

Unit 1 Lesson 2 - Resident's Bill of Rights

OBRA is the federal law passed by Congress in 1987. This law applies to all of the states in the United States. It requires that nursing facilities promote and protect the dignity and rights of all residents. Nursing home residents have patient rights and certain protections under the law. The nursing home must list and give all new residents a copy of these rights.

1. The Right To Be Informed Of Your Rights And The Policies Of The Facility

The nursing home must have written policies about your rights and responsibilities as a resident. You must sign a statement saying that you have received and understood these rights and the rules of the home when you are admitted.

2. The Right To Be Informed About The Facility's Services And Charges

Every resident has the right to be fully informed of the services available in the facility and of the charges related to those services. This includes charges for services not covered under Medicare or Medicaid and charges that are not covered by the facility's basic rate.

3. The Right To Be Informed About Your Medical Condition

Every resident has the right to be fully informed of his/her medical condition, unless the physician notes in the medical record that it is not in the patient's interest to be told.

4. The Right To Participate In The Plan Of Care

Every resident must be given the opportunity to participate in the planning of his/her medical treatment. This includes the right to refuse treatment.

5. The Right To Choose Your Own Physician

Every resident has the right to choose his/her own physician and pharmacy. Residents do not have to use the nursing home's physician or pharmacy.

6. The Right To Manage Your Own Personal Finances

You can either manage your own funds or authorize someone else to manage them for you. If you authorize the home to handle your funds, you have the right to:

- Know where your funds are and the account number
- Receive a written accounting statement every 3 months
- Receive a receipt for any funds spent
- Have access to your funds within 7 banking days

7. The Right To Privacy, Dignity And Respect

Every resident has the right to be treated with consideration, respect, and with full recognition of his/her dignity and individuality, including privacy in treatment and in care for his/her personal needs.

8. The Right To Use Your Own Clothing And Possessions

Every resident may retain and use his/her personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients, or constitute a hazard to safety.

9. The Right To Be Free From Abuse And Restraints

Every resident has the right to be free from mental and physical abuse, and free from chemical and physical restraints except as authorized in writing by a physician for a specified and limited period of time, or when necessary to protect the patient from injury to him/herself or to others.

10. The Right To Voice Grievance Without Retaliation

Every resident should be encouraged and assisted to exercise his/her right to voice grievances and recommend changes in policies and services to facility staff and/or outside representatives of his/her choice without fear of coercion, discrimination, or reprisal.

11. The Right To Be Discharged Or Transferred Only For Medical Reasons Residents may only be discharged or transferred for medical reasons, or for his/her welfare or that of other residents. You must be provided with 30-days advance written notice of the transfer or discharge. The law gives you the right to appeal your discharge or transfer.

12. Your Rights Of Access

Residents may receive any visitor of their choosing and may refuse a visitor permission to enter their room or may end a visit at any time

- Residents have the right to immediate access by family and reasonable access to others
- Visiting hours of at least 8 hours must be posted in a public place
- Members of community organizations and legal services may enter any nursing home during visiting hours
- Communication between the resident and visitor are confidential
- Visitors may talk to all residents and offer them personal, social, and legal services
- Visitors may help residents claim their rights and benefits through individual assistance, counseling, organizational activity, legal action, or other forms or representation