

Residents' Rights



A Guide for Kentucky's Nursing Facility Residents



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Residents' Rights Consumer Education Project.*

Common Feelings

- > Change in your living environment and how you feel
- > Dignity
- > Self-determination



Common Questions

- > Does the nursing home have responsibilities to me?
- > What about my rights?
- > Who will help me?



You are the center of the long-term care universe!

What does a Long-Term Care Ombudsman Do?

- > Resolves complaints
- > Educates consumers and providers
- > Promotes community involvement
- > Provides information to the public
- > Advocates for residents' rights and quality care
- > Promotes the development of citizen organizations

What Are My Rights?

- > To Expect Dignity, Respect, and Freedom
- > To Be Fully Informed
- > To Complain
- > To Participate in My Own Care
- > To Have Privacy and Confidentiality
- > To Have Transfer and Discharge Protections
- > To Visits
- > To Make Independent Choices

To dignity, respect, and freedom

The Elder Justice Act requires an owner, operator, employee, manager, agent, or contractor of applicable long-term care facilities to report any reasonable suspicion of crimes committed against a resident of that facility to the Secretary and at least one local law enforcement entity. The Act establishes two time limits for the reporting of reasonable suspicion of a crime, depending on the seriousness of the event that leads to the reasonable suspicion.

- 1 **Serious Bodily Injury – 2 Hour Limit:** If the events that cause the reasonable suspicion result in serious bodily injury to a resident, the covered individual shall report the suspicion immediately, but not later than 2 hours after forming the suspicion;
- 2 **All Others – Within 24 Hours:** If the events that cause the reasonable suspicion do not result in serious bodily injury to a resident, the covered individual shall report the suspicion not later than 24 hours after forming the suspicion.

To be fully informed



To complain

Reprisal, revenge, and vengeance are retaliatory acts. It is not okay for anyone to mistreat a resident for filing a complaint or grievance. Residents should never be shamed, isolated, or harmed (physically or mentally) for bringing attention to a problem and seeking to resolve it.

Harming a resident who files a complaint can be an abusive criminal act punishable by law.

To participate in my own care



To have privacy & confidentiality

- > In your communications
- > During your care
- > In your electronic and physical mail
- > Of your medical, personal, and financial affairs

To have transfer & discharge protections



To appeal a transfer or discharge

A transfer or discharge notice must include:

- > The reason for the transfer or discharge
- > The location to which the resident will be moved
- > The date of the transfer or discharge
- > Information about the resident's right to appeal the discharge notice to the state
- > The name, address, telephone number of the State Long-Term Care Ombudsman

To a bed hold

Before a nursing facility transfers you to a hospital or you go on leave, they must provide written information to you or your representative about your right to a bed hold, or bed reservation.

The notice must specify the duration of the state bed hold policy or provide information about how to extend a bed hold. The notice should also include information about how you will be permitted to return and resume residence in the nursing facility.

To visits



To make independent choices



Who Can I Contact?

Kentucky State Long-Term Care
Ombudsman Office
1-800-372-2991
nhoa@ombuddy.org

Adult Protective Services
1-800-752-6200

Kentucky State Survey Agency
Office of the Inspector General
Division of Healthcare
502-564-7963

Office of the Attorney General
Patient Abuse Tip Line
1-877-228-7384

Who Can I Contact?

Quality Improvement

Organization

1-888-317-0751

813-280-8256

Medicare

Nursing Home Compare Tool

www.medicare.gov/nhcompare

Kentucky Cabinet for Health

and Family Services

Office of the Ombudsman

1-800-372-2973

CHFS.Listens@ky.gov

