

Dignity & Financial

RIGHT TO LIVE WITH DIGNITY AND A GOOD QUALITY OF LIFE

- To be free from abuse, neglect, verbal, mental, sexual, or physical abuse.
- To have your quality of life supported or improved.
- To exercise your rights without retaliation.
- To have a homelike environment where you can use personal possessions.
- To share a room with your spouse, relative or partner when you live in the same facility and you both consent to the arrangement.
- To have your food be palatable, attractive and at the proper temperature.
- To have snacks at bedtime.
- To have immediate access to visits from family.
- To have a private meeting space for visits.

YOU HAVE FINANCIAL RIGHTS

- To manage your financial affairs.
- To receive information about Medicaid/Medicare covered services for which you may not be charged; the charges for services if you are private pay; and charges for those services not covered by Medicaid or Medicare.



Autonomy & Legal

RIGHT TO SELF-DETERMINATION AND AUTONOMY

- To take part in developing and implementing your plan of care that incorporates your preferences.
- To participate in the residents' council.
- To choose activities according to your interests.
- To meet with, and take part in activities of social, religious and community groups.
- To choose your designated representative to exercise your rights if needed.
- To refuse treatment.

YOU HAVE LEGAL RIGHTS

- The right to vote, with access arranged by the facility.
- To voice grievances without discrimination or reprisal.
- To inspect your records within 24 hours after an oral or written request to the facility. The designated representative who has authority to make health care decisions for the resident shall likewise have access to the resident's records.



Patients' Rights Helpline

800-333-4374

Know Your Rights as a Nursing Home Resident



STATE WIDE

New York StateWide Senior Action Council, Inc.
275 State Street, Albany, NY 12210 • 800-333-4374 • Fax (518) 436-7642
www.nysenior.org

Quality Care

WHAT TO DO IF RIGHTS ARE NOT RESPECTED

You are guaranteed the rights covered in this brochure by the federal Nursing Home Reform Law and the New York State Code of Nursing Home Regulations.

If you or your designated representative find that your nursing home is not respecting these rights, you or your designated representative should:

- Call your local ombudsman.
- Make an official complaint to the nursing home itself.
- **Call NY StateWide's Patients' Rights Helpline: 800-333-4374 for help.**
- Make a complaint to the NYS Department of Health.

RIGHT TO QUALITY CARE

- Your home must help you attain your highest practicable physical, mental, and psychosocial well-being.
- Your abilities or condition should not get worse unless your condition proves that the decline was unavoidable and your home made every reasonable effort to prevent it.
- You have the right to be free of physical or chemical restraints.



Fully Informed

RIGHT TO BE FULLY INFORMED

The nursing home must provide:

- Your health status, the type of your care, any changes and the risks and benefits of treatments by a physician in a language or in a form that you can understand.
- Contact information for the long-term care ombudsman program and the state survey agency.
- State survey reports.
- The name, office address, phone number and specialty of the physician responsible for your care.



TRANSFER & DISCHARGE RIGHTS

You can only be discharged for the following:

- If the interdisciplinary care team, in consultation with you or your designated representative, decides that:
 - ⇒ the discharge is necessary for your welfare and your needs cannot be met after reasonable attempts at accommodation in the facility.
 - ⇒ the discharge is appropriate because your health has improved sufficiently so you no longer need nursing home services.



Transfer & Discharge

TRANSFER & DISCHARGE RIGHTS (cont.)

- ⇒ you are endangering the safety or health of other individuals.
- ⇒ You, Medicare, Medicaid, or a third-party insurance have failed to pay for a stay at the facility. **Such discharge is permissible only if a charge is not in dispute, no appeal of a denial of benefits is pending, or funds for payment are available and the resident refuses to cooperate with the facility in obtaining the funds.**
- ⇒ The facility is closing and has received approval of its plan of closure.
- You have a right to appeal and cannot be discharged if an appeal is pending.
- You have the right to receive a 30-day notice of discharge (if the reason is not safety for others).
- In cases where you have been discharged due to imminent danger to you or others you may return to the first available bed if you prevail at the hearing on appeal.
- If you are being discharged you have the right to being prepared and oriented to the new location.

