RESIDENT RIGHTS IN LONG TERM CARE FACILITIES HANDOUT

(Provided by the Department of Social and Health Services)

The following is a summary of the rights of residents living in assisted living communities in Washington State. This summary is based upon the rights specified in chapter 70.129 RCW. Individuals residing in assisted living communities have additional rights in other state and federal laws, regulations, and constitutions.

Each resident and resident representative must be informed both orally and in writing, in a language they understand, of his/her rights, the rules and regulations governing his/her conduct in the facility, and the rules of operation of the facility.

GENERAL RIGHTS
Each resident and legal representative has the right to:

- Continue to enjoy his/her basic civil and legal rights and not be requested to waive any of those rights or the rights under this law;
- Receive care in a safe, clean, comfortable and homelike environment;
- Care which promotes, maintains, or enhances respect for individuals and each person’s dignity;
- Be free of interference, coercion, discrimination, and retaliation from the facility in exercising these rights or filing a complaint against the facility or staff;
- Access all records pertaining to him/her within 24 hours of request;
- Voice grievances and file complaints concerning the facility with the appropriate state licensing agency or the state ombudsman program;
- Personal privacy and confidentiality of his/her personal and clinical records, accommodations, medical treatment, and personal care;
- Examine the results of the most recent facility inspection by the state, and any plan of correction in effect;
- Be free from physical or chemical restraints;
- Be free from verbal, sexual, physical, and mental abuse, corporal punishment and involuntary seclusion (to be separated from others or confined against your will in any area).

RIGHTS RELATED TO COSTS, SERVICES, ITEMS AND ACTIVITIES PROVIDED
Each resident and resident representative has the right to:

- Be told the services, items, and activities that are generally available in the facility or that can be arranged for by the facility;
- Be told what they will be charged for each of those services;
- Be told what the charges are for services, items, and activities that are not covered by the per diem rate or applicable public benefit program;
- Be told the amount of any admission fees, deposits, and prepaid charges or minimum stay fees and what those fees specifically cover;
  - Note: The above information in this section must be provided prior to admission and at least once every 24 months in writing and in a language the resident and resident representative understands.
- Be given notice, in writing, at least 30 days in advance, of changes in charges, the availability of services, or changes in the facility’s rules and policies (unless in emergency);
- Be told what services, items, and activities are not available in the facility.
RIGHTS RELATED TO QUALITY OF LIFE
Each resident has the right to:

- Be promptly notified of changes in room or roommate assignment;
- Share a room with his/her spouse if s/he chooses;
- Privacy and confidentiality including the right to:
  - Send and promptly receive mail that is unopened;
  - Have reasonable access to the use of a telephone where calls can be made without being overheard;
  - Request a lockable container or storage space for small items of personal property if room is not lockable with a key issued to the resident;
  - Access to others, including:
    - Access to representatives of the state, individual physician, social workers and the ombudsman, agencies responsible for protection and advocacy of individuals with developmental disabilities, mental illness, and disabilities;
    - Access to their representative, entity or individual who provides health, social, legal, or other services to the resident;
    - Visitation with family, relatives, friends, and others subject to reasonable restrictions and consent of the resident;
    - Interact with members of the community both inside and outside the facility;
    - Organize and participate in resident groups in the facility;
    - Family members have a right to meet in the facility with the families of other residents and must be provided with meeting space;
    - Participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility;
    - Refuse to perform services for the facility unless voluntarily agreed to;
    - Use personal possessions including furnishings and appropriate clothing, subject to some limitations;
    - Choose activities, schedules, and health care consistent with his/her interests, assessments and care plans;
    - Make choices about aspects of his/her life in the facility;
    - Reasonable accommodation of needs and preferences;
    - Wear his/her own clothing and determine his/her own dress, hair style or other personal effects;
    - Participate in planning care and treatment or changes in care and treatment (unless adjudicated incompetent, then legal representative participates);
    - Direct his/her own service plan and changes in the service plan and refuse any particular services (unless adjudicated incompetent, then legal representative participates);
    - To manage his/her financial affairs;
- Not be required to deposit personal funds with the facility, but if chooses to do so, funds in excess of $100 must be in an interest-bearing account.

RIGHTS RELATED TO DISCHARGE AND TRANSFER FROM THE FACILITY
Each resident has the right to:

- Remain in the facility unless:
  - Discharge or transfer is necessary for the resident’s welfare and the resident’s needs cannot be met in the facility;
  - The safety or health of others in the facility is endangered;
o The resident has failed to make required payment for his/her stay; or
o The facility ceases to operate.

o Reasonable accommodation of needs to avoid transfer unless resident agrees to move;
o Prior to admission, a full disclosure in writing of the facility’s requirements for advance notice for leaving the facility;
o Full disclosure must be given in writing prior to admission as to what portion of the deposits, admission fees, prepaid charges or minimum stay fees will be refunded if the resident leaves the facility;
o Must be notified in writing at least 30 days before the facility transfers or discharges a resident and be given the reason for the discharge;
o Must be given sufficient preparation and orientation for the move;
o Must be notified in writing as soon as practical when 30 days’ notice cannot be met due to:
  o Health or safety of individuals in the facility is endangered;
  o Required by resident’s urgent medical needs;
  o Resident has not resided in the facility for 30 days.
  o If the resident leaves the facility due to death, hospitalization or transfer to another facility for more appropriate care and does not return to the original facility:
  o The facility must refund any deposit or charges already paid, less the facility’s per diem rate for the days the resident actually resided, reserved or retained a bed in the facility;
  o The facility may retain an additional amount over its reasonable, actual expense incurred as a result of the move but not to exceed five days per diem charges;
  o Refunds must be made within 30 days of discharge.

NOTICE OF RECEIPT OF RESIDENT RIGHTS NOTIFICATION

I ____________________________________________ have received a copy of “Resident Rights in Long Term Care Facilities”. The document has also been reviewed orally with me.

________________________________________        __________
Resident Signature                                      Date

________________________________________
Resident Representative Signature

________________________________________        __________
Date