

2007 Residents' Rights Week

Training Suggestion

Training topic: Residents' Rights – The Basics (estimated training time = 1 hour)

Intended audience: Residents, family members, long-term care staff, volunteer ombudsmen

Course level: This makes a good introductory training for those not familiar with residents' rights. The training can also be modified to be a refresher on the basics of residents' rights information.

Supplies:

- Residents' Rights Fact Sheet (see handout enclosed)
- Residents' Rights Discussion Questions (see attached)
- Add other handouts, program brochures or materials as needed (i.e. Ombudsmen may want to include information on how to contact the Ombudsman Program, etc.).

Training suggestions:

Step 1: Hand out the Residents' Rights Fact Sheet and use this handout to provide a general overview of residents' rights.

Tip: Just hit the highlights; don't read word for word. Spend some time explaining about the Nursing Home Reform Law & note the resident right categories that appear in bold. Mention one or two of the bullet points in your remarks.

Step 2: Use the Residents' Rights Discussion Questions to guide your discussion of residents' rights.

Tip: Try to hit one or two discussion topics under each of the bold categories on the fact sheet. Ask participants how they respect and uphold residents' rights in their everyday practices.

Step 3: After you have gotten through the discussion questions or time has run out, provide some concluding remarks and hand out any additional materials.

Tip: Provide the audience with suggestions for where to go to find additional information about residents' rights and quality of care. The fact sheet has some suggestions. Also refer to the resource section of the Residents' Rights Week packet for additional ideas.

Suggested modifications:

- Instead of using the discussion questions, have participants play the Residents' Rights Bingo. Use the playing cards to guide and enhance your discussion of residents' rights. (Order information for the Residents' Rights Bingo is included as an addition to this training suggestion & in the resource section of the Residents' Rights Week packet.
- Use the question cards from the Residents' Rights Bingo or the discussion questions from this activity to create your own Residents' Rights Jeopardy. Remember that all answers should be in the form of a question (ie. "What is the Resident Right to Make Independent Choices?")

Residents' Rights Discussion Questions

Right to Information

- How many of you were aware that there is a Bill of Rights that applies to residents who live here? How did you know?
- Where are the residents' rights posted in this facility?
- Where could you go to find out more about residents' rights?
- How can you find out information about the quality of care this home provides?
- Do you know about your Ombudsman? What does he/she do? How do you contact him/her?

Right to Complain

- What should you do if you have a complaint or concern about the care and/or services you receive? Who can you talk to?
- How does the administration respond when you express a concern? Is there a process that you have been told to follow if you have a complaint?

Right to Participate in One's Own Care

- How are decisions made about the type of care and services a resident receives here?
- Have you ever participated in a care plan conference?
- Do you have questions about your health? How do you get them answered?

Right to Privacy & Confidentiality

- When do you most wish you had privacy?
- Do you have a place in your room to safely keep your belongings?
- Where do you visit privately? Is there space available for a private conversation with a visitor or for a private phone call?

Rights During Transfers & Discharges

- Have you ever been asked to change rooms or roommates? Do you have the right to refuse such a change?
- If you had to leave this home to go to the hospital, would you be allowed to come back?
- If you were asked to leave this home and you didn't want to, do you know who can help you appeal the transfer/discharge?

Right to Dignity, Respect, and Freedom

- How do you define respect? What actions show or indicate to you that someone respects you?
- What is meant by treating someone with dignity?
- Do you have the same freedoms living in this home as you would in your own home?

Right to Visits

- Can the home deny you the right to see family or friends of your choosing?

- What if you don't want to see someone, can the staff and/or administration force you to visit with a visitor who may not be welcome?

Right to Make Independent Choices

- Are you asked how you would like to spend your day – ie. Which activities you would like to participate in?
- Can you choose to get dinner in your room instead of going to the dining room?
- Does your home have a resident and/or family council that you participate in?

RESIDENTS' RIGHTS: AN OVERVIEW

March 2007

Residents' Rights are guaranteed by the federal 1987 Nursing Home Reform Law. 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 federal residents' rights requirements if they participate in Medicare or Medicaid. Some states have residents' rights in state law or regulation for nursing homes, licensed assisted living, adult care homes, and other board and care facilities. A person living in a long-term care facility maintains the same rights as an individual in the larger community.

Residents' Rights Guarantee Quality of Life

The 1987 Nursing Home Reform Law requires each nursing home to care for its residents in a manner that promotes and enhances the quality of life of each resident, ensuring *dignity, choice, and self-determination*.

All nursing homes are 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 that... is initially prepared, with participation, to the extent practicable, of the resident, the resident's family, or legal representative." *This means a resident should not decline in health or well-being as a result of the way a nursing facility provides care.*

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

Advocates for Residents Rights

Where do you go for help if you're concerned a facility is not guaranteeing the rights of residents? Contact your local or state long-term care ombudsman or, if one exists, your state's citizen advocacy group. The Long-Term Care Ombudsman Program is required by federal law to promote and protect the rights of residents in licensed long-term care facilities. NCCNHR can help you locate advocates and ombudsmen in your area. Visit our website: www.nccnhr.org to view a map listing ombudsmen and citizen advocacy groups nationwide.

More fact sheets and publications on how to get good care in nursing homes are available by calling NCCNHR at 202.332.2275 or visiting our website at www.nccnhr.org

Nursing Homes: Getting Good Care There,
\$11.95

Fact Sheets:

*A Consumer Guide to Choosing a Nursing Home:
Restraints*

Access and Visitation

Involuntary Transfer and Discharge

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