

What are Residents' Rights?

Residents' Rights Guarantee Quality of Life

The 1987 Nursing Home Reform Law requires each nursing home to care for its residents in a manner that promotes and enhances the quality of life of each resident, ensuring dignity, choice and self-determination.

All nursing homes are required "to provide services and activities to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident in accordance with a written plan of care that... is initially prepared, with participation, to the extent practicable of the resident, the resident's family, or legal representative." This means a resident should not decline in health or well-being as a result of the way the nursing facility provides care.

The 1987 Nursing Home Reform Law Protects the following rights of nursing home residents:

The Right to Be Fully Informed of

- Available services and the charges for each services
- Facility rules and regulations, including a written copy of resident rights
- Address and telephone number of the State Ombudsman and state survey agency
- State survey reports and the nursing home's plan of correction
- Advance plans of a change in rooms or roommates
- Assistance if a sensory impairment exists
- Residents have a right to receive information in a language they understand (Spanish, Braille, etc.)

Right to Complain

- Present grievances to staff or any other person, without fear of reprisal and with prompt efforts by the facility to resolve those grievances
- To complain to the ombudsman program
- To file a complaint with the state survey and certification agency
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Right to Participate in One's Own Care

- Receive adequate and appropriate care
- Be informed of all changes in medical condition
- Participate in their own assessment, care- planning, treatment, and discharge
- Refuse medication and treatment
- Refuse chemical and physical restraints
- Review one's medical record

- Be free from charge for services covered by Medicaid or Medicare

Right to Privacy and Confidentiality

- Private and unrestricted communication with any person of their choice
- During treatment and care of one's personal needs
- Regarding medical, personal, or financial affairs

Rights During Transfers and Discharges

- Remain in the nursing facility unless a transfer or discharge:
 - (a) is necessary to meet the resident's welfare:
 - (b) is appropriate because the resident's health has improved and s/he no longer requires nursing home care:
 - (c) is needed to protect the health and safety of other residents or staff;
 - (d) is required because the resident has failed, after reasonable notice, to pay the facility charge for an item or service provided at the resident's request
- Receive thirty-day notice of transfer or discharge which includes the reason to appeal, and the name, address, and telephone number of the state long-term care ombudsman
- Safe transfer or discharge through sufficient preparation by the nursing home

Right to Dignity, Respect and Freedom

- To be treated with consideration, respect and dignity
- To be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints
- To self-determination
- Security of possessions

Rights to Visits

- By a resident's personal physician and representatives from the state survey agency and ombudsman programs
- By relatives, friends and others of the residents' choosing
- By organizing or individuals providing health, social, legal or other services
- Residents have the right to refuse visitors

Rights to Make Independent Choices

- Make personal decisions, such as what to wear and how to spend free time
- Reasonable accommodation of one's needs and preferences
- Choose a physician
- Participate in community activities, both inside and outside the nursing home
- Organize and participate in a Resident Council
- Manage one's own financial affairs

Annual Review of Patient's Rights

I, _____ responsible party for _____, has reviewed the Patient's Rights.

Signature

Date