



Nursing Home Residents Bill of Rights

When you move into a nursing home, you do not lose any rights granted to you as a citizen of the United States. You are still protected by the Constitution and the Bill of Rights. You continue to have the right to:

- speak freely;
- enter into contracts;
- manage your own personal and financial affairs;
- communicate with persons outside the home;
- be free from physical, mental, and sexual abuse; and
- make your own decisions about medical treatment.

If you have a guardian, the guardian exercises your rights. If you have an attorney in fact (representative) under a power of attorney or a health care representative, your representative can exercise your rights.

The Right to Information

Facilities must provide:

- a copy of the latest survey results and any plan of correction in a public area;
- advance notice of changes in your room or roommate;
- a written copy of your rights, including the right to file a complaint and how to contact the ombudsman and the state survey agency;
- written information about services covered under the basic rate and extra charges; and
- written and oral information concerning Medicaid and Medicare.

Self Determination

Nursing facilities must respond to your needs and concerns as expressed by you or your legal representative. You have the right to:

- choose your personal physician;
- receive full information, in advance, and participate in your care plan and treatment decisions;
- receive reasonable accommodations for your individual needs and preferences;
- voice grievances without reprisal and receive a prompt response, and
- organize and participate in resident groups.

Personal and Privacy Rights

You have the right to:

- participate in social, religious, and community activities as you choose;
- have privacy during medical treatment, personal visits, written and telephone communications; and
- have all of your records kept confidential.

Transfer and Discharge Rights

You may only be transferred for one of the following reasons:

- the transfer is necessary to protect your welfare.
- your needs cannot be met in the facility.
- your health has improved so that nursing care is no longer needed.
- The health or safety of yourself or others is endangered.
- you have failed, after reasonable notice, to pay for your care.
- Written notice of Involuntary Relocation must be given on the form specified by the State Department of Health. You and your representative have the following notice rights:
 - at least thirty days advance notice, or as soon as possible if immediate transfer is needed because of your immediate health needs or the health and safety of other individuals;
 - notice must include the reason for the transfer, the name address and phone number of the local and state ombudsman program;
 - information concerning holding your bed and your right to return to the next available semi-private bed if coverage ends, if you need the services provided, and your care is paid for by Medicaid; and
 - preparation and orientation by facility staff to ensure a safe and orderly transfer from the facility.

Visitation Rights

You have the right to receive visitors and to refuse visitors. The Federal Reform Law provides for:

- immediate access by a personal physician and representatives from state and federal agencies, including the ombudsman program;
- immediate access by relatives, if you consent;
- immediate access by others with "reasonable" restrictions subject to your consent;
- reasonable visits by groups, subject to your consent; and
- access by ombudsman to records with your consent.

Protection Against Medicaid Discrimination

Discrimination in treatment of residents is prohibited and applicants for admission are protected from fraudulent activities. Facilities must:

- Have identical policies regardless of source of payment;
- provide information on how to apply for Medicaid;

- not request, require or encourage residents to waive your rights concerning Medicaid; and
- If your facility is a Medicaid provider, not transfer or discharge solely because payment source has changed from private pay to Medicaid;
- Not require guarantor of payment; and
- Not "charge, solicit, accept or receive gifts, money donations, or other considerations" as a precondition for admission or continued stay for persons eligible for Medicaid.

Protection of Personal Funds

You have the right to manage your own money. If you request the facility to manage your funds, the facility may or may not;

- keep funds over \$50 in an interest bearing account;
- keep your funds and facility funds separate;
- Keep and provide you with complete and accurate accounting, at least quarterly, and upon request;
- not charge for services of items covered by Medicaid;
- upon your death, turn funds over to the administrator of your estate; and
- purchase a surety bond or provide other assurance of security.

Rights Against Restraint and Abuse

You are protected from physical, mental and social abuse and the inappropriate use of physical and chemical restraints, including freedom from:

- physical or mental abuse, corporal punishment, or involuntary seclusion;
- restraints used for discipline or convenience of staff;
- restraints used without a physician's written orders to treat medical symptoms; and
- drugs used to control mood, mental status, or behavior without a written physician's order in the plan of care for a specific medical symptom. An external expert must annually review the appropriateness of the prescriptions.

Provided by your local ombudsman:

**REAL Services/Area 2 Agency on Aging
1151 S. Michigan Street
P. O. Box 1835
South Bend, IN 46634
1-800-552-7928**

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