

Residents Rights Guide





Your Rights and Protections as a Nursing Home Resident. What are my rights in a nursing home?

As a nursing home resident, you have rights and protections under Federal and state law that help ensure you get the care and services you need. The nursing home must tell you about these rights and explain them in writing in a language you understand. They must also explain in writing how you should act and what you're responsible for while you're in the nursing home. You must acknowledge in writing that you got this information.

YOU HAVE THE RIGHT TO:

Be Treated with Respect:

You have the right to be treated with dignity and respect, as well as make your own schedule and participate in the activities you choose. You have the right to decide when you go to bed, rise in the morning, and eat your meals.

Be Nourished:

You are entitled to meals that meet the recommended daily dietary allowances for your age and sex, and that may be modified according to your special dietary needs or ability to chew.

Participate in Activities:

You have the right to participate in an activities program designed to meet your needs and the needs of the other residents.

Be Free from Discrimination:

Nursing homes don't have to accept all applicants, but they must comply with Civil Rights laws that say they can't discriminate based on race, color, national origin, disability, age, or religion.

Exercise Your Civil and Religious Liberties:

You have the right to make independent personal decisions, and the right to knowledge of available choices. The facility shall encourage and assist you in the fullest possible exercise of these rights.

Be Free from Abuse and Neglect:

You have the right to be free from verbal, sexual, physical, and mental abuse. Nursing homes can't isolate you from everyone else against your will. If you feel you have been mistreated (abused) or the nursing home isn't meeting your needs



(neglect), report this to the nursing home, your family, your local Long-Term Care Ombudsman, or State Survey Agency. The nursing home must investigate and report all suspected violations and any injuries of unknown origin within 5 working days of the incident to the proper authorities.

Be Free from Restraints:

Nursing homes can't use any physical restraints (like side rails) or chemical restraints (like drugs) to discipline you for the staff's own convenience.

Make Complaints:

You have the right to make a complaint to the staff of the nursing home, or any other person, without fear of punishment. The nursing home must address the issue promptly. You are entitled to information about the health facility's policies and procedures for responding to resident complaints.

GET PROPER MEDICAL CARE:

You have the following rights regarding your medical care:

- To be fully informed about your total health status in a language you understand.
- To be fully informed about your medical condition, prescription and over-the-counter drugs, vitamins, and supplements.
- To be involved in the choice of your doctor.
- To participate in the decisions that affects your care.
- To take part in developing your care plan. By law, nursing homes must develop a care plan for each resident. You have the right to take part in this process. Family members can also help with your care plan with your permission.
- To access all your records and reports, including clinical records (medical records and reports) promptly (on weekdays). Your legal guardian has the right to look at all your medical records and make important decisions on your behalf.
- To refuse disclosure of your medical records to a third party without your permission, and to confidential treatment of your medical records. You may refuse to release your records to anyone outside the facility, except as required by law, or in transferring to another facility, or as permitted or required under the Health Insurance Portability Act.
- To privacy in treatment and in caring for your personal needs with consideration, respect, and dignity.
- To express any complaints (sometimes called "grievances") you have about your care or treatment.
- To create advance directives (a health care proxy or power of attorney, a living will, after-death wishes) in accordance with State law.
- To refuse to participate in experimental treatment.
- To be free from performing services for the residence that are not included for therapeutic purposes in the plan of care.
- To be provided adequate and appropriate pain and symptom management as a basic and essential element of your medical treatment.
- If you desire treatment by a licensed medical professional, you are entitled to receive it, unless appropriate medical authorities advise against it.
- To refuse treatment, and to be informed of the consequences of that refusal. If a refusal of treatment prevents a health facility from providing appropriate care according to ethical and professional standards, the relationship with the resident may be terminated upon reasonable notice



HAVE YOUR REPRESENTATIVE NOTIFIED:

The nursing home must notify your doctor and, if known, your legal representative or an interested family member when the following occurs:

- You're involved in an accident and are injured and/or need to see a doctor.
- Your physical, mental, or psychosocial status starts to get worse.
- You have a life threatening condition.
- You have medical complications.
- Your treatment needs to change significantly.
- The nursing home decides to transfer or discharge you from the nursing home.

GET INFORMATION ON SERVICES AND FEES:

You have the right to be told in writing about all nursing home services and fees (those that are charged and not charged to you) before you move into the nursing home and at any time when services and fees change.

In addition:

- The nursing home can't require a minimum entrance fee if your care is paid for by Medicare or Medicaid.
- For people seeking admission to the nursing home, the nursing home must tell you (both orally and in writing) and also display written information about how to apply for and use Medicare and Medicaid benefits, and other financial assistance available through the facility.
- You are entitled to know who is responsible for and who is providing your direct care, and to receive information concerning your continuing health needs and alternatives for meeting those needs.
- The nursing home must also provide information on how to get a refund if you paid for an item or service, but because of Medicare and Medicaid eligibility rules, it's now considered covered.



GET INFORMATION ON SERVICES AND FEES:

You have the right to be told in writing about all nursing home services and fees (those that are charged and not charged to you) before you move into the nursing home and at any time when services and fees change. In addition:

If you deposit your money with the nursing home or ask them to hold or account for your money, you must sign a written statement saying you want them to do this.

- Your admission to a nursing home does not confer on the nursing home or any of its staff or representatives the authority to manage, use, or dispose of your property.
- The nursing home must allow you access to your bank accounts, cash, and other financial records.
- You are entitled to have at least a quarterly accounting of personal financial transactions taken by the facility on your behalf.
- You are entitled to receive from the residence a monthly itemized statement setting forth the services paid for by you or on your behalf, and the services rendered by the facility.
- The nursing home must have a system that ensures full accounting for your funds and can't combine your funds with the nursing home's funds.
- The nursing home must protect your funds from any loss by providing an acceptable protection, such as buying a surety bond.
- If a resident with a fund dies, the nursing home must return the funds with a final accounting to the person or court handling the resident's estate within 30 days.

GET PROPER PRIVACY, PROPERTY, AND LIVING ARRANGEMENTS:

You have the following rights:

- To keep and use your personal belongings and property as long as they don't interfere with the rights, health, or safety of others.
- To have private visits.
- To make and get private phone calls.
- To have privacy in sending and getting mail and email.
- To have the nursing home protect your property from theft.

- To share a room with your spouse if you both live in the same nursing home (if you both agree to do so).
- The nursing home has to notify you before your room or your roommate is changed and should take your preferences into account.
- To review the nursing home's health and fire safety inspection results.

SPEND TIME WITH VISITORS:

You have the following rights:

- To spend private time with visitors.
- To have visitors at any time, as long as you wish to see them, as long as the visit does not interfere with the provision of care and privacy rights of other residents
- Residence facilities must establish reasonable, regular visiting hours, not less than 8 hours per day, and take into consideration the special circumstances of each visitor.
- To see any person who gives you help with your health, social, legal, or other services may at any time. This includes your doctor, a representative from the health department, your Long-Term Care Ombudsman, and your attorney, among others.
- A resident who is considered terminally ill by appropriate medical professionals has the right to have their spouse, next of kin, or a patient's representative stay at the facility 24 hours a day.
- Get Social Services: The nursing home must provide you with any needed social services, including the following: Counseling, Help solving problems with other residents. Help in contacting legal and financial professionals. Discharge planning.

LEAVE THE NURSING HOME:

- Leaving for visits: If your health allows, and your doctor agrees, you can spend time away from the nursing home visiting family or friends during the day or overnight, called a "leave of absence." Talk to the nursing home staff a few days ahead of time so the staff has time to prepare your medicines and write your instructions. Caution: If your nursing home care is covered by certain health insurance, you may not be able to leave for visits without losing your coverage.
- Moving out: Living in a nursing home is your choice. You can choose to move to another place. However, the nursing home may have a policy that requires

Leave the Nursing Home cont...

Leave the Nursing Home cont...

you to tell them before you plan to leave. If you don't, you may have to pay an extra fee.

- Have Protection Against Unfair Transfer or Discharge: You can't be sent to another nursing home, or made to leave the nursing home, unless any of the following are true:
 - It's necessary for the welfare, health, or safety of you or others.
 - Your health has improved to the point that nursing home care is no longer necessary.
 - The nursing home hasn't been paid for services you got.
 - The nursing home closes.
- You have the following rights:
- You have the right to appeal a transfer or discharge to the State.
 - The nursing home can't make you leave if you're waiting to get Medicaid.
 - Except in emergencies, nursing homes must give a 30-day written notice of their plan and reason to discharge or transfer you.
 - The nursing home has to safely and orderly

transfer or discharge you and give you proper notice of bed-hold and/or readmission requirements.

- Form or Participate in Resident Groups: You have a right to form or participate in a resident group to discuss issues and concerns about the nursing home's policies and operations. Most homes have such groups, often called "resident councils." The home must give you meeting space and must listen to and act upon grievances and recommendations of the group.
- Have Your Family and Friends Involved: Family and friends can help make sure you get good quality care. They can visit and get to know the staff and the nursing home's rules. Family members and legal guardians may meet with the families of other residents and may participate in family councils, if one exists. Family members can help with your care plan with your permission. If a family member or friend is your legal guardian, he or she has the right to look at all medical records about you and make important decisions on your behalf.



Regarding grievances related to care, support, and services offered by sage metro detroit:

a grievance is defined as any situation or condition that a client thinks is unfair, unjust or inequitable. in addition, if a client merely states they want to file a grievance, a grievance should be completed. under this client grievance procedure, you should submit a grievance in the following sequence:

- if you have a grievance, the concern can be discussed with the program director.
- if you and the program director are unable to resolve the concern, the program director will elevate your concern to senior leadership within two business days and provide an acknowledgment to you within seven (7) business days.
- sage metro detroit will report the outcome of the complaint investigation to you within 14 business days after the complaint is received. if it has not been possible to gather the necessary information that would lead to a resolution by 14 days, you will be notified and given a new date, up to 30 days, by which a resolution or determination will be made.
- if for any reason you are unsatisfied with the results, you may contact sage metro detroit's executive director to further discuss the matter. the ed will conduct a review of the matter and will respond to you in writing within 10 business days.

