



Dignity
+
Respect

The *NEW* Nursing Home Regulations: The Fundamentals of Resident Rights

Presented by Richard Mollot, Long Term Care Community Coalition

www.nursinghome411.org

+ What is the Long Term Care Community Coalition?

- **LTCCC**: Nonprofit organization dedicated to improving care & quality of life for the elderly & adult disabled in long term care (LTC).
- **Our focus**: People who live in nursing homes & assisted living.
- **What we do**:
 - Policy analysis and systems advocacy in NYS & nationally;
 - Education of consumers and families, LTC Ombudsmen and other stakeholders.
- **Coalition members** include several LTC Ombudsman Programs, the Center for Independence of the Disabled, AARP NY, several Alzheimer's Association Chapters, other senior and disabled organizations. Also individuals, including ombudsmen, who join in our mission to protect residents.
- **Richard Mollot**: Joined LTCCC in 2002. Executive director since 2005.



+ What Will We Be Talking About TODAY?

1. **Brief Background**

- Overview of the Nursing Home System
- The Federal Nursing Home Law
- The Nursing Home Standards and Changes Underway

2. **Residents Rights**

- What are nursing home “Residents Rights”?
- How are they important?
- What’s in the new regulations?



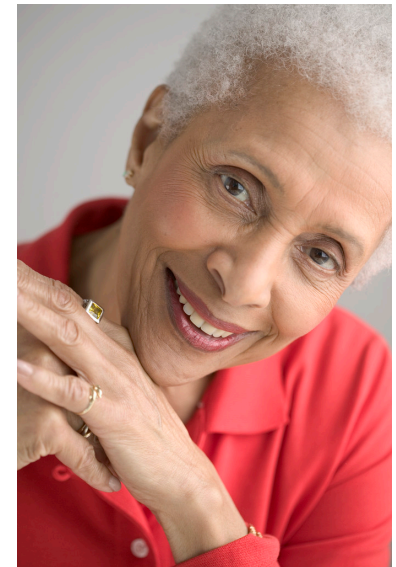
+ The Nursing Home System in a Nutshell

- Virtually all nursing homes participate in Medicaid and/or Medicare.
- In order to participate in Medicaid/Medicare, a facility agrees to meet the standards provided for in the federal **Nursing Home Reform Law**.
- States may have *additional* protections, but no state can have less protections.
- Federal *protections are for all the residents* in a facility, whether their care is paid for by Medicare, Medicaid or private pay.
- The federal agency, CMS, contracts with the state DOH to ensure that residents are protected and receive the services they need and deserve.



+ The Nursing Home Reform Law

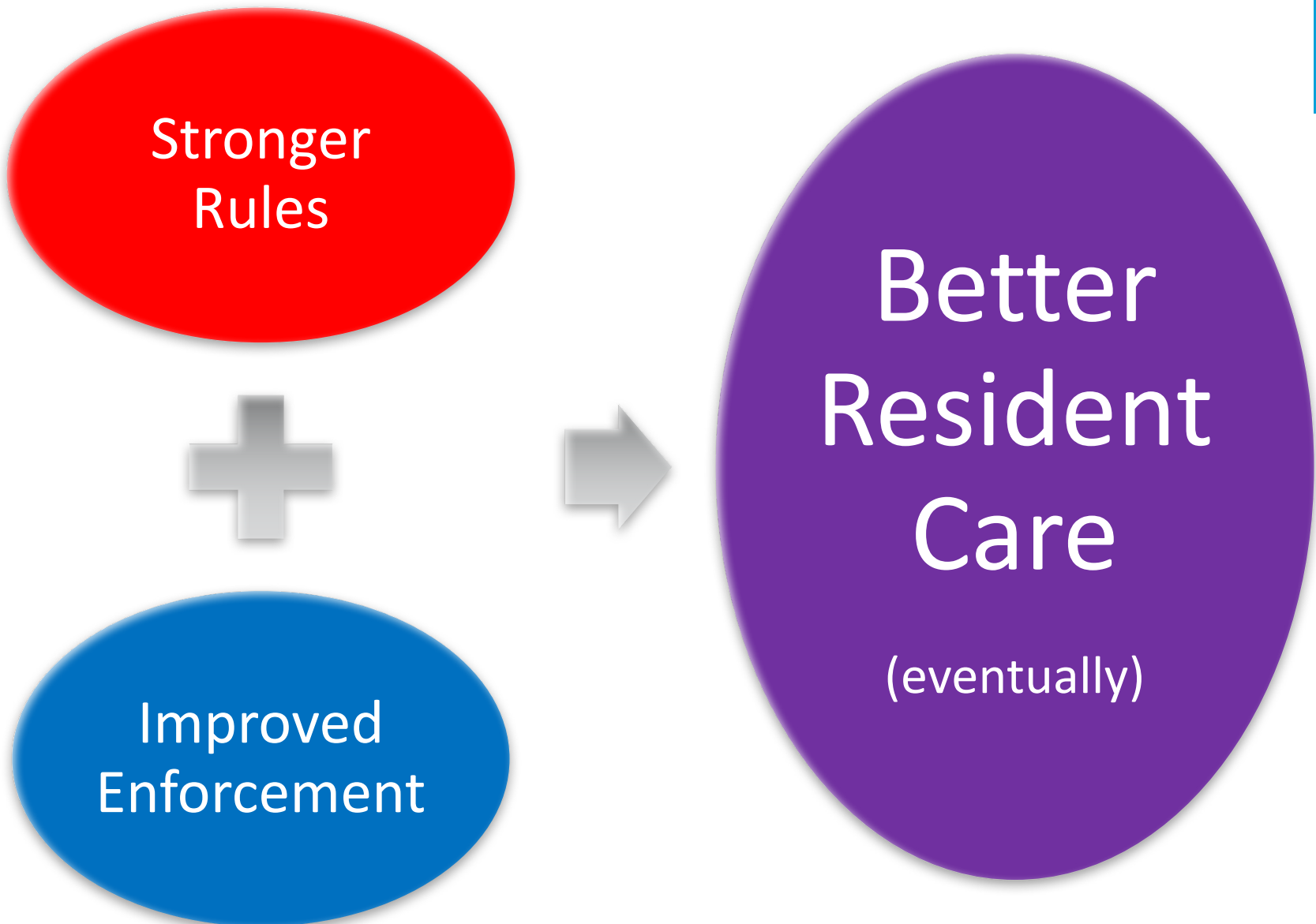
- The federal law requires that every nursing home resident is provided the care and quality of life services sufficient to attain and maintain her **highest practicable physical, emotional & social well-being**.
- The law emphasizes **individualized, patient-centered care**.
- Importantly, the law lays out specific resident rights, from **good care** and monitoring to a quality of life that maximizes **choice, dignity & autonomy**.
- The law passed in 1987. Regulatory standards came out in 1991.



+ What is Happening Now?

- For the first time in 25 years, the federal regulatory system has been significantly revised and updated.
- This will affect **every aspect of care & quality of life**.
- **All of the Regulations are changing.** For 25 years everyone – nursing homes, surveyors, ombudsmen and advocates – knew what the rules were and where to find them. That entire structure has changed.
- **All of the Guidelines are changing.** The guidelines detail what is expected of nursing homes in relation to each standard – what they are supposed to do and how they are suppose to do it.
- **The F-tag system, used by nursing home inspectors, is changing.** When a surveyor identifies a problem in care or living conditions in a nursing home, she cites the nursing home using a system called “F-tags” – numbers that correlate with the regulatory requirements.

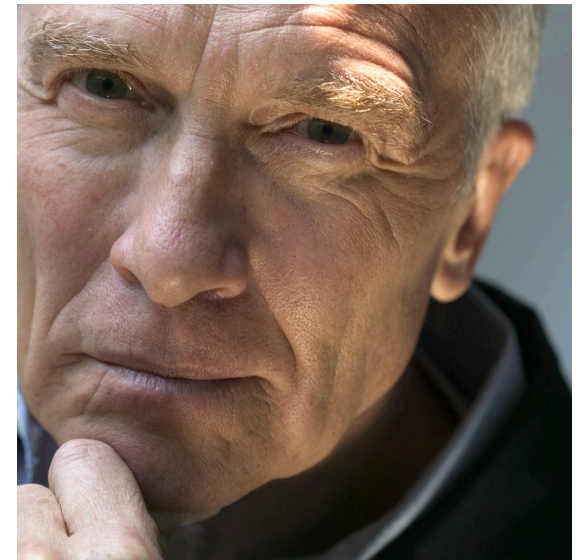
+ Why Does it Matter?



+ What Does This Mean For Us?

Now more than ever....

We **MUST** be aware of
what our rights are, and
what we have a right to
expect from our nursing
homes.



Resident Rights:

- ✓ Dignity & Respect
- ✓ Equal Treatment
- ✓ Individual Needs & Preferences Honored
- ✓ Informed Consent to Services & Drugs

+ Resident Rights: What Does CMS Say?

Resident rights include, but aren't limited to:

- The right to be treated with **dignity** and **respect**.
- The right to **privacy**, and to keep and use your personal belongings and property.
- The right to **manage your own money** or to choose someone else you trust to do this for you.
- The right to be **informed** about your medical condition, medications, and to see your own doctor. You also have the **right to refuse** medications and treatments.
- The right to have a **choice** over your schedule (for example, when you get up and go to sleep), your activities and other preferences that are important to you.
- The right to an **environment more like a home** that maximizes your comfort and provides you with assistance to be as independent as possible.



All
existing
resident
rights
were
retained

+ Resident Rights: CFR § 483.10

- §483.10(a) Resident Rights.
- The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility, *including those specified in this section.*
- A facility must *treat each resident with respect and dignity and care for each resident* in a manner and in an environment that promotes maintenance or enhancement *of his or her* quality of life, *recognizing each resident's individuality. The facility must protect and promote the rights of the resident.*
- *The facility must provide equal access to quality care regardless of diagnosis, severity of condition, or payment source. A facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services under the State plan for all residents regardless of payment source.*



Orange
Type
=
New
Regulatory
Language

+ Resident Rights: CFR § 483.10 (continued)

- §483.10(b) Exercise of Rights.
- The resident has the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States.
- *The facility must ensure that the resident can exercise his or her rights without interference, coercion, discrimination, or reprisal from the facility.*
- The resident has the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising his or her rights *and to be supported by the facility in the exercise of his or her rights as required under this subpart.*



+ Resident Rights: CFR § 483.10 (continued)

Intent of the Regulation & Guidance:

- *Each resident has the right to be treated with dignity and respect. All staff activities and interactions with residents must focus on* assisting the resident in maintaining and enhancing his or her self-esteem and self-worth *and incorporating the resident's preferences and choices. Staff must respect each resident's individuality when providing care and services while honoring and valuing their input.*
- All residents have rights guaranteed to them under Federal and State law *and regulations*. This regulation is intended to lay the foundation for the rights requirements. *A resident must be allowed to exercise their rights based on his or her degree of capability.*

Orange type=
New
Regulation

+ Resident Rights: Dignity, Privacy & Respect

- **Grooming** residents as they wish to be groomed (e.g., hair combed and styled, beards shaved/trimmed, nails clean and clipped).
- **Dressing:** Encouraging and assisting residents to dress in their own clothes appropriate to the time of day and individual preferences rather than hospital-type gowns; Labeling each resident's clothing in a way that respects his or her dignity (e.g., placing labels on the inside of shoes and clothing).
- **Promoting Independence & Dignity in Dining:** Facility and staff should avoid:
 - Day-to-day use of plastic cutlery and paper/plastic dishware;
 - Bibs instead of napkins (except by resident choice);
 - Staff standing over residents while assisting them to eat; and
 - Staff interacting/conversing only with each other rather than with residents while assisting residents.

Examples
to Keep in
Mind

+ Resident Rights: Dignity, Privacy & Respect

- **Respecting Residents' Private Space & Property** (e.g., not changing radio or television station without resident's permission, knocking on doors and requesting permission to enter, closing doors as requested by the resident, not moving or inspecting resident's personal possessions without permission).
- **Speaking Respectfully to (and About) Residents** by addressing the resident with a name of the resident's choice (not "Honey" or "Sweetie" unless that is what the resident wishes), avoiding use of labels for residents such as "feeders," not excluding residents from conversations or discussing residents in community settings in which others can overhear private information.
- **Focusing on residents as individuals** when they talk to them and addressing residents as individuals when providing care and services



Examples
to Keep in
Mind

+ **Resident Rights:** Dignity, Privacy & Respect

- **Maintaining Resident Privacy Of Body:** including keeping residents sufficiently covered, such as with a robe, while being taken to areas outside their room, such as the bathing area (one method of ensuring resident privacy and dignity is to transport residents while they are dressed and assist them to dress and undress in the bathing room).
- **Refraining from practices demeaning to residents** such as keeping urinary catheter bags uncovered, refusing to comply with a resident's request for toileting assistance during meal times, and restricting residents from use of common areas open to the general public such as lobbies and restrooms, unless they are on transmission-based isolation precautions or are restricted according to their care planned needs.

Examples
to Keep in
Mind



Questions?

Comments?

+ Our Goal: To Provide **You** With **Knowledge** and **Resources** to Support Your Resident-Centered Advocacy

■ **Knowledge...**

- **Free monthly training programs** for Resident & Family Councils, LTC Ombudsmen and those who work with them.
- Each program will focus on a nursing home standard that is relevant to resident care, dignity or quality of life.

■ **Resources...**

- **WWW.NURSINGHOME411.ORG** has a **Learning Center for Residents, Families, Ombudsmen** and those who work with them.
- For every standard we will post a **free handout** on our website that you can use now and in the future to know your rights about a specific issue or standard.
- **Presentation materials** will be posted on the website after each program for future reference.
- **Technical support for your questions** or concerns on the quality standards via our NYS List-serve and email. Email info@ltccc.org.

You DON'T need to memorize every Resident Right!
Just remember www.nursinghome411.org for free info & resources.

+ Coming Up

Next Program: April 18th at 1pm.

Topics: Resident's Rights...

- Right to make decisions about care.
- Right to participate in care planning.
- Right to self-administer medications.
- Right to designate a representative.
- Right to informed consent.



Remember...
We Can't
Fight For Our
Rights If We
Don't Know
What They
Are.



Thank You For Joining Us Today!

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Email info@ltccc.org or call **212-385-0355** if you would like to...

- Receive the advocacy fact sheet for this program;
- Receive alerts for future programs;
- Sign up for our newsletter and action alerts; or
- Join our list-serve community, open only to residents, families, LTC Ombudsmen and advocates in NY State.

You can also...

- Join us on **Facebook** at www.facebook.com/ltccc
- Follow us on **Twitter** at www.twitter.com/LTCconsumer
- Visit us on the **Web** at www.nursinghome411.org.

We encourage family members to connect with the **Alliance of NY Family Councils** at www.anyfc.org (or email info@anyfc.org).



Thank you to the New York State Health Foundation for supporting these programs!