



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5600

August 25, 2016

ALTSA: NH #2016-025
S&C 16-33-NH: PROTECTING RESIDENT PRIVACY & PROHIBITING
MENTAL ABUSE RELATED TO PHOTOGRAPHS AND
AUDIO/VIDEO RECORDINGS BY NURSING HOME STAFF

Dear Nursing Facility/Home Administrator:

The Centers for Medicare & Medicaid Services (CMS) has received recent media reports, which have highlighted occurrences of nursing home staff taking unauthorized photographs or video recordings of nursing home residents, sometimes in compromised positions. The photographs are then posted on social media networks, or sent through multimedia messages.

As a result of the recent media reports, CMS issued a survey and certification memo reminding that nursing homes must establish an environment that is as homelike as possible and includes a culture and environment that treats each resident with respect and dignity. CMS is clarifying that taking photographs or recordings of a resident and/or his/her private space without the resident's, or designated representatives written consent is a violation of resident's right to privacy and confidentiality. Each nursing home must develop and implement written policies and procedures to ensure that nursing home staff are prohibited from taking or using photographs or recordings in any manner that would demean or humiliate a resident.

During the next standard survey or complaint investigation with related identified concerns, surveyors will request and review policies and procedures related prohibiting nursing home staff from taking or using photographs or recordings in any manner that would demean or humiliate a reside.

You can access the CMS release in its entirety via S&C 16-33-NH, online at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-16-33.pdf>

As always, thank you for your continued commitment to the health and safety of nursing home residents. If you have any questions, please contact your local RCS Field Manager.

Sincerely,

A handwritten signature in black ink that reads "Candace Goehring".

Candace Goehring, Director
Residential Care Services

"Transforming Lives"