

## **YOUR RIGHTS AS A RESIDENT IN A PERSONAL CARE HOME OR FAMILY CARE HOME**

As in all homes, there are rules and procedures to keep things running smoothly. However, you do have specific legal rights as a resident of a personal care home or family care home. This booklet is a summary of your rights taken from Kentucky law and regulations. Please read this booklet carefully and keep it for future reference. If you have questions about your rights, please ask that they be explained to you.

You have at least the following rights...

- If you have been found mentally disabled under State law, your guardian shall act on your behalf to see that your rights are implemented.
- Before you are admitted to the home, you and your responsible party or your responsible family member or your guardian shall be fully informed in writing of all services available at the home and of your responsibilities and rights, as evidenced by you and your responsible party's or your responsible family member's or your guardian's written acknowledgment. The home must keep the written acknowledgment in your file.
- Prior to or at the time of admission and quarterly during your stay at the home, you and your responsible party or your responsible family member or your guardian shall be fully informed in writing of all service charges which you are responsible for paying, as evidenced by you and your responsible party's or your responsible family's or your guardian's written acknowledgment. The home must keep the written acknowledgment in your file.
- You may be transferred or discharged by the home only for medical reasons, or your own welfare, or the welfare of other residents, or for nonpayment, except where prohibited by law or administrative regulation. Reasonable notice of your transfer or discharge shall be given to you and your guardian. (*This paragraph does not apply to family care homes.*)
- You shall be encouraged and helped to exercise your rights as a resident and a citizen. You may voice grievances and recommend changes in policies and services to staff of the home and to outside representatives of your choice free from restraint, interference, coercion, discrimination, or reprisal.

- **You shall be free from mental and physical abuse and free from chemical and physical restraints except in emergencies or except as thoroughly justified in writing by a physician for a specified and limited period of time and documented in your medical record.**
- **Your medical and personal records shall be treated confidentially. The release of your records outside of the home must be approved by you and your responsible family member or your guardian, except as otherwise specified by statute or regulation.**
- **You may manage the use of your personal funds. You are not required to deposit your personal funds with the home. If the home accepts responsibility for managing your funds, proper accounting and monitoring of your funds shall be made. The home is to give a quarterly itemized statement to you and your responsible party or your responsible family member or your guardian detailing any transactions in which your funds have been received or disbursed.**
- **The home must return your valuables, personal possessions, and any balance of money from your account to you at the time of your transfer or discharge from the home. In case of your death, these items shall be promptly returned to your responsible party or family member, your guardian, or your executor.**
- **If you are married, privacy must be assured for your spouse's visits. If you and your spouse are both residents in the home, you may share the same room unless you are in different levels of care or unless medically contraindicated and documented by a physician in your medical record.**
- **You shall not be required to perform services for the home that are not included for therapeutic purposes in your plan of care.**
- **You may associate and communicate privately with persons of your choice and send and receive personal mail unopened.**
- **You may retain the use of your personal clothing unless it would infringe upon the rights of others.**

- **Unless you have been found mentally disabled under State law, you cannot be detained against your will. You shall be permitted and encouraged to go outdoors and leave the premises as you wish unless a legitimate reason can be shown and documented for refusing such activity.**
- **You shall be permitted to participate in activities of social, religious, and community groups if you desire.**
- **You shall be assured of at least visual privacy in multi-bed rooms and in tub, shower, and toilet rooms.**
- **You and your responsible party or your responsible family member or your guardian shall be permitted the choice of a physician.**
- **You shall be treated with consideration, respect, and full recognition of your dignity and individuality, including privacy in treatment and in care for your personal needs.**
- **You and your responsible party or your responsible family member or your guardian have the right to be fully informed of your medical condition unless medically contraindicated and documented by a physician in your medical record.**
- **You have the right to be suitably dressed at all times and to be given assistance when needed in maintaining body cleanliness and good grooming.**
- **You shall have access to a telephone at a convenient location within the home for making and receiving telephone calls.**
- **Your responsible party or family member or your guardian shall be notified IMMEDIATELY of any accident, sudden illness, disease, unexplained absence, or anything unusual involving you.**
- **You have the right to have private meetings with the inspectors from the Cabinet for Health Services.**
- **You and your responsible party or your responsible family member or your guardian has the right to have access to all inspection reports on the home.**

- The above-stated rights shall apply in all cases unless medically contraindicated and documented by a physician in writing in your medical record.
- If your rights as specified in Kentucky law are denied you or infringed upon, you shall have the right to take legal action against the home responsible for the violation. The action may be brought by you or your guardian. You may be entitled to recover actual and punitive damages, responsible attorney's fees, costs of the action and other relief as determined by the court.
- The home shall conspicuously post a listing of your rights and responsibilities under State law.
- The home shall have and use a mechanism for you and your responsible family member or your guardian to participate in the planning of your care and shall encourage you and help you in the planning of your care.
- The home shall have written procedures for the submission and resolution of complaints and recommendations made by you and your responsible party or your responsible family member or your guardian and shall conspicuously display these policies.
- If you wish to have visitors, you must be permitted visits from your family, your guardian, long-term care ombudsmen, or the inspectors from the Cabinet for Health Services at any time.

**If you have questions or concerns, please contact:**

**Nursing Home Ombudsman Agency  
(859) 277-9215 or Toll Free 1-877-787-0077  
[www.ombuddy.org](http://www.ombuddy.org)**

**OR**

**Division of Health Care  
Office of Inspector General  
275 East Main Street, 5E-A  
Frankfort, KY 40621  
(502) 564-7963**