

**THE HOUSE OF THE GOOD SHEPHERD
RESIDENT BILL OF RIGHTS
SKILLED NURSING**

Each person residing in a New Jersey nursing facility is accorded extensive rights, guaranteed under federal and state law, and honored by the policies and staff of this nursing facility.

All residents of this facility are encouraged and assisted throughout their stay, to exercise their rights as residents and citizens. If, during their stay at this facility a resident becomes incapable of making their own health decisions, the person designated 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 their behalf. If the facility has reason to believe that the representative is not acting on the residents' behalf the office of the Ombudsman will be notified.

The House of the Good Shepherd is committed to protecting and promoting the residents rights to dignity, self-determination, and person centered care. The facility will provide equal access to quality care regardless of diagnosis, severity, condition, or payment source.

Residents have the right to a safe, clean, comfortable, and home-like environment, including but not limited to receiving treatments and supports for daily living safely.

1. MEDICAL CARE AND TREATMENT

Residents have the right to select their own personal attending physician, or if they do not select a physician, the services of a physician will be provided to them. The selected physician must meet applicable regulatory requirements.

The resident has the right to be informed of the name, specialty, way of contacting the physician and other primary care physicians responsible for his/her care.

Residents have the right to be fully informed of their total health care status, including but not limited to their medical condition, types of professionals delivering care, and the risks and benefits of treatment.

Residents have the right to participate in the development, implementation and changes to his/her person centered plan of care. This right of information includes the right to refuse treatment. Residents have the right to formulate advance directives including the right to have CPR performed prior to emergency treatment.

To the extent practicable, residents, their family or their legal representative have the right to participate in the planning, commencement, discontinuation, or make changes in care and treatment.

Residents have the right to self-administer their medications, unless the interdisciplinary team responsible for their care plans has determined that such a practice would be unsafe.

Residents have the right to refuse treatment and participate in experimental research.

In addition, the residents have the right to request treatment and/or discontinue treatment.

Except in a medical emergency, residents will be consulted and attending physician, legal representative or any designated family member notified when there is:

- An accident in which a resident is involved and results in an injury to them
- A significant change in physical, mental or psychological status
- A need to alter a treatment plan significantly
- A decision to transfer or discharge 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 meeting 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, including TTY/TDD, or a cell phone at the residents own expense. The facility will provide reasonable access to stationary, postage and writing implements at the resident's expense.

Residents have the right to communicate with individuals via the internet with reasonable access to and privacy in their use of electronic communication.

Residents have the right to approve or refuse the release of their personal, medical, and administrative records to any individual outside this facility, except when:

- They are transferred to another health care institution
- When release of records is required by law or third party payment contract

Residents have the right to examine their current medical, social, and administrative record within 24 hours or the next business day following their written or oral request. The facility is required to provide the records in the form/format requested if readily producible. To protect the privacy of their 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 State law, permit examination of medical, social, or administrative records in the format/language requested by the resident by a representative of the state ombudsman office.

If a resident desires to purchase copies of their records, they will be charged the amount customarily charged in this community.

3. DIGNITY AND RESPECT

Residents will be cared for in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life while enhancing their dignity and respect in full recognition of their individuality.

Residents have the right to:

- Choose activities, schedules including sleeping and wake times, health care and providers of health care services consistent with their interests, assessments and care plans.
- Food preferences for cultural and religious differences.
- Interact with members of the community both in and out of the facility;
- Make choices about aspects of their lives in the facilities that are significant to them.
- Same-sex spouses will be afforded treatment equal to an opposite-sex spouse

Residents have the right to be free from the imposition of physical restraints or psychoactive drugs administered for the purposes of discipline or convenience and which are not required to treat their medical symptoms.

Residents have the right to be free from verbal, sexual, physical or mental abuse, corporal punishment, exploitation, and involuntary seclusion.

Residents have the right to share a room with his/her roommate of choice when practical, when both residents live in the same facility and both consent to the arrangement.

Residents have the right to receive written notice before a change of room or roommate to additionally include the reason for change. The resident may refuse the change if it is purely for convenience of staff.

The resident has the right to receive notices orally and in writing in a format, or language he/she understands.

4. FAMILY AND RESIDENT GROUPS

Residents, members of their family or representative have the right to organize and participate in family and resident councils in this facility. Residents' family members have the right to meet with other residents families in the facility.

Residents and family members will be notified of upcoming meetings in a timely manner.

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 the other residents. They are encouraged to vote and exercise their other rights as a citizen or resident of the United States.

6. ACCESS AND VISITATION

Residents have the right to receive/deny visitors of their choosing and meet with visitors at any time. Resident visitations should not impose the rights of another resident.

Residents have the right to immediate access by:

- Immediate family, relatives and or representative;

- Attending physician;
- Any representative of the U.S. Department of Health and Human Services or the State of New Jersey;
- Any representative of New Jersey's Long Term Care Ombudsman Program.

If residents and their spouses reside in this facility, they have the right to share a room, if each consents to the arrangement.

The facility does not discriminate, and will ensure full and equal rights to all visitors.

7. EMPLOYMENT

Residents have the right to refuse to perform services for this facility. Residents may, however, provide such services if there is a documented therapeutic need or desire in their plan of care.

8. RETENTION, USE, AND STORAGE OF PERSONAL POSSESSIONS

Residents 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. The facility must make arrangements for the reasonable security of resident belongings.

The resident has the right to request to review any survey, certification, or complaint investigation within a 3 year timeframe. The facility will post the notice about their availability in areas that are prominent and accessible to the public

9. FINANCIAL AFFAIRS AND MEDICAID/MEDICARE BENEFITS

Residents have the right to be informed, prior to or at the time of admission, and periodically during their stay, of services available and their costs. The facility will not charge for an item/service if it is required to achieve the goals stated in the residents' plan of care.

Residents who are eligible for Medicaid benefits will be informed by the facility of:

- Items or services that are covered under the facility's Medicaid rate that cannot be charged to the resident;
- Other items and services the facility offers and for which a resident may be charged;
- Any changes in available items, services or their related charges
- Residents will be notified of changes to Medicare/Medicaid coverage
- Residents will receive 60 advance written notices of changes in charges for non-Medicare/non-Medicaid covered services.

Residents have a right to manage their own financial affairs and are not required to deposit their funds with the facility. However if they choose they may deposit personal funds with the facility which will be safeguarded in accordance with state and federal law.

The resident must have a minimum of \$50.00 deposited in an account before it will begin to earn interest.

Residents have the right to receive, and the facility will provide, both oral and written information regarding application and use of both Medicare and Medicaid benefits.

The resident has the right to be informed when the account reaches \$200 less than the SSI resource limit for one person.

Items and services that may be charged to residents' funds:

- Telephone, including cellular.
- Television/radio, personal computer or other electronic device for personal use.
- Personal comfort items.
- Cosmetics and grooming items and services in excess of those for which payment is made under Medicare/Medicaid.
- Personal clothing.
- Personal reading material.
- Gifts purchased on the residents behalf.
- Flowers and plants
- Costs to participate in social events and entertainment outside the scope of the activities program.
- Non-covered special care services such as privately hired nurses or aides.
- Private room, except when therapeutically required (isolation for infection control).

10. TRANSFERS AND DISCHARGES

Residents have the right to be treated equally in practices regarding transfers, discharges and provision of services regardless of source of payment. Residents will not be permanently or temporarily discharged from this facility except with the resident's or their legal representative's voluntary written consent or unless:

- The transfer or discharge is necessary for their welfare;
- The transfer or discharge is appropriate because their health has significantly improved;
- The safety or health of other residents would be endangered by their continued residency;
- The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility;
- The facility ceases to operate;
- It's otherwise permitted by state or federal law;

Residents have the right to be provided with 30 days written notice and sufficient preparation to ensure safe and orderly discharge or transfer.

Residents have the right to file an appeal of a transfer or discharge with the New Jersey state agency in charge of assuring that resident's rights have not been violated.

Residents have the right not to be transferred between rooms or beds within the facility without their consent unless the move is required for medical reasons or it is necessary for their welfare or the welfare of other residents.

Residents covered by the Medicaid program have the right to be assured they will return to their bed in the case of a temporary discharge up to 10 days from date of leave or discharge.

Residents transferring to another facility, the facility will ensure that all pertinent information will be provided to the receiving provider and the contact information of the practitioner responsible for the care of the resident is available and provided upon the request of the physician.

The resident has the right to receive written information that specifies the duration of the bed hold policy, as well as the associated fees of a bed hold.

If a resident dies, hospitalized, or is transferred and does not return to the facility, the facility must refund to the resident, resident representative, or estate, as applicable, any deposit or charges already paid, less the facility's per-diem rate, for the days the resident actually resided, reserved, or retained a bed in the facility, regardless of any minimum stay or discharge notice requirements.

The facility will convey resident funds and final accounting within 30 days of discharge and eviction scenarios.

11. EXAMINATION OF SURVEY RESULTS

Residents have the right to examine the facilities most recent state survey and plan of correction.

The facility must post the results of the most recent survey in a prominent position for the resident to review.

12. GRIEVANCES AND COMPLAINTS

Residents have the right to voice grievances and recommend changes in policies and services to facility staff or outside representatives or agencies. They can do so free of restraint, coercion, discrimination or fear of reprisal.

A designated staff member approved by the resident, family, representative, and facility will be designated to investigate any grievance made. The facility must act upon any grievance, and demonstrate its prompt response and rationale.

Residents have the right to contact and receive information from organizations acting in the capacity of resident advocates.

Residents have the right to contact the following agencies associated with the State of New Jersey if they feel their concerns are not adequately addressed by the facility:

State of New Jersey
Department of Health and Senior Services
Violations Hotline
1-800-792-9770

PO Box 360
Trenton NJ 08625-0360
www.web.doh.state.nj.us

State of New Jersey
Ombudsman for the Institutionalized Elderly
P.O. Box 852
Trenton, NJ 08625
1-877-582-6995
www.ombudsman@advocate.state.nj.us

Adult Protective Services
1 Shotwell Drive
Belvidere, NJ 07823
908-475-6301
www.co.warren.nj.us

Medicaid Fraud Control Unit
1-888-937-2835
www.state.nj.us/comptroller/divisions/medicaid