



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona



Residents' Rights

Rights for individuals who live in nursing home and assisted living facilities

Nursing Home Rights

Residents of nursing homes have rights that are guaranteed by the federal Nursing Home Reform Law. The law requires nursing homes to “promote and protect the rights of each resident” and stresses individual dignity and self-determination.

Right to a Dignified Existence

- Be treated with consideration, respect, and dignity, recognizing each resident’s individuality
- Freedom from abuse, neglect, exploitation, and misappropriation of property
- Freedom from physical or chemical restraints
- Quality of life is maintained or improved
- Exercise rights without interference, coercion, discrimination, or reprisal
- A home-like environment, and use of personal belongings when possible
- Equal access to quality care
- Security of possessions

Right to Self-Determination

- Choice of activities, schedules, health care and providers, including attending physician
- Reasonable accommodation of needs and preferences
- Participate in developing and implementing a person-centered plan of care that incorporates personal and cultural preferences
- Choice about designating a representative to exercise his or her rights
- Organize and participate in resident and family groups
- Request, refuse, and/or discontinue treatment

Right to be Fully Informed of

- The type of care to be provided, and risks and benefits of proposed treatments
- Changes to the plan of care, or in medical or health status
- Rules and regulations, including a written copy of residents' rights
- Contact information for the Long-Term Care Ombudsman Program and the state survey agency
- State survey reports and the nursing facility's plan of correction
- Written notice before a change in room or roommate
- Notices and information in a language or manner he or she understands (Spanish, Braille, etc.)

Right to Raise Grievances

- Present grievances without discrimination or retaliation, or the fear of it
- Prompt efforts by the facility to resolve grievances and provide a written decision upon request
- To file a complaint with the long-term care ombudsman program or the state survey agency

Right of Access to

- Individuals, services, community members, and activities inside and outside the facility
- Visitors of his or her choosing at any time, and the right to refuse visitors
- Personal and medical records
- His or her personal physician and representatives from the state survey agency and Long-Term Care Ombudsman Program
- Assistance if sensory impairments exist
- Participate in social, religious, and community activities

Rights Regarding Financial Affairs

- Manage his or her financial affairs
- Information about available services and the charges for each service
- Personal funds of more than \$100 (\$50 for residents whose care is funded by Medicaid) deposited by the facility in a separate interest-bearing account, and financial statements quarterly or upon request
- Not be charged for services covered by Medicaid or Medicare

Right to Privacy

- Regarding personal, financial, and medical affairs
- Private and unrestricted communication with any person of their choice
- During treatment and care of personal needs

Rights During Discharge/Transfer

- Right to appeal the proposed transfer or discharge and not be discharged while an appeal is pending
- Receive a 30-day written notice of discharge or transfer that includes:
 - The reasoning
 - The effective date
 - The location of the move
 - Appeal rights and process for filing an appeal
 - The name and contact information for the Long-Term Care Ombudsman Program
- Preparation and orientation to ensure safe and orderly transfer or discharge
- Notice of the right to return to the facility after hospitalization or therapeutic leave

Assisted Living Rights

Arizona administrative code R9-10-810 protects the rights of assisted living facility residents. When admitted to an assisted living facility, an individual maintains his or her rights as a citizen and also gains a special set of resident rights which are mandated by the State of Arizona.

Because protection and promotion of a resident's right is so important, regulations require that at time of admission, a resident or resident representative receive a written copy of the following requirements and resident rights.

A manager shall ensure that

A resident is not subjected to abuse, neglect, exploitation, coercion, manipulation, sexual abuse or assault, seclusion, restraint, retaliation for submitting a complaint, or misappropriation of personal and private property by the assisted living facility's manager, caregivers, assistant caregivers, employees or volunteers.

- A resident or the resident's representative:
 - Is informed of the policy on health care directives and the resident compliant process
 - Consents to photographs before being photographed except for the purposes of facility identification and administrative purposes
 - Provides written consent before the release of resident's medical or financial records, except as otherwise permitted by law
 - May request or consent to relocation within the assisted living facility; and refuse relocation except when relocation is necessary based on a change in the resident's condition and documented in the resident's service plan
 - Has access to the resident's records during normal business hours or at a time agreed upon by the resident or resident's representative and the manager

- Is informed of:
 - ◆ The rates and charges before services are initiated
 - ◆ A change in rates or charges at least 30 calendar days before the change is implemented, unless the change in rates or charges result from a change in services
 - ◆ A change in services at least 30 calendar days before the change is implemented, unless the resident's service plan changes

A resident has the following rights

- To not be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis
- To receive assisted living services that support and respect the resident's individuality, choices, strengths, and abilities
- To receive privacy in:
 - Care for personal needs
 - Correspondence communication, visitation, financial and personal affairs
- To maintain, use, and display personal items
- To choose to participate or refuse to participate in social, recreational, rehabilitative, religious, political or community activities
- To review, upon request, the residents own medical record
- To receive a referral to another health facility or provider and to choose services from health care providers, institutions or pharmacy
- To participate in service planning
- To receive assistance from family or other representatives in understanding, protecting or exercising the resident's rights

Arizona Long-Term Care Ombudsman Offices

To ensure resident rights are respected, contact your local Ombudsman program for information and assistance.

Area Agency on Aging, Region One, Inc.

(602) 264-2255
Maricopa County

Pima Council on Aging

(520) 546-2007
Pima County

Northern Arizona Council of Governments

(877) 521-3500
Apache, Coconino, Navajo & Yavapai Counties

Western Arizona Council of Governments

(928) 217-7114
Yuma, La Paz, & Mohave Counties

Pinal-Gila Council for Senior Citizens

(520) 836-2758 or (800) 293-9393
Gila & Pinal Counties

Southeastern Arizona Governments Organization

(520) 432-2528 ext. 206
Santa Cruz, Cochise, Graham, & Greenlee Counties

Navajo Nation-Division of Aging and Long-Term Care Support

(602) 542-6454
Navajo Nation

Inter-Tribal Council of Arizona, Inc.

(602) 258-4822
21 Tribal Nations

Notes:

Notes:

The USDA is an equal opportunity provider and employer • Auxiliary aids and services are available upon request to individuals with disabilities • To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1

AAA-0525A PAMNA (11-19)