

RESIDENTS' RIGHTS IN NURSING HOMES

Consumer Information Sheet

If you are a resident or have a loved one in a nursing home, this information highlights your rights. **Residents' rights** are part of the federal Nursing Home Reform Law enacted in 1987 in the Social Security Act. The law requires nursing homes to "promote and protect the rights of each resident" and places a strong emphasis on individual dignity and self-determination. Nursing homes must meet residents' rights requirements if they participate in Medicare or Medicaid. The following is an overview of the ways that the law protects residents' rights.

Quality of Life

The Nursing Home Reform Law requires each nursing home to "care for its residents in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident." This requirement emphasizes dignity, choice, and self-determination for residents.

Providing Services and Activities

Each nursing home is 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 which . . . is initially prepared, with participation to the extent practicable of the resident, the resident's family, or legal representative." This means that a resident should not decline in health or well-being as a result of the way a nursing facility provides care.

Specific Rights

The Nursing Home Reform Law legally protects the following rights for nursing home residents:

The Right to Be Fully Informed, including the right to:

- Be informed of all services available as well as the charge for each service;
- Have a copy of the nursing home's rules and regulations, including a written copy of resident

rights;

- Be informed of the address and telephone number of the State Ombudsman, State survey agency office, and other advocacy groups;
- See the State survey reports of the nursing home and the home's plan of correction;
- Be notified in advance of any plans to change their room or roommate;
- Daily communication in the resident's language, for example, Spanish;
- Assistance if they have a sensory impairment.

The Right to Participate in Their Own Care, including the right to:

- Receive adequate and appropriate care;
- Be informed of any changes in their medical condition;
- Participate in their assessment, care-planning, treatment, and discharge;
- Refuse medication and treatment;
- Refuse chemical and physical restraints;
- Review their medical record.

The Right to Make Independent Choices, including the right to:

- Make independent personal decisions, such as what to wear and how to spend free time;
- Reasonable accommodation of their needs and preferences by the nursing home;
- Choose their own physician;
- Participate in community activities, both inside and outside the nursing home;
- Organize and participate in a Resident Council or other resident advisory group.

The Right to Privacy and Confidentiality, including the right to:

- Private and unrestricted communication with any person of their choice;
- Privacy in treatment and in the care of their personal needs;
- Confidentiality regarding their medical, personal, or financial affairs.

The Right to Dignity, Respect, and Freedom, including

the right to:

- Be treated with the fullest measure of consideration, respect, and dignity;
- Be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints;
- Self-determination.

The Right to Security of Possessions, including:

- Manage their own financial affairs;
- File a complaint with the State survey and certification agency for abuse, neglect, or misappropriation of their property if the nursing home is handling their financial affairs;
- Be free from charge for services covered by Medicaid or Medicare.

Rights During Transfers and Discharges, including:

- 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 the resident no longer requires nursing home care;
 - (c) is needed to protect the health and safety of other residents or staff; or
 - (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. The notice must include the reason for transfer or discharge, the effective date, the location to which the resident is transferred or discharged, a statement of the right to appeal, and the name, address, and telephone number of the state long-term care ombudsman;
- A safe transfer or discharge through sufficient

preparation by the nursing home.

The Right to Complain, including the right to:

- Present grievances to the staff of the nursing home, or to any other person, without fear of reprisal;
- Prompt efforts by the nursing home to resolve grievances;
- Complain to the survey agency and ombudsman program.

The Right to Visits, including the right to:

- Immediate access by a resident's personal physician and representatives from the state survey agency and ombudsman programs;
- Immediate access by their relatives and for others "subject to reasonable restriction" with the resident's permission;
- Reasonable visits by organizations or individuals providing health, social, legal, or other services.

Advocates for Residents Rights

The Long Term Care Ombudsman Program is required by federal law to promote and protect the rights of residents of nursing homes and related facilities, such as board and care homes. Contact your local or state ombudsman for information and assistance with making sure that resident rights are respected. Many states also have citizen advocacy groups that champion resident rights. Obtain contact information for your state or local ombudsman and citizen advocacy groups by contacting the National Citizens' Coalition for Nursing Home Reform at 202-332-2275, email: nccnhr@nccnhr.org, website: www.nccnhr.org.

If you are interested in learning more, the National Citizens' Coalition for Nursing Home Reform (NCCNHR) has several publications that may be of interest. Call 202-332-2275 for a publication list or visit the website at <http://www.nccnhr.org>.

☛ **Nursing Homes: Getting Good Care There -- Consumer Book**
Cost: \$14.95

☛ **Avoiding Physical Restraint Use - consumer booklet, Cost: \$7.50**

☛ **Avoiding Drugs Used as Chemical Restraints - consumer booklet, Cost: \$7.50**

Order both (1 of each) Restraint booklets for \$14

☛ **Using Resident Assessment and Care Planning: An Advocacy Tool for Residents and their Advocates, Cost: \$12**

Prices listed do not include shipping and handling.