

# RESIDENT'S RIGHTS

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 service
- 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

## **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, effective date, location to which the resident is transferred or discharged, the right 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

### **Right 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 organizations or individuals providing health, social, legal, or other services
- Residents have the right to refuse visitors.

### **Right 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

Information provided by NCCNHR (National Citizens' Coalition for Nursing Home Reform) is a national non-profit membership organization founded in 1975 by Elma Holder to protect the rights, safety, and dignity of America's long-term care residents.

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