

EVERGREEN HEALTH & REHAB

870-595-1040
Rector, Arkansas

NURSING HOME RESIDENT RIGHTS

(As outlined in the Ombudsman Residents' Rights)

RIGHTS TO SAFETY AND GOOD CARE

- Your facility must provide services to keep your physical and mental health and sense of satisfaction with yourself, at the highest practical level.
- Your facility must be clean and stay at a healthy temperature.
- You must NOT be abused by anyone-physically, verbally, mentally or sexually.
- Your facility must NOT physically restrain you unless there is no other way to keep you safe and you agree to the restraint.
- You may be given medicine intended to change your mood or how you think only with YOUR permission and only as part of an overall plan designed to change or remove the problems for which the medicines are given.

YOUR RIGHTS TO PARTICIPATE IN YOUR OWN CARE

- Your facility must develop a written care plan, which states all the services your facility will provide to you and everything you are expected to do. Your facility must make reasonable arrangements to meet your needs and choices. You may go to the care plan conference and may choose to have family, friends, or a representative participate in the care plan conference.
- You have the right to choose your own doctor. You will have to pay the doctor yourself unless Medicare, your insurance plan, or Medicaid will pay the doctor's bill. You have the right to be in charge of taking your own medicine if your care planning team and your doctor say that you are able to do so. You have the right to refuse any medical treatment. If you refuse a treatment, your facility must tell you what may happen because of your refusal and tell you of other possible treatments. You have the right to complete information about your medical condition and treatment in a language that you can understand.
- You have the right to make a Living Will or a Durable Power of Attorney for Health Care, so the facility will know your wishes if you can no longer speak for yourself. You may refuse to participate in any experimental treatment on you or allow anyone to use information about you for research without your permission. Your facility must allow you to see your medical records within 24 hours of your request. You may purchase a copy of part or all of your record at a reasonable copy fee with two working days advance notice.

YOUR RIGHTS TO PRIVACY

- Your medical and personal care are private. Facility staff must respect your privacy when you are being examined or given care. Facility staff must knock before entering your room. Your facility may not give information about you or your care to unauthorized persons without your permission, unless you are being transferred to a hospital or to another health care facility.
- You may ask any visitor to leave your personal living area at any time. You have the right to make and receive phone calls in private. Your facility must deliver your mail to you promptly, and promptly send mail out for you. Your facility may not open your mail. If you are married, you and your husband or wife have the right to share a room unless no room is available or your doctor has said you cannot share a room for medical reasons.

YOUR RIGHTS REGARDING YOUR MONEY

- You have the right to manage your own money. Your facility may not require you to let them manage your money or be your Social Security representative payee. If you ask your facility to manage your personal money for you, it must do so (Medicare or Medicaid certified facilities only). If your facility manages your money, it may spend your money only with your permission.
- If your facility manages your money, it must give you an itemized written statement at least once every three months of all the money put into your account and all of the money taken out of your account. If your facility manages your money, it must put your money in a bank account that earns interest for you; if you live in a Medicaid facility and have over \$50. If you die, within 30 days of your death your facility must give your family, or whoever is in charge of distributing your property, a final accounting of all money left in any account which the facility manages for you. You may see your financial record at any time.

YOUR PERSONAL PROPERTY RIGHTS

- You have the right to keep and wear your own appropriate clothing. You may keep and use your own property, including some furniture if there is enough space, unless this interferes with the health and safety of other residents. You have the right to expect your facility to have a safe place where you can keep small valuables which you can get to daily. Your facility must try to keep your property from being lost or stolen. If your property is missing, the facility must try to find it.

YOUR RIGHTS IN PAYING FOR YOUR CARE, GETTING MEDICARE AND MEDICAID

- If you are paying for some or all of your care at the facility, you must be given a contract that states what services are provided by the facility and how much they cost. The contract must say what expense are not part of the regular rate. Your facility must not require anyone else to sign an agreement saying that they will pay your bill if you cannot pay it yourself. The only one who can be required to pay your bill for you is a court appointed guardian or someone else who is handling your money for you.
- You have the right to apply for Medicaid or Medicare to help pay for your care. Your facility must not make you promise not to apply for Medicare or Medicaid. If you get Medicaid, the facility may not make you pay for anything that Medicaid pays for. The facility must give you a written list of what items and services Medicaid pays for, and for items and services for which you could be charged.

YOUR RIGHT TO STAY IN YOUR FACILITY

- You have the right to be told in advance if your room or roommate is being changed (Medicare or Medicaid certified facilities only). You have the right to keep living in your facility, unless your facility forces you to move because you are dangerous to yourself and others, for medical reasons, you have not paid or are late paying your bill, or your facility closes. You cannot be forced to leave your facility because you are applying for Medicaid or you are on Medicaid and a Medicaid bed is available.
- If your facility wants to force you to move, you must be given a written notice 30 days before the day it wants you to move. The notice must tell you why your facility wants to move and how you can appeal to the Office of Long Term Care.
- You have a right to ask the Long term care Ombudsman for help in appealing your facility's forcing you to move. If you appeal to the Office of Long-Term Care, usually your facility cannot make you leave until the appeal is decided. Before your facility can transfer or discharge you, it must provide preparation and orientation to be sure that your discharge is safe. You must be allowed to return to your facility after you are hospitalized, unless your facility gives you written notice as described above.

YOUR RIGHT AS A CITIZEN AND A FACILITY RESIDENT

- Your facility must let you see reports of all inspections by the Office of Long Term Care including the most recent survey of your facility along with any plan that your facility gave to the surveyors saying how your facility plans to correct the problem. You do not lose your rights as a citizen of Arkansas and the United States because you live in a long-term care facility. If a court of law has appointed a legal guardian for you, your guardian may exercise your rights for you. If you have named an agent under a Durable Power of Attorney for Health Care, your agent may exercise your rights for you.
- You have freedom of religion. At your request, the facility must make arrangements for you to attend religious services of your choice as long as you agree to pay any cost. The facility may not force you to follow any religious beliefs or practices and cannot require you to attend any religious services.
- You have the right to vote for the candidate of your choice. You have the right to participate in social and community activities that do not interfere with the rights of other residents. You have the right to participate with other residents in the resident advisory council. Your facility must respond to concerns raised by the Resident Advisory Council.
- You have the right to meet the Long-Term Care Ombudsman, community organizations, social service groups, legal advocates, and members of the general public who come to your facility. Representatives of these groups may come to your facility to give you services, tell you about your rights, or help you assert your rights. You have the right to present grievances to you facility and to get a prompt response. Your facility may not threaten or punish you in any way for asserting your rights or presenting grievances.