

NOTICE OF NURSING FACILITY RESIDENTS' RIGHTS

This is a summary of your rights as a nursing facility resident. When you enter a nursing facility, you do not lose your rights as an individual. A nursing facility must protect and promote your rights and the rights of each resident as described below.

I. Free choice

You have the right to choose a personal attending physician, to be fully informed in advance of your care or treatment, to be fully informed in advance of any changes in your care or treatment that may affect your well-being, and (except in the event that you are not able to make your own decisions) to participate in planning your health care and treatment or changes in your care and treatment.

II. Freedom from Restraints

You have the right to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for the purposes of discipline or convenience and not required to treat your medical symptoms. Restraints may only be imposed:

- to ensure your physical safety or that of other residents; and
- only upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used, except in emergency circumstances specified by the nursing facility until a physician's order can reasonably be obtained.

III. Privacy

You have the right to privacy with regard to accommodations, medical treatment, written and telephone communications, visits, meetings of family and resident groups, but this does not require the facility to provide a private room for each resident.

IV. Confidentiality

You have the right to confidentiality of your personal and clinical records and may access any current clinical records upon your request, or that of your legal representative, within 24 hours (excluding weekends and holidays) after making such a request.

V. Accommodation of Needs

You have the right to reside and receive services with reasonable accommodation of your needs and preferences, except where your health and safety or that of any other resident would be endangered, and to receive notice before your room or roommate in the facility is changed.

VI. Grievances

You have the right to voice grievances about your treatment or care without discrimination or reprisal for voicing the grievances. You have the right to prompt efforts by the facility to resolve any grievances you may have, including those concerning other residents.

VII. Right to Request a Spousal Asset Assessment

If your spouse is not living in a facility or institution, you and your spouse have the right to request an assessment of your nonexempt resources at the time you enter the nursing facility. This assessment will assist you in determining your eligibility for MassHealth.

VIII. Participation in Resident and Family Groups

You have the right to organize and participate in resident groups in the facility. In addition, your family has the right to meet with the families of other residents in the facility.

IX. Participation in Other Activities

You have the right to participate in the social, religious, and community activities that do not interfere with the rights of other residents in the facility.

X. Examination of Survey Results

You have the right to examine, upon reasonable request, the results of the most recent survey of the facility conducted by federal or state surveyors and any plan of correction in effect for this facility.

XI. Refusal of Certain Transfers

You have the right to refuse a transfer to another room within the facility if the purpose of the transfer is based upon your eligibility or ineligibility for Medicare coverage. Should you choose to exercise your right to refuse a transfer, this will not affect your eligibility for or entitlement to Medicare or MassHealth benefits.

XII. Notice Requirements for Transfers or Discharges

You have the right to receive written notice if the nursing facility intends to transfer or discharge you to another unit within the facility, to another nursing facility, to a hospital or other institution, or to the community. You have the right to appeal the transfer or discharge by requesting a fair hearing before the Division of Medical Assistance (the state Medicaid agency). The nursing facility must provide you with the address to which you must send the request for a fair hearing and must assist you with requesting a hearing. If you are disabled, you have the right to request that the Division accommodate your disability to ensure your access to the fair hearing.

XIII. Advance Directives

The nursing facility must provide written information to you upon your admission regarding your right to make your own health care decisions, including the right to accept or refuse medical treatment.

XIV. Notice of Your Rights

The nursing facility must inform you orally and in writing at the time you enter the facility, regardless of your payment source at that time, of your legal rights during your stay at the facility and of the requirements and procedures for establishing eligibility for MassHealth. The nursing facility must also give you a separate, detailed copy of residents' rights at the time of admission, which fully explains all of your rights as a nursing facility resident.