

## **Chapter 6**

# **YOUR RIGHTS UNDER THE LAW**

As a nursing home resident, you have many rights under federal and state law. The more you know about your rights, the more secure you and your family will feel. This chapter highlights some of your most important rights.

### **Fees**

You are entitled to receive each month from the facility an itemized statement of your account with the nursing home.

### **Managing Your Money**

You have the right to manage your own money or have someone else do it for you. If you allow the nursing home to hold money for you, it is responsible for safely depositing it.

### **Your Belongings**

You have the right to keep and use your own clothing and other personal belongings. The nursing home is responsible for security and safekeeping of personal effects, funds, and other property, if requested.

### **Your Well Being**

You have the right to be treated with consideration and respect, to be free from mental and physical abuse and restraints, and to participate in the planning of your own medical treatment. You may refuse medication or treatment. You have the right to private telephone conversations and to see visitors privately. Staff should knock before entering your room.

### **Resident Assessment and Comprehensive Care Program**

Federal law requires nursing homes to provide care and services that enable you to reach and maintain your highest possible level of physical and mental well-being. In addition, if you are mentally retarded or mentally impaired, you may qualify for specialized services. The nursing home must assess your needs within 14 days of admission and whenever your condition changes.

The assessment is used to develop, review, and revise your plan of care. This plan of care must describe your medical, nursing, and social needs and how those needs will be met. It should include goals, approaches, timeframes, and who is responsible for each approach. Your treatment team must review and update your assessment and care plan every three months. You and your family should be at care plan meetings. You have the right to have anyone else you choose attend.

### **Accommodations to Your Needs and Preferences**

Staff should ask you and your family about your likes and dislikes and should be aware of your routines and activities. The nursing home must make a reasonable effort to provide care.

## **Quality of Care**

The facility must ensure that your condition does not worsen unless the nursing home can demonstrate it was unavoidable. Your condition includes your ability to bathe, toilet, dress, groom, eat, and walk. If you develop a problem, the nursing home must provide services to correct it and try to ensure that it does not happen again.

## **Room Change**

A nursing home must notify you, your legal representative, or family member of any planned change in your room or roommate.

## **Restraints**

You have the right to be free from physical and chemical restraints unless they are ordered by your doctor for your health or safety. They should never be used for discipline or convenience of the staff. The decision to use restraints can be made only after less restrictive means to treat your problem have been attempted. Use of restraints is also covered by Michigan Law, MCL 333.20201 (Patient Bill of Rights) and MCL 333.21734.

Physical restraints are devices to prevent you from moving freely or having access to your body. Physical restraints include ties, belts, bed rails, and chairs that restrict your movements. Your plan of care ought to include a schedule for gradually removing restraints.

## **Bed Hold**

If you are a private pay resident, and you go to the hospital, the facility must hold the bed as long as you continue to pay for it. If you are on Medicaid, the facility will hold a bed for up to 10 days or 18 days, and Medicaid will pay for it, if the absence is for emergency medical treatment or a physician-approved therapeutic reason. Medicare and most private insurers may not pay for a bed hold.

## **Moving Out**

Living in a nursing home is voluntary. You don't have to stay there if you don't want to. You are free to move to another nursing home or any other place, if you wish.

However, the nursing home admissions contract that you signed may require you to notify the facility in advance. If you fail to do this and just move out, you still may have to pay for a number of days after your move.

## **Can A Home Discharge or Move Me Against My Wishes?**

A nursing home can discharge or transfer you against your wishes for the following reasons:

- Medical reasons.
- Your welfare.
- The welfare of other patients or nursing home employees.
- Your nursing home bills are not being paid.

Except in emergencies, the nursing home must give you and your family 30 days written notice of its intention to discharge or transfer you. The notice must state the reason for the discharge or transfer and inform you of your right to ask for a hearing and consult with counsel.

You may appeal this discharge or transfer. The hearing is held before an independent administrative law judge of the Department of Labor and Economic Growth.

Prior to discharging or transferring you, the nursing home shall develop a plan to effectuate the orderly and safe transfer or discharge of a resident. The resident, family, and/or a representative shall be consulted in choosing another facility. Also, a resident shall receive