



Rancho Los Amigos National Rehabilitation Center

ADMINISTRATIVE POLICY AND PROCEDURE

**SUBJECT: ATTORNEY or LEGAL REPRESENTATIVE
ACCESS TO INPATIENTS**

**Policy No.: B701.1
Supersedes: February 8, 2016
Revision Date: November 1, 2021
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PURPOSE

To protect patients' right to access to legal counsel and to establish the parameters within which legal meetings may be conducted while ensuring patient care is not compromised.

POLICY

Inpatients or their surrogate decision-makers may exercise their right to meet with legal counsel and/or other legal representative while hospitalized. Legal representatives may include but are not limited to: Attorneys, Paralegal, Conservators, and Attorneys In Fact (Per a Durable Power of Attorney, Trust, etc.).

In general, legal representatives or legal advisors are treated like any other patient visitor. The patient or patient's surrogate decision maker must verbally consent to the visit. An exception to this applies to court appointed attorneys, also called Probate Volunteer Panel (PVP), who may access the patient by providing a copy of the court order authorizing the patient interview.

PROCEDURE:

- A. All visitors must register at the Security Substation to obtain a visitor's pass. The pass must be displayed at all times while on hospital grounds.
- B. If the attorney's request or patient query is by telephone, obtain patient's verbal permission before confirming or providing information on the patient's location. In general, workforce members are not to provide patient information via telephone.
- C. Nurse Manager or patient's primary care nurse is responsible for ensuring the patient or patient's surrogate decision maker consented to the visit. If the patient is under custody, attorney's visit must be authorized by Los Angeles Sheriff's Department or by law enforcement responsible for patient's custody.
- D. Nurse Manager or patient's primary care nurse shall notify the physician if there is a concern that the visit or visitor may negatively impact the patient's clinical condition. If the physician objects to the visit for clinical reasons, the Nurse Manager or primary care nurse shall promptly notify the visitor that the visit shall be rescheduled at another time.

EFFECTIVE DATE: January 1, 1992

COUNTY OF LOS ANGELES • DEPARTMENT OF HEALTH SERVICES

APPROVED BY:

LEGAL PROCEEDING:

- The unit must be notified at least 3 business days in advance if the patient is to be deposed by outside attorneys. The unit Nurse Manager or designee shall provide the necessary privacy for the deposition based on availability of space in the unit.
- **Filming within Rancho grounds requires Rancho's Public Information Officer (PIO) or administrator's approval. All necessary consents and documents must be completed prior to the filming.**
 - If the patient's deposition requires video-recording, Rancho workforce members, other patients, visitors, and area outside the deposition room, shall not be filmed or recorded.
 - If the request is for filming of patient during treatment or therapy, it is voluntary for the workforce member to participate in the filming. The filming, video, and/or audio recording must only capture the patient if the workforce member declined participation.
Workforce member must notify immediate supervisor or manager before agreeing to participate. Other patients, workforce members, and visitors shall be NOT be included in the film or recording without their expressed consent. Filming will be strictly confined to the area approved by PIO or administrator.
- Request for Independent Medical Exam (IME) of patient by outside provider shall be accommodated by unit staff only if the patient provides consent and if this will not cause disruption in the patient's care. No workforce member shall participate in the IME. The finding of the independent medical examiner shall not be a part of the patient's medical records.

RELEASE OF INFORMATION:

- Should the attorney/legal representative request copies of the medical record, refer the requestor to Health Information Management (HIM).
- Attorney or legal representative's request to discuss patient care with workforce member shall be considered only if the patient consents and signs the authorization for release of patient information. Additionally, without a subpoena or court order, it is voluntary for the workforce member to discuss patient care with patient's attorney or legal representative.
 - If the workforce member is willing to discuss patient care with the attorney or legal representative, the workforce member must notify the immediate supervisor and Risk Management prior to speaking with the attorney. The Risk Manager or designee shall determine if there is potential exposure or if the patient has an existing claim/lawsuit against the County of Los Angeles.

- If there is no legal claim or potential exposure, the workforce member shall discuss patient information supported by medical records.
- Request of patient's attorney or legal representative to participate in the patient/family care conference or patient discussion requires patient's consent for release of protected health information. Additionally, it is under the clinical team's discretion to authorize the participation of the patient's legal representative in patient care related conference. Disruptive behavior during the case conference shall not be tolerated.

REFERENCE:

Administrative Policy B 700 "Patient Visiting Hours..."
California Code of Regulations, Title 22, Section 70707
DHS Policy # 326 "Adult Patients Right to Participate in the Direct Decisions
Affecting His/Her Healthcare
DHS Policy # 361.15 "Access of Individual to Protected Health Information
(PHI)/ Designated Record Set

SH:sh 2003

CM: 2/2016, 4/5/19, 11/1/21