



Reformed Presbyterian Home		
Manual: Nursing Policy and Procedure / Administrative Policy and Procedure		
Subject: Resident Rights	Pages: 5	Applies To: All Staff
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Implementation Date: November 28, 2017, June 22, 2023		Revision Date: June 21, 2023

SCOPE:

The governing body of the nursing facility is responsible for establishing written policies regarding the rights and responsibilities of residents as provided for in [42 CFR 483.10](#) and [28 Pa Code 201.29](#). Through the administrator, the governing body is responsible for development of and adherence to procedures implementing the resident rights policies. In addition to the governing body and the administrator, the resident rights policy applies to residents and staff.

PURPOSE:

This policy establishes guidance regarding resident rights at the Reformed Presbyterian Home. The policy will outline the posting of state and federal resident rights, providing personal notice of this list to residents, and involving residents or their representative in developing, implementing, and reviewing resident rights policies.

In addition, the policy outlines reasonable advanced notice of changes, informing a resident prior to transfer whether a facility accepts Medicare or Medicaid, protections pertaining to experimental treatment or research, and the resident’s right to care, free from discrimination.

DEFINITIONS

Abuse –Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. *Willful*, as used in this definition of



abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm. ([42 CFR 483.5 Definitions](#))

Experimental Research – The development, testing and use of a clinical treatment, such as an investigational drug or therapy that has not yet been approved by the United States Food and Drug Administration or medical community as effective and conforming to medical practice. ([28 Pa Code 201.29\(C.3\)\(3\)\(iii\)](#))

Exploitation – Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion. ([42 CFR 483.5 Definitions](#))

Mental Abuse – Includes humiliation, harassment, threats of punishment or deprivation. ([28 Pa Code 201.3 Definitions](#))

Mistreatment – Inappropriate treatment or exploitation of a resident. ([42 CFR 483.5 Definitions](#))

Sexual Abuse – Non-consensual sexual contact of any type with a resident. ([42 CFR 483.5 Definitions](#))

POLICY:

The Reformed Presbyterian Home adheres to the rights and responsibilities of residents as provided for in [42 CFR 483.10](#) (relating to resident rights) and [28 Pa Code 201.29](#). These rights are demonstrated in Attachment A.

POLICY DEVELOPMENT, ACCESS, AND NOTICE:

Residents will be asked if they desire to participate in the development, implementation and review of the policies and procedures regarding the rights and responsibilities of residents. If desired, the resident or their representative will be included in the process. If so many residents desire to participate that the number is unmanageable, residents may be selected on a rotating basis to participate, or the resident council may manage the input from all residents.

- Policies and procedures regarding rights and responsibilities of residents are available to residents and members of the public (www.rphome.org) and upon request to the administrator.
- Policies of the facility regarding resident rights and an outline of the facility's objectives are available to staff, residents, consumer groups and the interested public (facility website, resident handbook, admission agreement, and employee handbook) and upon request to the administrator.



[Notice that lists state and federal resident rights](#) is posted near the entrances and on each floor of the facility.

Residents are personally notified of the resident's rights in accordance with [42 CFR 483.10\(g\)\(16\)](#) and a certificate of the provision of this personal notice of resident's rights is entered into the resident's medical record. This notice is provided to the resident prior to or upon admission and during the resident's stay. Residents are informed both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. Residents are provided with the [State-developed notice of Medicaid rights and obligations](#) (MA 401) upon admission. Receipt of the above information, and any amendments to it, is acknowledged in writing by the resident.

COMPLIANCE AND RESPONSIBILITIES

The governing body of the nursing facility is responsible for establishing written policies regarding the rights and responsibilities of residents as provided for in [42 CFR 483.10](#) and [28 Pa Code 201.29](#). Through the administrator, the governing body is responsible for development of and adherence to procedures implementing the resident rights policies. In addition to the governing body and the administrator, the resident rights policy applies to residents and staff.

The annual in-service training on resident rights, including nondiscrimination and cultural competency, that is required by [28 Pa Code 201.20](#) will be carried out by the administrator or designee.

RESIDENT RIGHTS

Mistreatment and abuse of residents is prohibited.

If changes in charges occur during the resident's stay, the resident, or resident representative, will be advised verbally and in writing at least 30 days prior to the change unless circumstances dictate otherwise.

Prior to transfer, the resident or resident representative will be informed as to whether the facility where the resident is being transferred is certified to participate in the Medicare and the Medical Assistance Programs.

If experimental research or treatment is provided, it will not be conducted without the approval of the Department of Health, including the Department's Institutional Review Board, and without the written approval and informed consent of the resident, or resident representative, obtained prior to participation and initiation of the experimental research or treatment. The resident, or resident representative, will be fully informed of the nature of the experimental



research or treatment and the possible consequences, if any, of participation. The resident, or resident representative, will be given the opportunity to refuse to participate both before and during any experimental research or treatment.

A resident has the right to care without discrimination based upon race, color, familial status, religious creed, ancestry, age, sex, gender, sexual orientation, gender identity or expression, national origin, ability to pay, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the resident or because the resident is a handler or trainer of support or guide animals.

Annual in-service training as required by [28 Pa Code 201.20](#) will be conducted to inform staff on topics related to resident rights including nondiscrimination and cultural competency.

RESOURCES AND REFERENCES

Pennsylvania State Resources

- The Resident Rights Template on the PA Department of Health (DOH) website:
<https://www.health.pa.gov/topics/Documents/Facilities%20and%20Licensing/Exhibit%20A%20-%20Resident%20Rights%20Template.pdf>
- PA DOH Nursing Facility Regulations Website (includes state and federal nursing home regulations, interpretive guidelines, and a presentation on the new regulations):
<https://www.health.pa.gov/topics/facilities/nursing%20homes/Pages/Regulations.aspx>
- Pennsylvania Department of Human Services (DHS) Nursing Home Admissions Notice Packet describing Medical Assistance rights:
[https://www.dhs.pa.gov/docs/Documents/MA%20Response%20Forms/Admissions%20Notice%20Packet%20\(Nursing%20Homes\).pdf](https://www.dhs.pa.gov/docs/Documents/MA%20Response%20Forms/Admissions%20Notice%20Packet%20(Nursing%20Homes).pdf)

Regulatory Text

- The new Nursing Facility Regulations were approved by the Independent Regulatory Review Commission (IRRC) on October 28, 2022. The final regulations were published in the Volume 52 Number 52 edition of the *Pennsylvania Bulletin* on Dec. 24, 2022 and can be accessed at <https://www.pacodeandbulletin.gov/Home/volume?vol=52&issue=52>.
- The original final rulemakings can be found on the IRRC website at http://www.irrc.state.pa.us/regulations/find_a_regulation.cfm. The text of the new regulations can be found in four separate rulemakings as follows:
 - [Rulemaking 4 \(10-224\)](#) – Qualifications, Training, Job Duties, Recordkeeping, Program Standards, and Resident Rights and Services (includes Residents Rights 201.29 and Staff training 201.20)
 - [Rulemaking 1 \(10-221\)](#) – General Applicability and Definitions
 - [Rulemaking 2 \(10-222\)](#) – General Operation and Physical Requirements
 - [Rulemaking 3 \(10-223\)](#) – Applications for Ownership, Management and Changes of Ownership; Health and Safety



- Federal nursing home regulations: <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483>
- Federal nursing home resident rights § 483.10: <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-B/section-483.10>

Resident Rights

The Reformed Presbyterian Home adheres to the rights and responsibilities of residents as provided for in [42 CFR 483.10](#) (relating to resident rights) and [28 Pa Code 201.29](#).

- A resident has the right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility.
- A resident has the right to exercise their rights as a resident of the facility and as a citizen or resident of the United States.
- A resident has the right to be free of interference, coercion, discrimination, and reprisal from a facility in exercising their rights and to be supported by the facility in the exercise of their rights.
- A resident has the right to care without discrimination based upon race, color, familial status, religious creed, ancestry, age, sex, gender, sexual orientation, gender identity or expression, national origin, ability to pay, handicap or disability, use of guide or support animals because of blindness, deafness or physical handicap of the resident or because the resident is a handler or trainer of support or guide animals.
- A resident who has not been adjudged incompetent, has the right to designate a representative and the representative may exercise the resident's rights to the extent provided by law. Same-sex spouses must be afforded equal treatment.
- A resident retains the right to exercise the rights not delegated to a resident representative, including the right to revoke the delegation of rights, to the extent permitted by law.
- A resident has the right to be informed of, and participate in, their treatment, including the right to be fully informed of their health status in a language the resident understands.
- A resident has the right to participate in the planning, development and implementation of the resident's person-centered plan of care.

- A resident has the right to: identify individuals or roles to be included in the planning process; to request meetings; and to request revisions to the resident's plan of care.
- A resident has the right to participate in establishing the expected goals and outcomes of care, the type, amount, frequency, and duration of care, including other factors related to the effectiveness of the resident's plan of care.
- A resident has the right to be informed, in advance, of changes to the resident's plan of care.
- A resident has the right to receive the services and items included in the resident's plan of care.
- A resident has the right to see their care plan, including the right to sign after significant changes to the plan of care.
- A resident has the right to be informed, in advance, of the care to be furnished and the type of care giver or professional that will furnish care.
- A resident has the right to be informed in advance, by the physician or other practitioner or professional, of the risks and benefits of proposed care, of treatment and treatment alternatives or treatment options and to choose the alternative or option they prefer.
- A resident has the right to request, refuse, and/or discontinue treatment, to participate in or refuse to participate in experimental research, and to formulate an advance directive.
- Experimental research or treatment in a facility may not occur without the approval of the Pennsylvania Department of Health, including the Department's Institutional Review Board, and without the written approval and informed consent of a resident, or resident representative prior to participation, in accordance with law.
- A resident has the right to self-administer medications, when clinically appropriate.

- A resident has the right to choose their attending physician in accordance with law.
- A resident has a right to be treated with respect and dignity.
- A resident has the right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience, and not required to treat the resident's medical symptoms, consistent with law.
- A resident has the right to retain and use personal possessions, including furnishings, and clothing, as space and health and safety permits.
- A resident has the right to reside and receive services in the facility with reasonable accommodation of resident needs and preferences, except when to do so would endanger the health or safety of the resident or other residents.
- A resident has the right to share a room with their spouse when married residents live in the same facility and both spouses consent to the arrangement.
- A resident has the right to share a room with their roommate of choice when practicable, when both residents live in the same facility and both residents consent to the arrangement.
- A resident has the right to receive written notice, including the reason for the change, before the resident's room or roommate in the facility is changed.
- A resident has the right to refuse to transfer to another room in the facility, if the purpose of the transfer is:
 - To relocate a resident of a nursing facility from the distinct part of the institution that is a nursing facility to a part of the institution that is not a nursing facility, or
 - solely for the convenience of staff. Prior to a transfer to another facility, the facility shall inform the resident, or the resident representative, whether the new facility is certified to participate in the Medicare and Medical Assistance Programs.
- A resident has the right to resident self-determination through support of resident choice.

- A resident has a right to choose activities, schedules (including sleeping and waking times), health care and providers of health care services consistent with their interests, assessments and plan of care.
- A resident has the right to make choices about aspects of their life in the facility that are significant to the resident.
- A resident has a right to interact with members of the community and participate in community activities both inside and outside the facility.
- A resident has a right to receive visitors of their choosing at the time of their choosing. A resident may deny visitation, when applicable, and in a manner that does not impose on the rights of another resident.
- A resident has a right to organize and participate in resident groups in the facility.
- A resident has a right to participate in family groups.
- A resident has a right to have family members or other resident representatives meet in the facility with the families or resident representatives of other residents in the facility.
- A resident has a right to participate in other activities, including social, religious, and community activities that do not interfere with the rights of other residents in the facility.
- A resident has a right to choose to or refuse to perform services for the facility and the facility must not require a resident to perform services for the facility. The resident may perform services for the facility, if the resident chooses, when—
 - The facility has documented the resident’s need or desire for work in the plan of care;
 - The plan specifies the nature of the services performed and whether the services are voluntary or paid;
 - Compensation for paid services is at or above prevailing rates; and
 - The resident agrees to the work arrangement described in the plan of care.

- A resident has a right to manage their financial affairs. This includes the right to know, in advance, what charges a facility may impose against a resident's personal funds.
- If changes in charges occur during a resident's stay, the resident shall be advised verbally and in writing at least 30 days in the advance of the change, unless circumstances dictate otherwise.
- If a security deposit is required, the facility's written procedure or the contract with the resident shall indicate how the deposit will be used and the terms for the return of the deposit. A security deposit is not permitted for residents receiving Medical Assistance.
- A resident has the right to be informed of their rights and of all rules and regulations governing resident conduct and responsibilities during their stay in the facility.
- A resident has the right to access personal and medical records pertaining to the resident.
- A resident has the right to receive notices orally (meaning spoken) and in writing (including Braille) in a format and a language the resident understands.
- A resident has the right to have reasonable access to the use of a telephone, including TTY and TDD services, and a place in the facility where calls can be made without being overheard. This includes the right to retain and use a cellular phone at the resident's own expense.
- A resident has the right to send and receive mail, and to receive letters, packages and other materials delivered to the facility for the resident through a means other than a postal service, including the right to:
 - Privacy of such communications consistent with this section; and
 - Access to stationery, postage, and writing implements at the resident's own expense.
- A resident has the right to have reasonable access to and privacy in their use of electronic communications such as email and video communications and for Internet research.

- A resident has the right to—
 - Examine the results of the most recent survey of the facility conducted by surveyors and any plan of correction in effect with respect to the facility; and
 - Receive information from agencies acting as client advocates and be afforded the opportunity to contact these agencies.
- A resident has a right to personal privacy and confidentiality of their personal and medical records.
- A resident has a right to secure and confidential personal and medical records. The resident has the right to refuse the release of personal and medical records except as provided under law.
- A resident has a right to a safe, clean, comfortable and homelike environment, including but not limited to receiving treatment and supports for daily living safely.
- A resident has the right to voice grievances to the facility or other agency or entity that hears grievances without discrimination or reprisal and without fear of discrimination or reprisal.
- A resident has the right to have grievances promptly resolved, in accordance with law.