

Long Term Care Ombudsman Program

Nursing Home Residents' Rights

The 1987 Nursing Home Reform Law requires Nursing Homes care for residents in a way that enhances their quality of life, with dignity, choice, and self-determination. This law protects individuals living in a nursing home and their rights. As an individual living in a Nursing Home, you have the following rights:

The Right to Be Informed

- The Nursing Home must tell you about available services and the costs.
- The Nursing Home rules must be shared verbally along with a written copy of your rights.
- Address and phone number of the State Ombudsman and state survey agency must be available.
- Survey reports and the plan to correct any concerns must be available.
- Plans for a change in room or roommate must be shared with you before the change occurs.
- Information must be provided in your natural language (Spanish, American Sign Language, etc.).

Right to Complain

- You can raise concerns or complaints with staff or others without being punished or treated unfairly for it.
- The Nursing Home must take quick action to resolve complaints.
- You have the right to make a complaint to the Ombudsman at 1-888-282-1155.
- You have the right to complain to the state survey agency.

Right to Take Part in Your Own Care

- Changes in your medical condition must be shared with you to allow you to make informed decisions about your care.
- You have the right to have access to assistance if sensory impairments exist.
- You have the right to be included in assessments and care-plan meetings.
- You have the right to refuse medication and treatment.
- You have the right to live without being physically restrained or held back.
- You have the right to request and see your medical records.
- You have the right to know that you cannot be charged to pay the cost for services covered by Medicaid or Medicare.

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Right to Privacy and Safe Keeping of Your Information

- You have the right to talk in private with anyone you choose.
- You have the right to your privacy during your treatment and care.
- The Nursing Home must keep your medical, personal, or financial affairs private and safe so they are not shared without your approval.

Rights During Transfers and Discharges

You have the right to remain in the Nursing Home unless the transfer or discharge meets certain rules:

- It is needed to meet your safety and care needs.
- Your health has improved, and you no longer need the level of care provided by a nursing home.
- The transfer or discharge is to protect the health and safety of other people living in the Nursing Home.
- You have been provided with notices for an item or services in the Nursing Home and you have failed to make payment.
- The Nursing Home will be closing.
- The Nursing Home must prepare for a safe transfer or discharge.

The Nursing Home must give you a 30-day written notice before they can transfer or discharge you. The written notice must include:

- The reason for discharge and effective date;
- Location to where you will be transferred or discharged;
- Information about your right to appeal;
- Name, address, and phone number of the Ombudsman Program; and
- Name, address, and phone number for agencies that provide legal services or disability advocacy.

Right to Dignity, Respect, and Freedom

- Be treated with respect and dignity.
- Be free from any abuse, punishment and isolation.
- Make choices about your life in the Nursing Home (social, financial, health, activities, visitation, etc.).
- Right to have your personal items kept safe.

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Right to Visits

- You have the right to visits with your own doctors, state survey agency and Ombudsman.
- You have the right to visits with family, friends, and other people you choose.
- You have the right to visits by other agencies that provide health, social, legal, or other services.
- You have the right to turn away visitors.

Right to Make Own Choices

- Choose what you wear and how to spend free time.
- Request aids/services if you have a disability.
- Choose your own doctor.
- Join events in and outside the nursing home.
- Join or create Resident Council if the Nursing Home does not have one.
- You have the right to manage your own finances.