



# RESIDENT RIGHTS





## INTRODUCTION

The Hebrew Home at Riverdale by RiverSpring Health ensures that all residents are afforded their rights to a dignified existence, self-determination, respect, full recognition of their individuality, consideration and privacy in treatment and care for personal needs, and communication with and access to persons and services inside and outside the facility. The Home protects and promotes the rights of each resident and encourages and assists each resident in the fullest possible exercise of these rights, including the provision of staff assistance in the interpretation of these rights.

### Dignity and Respect

*You have the right to:*

- be treated with dignity, respect and consideration at all times;
- privacy in the treatment and care of your personal needs;
- choose activities, schedules and health care consistent with your interests and plan of care;
- communicate with and have access to people and services inside and outside the facility;
- be consulted when the facility sets policies about your rights and responsibilities and about aspects of your life in the facility;
- staff assistance in interpretation of your rights.

### Admission

*You have the right to:*

- nondiscrimination in admissions;
- equal access to quality care;
- apply for Medicare or Medicaid benefits;
- the absence of a guarantee of payment from another person or source other than yourself for admission or continued stay.

## LIFE AT THE FACILITY

### Fundamental Resident Rights

You may always exercise your rights as a citizen or resident of the United States and New York State, ***including your right to:***

- vote, with arrangements made by the facility;
- action for damages or other relief for deprivations or infringements of your right to adequate and proper treatment and care;
- exercise your civil and religious liberties, including the right to independent personal decisions and knowledge of available choices;
- be free from verbal, sexual, mental or physical abuse, corporal punishment and involuntary seclusion, and free from chemical and physical restraints except those restraints authorized in accordance with nursing home minimum standards; this includes but is not limited to doctor's orders, specified time periods, close monitoring, periodic re-evaluation of need, conferring with a family member or designated representative and documentation in the record;
- meet with and participate in activities of social, religious and community groups at your discretion.

### Resident Council

***You have the right to:***

- participate in the established resident council at the facility.

### Access to Information

***You have the right to:***

- examine the results of the most recent federal or state survey of the facility including any statement of deficiencies, any plan of correction in effect with respect to the facility and any enforcement actions taken by the New York State Department of Health (Results must be made available for examination in a place readily accessible to you);
- receive information from agencies acting as residents' advocates and be given the opportunity to contact these agencies;
- request, or have a designated representative request, and be provided information concerning your specific assignment to a resident classification category for purposes of linking reimbursement to the intensity of your care;
- inspect, upon verbal or written notice, within 24 hours records pertaining to you, and with two working days' notice purchase and receive photocopies of such records. The cost of reproduction may not exceed 75 cents per page.

## Grievances

### *You have the right to:*

- voice grievances without discrimination or reprisal;
- prompt resolution of your grievances including those with respect to the behavior of other residents;
- recommend changes in policies and services to facility staff and/or outside representatives, free of interference, coercion, discrimination, restraint or reprisal from the facility;
- file a complaint with the Department of Health concerning any suspected violation of state or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the facility, non-compliance with the advance directives requirements and requests for information regarding returning to the community.

## Privacy

### *You have the right to:*

- locked storage space upon request in your room;
- share a room with your spouse, relative or partner when the spouse, relative or partner lives in the same facility and you both consent to the arrangement;
- be assured of privacy for visits when a spouse, relative or partner resides outside the facility;
- retain, store securely and use personal possessions, including furnishings, and appropriate clothing, as space permits, provided the rights or health and safety of other residents are not infringed.

## Work/Services

### *You have the right to:*

- perform services only when:
  1. you can safely perform the services;
  2. the facility documents the need or desire for work in your plan of care;
  3. the plan specifies the nature of the services performed and whether the services are voluntary or paid (Compensation for the paid services must be at or above prevailing rates and you must agree to the work arrangement described in your plan of care);
  4. refuse to perform services for the facility.

## CLINICAL CARE AND TREATMENT

### *You have the right to:*

- adequate and appropriate medical care, including nursing, rehabilitation therapies, social work, dental and other professional services for which you have been assessed to show need;
- be fully informed by a doctor in a language or a form that you can understand (using an interpreter when necessary) of your total health status, including but not limited to your medical condition including diagnosis, prognosis and treatment plan;
- ask questions about your medical condition and have the questions answered;
- refuse to participate in experimental research;
- a second opinion if you disagree with the diagnosis or treatment being provided; you or your designated representative may call in a consultant (you may have to pay for this visit);
- appoint someone you trust, such as a family member or close friend, to be your health care agent to decide about treatment if you lose the ability to decide for yourself;
- provide advance directives, such as a living will or other verbal or written instructions, about important health care decisions, like the withdrawal of life-sustaining treatment;
- have a surrogate make health care decisions on your behalf should you lose decision-making capacity and have not appointed a health care agent by filling out a health care proxy;
- refuse medication and treatment and discharge yourself from the facility should you so choose, after being fully informed and understanding the probable consequences of such actions;
- choose a personal attending doctor from among those who agree to abide by all applicable federal and state regulations and who are permitted to practice in the facility;
- be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect your wellbeing;
- participate in planning your care and treatment or changes in your care and treatment;
- self-administer drugs only if the facility's interdisciplinary medical team has determined that this practice is safe.

## PRIVACY AND CONFIDENTIALITY

### *You have the right to:*

- privacy and confidentiality of your personal and clinical records which reflect accommodations, medical treatment, written and telephone communications, personal care, associations and communications with people of your choice, visits and meetings of family and resident groups;
  - private meeting space for you and your family;
  - approve or refuse the release of personal and clinical records to any individual outside the facility except when you are transferred to another health care facility or when record release is required by law or health insurance company contract;
  - privacy in written communications, including the right to send and receive unopened mail promptly;
  - access to stationery, postage and writing implements (at your own expense);
  - regular access to the use of a telephone where calls can be made without being overheard and which is wheelchair accessible and usable by residents who are visually and hearing impaired.
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## FINANCES

### *You have the right to:*

- at the time of admission, a written copy and explanation of the facility's basic services;
- manage your own financial affairs or, in writing, authorize the facility to manage your personal finances in accordance with specific requirements, such as those governing resident interest-bearing accounts;
- refuse to deposit your personal funds with the facility;
- request your complete financial record and have the facility provide it to you within one business day;
- request an assessment which will determine nonexempt resources of you and your spouse at the time of admission, and will give your spouse, if he or she is living in the community, an equitable share of resources which cannot be used to pay for your care as you spend down to Medicaid eligibility levels.

## TRANSFER AND DISCHARGE

### *You have the right to:*

- transfer to another room in the facility if you wish;
- be given 30 days notice before transfer or discharge, except in cases where the resident is at risk of harming themselves or others, when the resident could be discharged earlier;
- file an appeal to the New York State Department of Health in response to an involuntary transfer or discharge, for which a hearing can be held under the auspices of the Department;
- examine your own medical records;
- remain in the facility pending the appeal determination;
- a post-transfer hearing within 30 days of transfer if you did not request a hearing prior to transfer; if you win the appeal you will return to the first available bed in the facility;
- retain your bed if you have been involuntarily transferred until after the appeal decision is reached;
- information such as the name, address and telephone number of the New York State Department of Health, the New York State Long Term Care Ombudsman and the Commission on Quality of Care and Advocacy for Persons with Disabilities.

The Home's Board of Directors delegates the responsibility for the development and implementation of, and adherence to, these policies to the President and CEO of the Home. If you have any questions about your rights, including personal, legal or financial issues, please contact the office of the Director of Social Services, **extension 1320**, or your Resident Services Coordinator.

