

The Nursing Home Residents' Bill of Rights: A Complete Guide



📍 LONG BEACH OFFICE

MAIN OFFICE
356 Redondo Avenue.
Long Beach, CA 90814

📍 LOS ANGELES OFFICE

915 Wilshire Blvd.,
7th Floor, Los Angeles,
CA 90017

📍 OAKLAND OFFICE

1950 Franklin St
Suite 1809, Oakland,
CA 94610

📍 ARIZONA OFFICE

2801 E. Camelback
Rd, Suite 200
Phoenix

Follow Us



LANZONE MORGAN
LLP

Contact us at
+1 (888) 887-9777

The Nursing Home Residents' Bill of Rights is a collection of protections that establish how facilities must treat the vulnerable adults in their care. California Health & Safety Code § 1599.1 provides many of these protections, expanding on federal regulations. These rights often come into play in elder abuse claims across the state.

Under federal regulation 42 C.F.R. § 483.10 and California Health and Safety Code § 1599.1, residents of long-term care facilities are guaranteed certain rights, including the following:

Dignity and Respect

Staff members must treat residents with consideration, respect, and dignity. The nursing home's environment must be safe, clean, comfortable, and homelike. Residents are entitled to equal access to quality care, in addition to reasonable accommodations for their specific needs, regardless of their diagnosis or payment source.

Participation in Care and Informed Consent

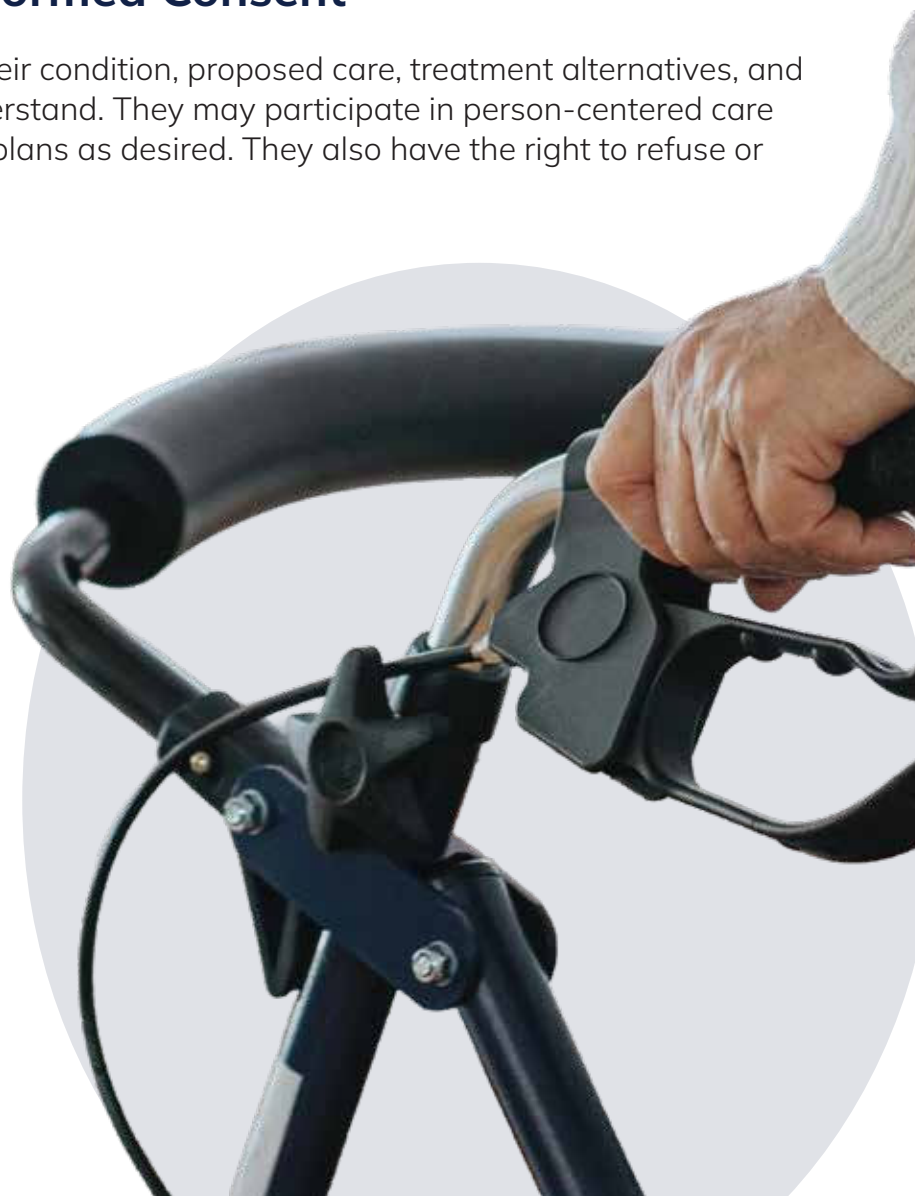
Residents must receive information about their condition, proposed care, treatment alternatives, and risks and benefits in language they can understand. They may participate in person-centered care planning and request revisions to their care plans as desired. They also have the right to refuse or discontinue treatment at any time.

Privacy

Nursing home residents have the right to privacy when receiving personal care and medical treatment. Their medical and personal records must also remain confidential. Facilities must respect residents' privacy in in-person visits and written or electronic communications, such as phone calls, mail, email, video calls, and internet research.

Freedom From Abuse and Neglect

Residents have the right to remain free from physical, verbal, sexual, and mental abuse. These rights extend to neglect and involuntary seclusion. Additionally, staff members cannot use physical or chemical restraints for discipline or convenience.



Communication and Visitation

Nursing home residents are entitled to unrestricted communication with any person of their choice, both inside and outside the facility. They may also receive visitors at any time they choose and for as long as they want, provided that it doesn't infringe on another nursing home resident's rights. Residents may also deny visitors when desired.



Self-Determination

Residents may make choices about their schedules, activities, daily routines, and healthcare providers. They may appoint a representative to help them exercise their rights, but they retain any authority they have not explicitly delegated to another person.

Grievances and Complaints

Facilities must allow residents to submit complaints orally, in writing, or anonymously without fear of retaliation. Nursing homes must also track grievances, conduct follow-up investigations, make prompt efforts to resolve complaints, and provide a written decision upon request. Additionally, residents may report concerns to outside agencies.

Financial Protections

Residents may manage their own finances or authorize a trusted person to do so. Nursing homes may not restrict a resident's access to their bank accounts, cash, or other financial records. If a resident authorizes the nursing home to manage their finances, the facility must maintain an accounting system for the resident's funds and may not commingle them with its own. The facility must also take reasonable efforts to protect residents' property from theft.

Transfer and Discharge Protections

Nursing homes may transfer or discharge residents from the facility only for specific reasons, such as the resident's health status. In most cases, facilities must give a 30-day written notice of their discharge or transfer plans. The facility must sufficiently prepare for the discharge or transfer to perform it safely. Residents have the right to appeal the decision to the state.



What Rights Do Family Members Have When a Loved One Lives in a Nursing Home?

Family members have specific rights under state and federal law. If the resident gives permission, loved ones may participate in care planning. The facility must also notify the resident's legal representative or a family member about significant health declines, injuries, medical complications, major treatment changes, and planned transfers or discharges.

Additionally, family members may visit residents at any time with the resident's permission. When medically appropriate, residents may also leave the facility to visit family or friends.

Residents and their families may also form or participate in councils to discuss concerns about the facility's policies or operations. The facility must provide spaces for these meetings and take the group's grievances seriously.

When a court has not declared a resident legally incompetent, the resident may appoint a representative to help exercise their rights. The nursing home must honor that representative's decisions to the extent authorized by the resident or court order. The resident retains any rights they haven't specifically delegated to their representative.

What to Do if You Believe a Facility Has Violated a Nursing Home Resident's Rights

If you suspect a nursing home has violated your loved one's rights, start by documenting what happened. Write down dates, times, locations, the names of people involved, and any explanations provided by staff. Keep a copy of any written communication with the facility, and take photos of injuries or poor living conditions if relevant.

You'll also want to report the concern to the facility's administrator in writing. If the administration fails to promptly resolve the complaint, or if the matter involves serious harm to a resident or jeopardizes their safety, consider involving state authorities.

