

## RIGHTS OF RESIDENTS POLICY

### **PURPOSE:**

Abbott House, LLC will support and enhance the dignity of residents, keeping in mind at all times, their fundamental human, civil, constitutional, and statutory rights and developmentally appropriate functioning. The Abbott House, LLC's Code of Conduct and Ethics Policy provides structure for staff behavior at all times. All employees are educated regarding rights of our residents.

### **SCOPE:**

This policy applies to all programs and services, employees and residents of Abbott House, LLC. The rights of our residents are protected by federal and state regulations. It is essential that staff understand both the rights and responsibilities of our residents while they are receiving services from Abbott House, LLC.

### **RESPONSIBILITY & AUTHORITY:**

The Executive Director has the responsibility and authority to resolve any situations not addressed by this policy.

### **DEFINITIONS:**

**Abuse** – any physical or mental injury or sexual assault inflicted on a consumer other than by accidental means in a facility. (Section 1-102 of the Nursing Home Care Act)

- **Physical abuse** means the infliction of injury or threat of injury by a consumer upon himself or herself, or by another consumer, a staff or a visitor on a consumer, that occurs other than by accidental means.
- **Verbal abuse** means the use of demeaning, intimidating or threatening words, written or oral, or gestures, by another consumer, a staff or a visitor about, or toward, a consumer and in the presence of another person.

**Guardian** – a person appointed as a guardian of the person or guardian of the estate, or both, of a consumer under the Probate Act of 1975. (Section 1-102 of the Nursing Home Care Act)

**Informed Consent** – written consent for specific medical care, given freely, without coercion or deceit, by a capable resident, or by a resident's authorized representative.

- **Written informed consent** shall be obtained from a resident or from a resident's authorized representative when he or she is admitted.

**Neglect** – a facility's failure to provide, or willful withholding of, adequate medical care, mental health treatment, psychiatric rehabilitation, personal care, or assistance that is necessary to avoid physical harm and mental anguish of a consumer. (Section 1-102 of the Nursing Home Care Act)

**Restraint** –

- **Physical restraint** that is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body; devices used for positioning, including, but not limited to, bed rails, gait belts, and cushions, shall not be considered to be restraints.
- **Chemical restraint** that is any drug used for discipline or convenience and not required to treat medical symptoms. (Section 1-102 of the Nursing Home Care Act)

**POLICY:**

**General**

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Residents served by Abbott House, LLC must follow *Chapter II, Article I of the Mental Health and Developmental Disabilities Code* and the *Nursing Home Care Act (210 ILCS 45)* and have all the rights guaranteed pursuant to Chapter II, Article I of the Mental Health and Developmental Disabilities Code.

**Executive Director**

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The Executive Director of Abbott House, LLC must ensure:

1. Correspondence is conveniently received and reasonably accessible.
2. Residents may have private visits at any reasonable hour during visiting hours unless visits are restricted due to the treatment plan of the resident.
3. Space for visits are available and the facility personnel reasonably announce their intent to enter, except in an emergency, before entering any resident's room during visits.
4. Resident shall be free to leave any time.
5. Make arrangements for attendance at religious services of the resident's choice.

**Finances**

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Each resident is responsible for his or her own moneys and personal property or possessions in living quarters unless deemed inappropriate by a physician or facility LPHA and so documented in the resident's record.

1. If moneys or possessions of a resident come under the supervision of Abbott House, LLC, either voluntarily or ordered by physician or LPHA clinician, Abbott House, LLC will comply with the following:

- a. Abbott House, LLC will not commingle resident's money or possessions with those of the facility. Resident's moneys and possessions will be maintained separately.
  - b. Abbott House, LLC will provide reasonably adequate space for possessions of the resident and a means of safeguarding small items or value for resident in their rooms or any part of the facility; must be given reasonable and adequate access to their possessions; and
  - c. Abbott House, LLC will make reasonable efforts to prevent loss and theft of resident's possessions by (*see Resident Grievance and Formal Complaints Policy*).
2. Information that is used for reporting or billing purposes is shared according to confidentiality guidelines outlined in the Health Insurance Portability and Accountability Act (HIPAA).
  3. Abbott House, LLC is not involved in any formal research projects at this time. If Abbott House, LLC were to become involved in any such project, residents will be informed of the project and will have the right to decide if they wish to participate in the project. Abbott House, LLC will adhere to required research guidelines and ethics if involved in any project.

### **Communication of Rights Information**

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Resident's rights should be given at the time of admission as soon thereafter as the condition of the resident permits, but in no event later than 48 hours after admission and at least annually.

1. Abbott House, LLC communicates rights information annually to residents by the organization longer than one year.
2. Abbott House, LLC will provide a written explanation of all rights and transmit in a manner and fashion that is clear and understandable to each resident.
3. Accommodations or an interpreter will be provided by Abbott House, LLC if necessary, to communicate rights information.
4. A list of resident's rights shall be prominently posted in English and any other language representing at least 5% of the county population.
5. Abbott House, LLC promotes the rights of residents by posting rights information by employee time clocks.
6. All residents are given a Resident Handbook at the beginning of services that describes services provided by Abbott House, LLC, rights information, as well as applicable rules and associated consequences.
7. Abbott House, LLC provides rights training to all personnel during orientation. This includes

orientation for all contracted personnel, volunteers, students, and interns.

- a. Annual rights training is provided to personnel.

### **Restricting Rights of Residents**

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Abbott House, LLC will not restrict rights of residents without significant cause or reason. Any restrictions will be applied according to the behavioral plan for the person served. Only staff trained in Crisis Prevention Institute (CPI training), can be involved in the restriction of rights.

If a restriction is to be applied by Abbott House, LLC the organization will obtain prior written consent from the participant or guardian, as applicable.

Abbott House, LLC will make every effort to reinstate a person's rights as soon as possible by applying appropriate interventions as identified in the behavioral plan. Behavior will be evaluated on a daily basis in order to reinstate rights as quickly as possible.

### **Access to Resident**

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1. Any employee or agent of a public agency, any representative of a community legal services program, or any other member of the general public shall be permitted access at reasonable hours to any individual resident at Abbott House, LLC
2. All persons entering Abbott House, LLC shall promptly notify appropriate facility personnel of their presence. They shall, upon request, produce identification to establish their identity. No person shall enter the immediate living area of any resident without first identifying himself or herself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident may terminate at any time a visit by a person having access to the resident's living area.
3. This subsection (f) shall not limit the power of the Department or other public agency otherwise permitted or required by law to enter and inspect a facility.
4. The Executive Director of a facility may refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the facility, or if the person seeks access to the facility for commercial purposes.
5. Abbott House, LLC may not infringe upon, any court orders or consent decrees regarding access.

### **Rights Violations**

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Any potential rights violation will be investigated and resolved under Abbott House, LLC Resident and Family Grievances & Formal Complaints Policy.

### **Resident Advisory Council**

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Abbott House, LLC must establish a Residents' Advisory Council consisting of at least five residents voted/chosen by residents.

1. If there are not five residents capable of functioning on the Residents' Advisory Council, as determined by the interdisciplinary team (IDT), residents' substitute decision makers shall take the place of the required number of residents.
2. Executive Director will designate a member of the facility staff, Director of Recreational and Leisure Services to coordinate the establishment of, and render assistance to, The Council.
  - a. No employee or affiliate of a facility shall be a member of the council
  - b. Council shall meet at least once each month with the staff coordinator (Director of Recreational and Leisure Services) who shall provide assistance to The Council in preparing and dissemination a report of each meeting to all residents, the Executive Director, and the staff.
  - c. Records of council meetings shall be maintained in the office of the Executive Director.
  - d. Consumers' Advisory Council may communicate to the Executive Director, opinions and concerns of the residents. The Council shall review procedures for implementing consumer rights and facility responsibilities and make recommendations for changes or additions that will strengthen the facility's policies and procedures as they affect consumer rights and facility responsibilities.
3. The Council shall be a forum for:
  - a. Obtaining and disseminating information;
  - b. Soliciting and adopting recommendations for facility programming and improvements; and
  - c. Early identification and for recommending orderly resolution of problems.
4. The Council may present complaints on behalf of a resident to the Department or to any other person it considers appropriate, without retaliation of any kind from Abbott House, LLC or any employee.

## **RESIDENTS RIGHTS**

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As a resident of Abbott House, LLC you, your guardian or authorized representative (if applicable) have a ***right*** to:

### **Dignified Existence**

- Be treated with consideration, respect and dignity, recognizing each resident's individuality, wishes and preferences.
- Freedom from abuse, neglect, exploitation and misappropriation of property.
- Freedom of physical or chemical restraints.
- Quality of life is maintained or improved.
- Exercise rights without interferences, coercion, discrimination, or reprisal.
- A home-like environment and use of personal belongings when possible.
- Equal access to quality care.
- Security of personal belongings.
- Be permitted to share a room with your spouse when both parties are residents.
- Not be photographed, audio or videotaped without giving informed consent.

Abbott House, LLC

CARF Section 1.E.3, 1.K.1, 2.F.1, 2.F.3, 2.F.6, 2.F.8, 2.F.9

SMHRF Regulations Title 77, Section 380.140

Created 1 February 2018

Revised 24 October 2018

- Be permitted unimpeded, private, and uncensored communication of his or her choice by mail, telephone, internet, or visitation.
- Participate and give input in their career plan development.
- Receive services without regard to age, sex, race, religion, marital status, disability, vocational barriers, sexual orientation or national origin.
- Exercise constitutional and civil rights.
- Associate and communicate privately and without restriction with people and groups during any reasonable time Abbott House, LLC facilities are in operation.

### **Self Determination**

- Choice of activities, schedules, health care and providers, including attending physicians.
- Reasonable accommodation of needs and preferences.
- Participate in developing and implementing a person-centered plan of care that takes into account personal and cultural wishes.
- Choice about designating a representative to exercise his or her rights.
- Organize and participate in resident and family groups.
- Request, refuse and/or stop treatment.

### **Be Fully Informed of**

- The type of care to be provided, and risk and benefits of proposed treatments.
- Changes to the plan of care, or in medical or health status.
- Rules and regulations, including a written copy of the residents' rights.
- Contact information for the long-term care ombudsman program and state survey agency.
- State survey reports and the nursing facility's plan of correction.
- Written notice before a change in room or roommate.
- Notices of information in a language or manner he or she understands (Spanish, Braille, etc).

### **Privacy**

- Personal, financial, and medical affairs.
- Private and unrestricted communication with any person of their choosing.
- During treatment and care of personal needs.

### **Voice Grievances**

- Voice grievances without discrimination or retaliation or the fear of it.
- Prompt efforts by the facility to resolve grievances and provide written decision upon request.
- To file a complaint with the long-term care ombudsman program or state survey agency.

### **Access to**

- Individuals, services, community members and activities inside and outside the facility.
- Visitors of his or her choosing, at any time, and the right to refuse visitors.
- Personal and medical records.
- His or her personal physician and representatives from the state survey agency and long-term care ombudsman program.
- Assistance if sensory impairments exists.
- Participate in social, religious and community activities.

### **Regarding Financial Affairs**

- Manage his or her financial affairs unless you agree to other arrangements as indicated by your individual preferences or needs.
- Information about available services and the charges for each service.

- Personal funds of more than \$100 (\$50 for residents whose care is funded by Medicaid) deposited by the facility in a separate interest-bearing account, and financial statements quarterly or upon request.
- Not be charged for services covered by Medicaid or Medicare.

**Discharge/Transfer**

- Remain in the nursing facility unless:
  - the resident’s needs cannot be met in the facility;
  - the resident’s health has improved, and she/he no longer requires this level of care;
  - the safety of the individuals in the facility is threatened due to the clinical or behavioral status of the resident;
  - the health of others in the facility is threatened;
  - the resident has failed, after reasonable notice, to pay the facility charge for an item or service provided at the resident’s request;
  - the facility is closing.
- Right to appeal the proposed transfer or discharge and not be discharged while an appeal is pending.
- Receive 30-day written notice of discharge or transfer that includes: the reason; the effective date; the location going to; appeal rights and process for filing an appeal; and the name and contact information for the long-term care ombudsman.
- Preparation and orientation to ensure safe and orderly transfer or discharge.
- Notice of the right to return to the facility after hospitalization or therapeutic leave.

**The resident has the right to contact the following agencies with questions about his or her rights of if there is a possibility the residents’ rights have been violated.**

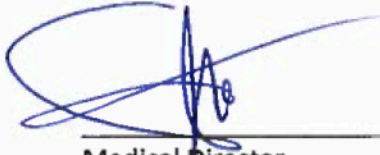
Ask for assistance. If you or the Resident Council need help solving a problem, you may ask the Long-Term Care Ombudsman Program for assistance.	<b>Illinois Long Term Care Ombudsman Program</b> 1-800-252-8966 (Voice) 1-888-206-1327 (TTY).
If problem relates to a person with a developmental disability or mental illness.	<b>Equip for Equality</b> 1-800-537-2632 (Voice) 1-800-610-2779 (TTY)
File a grievance with the Central Complaint Registry.	<b>Central Complaint Registry</b> 1-800-252-4343 (Voice) 1-800-547-0466 (TTY)

**RELATED DOCUMENTS:**

1. Resident Rights Statement
2. Resident Handbook
3. Resident and Family Grievances & Formal Complaints Policy

Abbott House, LLC  
CARF Section 1.E.3, 1.K.1, 2.F.1, 2.F.3, 2.F.6, 2.F.8, 2.F.9  
SMHRF Regulations Title 77, Section 380.140  
Created 1 February 2018  
Revised 24 October 2018

## REVIEW AND APPROVAL



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Medical Director

15 JAN 2019

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Approval Date

Jay K Fishman

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Executive Director

1/1/2019

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Approval Date



Abbott House, LLC  
CARF Section 1.E.3, 1.K.1, 2.F.1, 2.F.3, 2.F.6, 2.F.8, 2.F.9  
SMHRF Regulations Title 77, Section 380.140  
Created 1 February 2018  
Revised 24 October 2018

## Resident Acknowledgement Form

State and federal law requires that all residents be provided a copy of the resident's rights and responsibilities.

I hereby acknowledge that I have received a copy and full information regarding the Rights of Residents policy

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PRINT FULL NAME

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DATE

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SIGNATURE