

Be free from verbal, physical, sexual, and mental abuse; corporal punishment; neglect; and involuntary seclusion.
22CCR §72527(a)(9); 42CFR 483.13(b)

Transfer and Discharge Rights

Be notified in writing before your transfer or discharge from the nursing home.
22CCR §72527(a)(6); 42CFR 483.10(b)(11); 42CFR 483.12(a)(4),(5),(6)

Appeal any transfer or discharge decision to the Licensing and Certification Office.
HSC 1599.1(h)(2),(3),(4); 42CFR 483.10(o); 42CFR 483.12(a)(6)(iv)

Return to the nursing home after a short-term transfer to a hospital or after a therapeutic leave from the facility. (The nursing home must explain to you their policy about bed holds and your rights to return to the facility.)
HSC 1599.1(h)(1); 42CFR 483.12(b)

HELP IN PROTECTING YOUR RIGHTS

Long-Term Care Ombudsman

Each county has an Ombudsman Program with trained ombudsmen to help with questions or problems about the nursing home and to assist you in exercising your rights. For information about the Ombudsman Program in your area, call or write:

Office of the State Long-Term Care Ombudsman
1300 National Drive, Suite 200
Sacramento, CA 95834
(800) 231-4024

Legal Services

In California there are a number of local law projects which provide legal assistance to the elderly without charge. The Ombudsman Program in your county can give you specific information about these services.

Licensing and Certification

Department of Health Services' Licensing and Certification Program (L&C) licenses and regulates California's nursing homes on the basis of complaint investigations and annual inspections. Consumers may obtain copies of inspection and complaint investigation reports through their local L&C office. For the address and phone number of your district office, call the Licensing and Certification Headquarters at (800) 236-9747.

ADDITIONAL INFORMATION AVAILABLE FROM:

Consumer Advocate Groups

Bet Tzedek Legal Services Nursing Home Advocate Projects 145 S. Fairfax Avenue, Suite 200 Los Angeles, CA 90036
(323) 939-0506

California Advocates for Nursing Home Reform
650 Harrison Street, 2nd Floor,
San Francisco, CA 94107
(415) 474-5171
(800) 474-1116 (Consumers only)

Industry

California Association of HealthFacilities
2201 K Street
P.O. Box 537004
Sacramento, CA 95853-7004
(916) 441-6400
(800) 347-5547

Aging Services of California
1315 "I" Street, Suite 100
Sacramento, CA 95814
(916) 392-5111

California Healthcare Association
1215 K Street, Suite 800
Sacramento, CA 95814
(916) 443-7401



Arnold Schwarzenegger, Governor
State of California

Kimberly Belshé, Secretary
Health and Human Services Agency

Sandra Shewry, Director
Department of Health Services



Department of Health Services
California Department of Health Services
Licensing and Certification Program
MS 3201
P.O. Box 997413
Sacramento, CA 95899-7413
(800) 236-9747
www.dhs.ca.gov/lnc

YOUR RIGHTS AS A RESIDENT IN A NURSING HOME



You keep all your fundamental civil or human rights and liberties when you are admitted to a nursing home.

This brochure summarizes specific rights you have as a nursing home resident as provided by both Federal and California State statutes and regulations. Please note this is only a summary and is not a substitute for the comprehensive Patient's Bill of Rights, which every nursing facility must provide to residents upon admission, as Attachment A to the California Standard Admission Agreement. Where appropriate, this brochure includes cross-references to Resident Rights listed in Attachment A, or noted in the Standard Admission Agreement.

Before you even choose or enter a nursing home, you have rights as a prospective consumer. Please exercise these rights by:

Visiting the facility.

Contacting the Licensing and Certification Office and Office of the State Long-Term Care Ombudsman for additional information about the facility.

Reviewing the facility's admission agreement and ask about the cost of basic services, optional services, and whether the facility participates in Medi-Cal or Medicare. The facility must provide this information.

BASIC RIGHTS

You have the right to be treated with respect and dignity in recognition of your individuality and preferences.
22CCR §72527(a)(2); 42CFR 483.10(b)(5)

You have the right to quality care and treatment that is fair and free from discrimination.
HSC §1599.1(a); 42CFR 483.10

Relatives or a legal representative may act on your behalf to exercise these rights when you are unable to do so yourself.
22CCR §72527(c); HSC 1599.3; 42CFR 483.10(a)(3)

ADMISSION RIGHTS

The facility must inform you of all your rights in a language or manner which you understand.
22CCR §72527(a)(1); HSC 1599.1; 42CFR 483.10(b)(1); 42CFR 483.10(b)(7)

The facility must inform you of all the facility's rules and regulations, including those regarding transfer and discharge policies.
22CCR §72527(a)(1),(2); 42CFR 483.10(b)(1)

You have the right to carefully review all contracts and agreements prior to signing.
California Standard Admission Agreement

The nursing home cannot require a cosigner for payment, but may require a relative or a legal representative to ensure payment from your income or resources.
California Standard Admission Agreement, 42CFR 483.12(d)(2)

You have the right to apply for Medicare and Medi-Cal and the right to information and assistance in applying for those programs.
42CFR 483.10(b)(5)(i); 42CFR 483.10(b)(7)(i); 42CFR 483.10(b)(10)

You cannot be asked to give up or delay your rights to receive Medicare or Medi-Cal.
42CFR 483.12(d)(1)(i),(ii)

You cannot be asked to give the facility a security deposit if you are a Medicare or Medi-Cal beneficiary.
42CFR 483.12(d)(3)

AS A NURSING HOME RESIDENT, YOU HAVE A RIGHT TO:

Visits * Privacy * Confidentiality

Visits with family and friends.
22CCR §72527(a)(20); 42CFR 483.10(e)(1)

Contact and meet with certain agency representatives or individuals who provide health, legal, social, or other services.
22CCR §72527(a)(18),(19); 42CFR 483.10(j)(1), (2)

Privacy during your visits or meetings, in making telephone calls, and with your mail.
22CCR §72527(a)(21); 42CFR 483.10(e)(1)

Privacy in your room and during bathing, medical treatment, and personal care.
22CCR §72527(a)(11); 42CFR 483.10(e)(1)

Keep your personal and health records confidential.
22CCR §72527(a)(10); 42CFR 483.10(e)(1)

Quality of Life in the Nursing Home

Choose and participate in activities, which you like, and which are part of your plan of care.
HSC 1599.1(d); 42CFR 483.15(b)(1)

Participate in social, religious, and community activities.
22CCR §72527(a)(14); 42CFR 483.10(b)(2),(d)

Register and vote in local, state and national elections.
22CCR §72527(a)(7); 42CFR 483.10(a)(1)

Voice complaints or grievances without fear of retaliation. The nursing home must give you information about how to file a complaint with the facility, the Ombudsman, and with the Department of Health Services' Licensing and Certification Office.
22CCR §72527(a)(7); HSC 1599.2(c); 42CFR 483.10(b)(7)(iv); 42CFR 483.10(f)(1)

Organize and participate in residents groups; and your family has the right to organize and participate in family groups in the nursing home.
22CCR §72527(a)(13),(14); 42CFR 483.15(c)(1)

Living Accommodations and Care

Express preferences with respect to your room and roommate and be advised before any changes are made.
42CFR 483.10(b)(11)(ii)(A); 42CFR 483.15(e)(2)

A safe, clean, and comfortable home-like environment.
HSC 1599.1(e); 42CFR 483.15

Receive care in a manner which promotes and enhances your quality of life. This includes food of the quantity and quality to meet your needs and preferences.
HSC 1599.1(c); 42CFR 483.10(i)(L); 42CFR 483.15; 42CFR 483.15(e)(1)

Services necessary to attain or maintain your highest practicable level of functioning.
HSC 1599.1(a),(d); 42CFR 483.15(e)(1)

Protect Your Money and Possessions

Manage your own financial affairs, or you may have the nursing home manage your personal money in accordance with specific requirements, which include periodic accounting reports.
22CCR §72527(a)(8); 42CFR 483.10(c)

Reasonable security of clothing and personal property. The nursing home must have a program to reduce theft and loss and maintain an inventory of your clothing and other personal property.
Standard Admission Agreement; 22CCR §72527(a)(15); 42CFR 483.10(l)

Medical Care and Treatment

Participate in designing your plan of care/treatment.
22CCR §72527(a)(3); 42CFR 483.10(d)(3)

Choose your personal doctor.
22CCR §72527(a)(3); 42CFR 483.10(b)(9); 42CFR 483.10(d)(3)

Refuse any plan of care, treatment, or procedure.
22CCR §72527(a)(4); 42CFR 483.10(b)(4); 42CFR 483.10(b)(8)

Make advance directives for treatment such as a power of attorney for health care or other instructions about important health care decisions such as unwanted, life-sustaining treatment.
Standard Admission Agreement; 42CFR 483.10(b)(4); 42CFR 483.10(b)(8)

Freedom from Restraint and Abuse

Refuse any bonds which limit your mobility or drugs that affect your mind, except in an emergency situation. Any use of such restraints must be used to treat medical symptoms and not for the purpose of discipline or staff convenience.
22CCR §72527(a)(5); 22CCR 72527(a)(23); 42CFR 483.13(a)