

RESIDENTS RIGHTS

If you are a resident or have a loved one in a long term care facility, it is important to know that certain rights, protections and privileges are guaranteed by State and Federal law.

Residents' rights were part of the Nursing Home Reform Law enacted in 1987 by the U.S. Congress.

Following is a summary of the Major Provisions of the 1987 Nursing Home Reform Law:

I. The Right to be Fully Informed

- The right to be informed of all services available and all charges.
- The right to a copy of the facility's rules and regulations.
- The right to be informed of the address and telephone number of the State Ombudsman, the state licensure office and other advocacy groups and the facility should post these numbers.
- The right to see the State survey reports on the facility.
- The right to daily communication in their own language and the right to assistance if there is sensory impairment.

II. The Right to Participate in Their Own Care

- The right to receive adequate or appropriate health care.
- The right to be informed of their medical condition and to participate in treatment planning: The resident and their representative shall be invited to participate in care planning.
- The right to refuse medication and treatment.
- The right to participate in discharge planning.
- The right to review their medical records.

III. The Right to Make Independent Choices

- The right to know that choices are available.
- The right to make independent personal decisions.
- The right to choose their own physician.
- The right to participate in activities of the community inside and outside the facility.
- The right to vote.
- The right to participate in a Resident Council.

IV. The Right to Privacy and Confidentiality.

- The right to private and unrestricted communication with any person of their choice, including: privacy for telephone calls; unopened mail; privacy for meetings with family and friends and other residents.
- The right to privacy in treatment and caring for their personal needs.
- The facility must provide reasonable access to any entity or individual that provides health, social, legal or other services.
- The right to confidentiality regarding their medical, personal or financial affairs.

V. The Right to Dignity, Respect and Freedom

- The right to be treated with consideration, respect and with the fullest measure of dignity.
- The right to be free from mental and physical abuse.
- The right self-determination.

VI. The Right to Security for Their Possessions

- The right to manage their own financial affairs.
- The right to file a complaint with the State survey and certification agency for abuse, neglect or misappropriation of their property.

VII. The Right to Remain in the Facility

- The right to be transferred or discharged only for medical reasons, for their welfare if their needs cannot be met in the facility, if the health and safety of other residents is endangered, or for non-payment of stay.
- The right to receive notice of transfer. A thirty-day notice of transfer out of the facility must be given. The notice must include the reason for transfer, the effective date, the location to which the resident is discharged, a statement of right to appeal, the name, address and telephone number of the state long-term care ombudsman.
- The facility must provide sufficient preparation of residents to ensure a safe transfer or discharge.

VIII. The Right to Raise Concerns or Complaints

- The right to present grievances for themselves or others to the staff of the nursing home, or to any other person, without fear of reprisal.
- The right to prompt efforts by the facility to resolve grievances.

IX. The facility must maintain identical policies and practices regarding transfer, discharge and the provision of services for all individuals regardless of the payment source.

For more information on residents rights contact the Ombudsman at 208-667-3179 or toll-free at 800-786-5536.

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.