



# NURSING HOME RESIDENTS' RIGHTS

See 42 CFR § 483 for a full listing of Residents' Rights

Residents of nursing homes have rights that are guaranteed to them under Federal and State laws. The laws require nursing homes to treat each resident with dignity and respect and care for each resident in an environment that promotes and protects their rights.

## Right to a Dignified Existence

- ❖ Be treated with consideration, respect and dignity, recognizing each resident's individuality, wishes and preferences
- ❖ Freedom from abuse, neglect, exploitation and misappropriation of property
- ❖ Freedom from physical or chemical restraints
- ❖ Quality of life is maintained or improved
- ❖ Exercise rights without interference, coercion, discrimination, or reprisal
- ❖ A home-like environment and use of personal belongings when possible
- ❖ Equal access to quality care
- ❖ Security of personal belongings

## Right to Self Determination

- ❖ Choice of activities, schedules, health care and providers, including attending physicians
- ❖ Reasonable accommodation of needs and preferences
- ❖ Participate in developing and implementing a person-centered plan of care that takes into account personal and cultural wishes
- ❖ Choice about designating a representative to exercise his or her rights
- ❖ Organize and participate in resident and family groups
- ❖ Request, refuse and/or stop treatment

## Right to be Fully Informed of

- ❖ The type of care to be provided, and risks and benefits of proposed treatments
- ❖ Changes to the plan of care, or in medical or health status
- ❖ Rules and regulations, including a written copy of the residents' rights
- ❖ Contact information for the long-term care ombudsman program and state survey agency
- ❖ State survey reports and the nursing facility's plan of correction
- ❖ Written notice before a change in room or roommate
- ❖ Notices of information in a language or manner he or she understands (Spanish, Braille, etc)

## Right to Voice Grievances

- ❖ Voice grievances without discrimination or retaliation or the fear of it
- ❖ Prompt efforts by the facility to resolve grievances and provide written decision upon request
- ❖ To file a complaint with the long-term care ombudsman program or state survey agency

## Right of Access to

- ❖ Individuals, services, community members and activities inside and outside the facility
- ❖ Visitors of his or her choosing, at any time, and the right to refuse visitors
- ❖ Personal and medical records
- ❖ His or her personal physician and representatives from the state survey agency and long-term care ombudsman program
- ❖ Assistance if sensory impairments exists
- ❖ Participate in social, religious and community activities

## Right Regarding Financial Affairs

- ❖ Manage his or her financial affairs
- ❖ Information about available services and the charges for each service
- ❖ Personal funds of more than \$100 (\$50 for residents whose care is funded by Medicaid) deposited by the facility in a separate interest-bearing account, and financial statements quarterly or upon request
- ❖ Not be charged for services covered by Medicaid or Medicare

## Right to Privacy

- ❖ Personal, financial, and medical affairs
- ❖ Private and unrestricted communication with any person of their choosing
- ❖ During treatment and care of personal needs

## Rights During Discharge/Transfer

- ❖ Remain in the nursing facility unless:
  - the resident's needs cannot be met in the facility;
  - the resident's health has improved and she/he no longer requires nursing home care;
  - the safety of the individuals in the facility is threatened due to the clinical or behavioral status of the resident;
  - the health of others in the facility is threatened;
  - the resident has failed, after reasonable notice, to pay the facility charge for an item or service provided at the resident's request;
  - the facility is closing
- ❖ Right to appeal the proposed transfer or discharge and not be discharged while an appeal is pending
- ❖ Receive 30-day written notice of discharge or transfer that includes: the reason; the effective date; the location going to; appeal rights and process for filing an appeal; and the name and contact information for the long-term care ombudsman
- ❖ Preparation and orientation to ensure safe and orderly transfer or discharge
- ❖ Notice of the right to return to the facility after hospitalization or therapeutic leave