

RESIDENTS RIGHTS

INTRODUCTION

Each resident has a right to:

- A dignified existence;

DIGNITY - the facility must promote care in a manner & environment that enhances each resident's dignity and respect in full recognition of his individuality.

- Self-determination;

Choose activities;
Schedules;
Health Care;
Consistent with the resident's interests, assessments, and plans of care.

- Communication with and access to persons and services inside and outside the facility.

NOTICE OF RIGHTS

The facility must inform the resident orally and in writing, in a language that the resident understands:

- his rights;
- all rules/regulations governing conduct and responsibilities; and
- a written description of services available through the Office of the State Long Term Care Ombudsman.

FREE CHOICE

- Choose a personal attending physician;

- Informed in advance about care and treatment; and
- Participate in planning care and treatment.

PRIVACY AND CONFIDENTIALITY

- Personal privacy and confidentiality of personal and clinical records;
- Privacy in accommodations;
- Medical treatment;
- Personal care;
- Written and telephone communications;
- Visits; and
- Meetings with family and resident groups.

GRIEVANCES

- Voice grievances;
- Prompt efforts by facility to resolve grievances; and
- Notify state agencies of complaints against a facility.

MAIL

- Sending and receiving mail promptly that is unopened;
- Have access to stationery, postage, etc.

MARRIED COUPLES

- A resident must be ensured privacy for visits with his/her spouse;

- Right to share a room with spouse if both spouses consent.

DIRECTIVES AND DURABLE POWERS OF ATTORNEY FOR HEALTH CARE

Competent adults may issue advance directives in accordance with Texas law.

All individuals must be provided with the following written information:

- The right to make decisions concerning medical care;
- Right to accept or refuse medical or surgical treatment; and
- Right to formulate advance directives.

TRANSFER AND DISCHARGE RIGHTS

The facility must not transfer or discharge a

resident unless:

- Necessary for the resident's welfare and the resident's needs cannot be met;
- The resident's health has improved sufficiently so the services are no longer needed;
- The safety of individuals in the facility is endangered;
- The health of individuals in the facility would be endangered;
- The resident has failed after reasonable and appropriate notice to pay for a stay at the facility; or
- The facility ceases to operate or participate in the program which pays for the resident's care.

Before a facility transfers or discharges a resident, the facility must notify the resident, a family member or legal representative about the reasons.

- Thirty days notice must be given.

The written notice must include:

- The reason;
- The effective date;
- The location to which the resident is transferred or discharged;
- A statement that the resident has a right to appeal;
- The name, address, and telephone number of the regional representative of the Office of the State Long-Term Care Ombudsman;

- In the case of residents with mental illness or mental retardation, the address and phone number of the state Mental Health/Mental Retardation authority; and the phone number of the agency responsible for the protection and advocacy of persons with mental illness or mental retardation and/or related conditions.

NOTICE OF BED-HOLD POLICY

Before a NF transfers a resident to a hospital or a resident goes on therapeutic leave:

- Written information must be provided about duration of the bed hold policy; and
- The facility's policy regarding bed hold periods.

Upon transfer the facility must provide written notice which specifies the duration of the bed hold policy.

PERMITTING RESIDENT TO RETURN TO FACILITY

A NF must establish and follow a written policy when the leave exceeds the bed hold period.

The resident must be readmitted to the facility immediately upon the first availability of a bed if the resident:

- Requires the services provided by the facility; and
- Is eligible for Medicaid nursing facility services.

RESIDENT BEHAVIOR & FACILITY PRACTICE

The resident has a right to be free from:

- Physical or chemical restraints;
- Sexual abuse;
- Verbal abuse;
- Physical abuse;
- Mental abuse;
- Corporal punishment; and
- Involuntary seclusion.

QUALITY OF LIFE

A facility must care for residents in a manner that promotes:

- maintenance; or
- enhancement of each resident's quality of life.

The facility must provide medically-related social services to attain the highest practicable:

- physical;
- mental; or
- psychosocial well-being of each resident.