

BRIGGS[®]

UNDERSTANDING
RESIDENT RIGHTS
PATIENT
EDUCATION
GUIDE

STATEMENT OF CONFIDENTIALITY

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Introduction to Understanding Resident Rights

This Patient Education Guide is a tool designed to provide you with important information about Resident Rights.



You/a loved one is or will be living in a long-term care facility. It may be a Skilled Nursing Facility, often referred to as a SNF. Skilled Nursing Facilities provide specific care for individuals recently discharged from a hospital, for example following a hip fracture or a very recent stroke. You need daily skilled services provided by nurses and/or therapists for this level of care. Your stay may be short or a bit longer; you may be able to return home after you recover. Long-Term Care Facilities, referred to as LTC, provide care and assistance with dressing, grooming, bathing, toileting, eating, moving about, etc.

All residents have rights guaranteed to them under Federal and State laws and regulations. This guide provides you/your family with information regarding your rights as a resident of a SNF or LTC facility. Knowledge is power, thus our hope is that the information in this guide will give you just that. The power to understand your rights - to provide information so you can ask questions and get answers. Knowledge provides comfort and reduces fear. That is also our intent with this guide.

Be well and stay healthy!

Understanding Resident Rights Patient Education Guide

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SAMPLE

Purpose: This booklet is for informational purposes only and is not designed to replace your physician’s advice or treatments. The information contained in this booklet may vary, depending on the laws in the state you live in.

Disclaimer: We have attempted to make the information contained in this booklet as accurate as possible. Briggs Healthcare® makes no guarantees as to its accuracy and assumes no liability for the use of its forms and publications.

Research Resources: CMS State Operations Manual, Appendix PP – Interpretive Guidance to Surveyors for Long Term Care Facilities; Privacy Act Statement of 1974, Long Term Care-Minimum Data Set (MDS) System of Records, Revised April 28, 2007.

Professional Consultant: Mary Madison, RN, RAC-CT, CDP.

As you review the information in this guide, you may have questions or would like additional information. We've provided a document on page 39 for you to jot down your questions so you can ask the staff. You may also want to highlight certain words on any of the pages throughout the guide for future reference. This is your copy of Resident Rights so please keep and use it throughout your stay in the facility. At the very end of the guide, you'll find a perforated Acknowledgment Signatures page that is designed to be signed and given to the facility for their records in the Business Office. This signature page reflects that you have indeed received the information required by State and Federal laws. The rest of the guide is yours to keep.



Resident Rights



The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility, including those specified in this section. (1) A facility must treat each resident with respect and dignity and care for each resident in a manner and in an environment that promotes maintenance or enhancement of his or her quality of life, recognizing each resident's individuality. The facility must protect and promote the rights of the resident. (2) The facility must provide equal access to quality care regardless of diagnosis, severity of condition, or payment source. A facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services under the State plan for all residents regardless of payment source.

All activities and interactions with residents by any staff, temporary agency staff or volunteers must focus on assisting the resident in maintaining and enhancing his or her self-esteem and self-worth and incorporating the resident's, goals, preferences, and choices. When providing care and services, staff must respect each resident's individuality, as well as honor and value their input.

Exercise of Rights

The resident has the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States.

(1) The facility must ensure that the resident can exercise his or her rights without interference, coercion, discrimination, or reprisal from the facility.

(2) The resident has the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising his or her rights and to be supported by the facility in the exercise of his or her rights as required under this subpart.

(3) In the case of a resident who has not been adjudged incompetent by the state court, the resident has the right to designate a representative, in accordance with State law and any legal surrogate so designated may exercise the resident's rights to the extent provided by state law. The same-sex spouse of a resident must be afforded treatment equal to that afforded to an opposite-sex spouse if the marriage was valid in the jurisdiction in which it was celebrated.



(i) The resident representative has the right to exercise the resident's rights to the extent those rights are delegated to the resident representative.

(ii) The resident retains the right to exercise those rights not delegated to a resident representative, including the right to revoke a delegation of rights, except as limited by State law.

(4) The facility must treat the decisions of a resident representative as the decisions of the resident to the extent required by the court or delegated by the resident, in accordance with applicable law.

(5) The facility shall not extend the resident representative the right to make decisions on behalf of the resident beyond the extent required by the court or delegated by the resident, in accordance with applicable law.

(6) If the facility has reason to believe that a resident representative is making decisions or taking actions that are not in the best interests of a resident, the facility shall report such concerns in the manner required under State law.



This file is just a small sample of this booklet

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