WHAT ARE YOUR RIGHTS AS AN ASSISTED LIVING RESIDENT

WHAT TREATMENT AND CARE CAN YOU EXPECT?

▫ As an assisted living resident, you have the right to be treated with consideration and respect, with full recognition of your human dignity and individuality.

▫ Your treatment, care and services must be adequate, appropriate, and promote your social, emotional, physical and spiritual health. For example, you have a right to a service plan based on an assessment of your needs; you also have a right to three meals and additional snacks each day.

▫ Your treatment must be free of verbal, mental, physical and sexual abuse, involuntary seclusion, neglect, and exploitation. Physical and/or chemical restraints can only be used if your doctor has ordered them as appropriate for treatment of your medical symptoms or conditions.

▫ You and the other residents of the assisted living facility have the right to have enough staff members in the facility to meet your needs. There should always be a staff person in the facility when a resident is there.

▫ You have to right to refuse treatment after the consequences of refusing treatment have been explained fully to you. NOTE: It is possible that if you choose to refuse treatment, the provider may decide to terminate your contract and discharge you.

PRIVACY AND CONFIDENTIALITY

▫ You have the right to have privacy when you make telephone calls or have visitors, and staff must knock on your door before entering (unless they know you are asleep).

▫ You can meet privately with anyone you choose, according to reasonable visiting hours and visiting areas which must be posted by the assisted living manager.

▫ You have the right to send and receive mail without delay, and without your mail being opened, censored, controlled, or restricted. You must have access to writing instruments, stationery and postage. Only you or your legal representative can request any modifications or restrictions in how you send and receive your mail.

▫ Unless otherwise provided by law, your health care records should not be given to anyone not directly involved in your care. [An example of when the law provides that your records may be shared is if the provider needs to transfer you to another facility, such as a hospital.] Also, any discussions about your health, medical diagnosis and treatment should be held in private.

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SELF-DETERMINATION AND PERSONAL CHOICE

▫ You have the right to participate in developing your own care plan and medical treatment.
▫ You or someone of your choice may manage your personal financial affairs.
▫ You have the right to have a lawyer and to meet with him/her in private.
▫ You can choose whether you want to attend religious services or receive visits from members of the clergy.
▫ You can decide what clothing to wear, how to wear your hair, and what personal effects to keep in your own area – as space and safety permit. The assisted living program must have a reasonable security policy for the protection of your personal property.
▫ If you share a room, to the extent possible, you should have input into the choice or a roommate, including the right to share a room with your spouse. You also have the right to receive notice before there is a change in roommates.

SAFETY AND LIVABILITY OF THE HOME

▫ The facility building should be clean and in good repair, and you have a right to outside activity space.
▫ The facility must be heated to at least 70 degrees in cold weather and cooled to at least 80 degrees in hot weather.

HOW DO I MAKE SUGGESTIONS, COMPLAINTS AND GRIEVANCES?

▫ You (or your representative) have the right to make suggestions or complaints and to present grievances on your own behalf or on behalf of others *without threat or fear or retaliation.*
▫ You are entitled to a prompt response from the assisted living provider, who is required to give you a copy of their established grievance procedure. You also have the right to make suggestions, complaints or grievances to:

- The adult protective services division of the local department of social services;
- The Office of Health Care Quality; and
- The protection and advocacy agencies

WHAT ARE MY DISCHARGE RIGHTS?

▫ You have a right to 30 days notice if the facility wants to discharge you against your will. Likewise, if you plan to leave the facility for any reason other than a medical emergency, you must give the facility 30 days notice. In case of a medical emergency, neither you nor the facility must give 30 days notice.
▫ Your Resident Agreement (contract) with the assisted living provider should clearly state under what circumstances or conditions you might be involuntarily discharged from the facility.

Prepared by the Assisted Living Project of the Legal Aid Bureau, Inc.

For further questions call:
1-800-367-7563 (Statewide)

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