

Resident Rights 2.0 Contact Hours

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Course Objectives:

1. Discuss the OBRA law of 1987.
2. Describe ways to promote resident rights.
3. Define the role of an ombudsman.
4. Identify the rights of residents.
5. Explore how abuse violates patient rights.
6. Define various types of abuse.

Overview

The purpose of residents' rights is to inform residents of their rights within a healthcare facility and to provide rules of ethical conduct for healthcare workers. All healthcare workers need to know the resident's rights in order to provide quality care. All residents have the right to not be discriminated against on the basis of race, sex, religion, creed, or nationality, age, sex, or handicap.

Residents' Rights

The services and activities provided by the resident facility must maintain the highest physical, mental, and psychosocial well-being of each resident in accordance with written plan of care designed to specifically meet the needs of the resident.

The following is a partial list of residents' rights:

- Right to quality of life: Healthcare facilities should maintain or enhance the quality of life for each resident. Emphasis should be placed on dignity, choice, and independence for residents.
- Right to participate in one's own care: Residents have

the right to take an active role in the care that is provided to them.

- Right to be fully informed
- Right to make independent choices
- Right to security of possessions
- Rights during transfer and discharge
- Right to complain
- Right to be informed
- Right to have a copy of rules and regulations
- Right to have the address and phone number of state agencies
- Right to see state survey reports
- Right to be notified of any change in their plan of care
- Right to participate in their plan of care
- Right to be informed of changes in medical condition
- Right to participate in the planning of their care and discharge
- Right to refuse any medication or treatment
- Right to review their medical record
- Right to make choices
- Right to wear what they want
- Right to how they spend their time during the day
- Right to choose own physician
- Right to be notified of room change or roommate change
- Right to reasonable accommodations
- Right to participate in community activities
- Right to participate in resident council meetings
- Right to private communication
- Right to privacy in treatment and care
- Right to confidentiality: Clients have the right to privacy and confidentiality, which includes their medical records not being released or used without the consent of the client.
- Right to be free from mental and physical abuse
- Right to self determination
- Right to manage one's own financial affairs
- Right to file a complaint or grievance without fear of

retaliation

- Right to be free of any charge for services covered by Medicare and Medicaid
- Right to a thirty day notice of transfer or discharge
- Right for the facility to resolve complaints quickly
- Right to have visitors
- Right to see physician as requested
- Right to clergy and religion
- Right to be treated with dignity and respect
- Right to be free of chemical and physical restraints
- Right to manage one's own money
- Right to communicate privately
- Right to receive and send mail
- Right to remain in the facility unless a transfer or discharge is necessary to meet resident's well-being

Healthcare workers can promote residents' rights by:

- Watching for and reporting signs of abuse
- Following infection control policies
- Communicating with residents about care they will be receiving
- Providing privacy during care
- Making sure residents know how to call for help
- Not gossiping about a resident
- Respecting a resident's refusal of care
- Respecting a resident's property
- Reporting observations regarding a change in condition

Abuse Issues

Elder abuse can occur in nursing homes, assisted living facilities, and in the home. Healthcare workers are required to notice and report any signs of abuse regarding the resident. No patient should ever be subjected to harm or any means of abuse.

Types of Abuse:

- Physical
- Sexual
- Financial
- Domestic
- Involuntary seclusion
- Exploitation
- Neglect
- Verbal/Mental

Residents' Responsibilities

In addition to the residents' rights, the patient has responsibilities to uphold. Some of the patient's responsibilities include:

- Following rules (smoking locations, visitation times, etc.)
- Treating others with respect
- Giving full information
- Following doctors instructions
- Following instructions of health care staff
- Bringing proper identification and insurance information at time of admission
- Paying bills in a timely manner
- Reporting changes

OBRA Law of 1987

The Omnibus Budget Reconciliation Act (OBRA) of 1987, which has been updated several times since, was drafted as a response to numerous reports of abuse and poor care within nursing homes. The law established the minimum standards of care in which a nursing home (and in some states, all long-term care facilities) and its corresponding regulatory agencies must comply with regarding long-term care. OBRA law requires that states set minimum standards for the type and length of nursing assistant training, develop nursing assistant skill competency, and set up and keep track of

annual training for all employees. Nurses must practice within the scope of nursing practice at the level or above the minimum standards set by their state's board of nursing. The OBRA law also mandates that every state have a registry to track the certification of CNAs. The OBRA law also mandated residents' rights and has significantly improved patients' quality of life.

Ombudsman

The word "ombudsman" originally came from Scandinavia. In parts of Scandinavia, an ombudsman is an official of the government who investigates complaints for the citizens. In the United States, we have adopted the ombudsman approach for the reporting of elder abuse. In nursing homes, an ombudsman is the legal advocate for the resident. Ombudsmen visit the facility, listen to residents, and decide what course of action to take if there is a problem. As the residents' protectors, they make sure the residents' rights are being followed and monitor care and conditions.

Long Term Care Ombudsman are advocates for residents of nursing homes, boarding and care houses, assisted living facilities, and similar adult care facilities. They work to resolve problems of individual residents and to bring about change at local, state, and national levels.

While most long-term facilities provide good care, resident neglect does occur. Most of the incidents that happen could be avoided. They are often due to either a lack of knowledge or cruelty on the part of the healthcare worker. Thousands of trained ombudsman visit nursing homes to provide a voice for those that otherwise would not be heard. The most frequent complaint is a lack of proper care due to lack of proper staffing.

References:

National Citizen's Coalition for Nursing Home Reform (NCCNHR)

www.nccnhr.org

Long Term Care Ombudsman Program

1-800-677-1116

www.aoa.gov/factsheets/ombudsman.html

The National Long-Term Care Ombudsman Resource Center

202-332-2275

<http://www.ltcombudsman.org/NORC-Library#laws>

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