

## **Residents' Rights for Nursing Homes**

### **New York City Health and Hospitals Corporation**

The Nursing Facility shall establish written policies regarding your rights as a resident and shall develop procedures implementing such policies as follows:

The operator of a facility shall, in consultation with residents, establish written policies regarding the rights and responsibilities of residents and shall be responsible for development of, and adherence to procedures implementing such policies. These policies and procedures shall be given to residents or their guardian, next of kin, sponsoring agencies or agencies of lawful representative, and each member of the families' staff. They shall also be posted conspicuously in a public place in the facility and made available to the public. The staff of the facility shall be trained and involved in the implementation of these policies and procedures. The residents' rights, policies and procedures shall ensure that, at least, each resident admitted to the facility:

**As a resident in a Nursing Home in New York State, you have the right, consistent with the law, to:**

1. Be informed of your rights. Be informed of the facility's rules and regulations, and receive an explanation of resident's responsibility to obey all reasonable regulations of the facility and to respect the personal rights and private property of other residents. Interpreter services are available if needed;
2. Be informed and receive a written statement prior to or at the time of admission and during the stay, of services available in the facility and of related charges for services not covered by sources of third-party payment or not covered by the facility's basic per diem rate;
3. Be informed verbally and in writing at the time of admission and again at the time of transfer for any reason, of the facility's bed retention or reservation policy;
4. Be treated with consideration, respect, and full recognition of your dignity and individuality including privacy in treatment and in care of your personal needs; be treated with respect for your personal values, beliefs, cultural and spiritual preferences, and life-long patterns of living;

5. Be assured of adequate and appropriate medical care; be fully informed, by a physician, of your medical condition unless medically contraindicated (as documented by a physician, in your medical record); be given the name, address and telephone number of the physician in charge of the case and be afforded the opportunity to participate in the care plan and proposed treatment; to refuse to participate in experimental research, and to refuse medication and treatment after being fully informed of and understanding the consequences of such actions;
6. Be transferred or discharged only for medical reasons, or for your welfare or that of other residents or for non-payment for your stay (except as prohibited by sources of third-party payment), and be given reasonable advance notice to ensure orderly transfer or discharge, and be (as is your representative) provided with an interpretation of the content of your medical records by a physician of your choosing in instances where adverse utilization review continued stay decision are pending, and such actions are documented in your medical record;
7. Appropriate assessment and management of pain. Care will be rendered in a manner which will provide you with optimal comfort and dignity, which includes appropriate and aggressive management of pain and treating responsive symptoms as desired by you or your surrogate. The care will be provided with sensitivity to you and your family's psycho-social and spiritual concerns;
8. Receive all the information that you need to give informed consent for any proposed procedure or treatment, including the possible risks and benefits;
9. Formulate advance directives. The Nursing Home will honor your directives within the limits of the law and its mission, philosophy and capabilities;
10. Be encouraged and assisted, throughout your period of stay, to exercise your rights as a resident and as a citizen, and to this end may voice grievances; have a right of action for damages or other relief for deprivations or infringements of your right to adequate and proper treatment and care established by any applicable statute, rule, regulation or contract, and to recommend changes in policies and services to facility staff and/or to outside representatives of your choice, free from restraint, interference, coercion, discrimination or reprisal;
11. Participate in established residents' council;
12. Be informed of both the facility's and New York State Department of Health complaint procedures verbally and in writing, and be provided with the name, address and telephone number of the office established by the Department of Health to receive complaints and of the State Office for the Aging Ombudsman Program;
13. Manage your personal financial affairs, or be provided with at least a quarterly accounting of financial transactions made on your behalf should the facility accept your written delegation of this responsibility to the facility for any period of time in

- conformance with State Law;
14. Be free from mental and physical abuse and free from chemical and physical restraints except those restraints authorized in writing by a physician for a specified and limited period of time or when necessary to protect you from injury to self or to others; or as are necessitated by an emergency, in which case the restraint may only be applied by a licensed nurse who shall set forth in writing the circumstances requiring the use of restraint, and in the case of use of a chemical restraint a physician shall be consulted within 24 hours;
  15. Be assured of your privacy, safety, security in storing personal possessions, and confidential treatment of your personal and medical records. You may approve or refuse the release your medical records to any individual outside the facility, except in the case of your transfer to another health care institution, or as required by law or third-party payment contract;
  16. Not be required to perform services for the facility that are not included for therapeutic purposes in your plan of care;
  17. To associate and communicate privately with persons of your choice; to join with other residents or individuals within or outside of the facility to work on improvements in resident care, and send and receive your personal mail unopened, unless medically contraindicated (as documented by his/her physician, in his/her medical report);
  18. Meet with, and participate in activities of social, religious and community groups at your discretion, unless medically contraindicated (as documented by his/her physician, in your medical report);
  19. Be informed of the facility's visiting hours, policies and the rights and responsibilities of visitors;
  20. Retain and use your personal clothing and possessions as space permits, unless to do so would infringe upon the rights of other residents, or unless medically contraindicated (as documented by your medical report);
  21. If married, be assured of privacy for visits by your spouse; if both are residents in the facility, be permitted to share a room, unless medically contraindicated (as documented by the attending physician, in the medical record);
  22. Assured of exercising your civil and religious liberties, including the right to independent personal decisions and knowledge of available choices shall not be infringed upon and the facility shall encourage and assist in the fullest possible exercise of these rights;
  23. Be assured of the right to receive, upon request, kosher food or food products prepared in accordance with the Hebrew orthodox religious requirements if you as a matter of religious belief, desire to observe Jewish dietary laws;

24. Upon request by you and/or your designated representative, be informed of your specific assignment to a patient classification category as contained in Appendix 13-A entitled "Patient Categories and Case Mix Indices Under Resources Utilization Group (RUG II) Classification System";
25. Address and accommodate communication and mobility needs;
26. Involve the designated surrogate decision maker during your stay at the facility at your request. The surrogate decision maker may be a family, friend, same sex partner, and/or significant other.
27. Have a family member, friend, or others for emotional support; this person may or may not be the residents surrogate decision maker or legal authorized representative.
28. Receive treatment without discrimination as to age, race, culture, language, physical or mental disability, socioeconomic status, sex, sexual orientation, gender identity or expression.

### **When you need us to listen**

We want you to feel comfortable and secure during your stay with us.

Our staff is here to assist you with any concerns that you may have. We offer services that go beyond your medical care. If you or your family have problems that require other services, our social workers can help you and provide referrals.

If you or your family has a problem with your medical treatment or anything else that may arise out of your stay with us, we have Patient Representatives at the offices noted below.

### **Patient Relations**

Coler: (718) 319-4098

Henry J. Carter: (646) 686-0963

Gouverneur: (212) 441-5017

Dr. Susan Smith McKinney: (718) 245-7100

Sea View: (718) 317-3621

### **Complaints may also be referred to offices listed below:**

*New York State Department of Health DRS/SNHCP*

Mailstop: CA/LTC Empire State Plaza Albany, New York 12237 Hotline: 1 (888) 201-4563

Long Term Care Ombudsman Program New York State Office for the Aging

Telephone: (800) 342-9871 NYC Telephone: (212) 962-2720

*Joint Commission*

Telephone: 1 (800) 994-6610

Public Health Law (PHL) 2803(c) Resident's Rights, 10NYCRR, 415.3

## **Residents' Responsibilities**

### **A. Providing information:**

1. Residents will provide physician and hospital personnel with accurate and complete information relating to present complaints, past illnesses, hospitalizations, medications and other matters relating to his or her health, to the best of his/her knowledge.
2. Residents will immediately inform the physician and hospital personnel of any treatments being received outside of the facility while they are admitted here. Residents will execute a release authorizing the facility to obtain medical information on such treatment to ensure that the dual courses of treatment do not pose a danger to the patient/resident.
3. Residents are responsible for reporting perceived risks in their care and any unexpected changes in the resident's condition.
4. Residents will notify physician and nurse of any complaints of pain, participate with care givers in the assessment of pain and in developing a pain management plan. Residents will inform physicians and nurses if pain is not relieved and if they have any concerns about taking pain medications.
5. Residents will, if capable, make their needs known to staff members assigned to their care.

### **B. Asking questions:**

1. Residents are responsible for asking questions when they do not understand what they have been told about their care.

### **C. Following instructions:**

1. Residents and families are responsible for following the care, service, or treatment plan developed and attending clinic appointments as scheduled.
2. Residents should express any concerns they have about their ability to follow and comply with the proposed care plan. Every effort is made to adapt the plan to the resident's specific needs and limitations. When such adaptations to the treatment plan are not recommended, the patient and family are responsible for understanding the consequences of the treatment alternatives and not following the proposed course.
3. Residents can participate in therapeutic activities and recreational programs when not contraindicated.

Amended September 1, 2015

**D. Meeting financial obligations:**

1. Residents and family are responsible for fulfilling the financial obligations of his or her health care as promptly as possible.

**E. Showing respect and consideration:**

1. Residents and family must consider the rights of other residents and staff at all times.
2. Residents and family must be considerate of other residents, staff and hospital property.

In addition, HHC affirms its commitment to compliance with the New York City Human Rights Law that states it is unlawful to discriminate on the basis of actual or perceived sex, including a person's "gender identity, self-image, appearance, behavior or expression," whether or not different from "that traditionally associated with the legal sex assigned to that person at birth."

Administrative Code of the City of New York Title 8