

## **RIGHTS OF NURSING FACILITY RESIDENTS**

Kendal-Crosslands Communities is committed to provide professional care and support services which will accommodate your health care service needs and promote and protect your right to dignity, self-determination and person-centered care.

By law you have the following rights:

### **EQUAL ACCESS TO QUALITY CARE**

Your nursing facility must establish and maintain the same policies and practices for all residents regardless of diagnosis, severity, condition or source of payment, regarding transfer, discharge and the provision of nursing facility services required under the state plan.

### **FREEDOM OF CHOICE**

You have the right to choose a personal attending physician and other primary care professionals responsible for your care and to be fully informed in advance and remain informed in language you can understand about the care and treatment you will receive; to participate in planning your care and treatment; and, to be fully informed in advance of any changes in your care plan or treatment, including the risks and benefits of treatment. You may self-administer your medications if your assessment indicates this is clinically appropriate and you want to self-administer those medications.

### **PLANNING AND IMPLEMENTING CARE**

You have the right to participate in the development and implementation of your person centered plan of care, including both the initial planning process and changes to your plan of care. The planning process will include you and/or your representative, assess both strengths and needs, and incorporate your personal and cultural preferences.

### **GRIEVANCES**

You have the right to object to any treatment or care or lack of care with the assurance that there will be no reprisals for voicing your grievances which must be resolved promptly and fairly. If the need should arise, you may choose to be represented by an attorney.

### **CONFIDENTIALITY**

Neither your personal nor your clinical record may be released to anyone who is not involved in providing or monitoring the care provided to you under your plan of care, except with your written consent.

Ombudsman representatives have the right to examine a resident's medical, social and administrative records.

You have a right to inspect and purchase photocopies of your records upon written request and two business days' notice to the facility. You will be charged the prevailing community rate for photocopying the records you request.

### **FREEDOM FROM ABUSE, NEGLECT, MISAPPROPRIATION OF PROPERTY, EXPLOITATION AND RESTRAINTS**

You have the right to be free from verbal, sexual, physical and mental abuse, corporal

punishment, involuntary seclusion, exploitation and misappropriation of your property by anyone. You also have the right to freedom from any physical or chemical restraints. Medications are not used for purposes of discipline or for the convenience of staff.

### **SOCIAL SERVICES**

Kendal-Crosslands Communities must provide you with any needed medically-related social services, including counseling, help solving problems with other residents, help in contacting legal and financial professionals, and discharge planning.

### **REFUSAL**

You have the right to refuse treatment and to refuse to participate in experimental research. You also have the right to request treatment and the right to discontinue treatment.

### **TRANSFER AND DISCHARGE**

You cannot be transferred or discharged from your nursing facility except in an emergency, non-payment of your share, if any, of your cost of care, improvement in your health to the point where you no longer need nursing care, or an urgent need for medical services the nursing facility cannot provide. The nursing facility must give you and a relative or other responsible person you have named, 30 days advance written notice of your transfer or discharge. The nursing facility must arrange for your safe and orderly transfer to a site where your needs can be adequately provided for, and the nursing facility must thoroughly prepare you for your upcoming transfer or discharge.

### **ACCESS AND VISITATION RIGHTS**

You have the right to say who may or may not have access to your nursing facility for the purpose of visiting with you, as long as the visitation does not impose on the rights of other residents or pose a clinical or safety risk for you or others in the community. You or your resident representative have the opportunity to designate, limit or deny visitations in writing and these designations can be updated at any time. If KCC must restrict or deny visitation due to clinical or safety risks, a full explanation will be provided at the time and documented in the medical record. KCC will ensure full and equal rights of all visitors without respect to race, color, national origin, religion, sex, gender identity, sexual orientation or disability.

You have the right to immediate access by your attending physician. You also have the right to immediate access by any representative of the following agencies or to file a complaint without fear of reprisal:

- The Pennsylvania Department of Aging (231 State Street, Harrisburg, PA 17101 – (717)283-7247)
- The Chester County Office of Aging Long-Term Care Ombudsman (601 Westtown Road, West Chester, PA 19380 (610)344-6350)
- The Pennsylvania Department of Health Long-Term Care Complaint Hotline (625 Forster Street, Harrisburg, PA 17120 (800)254-5164)
- Pennsylvania Department of Health, Lionville Field Office (110 Pickering Way, Exton, PA (610)594-8041)
- The Long Term Care Helpline (866)286-3636 or [www.state.pa.us](http://www.state.pa.us) keyword: long term care
- The Pennsylvania Office for Professional Compliance/Medicare Overcharges (PO Box

2649, Harrisburg, PA 17105 (800)822-2113

- Division of Intermediate Care Facilities (132 Kline Plaza, Suite A, Harrisburg, PA 17104 (717)783-3980)

In addition, any organizations or individuals providing health, social, legal, or other services may, with your consent, have reasonable visits with you.

### **PRIVACY**

You have the right to privacy with regard to treatment, written and telephone communications, visits and meetings with family and other resident groups. *Your right to privacy should not be interpreted as a private room.* This includes the right to send and receive mail promptly that is unopened and have access to stationary, postage and writing implements available at resident's own expense.

### **ACCOMMODATION OF NEEDS**

You have the right to have your personal needs and preferences provided for the extent that they do not interfere with the rights of other residents of the nursing facility. You must have advance notice of any intention to change either your room or your roommate in order that your personal preferences may be considered prior to any change being made. This advance notice must include the reason for the requested change.

### **PARTICIPATION IN RESIDENT AND FAMILY GROUPS**

You have the right in your nursing facility to organize and participate in resident groups or other groups which may include families, resident representatives and friends. Kendal-Crosslands Communities must consider the views of a resident or family group and must act upon grievances and recommendations promptly. KCC will take reasonable steps, with the approval of the group, to make you and family members aware of upcoming meetings in a timely manner. The Kendal-Crosslands Communities staff member designated to assist and respond will be approved by you or the family group and Kendal-Crosslands Communities.

### **PARTICIPATION IN OTHER ACTIVITIES**

You have the right to participate in social, religious, and community activities which do not interfere with the rights of other residents in the nursing facility. You also have the right to choose schedules, including sleeping and waking times and to choose providers of health care services consistent with your preferences.

### **EXAMINATION OF SURVEY RESULTS**

You have the right to request and examine the results of the three most recent surveys of the nursing facility as conducted by state or federal authorities and any plans of correction in effect with respect to your nursing facility.

### **WORK**

You have a right to perform work for this facility if it is medically appropriate for you to work. You must formally agree to any work arrangement. If the work is for pay, you will be compensated at the prevailing rate for those services.

### **MARRIED COUPLES**

You have the right to share a room with your spouse/partner if both are residents of the facility and consent to the arrangement.

### **EXERCISE OF RIGHTS**

You have the right to exercise your rights as a resident of Kendal-Crosslands and as a citizen or resident of the United States and to be supported by Kendal-Crosslands Communities in the exercise of your rights. You have the right to be free of interference, coercion, discrimination, or reprisal from the facility in exercising your rights.

KCC may not prohibit or in any way discourage you from communicating with federal, state or local officials regarding any matter.

You have the right, if not adjudicated incompetent to designate a representative, including a spouse (same sex or opposite sex), family member, friend or other party, to represent you and exercise your rights. Kendal-Crosslands Communities has the obligation to treat your representative's decisions as your own. Kendal-Crosslands Communities is required to report concerns if it has reason to believe your representative is not acting on your behalf.

You have the right to receive written notice before a change of room or roommate and such written notice shall include reason for the change. You have the right refuse to transfer to another room if the transfer is purely for the convenience of staff.

### **SAFE ENVIRONMENT**

You have the right to a safe, clean, comfortable and homelike environment including but not limited to receiving treatment and support for daily living safely. It is our responsibility to ensure that the physical layout of the facility maximizes resident independence and does not pose a safety risk. Kendal-Crosslands Communities shall exercise reasonable care for the protection of resident property from loss or theft.

### **ADMISSION POLICY**

Your nursing facility cannot prohibit or discourage you from applying for or receiving Medicare. Your nursing facility must prominently display or provide you with individually written and oral information about how to apply for Medicare, how to use these benefits, and how to receive refunds for any prior payments made by you that are covered by these benefits.

Neither you, nor anyone on your behalf, may be required by the nursing facility to make any payments to the nursing facility as a condition of your admission, to speed up your admission or to guarantee your continued stay in the nursing facility. This requirement does not stop humanitarian contributions from organizations or people that are not related to you, if the contribution is not a condition of your admission, to speed up your admission or to guarantee your continued stay in the nursing facility.

### **RESIDENT FUNDS**

You have the right to manage your own funds. You may request that the facility manage your personal funds for you. We will need written authorization to do that. If you choose to have the facility manage your funds, we must deposit amounts exceeding \$50 in an interest-bearing

