

# Nursing Home Residents Have Rights

Nursing home residents have the same rights as other individuals. However, a combination of factors, including their residence in an institutional facility and their disability, can lead to a loss of dignity and proper care. Accordingly, in 1987 Congress enacted the Nursing Home Reform Law, which has been incorporated into Medicare and Medicaid regulations. In its broadest sense, the law requires that each nursing home resident be given the services necessary to function at the highest level possible for that individual. Following is a general summary of some of those rights:

## **The Right to Be Fully Informed.**

Residents must be informed about the services available in the facility and fees charged for those services. Nursing homes may charge for services in addition to the basic daily rate but only if they have previously disclosed which services incur extra charges.

Residents also have a right to a copy of the facility's rules and regulations, to see State survey reports, and to contact information for the Ombudsman, the State licensing body, and certain other groups.

Facilities must provide a written description of legal rights, explaining state laws regarding durable powers of attorney for healthcare, patient advocate designations, and other advance directives. They must also state their policy on carrying out these directives.

## **The Right to be Free of Unnecessary Physical or Chemical Restraints.**

Restraints are not permitted unless authorized by a physician, in writing, for a specified and limited period of time. This includes vests, hand mitts, seat belts, antipsychotic drugs, sedatives and other physical and chemical restraints.

## **The Right to Participate in Their Own Care.**

Residents and their legal representatives have the right to participate in care planning meetings, to contact information for treating physicians, and to access their medical records.

If a resident's health deteriorates or the facility wishes to change the resident's treatment, the facility must inform the resident, the resident's legal representative, and the resident's physician.

## **The Right to Associate With Others of Their Choice.**

Residents have the right to share a room with a spouse, gather with other residents without staff present, and meet with nursing home oversight agencies. They may leave the

nursing home to participate in community groups, religious services and other activities, as well as visit family and friends.

## **The Right to Privacy.**

The right to privacy extends to all aspects of nursing home care including treatment and caring for residents' personal needs, visits with family, friends, and others, and mail and telephone communication. Additionally, residents have the right to manage their financial affairs and are not required to deposit personal funds with the facility.

## **The Right to Stability.**

Nursing home residents may be transferred or discharged only for medical reasons, for their welfare if their needs cannot be met at the current facility, endangerment of other residents' health and safety, or non-payment. The resident also has the right to advance notice regarding a move and an opportunity to appeal a move.

## **The Right to Be Free of Reprisals.**

Residents have the right to raise concerns and otherwise exercise their rights without fear of interference, reprisal, coercion, or discrimination. Nursing homes have a responsibility to respond promptly to individual concerns, and working cooperatively with the staff usually leads to good results. However, residents have the right to pursue legal remedies if necessary.

This tip sheet is provided for informational purposes only. If you have questions or concerns regarding the treatment or care of a loved one, consult an attorney who is knowledgeable about relevant standards, procedures and remedies. Determining an appropriate recommendation and remedy depends upon the details of your particular situation.

*For more information or to schedule a consultation, contact us at 1-800-928-0034*