Discovery

The production of a health facility's policies and procedures would not have a chilling effect on the nursing home industry's diligence in adopting optimal guidelines and procedures because the plaintiff could have reviewed and copied these same procedures at any time during the decedent's residence at the defendants' nursing home. Day v. Medical Facilities of America, Inc., 2002 WL 31174451 (Va. Cir. Ct., Aug 21, 2002) (unreported opinion).[g2002623373;;;2002;999;3117g](#)