

## Resident's Rights

Our community guarantees the following rights to our residents:

**Humane Care and Environment:** Each resident shall have the right to humane care and a humane environment, including the following:

1. The right to a diet which is consistent with any religious or health-related restrictions.
2. The right to refuse a restricted diet.
3. The right to a safe and sanitary living environment

**Dignity and Respect:** Each resident shall have the right to be treated with dignity and respect, including:

1. The right to be treated in a courteous manner by the staff.
2. The right to receive a response from the community to any request of the resident within a reasonable time.
3. The right to be free from intimidation, manipulation, coercion, and exploitation.

**Behavior Management Programs:** Each resident shall have the right to be free of unwarranted use of Behavior Management Programs and chemical and physical restraints.

**Appropriate Habilitation/Training:** the resident shall have the right to participate in a Habilitation/Training program if the resident qualifies for the program, as determined by an assessment, if they desire to participate and if the program is available.

**Participation in the Development of the Negotiated Service Agreement:** Each resident shall have the opportunity to participate in their Negotiated Service Agreement (NSA). Resident's or their legal guardians must be advised of alternative course of care and their legal consequences when such alternatives are available. The resident's preference about alternatives must be elicited and considered in the development of the NSA.

**Personal Possessions:** Each resident shall have the right to:

1. Wear his/her own clothing and determine his/her own dress and hair style.
2. Retain and use his/her own personal property in his/her own living area so as to maintain individuality and personal dignity.
3. Be provided a separate storage area in his/her own living area and at least one Locked cabinet or drawer, if the resident is capable of managing lock and key.

Personal Funds: Residents whose board and care is paid for by public assistance shall retain, for their personal use, the basic allowance. In addition, each publicly funded resident is to retain the disregard amount for allowed by the department.

Management of Personal Funds: A community shall not require a resident to deposit his/her personal funds with the community. If resident funds are being managed by the community, the community must manage and account for the personal funds of the resident deposited with the community as follows:

1. The resident must give the community written authorization to manage their funds.
2. The community will assure a full and complete separate accounting of each resident's personal funds, maintain a written record of all financial transactions involving the resident's personal funds deposited with the community and afford the resident or legal representative of the resident, reasonable access to such record.
3. The community will deposit any amount of the resident's personal funds in excess of one hundred dollars (\$100) in an interest-bearing account that is separate from any of the community's operating accounts and credit all interest earned on such separate account to the resident's account.
4. The community must maintain any other personal funds in a non-interest bearing account or petty cash fund.
5. The community must assure that the resident has access to their funds during reasonable hours.
6. Upon the death of a non-state client with such an account, the community must promptly convey the resident's personal funds, with a final accounting of such funds, to the individual administering the resident's estate.
7. Upon death of a state client with such an account, the community must promptly refund the remaining balance of the resident's personal funds, with a final accounting of such funds, to the department.

Access and Visitation rights: the community must permit:

1. Immediate access to a resident, by any representative of the Department, by the State Ombudsman for the elderly or his/her designees, by Co-AD or their designees for individuals with a developmental disability or mental illness, or by the resident individual physician or other healthcare practitioner.
2. Immediate access to a resident, subject to the resident's right to deny or withdraw consent at any time, by immediate family or other relatives.

3. Immediate access to a resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, by others who are visiting with the consent of the resident.
4. Reasonable access to a resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the residents right to deny or withdraw consent at any time.

Access by Advocate and Representatives: the community shall permit advocates and representative of the community legal services program, whose purposes include rendering assistance without charge to the residents, to have access to the community at reasonable times in order to:

1. Visit, talk with and make personal, social services programs and legal services available to all residents.
2. Inform residents of their rights and entitlement, their corresponding obligations under state, federal and local laws by distribution of educational materials or discussion in groups and/or individuals or both.
3. Assist resident in asserting their legal rights regarding claims for public assistance, medical assistance, and social security benefits, as well as in all other matters in which residents are interested. This assistance may be provided individually, or on a group basis, and may include organizational activity, counseling and litigation.
4. Engage in all other methods of assisting, advising and representing residents so as to extend to them the full enjoyment of their rights.
5. Communicate privately and without restrictions with any resident who consents to the communication.
6. Observe all common areas of the community.

Posting of Pertinent Advocacy Groups: The names, addresses and telephone numbers of all pertinence advocacy groups shall be readily available in the community for resident access. These groups shall include, but not limited to:

1. The state licensing or certification agency.
2. The state ombudsman program for the elderly.
3. Protection and Advocacy System of individuals with a disability.
4. Alliance for Mental Illness for individuals with a mental illness.
5. Adult Protection.

Employment: Each resident shall have the right to refuse to perform services for the community except as contracted for by the resident and the administrator of the community. If the resident is hired by the community to perform services as an

employee of the community, the wage paid to the resident shall be consistent with state and federal law.

**Confidentiality:** Each resident shall have the right to confidentiality of personal and clinical records.

**Freedom from Abuse:** Each resident shall have the right to be free from physical, mental, or sexual abuse, neglect, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience.

**Freedom of Religion:** Each resident shall have the right to practice the religion of their choice or to abstain from religious practice. Residents shall also be free from imposition of the religious practices of others.

**Control or Receipt of Health-related Services:** Each resident shall have the right to control his receipt of health-related services, including:

1. The right to retain the services of, including but not limited to, his/ her own personal physician and dentist.
2. The right to select the pharmacy or pharmacist of their choice.
3. The right to hire outside providers to assist the resident.
4. The right to confidentiality and privacy concerning their medical or dental condition and treatment.

**Grievances:** Each resident shall have the right to voice or file a grievance with respect to treatment or care that is furnished, without discrimination or reprisal for voicing the grievance and the right to prompt efforts by the community to resolve grievances the resident may have, including those with respect to the behavior of other residents.

**Participation in resident and Family Groups:** Each resident shall have the right to organize and participate in resident groups in the community and the right of the resident's family to meet in the community with the families of other residents in the community.

**Examination of Survey Results:** Each resident shall have the right to examine upon reasonable request, the results of the most recent survey of the community conducted by the Department with respect to the community and any correction in effect.

**Transfer or Discharge:** Each resident shall have the right to be transferred or discharged only for medical reasons or for their welfare or that of other residents, or for non-payment of bills, and to receive a thirty day advance written notice prior to the date of discharge or transfer.

Other Communities Homes: The resident has a right to review a list of other residential care facilities that may be available to meet their needs in case of transfer.

Citizenship Rights: Each resident has a right to be encouraged and assisted to exercise their rights as a resident and as a citizen, including the right to be informed and to vote.

A facility may not require precautions, such as health screenings, for in-person visitors that are more stringent than precautions for facility staff, and in person access shall not be precluded on the basis of a visitor's vaccination status.

Other Rights: Each resident shall have any other right established by law.