



The National

CONSUMER VOICE

for Quality Long-Term Care

Resident Rights

Jocelyn Bogdan, Senior Policy Specialist

September 27, 2022

About the Consumer Voice

The leading national voice representing consumers in issues related to long-term care

- ▶ **Advocate for public policies** that support quality of care and quality of life responsive to consumers' needs in all long-term care settings.
- ▶ **Empower and educate** consumers and families with the knowledge and tools they need to advocate for themselves.
- ▶ **Train and support** individuals and groups that empower and advocate for consumers of long-term care.
- ▶ **Promote the critical role** of direct-care workers and best practices in quality care delivery.



Inspiring **Unity** within **Our Community**

National Consumer Voice for Quality Long-Term Care

<https://theconsumervoice.org/events/2022-residents-rights-month/activities>

Resident Rights and Community





Resident Rights

Right to Care and Services

- Residents have the right to receive care and services to obtain his or her highest level of well being.
- Nursing home must provide the care and treatment and services necessary to reach highest level of physical, mental, and psychosocial well being or maintain current level.
- Should not decline unless there is a medical condition progressing or they refuse treatment.
- Individualized, person centered care.

▶ Right to Care Planning

- Residents have the right to participate in the development and implementation of a person-centered plan of care.
- This includes the right to make decisions about care now and in the future.
- Including the right to consent to services, treatment, and medication.

▶ Right to Be Free from Abuse, Neglect, Misappropriation of Resident Property, and Exploitation

- ▶ Each facility must have policies and procedures that prohibit and prevent abuse, neglect, misappropriation of resident property, exploitation.
- ▶ Staff must be screened prior to hiring.
- ▶ Staff must be trained on how to prevent and report abuse.
- ▶ When abuse is suspected, it must be reported and investigated.
- ▶ Further abuse must be prevented during the investigation
- ▶ Results of the investigation must be reported.
- ▶ Corrective action must be taken if abuse is verified.

Right to be Free from Chemical Restraints

- ▶ Residents have the right to be free from physical and chemical restraints. This includes anti-psychotic medications.
- ▶ Residents can make their own choices and treatment decisions.
- ▶ They have the right to know the purpose of their treatment and if the benefits outweigh the risks.
- ▶ Right to refuse if they do not feel medication is right for them.

▶ Right to Voice Grievances Without Retaliation or Fear of Retaliation and Prompt Efforts to Resolve Grievances

- ▶ Each facility must establish a grievance policy.
- ▶ Residents have the right to file complaints orally, in writing, anonymously.
- ▶ The facility must make prompt efforts to resolve grievances.
- ▶ Grievance official responsible for all aspects of complaint handling.
- ▶ Residents must be given written decision regarding their grievance.

▶ Right to LTCOP/Filing a Complaint with SSA

- ▶ Long-Term Care Ombudsman Program
- ▶ File a complaint with the state survey and certification agency

https://theconsumervoicework.org/get_help

Right to Transfer/Discharge Protections

Federal regulations

- ▶ From the Facility
 - ▶ Transfer/Discharge only permissible for 6 reasons.
 - ▶ Procedural protections include advance notice and right to appeal.
- ▶ Within the Facility (Room Changes)
 - ▶ Some limited restrictions on when a resident can be moved.
- ▶ Facility Responsibilities

Right to Self-Determination & to Make Choices

- ▶ To choose activities, schedules, health care, and providers consistent with the resident's interests, assessments, and plan of care.
- ▶ To choose aspects of life in the facility that are significant to the resident.
- ▶ To receive reasonable accommodation of needs and preferences in residing and receiving services in the nursing home.
- ▶ ***To interact with members of the community and participate in community activities both inside and outside the facility.***
- ▶ To participate in social, religious, and community activities inside and outside the facility.

Right to Organize and Participate in Resident Councils

- ▶ Residents have the right to form and participate in a resident group.
- ▶ The facility must provide a resident group with private space
- ▶ Staff or visitors may attend meetings only at the group's invitation
- ▶ The facility must provide a designated staff person responsible to assist and respond to written requests from the council
- ▶ The facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility



Take Action

Raise Your Concerns Inside the Facility

Talk to the staff

File a complaint through the nursing home's grievance process.

Raise your concerns to the Director of Nursing or Administrator

Connect with the Resident or Family Council

Get Help From Outside the Facility

Contact the Long-Term Care Ombudsman Program

File a complaint with your State's Licensing Agency

Reach out to your local elected representatives

Write a letter to the editor, use social media

Try again. And again.



Resources



Specialized Information for:

Long-Term Care Consumers

Family Members

Advocates

COVID-19



Registration is Open for the 2022 Annual Conference

Join us in-person in Baltimore, MD November 14-16 and virtually December 8-9.

Learn More & Register



Our Website

www.theconsumervoice.org

Our Conference



Specialized Information for:

Long-Term Care Consumers

Family Members

Advocates

COVID-19

[https://theconsumervoic
e.org/2022-conference](https://theconsumervoic
e.org/2022-conference)

2022 In-Person & Virtual Conference



National Consumer Voice for Quality Long-Term Care

46th Annual Conference

**SHAPING
THE FUTURE**

IN-PERSON

**November 14-16, 2022
Baltimore, Maryland**

VIRTUAL

December 8-9, 2022

Nursing Home Resident Rights

- ▶ A Consumer Voice Factsheet on Resident Rights
- ▶ <https://ltcombudsman.org/uploads/files/issues/residents-rights-factsheet>



NURSING HOME RESIDENTS' RIGHTS¹

1 See 42 CFR 483.40(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z).

Residents of nursing homes have rights that are guaranteed by the federal Nursing Home Reform Law. The law requires nursing homes to "promote and protect the rights of each resident" and stresses individual dignity and self-determination. Many states also include residents' rights in state law or regulation.

Right to a Dignified Existence

- Be treated with consideration, respect, and dignity, recognizing each resident's individuality
- Freedom from abuse, neglect, exploitation, and misappropriation of property
- Freedom from physical or chemical restraints
- Quality of life is maintained or improved
- Exercise rights without interference, coercion, discrimination, or reprisal
- A homelike environment, and use of personal belongings when possible
- Equal access to quality care
- Security of possessions

Right to Self-Determination

- Choice of activities, schedules, health care, and providers, including attending physician
- Reasonable accommodation of needs and preferences
- Participate in developing and implementing a person-centered plan of care that incorporates personal and cultural preferences

Resident Rights in Multiple Languages

<https://ltcombudsman.org/issues/residents-rights#Consumers>

Residents' Rights in Other Languages

If you have a copy of Residents' Rights in a language not listed here and would like to share it with NORC, e-mail it to ombudcenter@theconsumervoic.org. Thank you!

***NEW* Residents' Rights Fact Sheets**

- **English**
- **Spanish**
- **French**
- **Chinese**
- **Korean**
- **Tagalog**
- **Russian**
- **Arabic**
- **German**
- **Greek**
- **Japanese**
- **Polish**
- **Braille**

Language Access Rights: Tips for Advocates of Limited English Proficient Older Adults

My Personal Directions for Quality Living

- ▶ This can be used by residents to record their personal preferences and information about themselves in case they need long-term care services in the future.
- ▶ <https://ltcombudsman.org/uploads/files/library/my-personal-directions-blank-revised.pdf>

MY PERSONAL DIRECTIONS FOR QUALITY LIVING

Name: _____ **Date:** _____

Please use my chosen name or nickname listed below:

My pronouns are: _____

To My Caregivers (paid and unpaid) & Family of Choice:

I am recording my personal preferences and information about myself in case I need long-term care services in my home or in a long-term care community in the future. Please always talk to me about my day-to-day life to see what it is that I want and enjoy. However, the information below may provide some help in understanding me and in providing my care. I hope this information will be useful to those who assist me.

PHOTO

I want my caregivers and family of choice to know the following important details about my life story:

The way I like to wake up and start my day includes (e.g., how and when to wake

Join Our Consumer Advisory Council

Email: jbogdan@theconsumervoice.org





The National

CONSUMER VOICE

for Quality Long-Term Care

formerly NCCNHR

Become A Member

<https://theconsumervoice.org/about/membership>

Join Our Action Network

<act.theconsumervoice.org/join-action-network>



The National

CONSUMER VOICE

for Quality Long-Term Care

Connect with us!

 theconsumervoice.org

 info@theconsumervoice.org

 The National Consumer Voice for Quality Long-Term Care

 @Consumer Voices