

Introduction Orientation and Residents Rights (California)

Learner Workbook



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RESIDENT RIGHTS

Residents of residential care facilities shall have all of the following rights:

1. To be accorded dignity in their personal relationships with staff, residents, and other persons.
2. To be granted a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the Internet, and meetings of resident and family groups.
3. To confidential treatment of their records and personal information and to approve their release, except as authorized by law.
4. To be encouraged and assisted in exercising their rights as citizens and as residents of the facility. Residents shall be free from interference, coercion, discrimination, and retaliation in exercising their rights.
5. To be accorded safe, healthful, and comfortable accommodations, furnishings, and equipment.
6. To care, supervision, and services that meet their individual needs and are delivered by staff that are sufficient in numbers, qualifications, and competency to meet their needs.
7. To be served food of the quality and in the quantity necessary to meet their nutritional needs.
8. To make choices concerning their daily life in the facility.
9. To fully participate in planning their care, including the right to attend and participate in meetings or communications regarding the care and services to be provided in accordance with Section 1569.80, and to involve persons of their choice in the planning process. The licensee shall provide necessary information and support to ensure that residents direct the process to the maximum extent possible, and are enabled to make informed decisions and choices.
10. To be free from neglect, financial exploitation, involuntary seclusion, punishment, humiliation, intimidation, and verbal, mental, physical, or sexual abuse.
11. To present grievances and recommend changes in policies, procedures, and services to the staff of the facility, the facility's management and governing authority, and to any other person without restraint, coercion, discrimination, reprisal, or other retaliatory actions. The licensee shall take prompt actions to respond to residents' grievances.

12. To contact the State Department of Social Services, the long-term care ombudsman, or both, regarding grievances against the licensee. The licensee shall post the telephone numbers and addresses for the local offices of the State Department of Social Services and ombudsman program, in accordance with Section 9718 of the Welfare and Institutions Code, conspicuously in the facility foyer, lobby, residents' activity room, or other location easily accessible to residents.
13. To be fully informed, as evidenced by the resident's written acknowledgement, prior to or at the time of admission, of all rules governing residents' conduct and responsibilities. In accordance with Section 1569.885, all rules established by a licensee shall be reasonable and shall not violate any rights set forth in this chapter or in other applicable laws or regulations.
14. To receive in the admission agreement a comprehensive description of the method for evaluating residents' service needs and the fee schedule for the items and services provided, and to receive written notice of any rate increases pursuant to Sections 1569.655 and 1569.884.
15. To be informed in writing at or before the time of admission of any resident retention limitations set by the state or licensee, including any limitations or restrictions on the licensee's ability to meet residents' needs.
16. To reasonable accommodation of individual needs and preferences in all aspects of life in the facility, except when the health or safety of the individual or other residents would be endangered.
17. To reasonable accommodation of resident preferences concerning room and roommate choices.
18. To written notice of any room changes at least 30 days in advance unless the request for a change is agreed to by the resident, required to fill a vacant bed, or necessary due to an emergency.
19. To share a room with the resident's spouse, domestic partner, or a person of resident's choice when both spouses, partners, or residents live in the same facility and consent to the arrangement.
20. To select their own physicians, pharmacies, privately paid personal assistants, hospice agency, and health care providers, in a manner that is consistent with the resident's contract of admission or other rules of the facility, and in accordance with this act.

21. To have prompt access to review all of their records and to purchase photocopies. Photocopied records shall be promptly provided, not to exceed two business days, at a cost not to exceed the community standard for photocopies.
22. To be protected from involuntary transfers, discharges, and evictions in violation of state laws and regulations. Facilities shall not involuntarily transfer or evict residents for grounds other than those specifically enumerated under state law or regulations, and shall comply with enumerated eviction and relocation protections for residents. For purposes of this paragraph, "involuntary" means a transfer, discharge, or eviction that is initiated by the licensee, not by the resident.
23. To move from a facility.
24. To consent to have relatives and other individuals of the resident's choosing visit during reasonable hours, privately and without prior notice.
25. To receive written information on the right to establish an advanced health care directive and, pursuant to Section 1569.156, the licensee's written policies on honoring those directives.
26. To be encouraged to maintain and develop their fullest potential for independent living through participation in activities that are designed and implemented for this purpose, in accordance with Section 87219 of Title 22 of the California Code of Regulations.
27. To organize and participate in a resident council that is established pursuant to Section 1569.157.
28. To protection of their property from theft or loss in accordance with Sections 1569.152, 1569.153, and 1569.154.
29. To manage their financial affairs. A licensee shall not require residents to deposit their personal funds with the licensee. Except as provided in approved continuing care agreements, a licensee, or a spouse, domestic partner, relative, or employee of a licensee, shall not do any of the following:
 - a. Accept appointment as a guardian or conservator of the person or estate of a resident.
 - b. Become or act as a representative payee for any payments made to a resident, without the written and documented consent of the resident or the resident's representative.
 - c. Serve as an agent for a resident under any general or special power of attorney.
 - d. Become or act as a joint tenant on any account with a resident.
 - e. Enter into a loan or promissory agreement or otherwise borrow money from a resident without a notarized written agreement outlining the terms of the repayment being given to the resident.

30. To keep, have access to, and use their own personal possessions, including toilet articles, and to keep and be allowed to spend their own money, unless limited by statute or regulation.

A licensed residential care facility for the elderly shall not discriminate against a person seeking admission or a resident based on sex, race, color, religion, national origin, marital status, registered domestic partner status, ancestry, actual or perceived sexual orientation, or actual or perceived gender identity.

Residents' family members, friends, and representatives have the right to organize and participate in a family council that is established pursuant to Section 1569.158.

Safe Alternatives to Restraints

In Long Term Care and Residential Care Communities, the use of restraints is never allowed. Residents have the right to safe alternatives to restraint use. Common, safe alternatives that can be implemented in your Community may include:

- Design a safe environment (e.g., reducing obstacles, adequate lighting, familiar furniture placement, etc.)
- Encourage use of personal assistance devices (e.g., glasses, hearing aids, walkers, wheelchairs, etc.)
- Monitor residents for continual care needs (e.g., toileting, nutrition and hydration, and social activity)
- Make comfortable and relaxing environment for residents
- Utilize door alarms for residents who may wander out of the Community
- Use of redirection techniques for residents who tend to wander as described under the section of dementia care.

OMBUDSMAN

The following is adapted from Revised Fundamentals of Caregiving Learner's Guide, Second Edition. Washington State Department of Social & Health Services. 2005.

The purpose of the Ombudsman Program is to protect the resident and promote quality of life for people living in licensed, long-term care facilities.

An Ombudsman:

1. Advocates for the rights of residents in long-term care facilities.
2. Works with residents, families, and facility staff to meet the needs and concerns of the people living there.
3. Provides a way to get complaints and concerns heard and resolved.
4. Monitors laws, regulations, and policies that affect residents.
5. Provides public education to promote a better understanding about the use of long-term care facilities.

The following people can use the Ombudsman Program:

- Residents in an assisted living community or residential care home;
- Relatives and friends of the resident;
- Administrators and staff of an assisted living community, residential care home, or nursing home;
- Any group or individual with concerns about resident welfare at an assisted living community, residential care home, or nursing home.