October 23, 2017

Q: Must facilities allow visitation even after our curfew of 10:00 p.m.? One of our residents wants visitors at 11:00 p.m., 12:00 a.m., 1:00 a.m.

A: The short answer is that the resident makes the choice on hours of visitation in as much as such visitation at those hours does not impose on the rights of other residents. In addition, the facility must have policies and procedures regarding visitation that address clinical necessity and safety when limits or restrictions are imposed. If you can find a way to allow the resident to receive visitors at that hour that maintains the safety and rights of other residents, you should make those accommodations.

Regulatory references:
§483.10(f)(4) The resident has a right to receive visitors of his or her choosing at the time of his or her choosing, subject to the resident’s right to deny visitation when applicable, and in a manner that does not impose on the rights of another resident.

§483.10(f)(xi) – The facility must have written policies and procedures regarding the visitation rights of residents, including those setting forth any clinically necessary or reasonable restriction or limitation or safety restriction or limitation, when such limitations may apply consistent with the requirements of this subpart, that the facility may need to place on such rights and the reasons for the clinical or safety restriction or limitation.