

Long-Term Care Survey Alert

What Do You Think?

Here's the answer to last month's question:

Do surveyors have a basis for citing or challenging a facility that goes "smoke-free" for new admissions?

Answer: Every now and then you hear about some state survey agency claiming that a facility can't implement a no smoking policy because smoking is a "resident right." The best response in that case is: "Show me where that is written." The fact is, it isn't written anywhere. For example, smoking is not a "disability" under the American Disabilities Act, so it's OK to "discriminate" on that basis.

Source: attorney **Joseph Bianculli** in Arlington, VA