

*****RESIDENT RIGHTS*****

Each person residing in a Wisconsin nursing facility is accorded extensive rights, guaranteed under federal and state law, and honored by the policies and procedures of Good Shepherd Home. Recently, changes in federal law have expanded the express rights of residents in nursing facilities which participate in Medicare and Medicaid programs.

The purpose of this document is to summarize all of your legal rights as a nursing home resident. For your convenience, we have categorized those rights into the following areas:

1. Medical Care and Treatment
2. Privacy and Confidentiality
3. Dignity and Respect
4. Family and Resident Groups
5. Social, Religious and Community Activities
6. Access and Visitation
7. Employment
8. Retention, Use & Storage of Personal Possessions
9. Grievances and Complaints
10. Financial Affairs & Medicaid/Medicare Benefits
11. Transfers & Discharges
12. Examination of Survey Results

All residents of Good Shepherd Home are encouraged and assisted, throughout their stay, to exercise their rights as residents and citizens. To assure that they fully understand the nature and scope of their rights, any questions they may have regarding the rights summarized below should be directed to a representative of the facility, such as the Social Services Department Leader or the Nursing Home Administrator.

If, during his/her stay at this facility, they become incapable of making their own health care decisions, the person or persons they designate through a Power of Attorney for Health Care Decisions, or a guardian who has been appointed by the court, will be informed of, and may exercise, these rights on the resident's/tenant's behalf.

1. MEDICAL CARE AND TREATMENT

- * Residents have the right to select their own personal attending physician and use a licensed, certified or registered provider of health care and pharmacist of their choice.

- * Residents have the right to be fully informed of their total health care status, including but not limited to their medical condition.

- * Residents are entitled to be informed in advance about care and treatment, and changes in their plan of care, that may effect their well-being. This right to information includes the right to refuse treatment.
- * To the extent practicable, the resident, their family, or their legal representative have the right to participate in planning care or treatment, as well as changes in their care and treatment.
- * Residents have the right to self-administer their medications, unless the interdisciplinary team responsible for their care plan has determined that such a practice would be unsafe.
- * Residents have the right to refuse treatment and participation in experimental research.
- * Except in a medical emergency, we will consult with the resident and notify their attending physician, legal representative or any designated family member when there is:
 - An accident in which they are involved, which results in an injury to them;
 - A significant change in their physical, mental or psychosocial status;
 - A need to alter their treatment plan significantly;
 - A decision to transfer or discharge them from the Facility.

2. PRIVACY AND CONFIDENTIALITY

- * Residents have the right to privacy in accommodations, medical treatment, written and telephone communications, personal care, visits and meetings of family and resident groups.
- * Residents have the right to send and receive their mail promptly, to receive mail unopened and to have regular access to the private use of a telephone. The facility will provide reasonable access to stationary, postage and writing implements, at their expense.
- * Residents have the right to approve or refuse the release of their personal and medical records to any individual outside this facility, except when:
 - They are transferred to another health care institution; or;
 - When the release of the records is required by law or a third party payment contract.
- * Residents have the right to examine their current clinical records within 24 hours of the next business day following their written or oral request.

To protect the privacy of resident records, if a request is made to view their medical records by someone other than themselves, the facility will ask that the request be made

in writing. The facility will, consistent with the State law, permit examination of their clinical records by a representative of the State Ombudsman office only with their permission or that of their legal representative.

- * If they desire to purchase copies of their records, they will be charged the amount customarily charged in this community.

3. DIGNITY AND RESPECT

- * This facility will care for each of its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.
- * We will promote their right to receive care and treatment in a manner and in an environment that maintains or enhances their dignity and respect in full recognition of their individuality.
- * Residents have the right to reside and receive services in this facility with reasonable accommodation of their individual needs and preferences, except when the health or safety of them or others would be endangered.
- * Residents have the right to:
 - A. Choose activities, schedules and health care consistent with their interests, assessments and care plans.
 - B. Interact with members of the community both in and out of the facility; and
 - C. Make choices about aspects of their life in the facility that are significant to them.
- * A resident has the right to be free from the imposition of physical restraints or psychoactive drugs administered for the purpose of discipline or convenience and which are not required to treat your medical symptoms.
- * A resident has the right to be free from verbal, sexual, physical or mental abuse, corporal punishment and involuntary seclusion. This facility has developed and implemented written policies and procedures that prohibit mistreatment, neglect or abuse.

4. FAMILY AND RESIDENT GROUPS

- * The residents and members of their family have the right to organize and participate in resident and family councils in this facility. Members of their family have the right to meet with other families in the facility. We will provide space for those meetings and a staff member from the facility will attend, if invited.

- * The staff will listen to and act upon recommendations and grievances of family and resident councils which concern policy and operational decisions that may affect their care and life in the facility.

5. SOCIAL, RELIGIOUS AND COMMUNITY ACTIVITIES

- * Residents have the right to participate in social, religious and community activities which do not infringe upon the rights of other residents. Residents are encouraged to vote and exercise their other rights as a citizen or resident of the United States.

6. ACCESS AND VISITATION

- * Each resident has the right to receive visitors and meet with visitors 24 hours a day

- * They have the right to immediate access by:
 - A. Their immediate family and other relatives, subject to their right to withdraw or deny consent at any time;
 - B. Their friends and other visitors that they have consented to, subject to reasonable restrictions and their right to deny or withdraw consent at any time;
 - C. Any representative of the U.S. Department of Health and Human Services;
 - D. Any representative of the State of Wisconsin;
 - E. Their attending physician;
 - F. Any representative of Wisconsin's Long Term Care Ombudsman Program which provides assistance to elderly and developmentally disabled individuals;
 - G. Representatives of agencies responsible for protecting and advocating rights of persons with mental illnesses and developmental disabilities

- * If both resident and their spouse reside in this facility, they have the right to share a room, if each consent to the arrangement. Residents also have the right to room with persons of their choice (Good Shepherd will accommodate this request when an appropriate room is available).

7. EMPLOYMENT

- * Residents have a right to refuse to perform services for this facility. Residents may, however, provide such services if the facility has documented their therapeutic need or desire in the plan of care. The care plan will specify the nature of the services to be performed and if they are to be compensated or voluntary. Compensated for paid services will be at

or above prevailing rates for the same or similar services. However, the facility is under no obligation to offer the opportunity, nor are they under any obligation to agree, to perform any services for the facility.

8. **RETENTION, USE, AND STORAGE OF PERSONAL POSSESSIONS**

- * As a resident of this facility, they have the right and are encouraged to retain and use their personal possessions, including furnishings, and appropriate clothing as space permits. Their usage, however, must comply with health and safety codes and cannot infringe on the rights of other residents. In addition to their room, the facility will provide up to 50 cubic feet of space for storage of possessions.

9. **GRIEVANCES AND COMPLAINTS**

- * Residents are encouraged and assisted, throughout their period of stay, to exercise their rights and accordingly voice grievances and recommend changes in policies and services to facility staff or outside representatives or agencies.
- * Residents may voice complaints with respect to the operations of this facility or the care that is, or is not provided, free from restraint, coercion, discrimination or fear of reprisal.
- * The facility will undertake prompt efforts to resolve any grievances they may have, including those relating to the behavior of other residents.
- * All residents have the right to contact and receive information from organizations acting in the capacity of resident advocates.

10. **FINANCIAL AFFAIRS AND MEDICAID/MEDICARE BENEFITS**

- * Cost of Services
Residents have the right to be informed, prior to or at the time of admission, and periodically during their stay at this facility, of services available in the facility and of charges for those services.

Residents who are at the time of admission, or later become, eligible for Medicaid benefits, will be informed by the facility of:

- A. Items or services that are covered under the facility's Medicaid rate that cannot be charged to the resident.
- B. Other items and services the facility offers, and for which a resident may be charged, and the charges for those services.
- C. Any changes in available items, services or their related charges.

- * Personal Funds
As a resident, they have the right to manage their own financial affairs and are not required to deposit their personal funds with the facility.

However, if they choose, the facility shall, upon receipt of their express written authorization, hold, safeguard, and account for personal funds they desire to deposit with the facility. Such deposits will be managed in accordance with the requirements of state and federal law, which among other things, require that funds in excess of \$50 be maintained in an interest bearing account.

The resident or their legal representative shall at all times be accorded access to their financial record. The facility will maintain, and not less than quarterly, provide them with a complete written accounting of all personal funds that they have entrusted.

Any resident personal funds deposited with the facility will not be commingled with the facility's funds. The facility will not impose a charge against your personal funds for any item or service for which payment is made under Medicaid or Medicare.

* ELIGIBILITY FOR MEDICARE & MEDICAID COVERAGE:

Residents have the right to receive and the facility will provide, both oral and written information regarding application and use Medicare and Medicaid benefits, and how to apply for refunds of previous payments covered by such benefits.

In addition, provisions in Wisconsin law specify a level of assets and income that may be retained by their spouse, residing outside the nursing home, without affecting their eligibility for Medicaid benefits.

The effect of the law is to avoid requiring the spouse outside the home to impoverish him or herself in order to make the other spouse (residing in the nursing home) eligible for Medicaid. If they have specific questions about how these new provisions affect them, they are encouraged to contact the applicable county social services department which determines their Medical Assistance eligibility.

II. **TRANSFERS AND DISCHARGES**

* Transfer or Discharge from the Facility

This facility has established and maintains identical policies and practices regarding transfer, discharge and the provision of services for all residents regardless of source of payment.

This facility recognizes and will honor their right, to remain in its care. Residents will not be permanently or temporarily transferred or discharged from this facility, except (1) with theirs or their legal representative's voluntary written consent or (2) unless;

-The transfer or discharge is necessary for their welfare and their needs can no longer be met in the facility;

-The transfer or discharge is appropriate because their health has significantly improved and they are no longer in need of the services this facility provides;

-The safety or health of other individuals in the facility would be endangered by their continued residency;

-They have failed, after reasonable and appropriate notice, to pay for the care and services they have received at the facility;

-The facility ceases to operate;

-The transfer or discharge is for medical reasons as ordered by the physician;

-As otherwise permitted by state or federal law.

* Orientation for Transfer and Discharge

The facility will provide the resident with sufficient preparation and orientation to ensure safe and orderly transfer or discharge from the facility.

* Advance Notice and Appeals of Transfers or Discharges

Residents are entitled to and shall receive advance written notice (in most cases 30 days) of any proposed transfer or discharge that they or their legal representative have not requested.

The notice shall specify the reason for the transfer, the proposed date for transfer, and the proposed location of the transfer. It shall also identify your right to object to and file an appeal of the transfer with the Wisconsin state agency in charge of assuring that your rights as a nursing home resident have not been violated. The notice will provide you the name, address and telephone number of advocacy groups who can assist you with exercising your appeal rights.

* Room Transfers Within the Facility

Residents will not be transferred between rooms or beds within the facility unless (1) they consent, (2) the move is required for medical reasons, or (3) when necessary for their welfare or for the welfare of other residents, or the welfare of the facility. Prior to any proposed transfer, the facility will provide the resident, their guardian, or any other person they designate with notice and an explanation of the reasons for transfer.

Residents may refuse a transfer to another room within the facility, if the purpose of the transfer is to obtain Medicare coverage for their care. Their refusal will not affect their continued eligibility for Medicare benefits.

* Bedhold

If the resident is on leave, or temporarily discharged (such as to a hospital for surgery or treatment), and have expressed a desire to return to the facility, they will not be denied readmission. The facility will hold their bed until they waive their right to have the bed held, or up to 15 days following the leave or discharge, whichever is earlier.

Before the facility transfers them to a hospital, or allows a therapeutic leave, it will provide them and a family member or legal representative, written information that sets forth the following:

-The duration of the bedhold policy applicable to Medicaid residents under state law; and

-The facility's policy regarding resident payment for bedhold periods.

If the residents hospitalization period or therapeutic leave exceeds the period provided for under state law, they will be readmitted to the facility immediately upon the availability of a semi-private room, if you still require the services of the facility and are eligible for Medicaid nursing facility services.

12. **EXAMINATION OF SURVEY RESULTS**

Government agencies, at least annually, survey all Wisconsin nursing facilities for compliance with applicable state and federal regulations. The facility keeps a copy of the most recent survey in a folder in the entrance lounge, on the main reception desk, and also in the Friendship room. Each resident has the right to examine, the most recent survey and any plan of correction that may be in effect to correct alleged noncompliance with those regulations.