

Residents' Rights

Residents' rights were part of the Nursing Home Reform Law enacted in 1987 by the U.S. Congress. 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 to participate in Medicare or Medicaid.

Quality of Life

The Nursing Home Reform Act 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 statement highlights an emphasis on dignity, choice, and self-determination for nursing home 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 as a direct result of the nursing facility's care.

Specific Rights

The Nursing Home Reform Act also grants nursing home residents these specific rights:

- The Right to Be Fully Informed, including:
- The right to be informed of all services available as well as the charge for each service;
- The right to have a copy of the nursing home's rules and regulations, including a written copy of their rights;
- The right to be informed of the address and telephone number of the State Ombudsman, State licensure office, and other advocacy groups;
- The right to see the State survey reports of the nursing home and the home's plan of correction;
- The right to be notified in advance of any plans to change their room or roommate;
- The right to daily communication in their language;
- The right to assistance if they have a sensory impairment.

- The Right to Participate in Their Own Care, including:
 - The right to receive adequate or appropriate care; The right to be informed of any changes in their medical condition;
 - The right to participate in planning their treatment, care, and discharge;
 - The right to refuse medication and treatment;
 - The right to refuse chemical and physical restraints;
 - The right to 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;
 - The right to reasonable accommodation of their needs and preferences by the nursing home;
 - The right to choose their own physician;
 - The right to participate in community activities, both inside and outside the nursing home;
 - The right to organize and participate in a Resident Council
- The Right to Privacy and Confidentiality, including:
 - The right to private and unrestricted communication with any person of their choice;
 - The right to privacy in treatment and in the care of their personal needs;
 - The right to 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;
 - The right to be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints;
 - The right to self-determination.

- The Right to Security of Possessions, including:
 - 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 if the nursing home is handling their financial affairs;
 - The right to be free from charge for services covered by Medicaid or Medicare.
- Rights During Transfers and Discharges, including:
 - The right to remain in the nursing facility unless a transfer or discharge: is necessary to meet the resident's welfare; is appropriate because the resident's health has improved and the resident no longer requires nursing home care; is needed to protect the health and safety of other residents or staff; 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;
 - The right to receive notice of transfer or discharge. A thirty-day notice is required. 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;
 - The right to 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;
 - The right to prompt efforts by the nursing home to resolve grievances.
- The Right to Visits, including:
 - The right to immediate access by a resident's personal physician and representatives from the health department and ombudsman programs;
 - The right to immediate access by their relatives and for others subject to reasonable restriction with the resident's permission;
 - The right to reasonable visits by organizations or individuals providing health, social, legal, or other services.

Source: National Citizens' Coalition for Nursing Home Reform