

MDS Alert

Reader Questions: Respect This Resident Right

Question: Can a resident or their representative legally decline a test for COVID-19? If so, how do we handle that resident in respect to the rest of our resident population?

Illinois Subscriber

Answer: Nursing home residents (or their representatives) have the legal right to refuse testing either personally or on the resident's behalf, respectively. How you handle the situation depends on whether the resident is symptomatic or asymptomatic. If the resident has symptoms that could indicate a COVID-19 infection, your facility should utilize transmission-based precautions until they meet the criteria for being symptom-free from COVID-19, the Centers for Disease Control and Prevention (CDC) says.



If the resident is asymptomatic and declines testing during facility-wide testing, the facility should decide, depending on whether there is confirmed or suspected COVID-19 presence and transmission within the facility, whether to continue care as usual or to utilize transmission-based precautions.

A facility should not move a resident to a COVID-19- positive unit or cohort unless the resident has a confirmed positive test, the CDC says.

Read the transmission-based precautions: www.cdc.gov/infectioncontrol/guidelines/isolation/index.html.