



KERR-TAR COUNCIL OF GOVERNMENTS

AREA AGENCY ON AGING

New residents of nursing and assisted living facilities may go through a difficult adjustment period, even if the home is doing all that it can. The adjustment can be made easier with the support of family and friends, and by knowing about your resident rights and some special protections under the law.

Resident rights are essentially the same for all types of homes in all states.



Kerr-Tar Regional Council of Governments

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RESPECT

As a resident, you have the right to be treated with dignity and respect. As long as it fits your plan of care, you have the right to make your own schedule, including when you go to bed, rise in the morning, and eat your meals. You have the right to select the activities you would like to attend. You also may have the right to leave the facility with relatives or friends after notifying the staff.

RESTRAINTS

It is against the law for a nursing home to use physical and chemical restraints, except when necessary, to treat medical symptoms. Restraints may not be used for discipline or for the convenience of the home's staff.

Restrained residents may have decreased functional ability, lower self-esteem and feel depressed or angry. Restraints do not provide security or safety. Residents also are likely to be seriously injured if they fall with a restraint on. A physician must provide medical orders for any use of restraints and give the reason why they are needed except in certain emergency circumstances.

MANAGING MONEY

You have the right to manage your own money or to pick someone you trust to do so. If you request the home to manage your personal funds, you must sign a written statement that authorizes the home to do this for you. However, the home must allow you access to your bank accounts, cash, and other financial records. The home must protect your funds from any loss by purchasing a bond or providing other similar assurances.

MEDICAL CARE

You have the right to be informed about your medical condition, medications, and to participate in developing your plan of care. You have the right to examine your medical records and reports upon request. You have the right to refuse medications or treatments, and to see your own doctor.

SOCIAL SERVICES

The home must provide each resident with any needed social services, including counseling, mediation of disputes with other residents, assistance in contacting legal and financial professionals, and discharge planning.

PRIVACY, PROPERTY, & LIVING ARRANGEMENTS

You have the right to privacy. In addition, you have the right to keep and use your personal property, as long as it does not interfere with the rights, health, or safety of others. Your mail should never be opened by the home unless you allow it. The home must have a system in place to keep you safe from neglect and abuse, and to protect your property from theft. See if there is a safe in the facility or cupboards with locked doors in resident rooms. If you and your spouse live in the same home, you are entitled to share a room (if you both agree to do so).

GUARDIANSHIP & ADVANCE DIRECTIVES

As a home resident, you are responsible for making your own decisions (unless you are mentally unable or have made legal arrangements for help). You may also draw up a document called an Advance Directive. This sometimes is called a living will because it becomes effective while you are still alive. It is a legal document that says what type of treatment you want or don't want in case you cannot speak for yourself.

If you wish, you may designate someone else to make health care decisions for you. This document is called a Durable Power of Attorney for health care. The person you name may become your legal guardian if you ever become incapable of making your own decisions. (In NC, an attorney is not needed to draw up these legal documents. There is help available if you need it.)

VISITORS

You have the right to spend private time with visitors at any reasonable hour. You have the right to make and receive telephone calls in privacy. The home must permit your family to visit you at any time, as long as you wish to see them. You do not have to see any visitor you do not wish to see. Any person who provides you with health or legal services may see you at any reasonable time.



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MOVING OUT

Living in a home is voluntary. You are free to move to another place. However, admission policies usually require that you give proper notice that you are leaving. If you do not give proper notice, you may owe the home money based on the home's proper notice rules. If you are going to another home, make sure the home has a bed for you.



DISCHARGE & TRANSFER

Whether leaving a room or the home, change can be very traumatic for residents. Homes cannot discharge you unless:

- It is necessary for the welfare, health, or safety of you or others;
- Your health has declined to the point that the home cannot meet your care needs;
- Your health has improved to the point that home care is no longer necessary;
- The home has not been paid for services you received; or
- The home closes.

Except in emergencies, the facility must give a 30-day written notice of discharge or transfer. Residents have the right to appeal a transfer to another facility. (The Ombudsman can help you with this process.)

RIGHTS OF FAMILY & FRIENDS

Relatives and friends have rights too. Family members and legal guardians have the right to privacy when visiting the home when the resident asks. They also have the right to meet with the families of other residents and to join or address family councils.

By law, homes must develop a plan of care for every resident. Family members are allowed to participate in the development of the care plan with the resident's permission. Relatives who have legal guardianship of residents have the right to examine all medical records concerning their loved one and the right to make important decisions on his or her behalf.

Family and friends can make sure the resident receives good care. They visit often, know the home's staff and procedures, express concerns to the right staff member, and are active in the home's family council (where available).

Learn more about North Carolina's efforts to promote quality, independent living for disabled senior citizens at the [NC Division of Aging and Adult Services website](#).