

Introduction

As a nursing home resident in New Jersey, you have special rights that are guaranteed by law.

- **You have the right to be treated with dignity and respect.**
- **You should be cared for in a manner that enhances your quality of life, free from humiliation, harassment, or threats.**
- **You have the right to be free from physical, sexual, mental, verbal abuse, and financial exploitation.**

These are just a few of your rights. A more complete list appears on the back of this brochure. The New Jersey Office of the Long-Term Care Ombudsman (LTCO) has prepared this information to help you and your family understand your rights. LTCO investigates allegations of abuse and exploitation of people living in nursing homes and other long-term healthcare facilities.

You can call us confidentially and toll-free at 1-877-582-6995 to make a complaint. We want to make sure that your rights are respected and enforced, because your safety, well-being, and happiness are very important to us.



New Jersey
L.T.C.O.
Long-Term Care Ombudsman
1-877-582-6995
Guidance. Support. Advocacy.

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**Please read this "Bill of Rights"
carefully.**

This is only a summary of your rights under the Bill of Rights for Nursing Home Residents (42 CFR Part 483.10, 483.12 and 483.60 and NJAC 8:39-4.1). You may have other rights provided under this statute and other state or federal laws.

Nursing Home Residents

in
New
Jersey



**WE HAVE
RIGHTS!**

New Jersey
L.T.C.O.
Long-Term Care Ombudsman

Complaints and Questions

You have the right to voice complaints without being threatened or punished. Your nursing home is required to provide you and your next of kin or guardian with the names, addresses, and telephone numbers of the government agencies to which you can complain or ask questions.

This brochure will answer the following questions:

1. May I wear my own clothes?
2. May I refuse to take certain medication?
3. Do I have the right to have a phone in my room?
4. Do I have the right to meet with any visitor I want?
5. Whom can I call if I think my rights are being violated?
6. Does the nursing home have the right to open my mail without my permission?



NJ Office of the Long-Term Care Ombudsman (LTCO) 1-877-582-6995

The LTCO investigates allegations of abuse and exploitation of people living in nursing homes and other long-term healthcare facilities.

If you or someone you know is being abused or neglected, please contact the Long-Term Care Ombudsman. By law, callers may remain anonymous and our case files are closed to the public. In an emergency, call 911.

NJ Department of Health

Licensing and Certification 1-800-792-9770 (complaints) 1-800-367-6543 (questions)

The State's Division of Health Facilities Evaluation and Licensing regulates New Jersey's long-term care facilities on the basis of complaint investigations and annual inspections.

Their 24-hour Complaint Hot Line, handles consumer complaints and facility emergencies seven days a week.



List of Residents' Rights

**WE HAVE!
RIGHTS!**

As a resident of a nursing home in New Jersey, you have the following rights:

Planning and Implementing Care

- To be involved in creating your care plan—which should be developed within 48 hours of admission.
- To designate a person you wish to have included in the planning process.
- To participate in establishing goals of care and type/amount/frequency/duration of care.
- To request meetings and to request changes to your person-centered care plan.
- To see, review and signoff on significant changes to your care plan.
- To have nursing aides and food service staff participate in developing your care plan.

Medical Care

- To retain the services of a physician you choose, at your own expense or through a health care plan.
- To have a physician explain to you (in language that you understand) your complete medical condition, the treatment planned for your care, and the expected results of your treatment.
- To participate in planning your medical treatment.
- To refuse medication and treatment after you have been informed of the possible consequences of your decision. You may also refuse to participate in experimental research and you have the right to formulate an advance directive. An advance directive is a document that states what kinds of treatment you do or do not want to receive should you become incapacitated and/or names another person to make those decisions for you.
- To receive assistance in awakening, dressing, and participating in activities, as approved by your physician.
- To self-administer medications if the interdisciplinary team has determined this to be clinically appropriate.
- To have access to your personal and medical records in the form and format you request, including electronic files and readable hard copy.

Freedom from Abuse and Restraints

- Freedom from physical and mental abuse, corporal punishment or involuntary seclusion.
- Freedom from chemical and physical restraints. Restraints should never be used as punishment.

Finances

- To manage your own finances or to delegate that responsibility.
- To receive a written statement describing the services provided by the nursing home and the related charges.
- To receive a quarterly written account of all your funds and property that are deposited with the facility for your use and safekeeping.
- To have daily access during specified, reasonable hours to the money and property you have deposited with the nursing home.

Physical and Personal Environment

- To live in a safe, clean, comfortable and home-like environment.
- To be treated with courtesy, dignity and respect.
- To wear your own clothes, unless this would be unsafe or impractical. All clothes provided by the nursing home must fit you properly.
- To be provided with routine personal hygiene items including, but not limited to, shampoo, combs, soap, razors, shaving cream, denture and dental supplies, lotion, cotton balls, deodorant, incontinence supplies and sanitary napkins.
- To select your own roommate, if practicable, and to share a room with a spouse when living in same facility and both agree.
- To keep and use your personal property, unless this would be unsafe, impractical, or an infringement on the rights of other residents. The nursing home must take precautions to ensure that your personal possessions are secure from theft, loss and misplacement. You cannot be required to sign a waiver removing the facility's liability for lost property.

Privacy and Confidential Treatment

- To have physical privacy. You must be allowed, for example, to maintain the privacy of your body during medical treatment and personal hygiene activities unless you need assistance for your own safety.
- To have reasonable opportunities for intimate physical and social interaction with other people.
- To have your medical and personal records kept strictly confidential.

Communications, including Mail and Telephones

- To receive and send your mail in unopened envelopes. You also have a right to request and receive assistance in reading and writing correspondence and you should be provided with pens and paper.
- To have private access to a telephone. You may have a private telephone in your living quarters at your own expense.
- To reasonable access (at your expense, if not available from facility) to email and video communication and internet research.

Visits and Activities

- To choose your schedules consistent with your interests and assessments such as waking, eating, bathing, and going to bed at night.
- To choose health care schedules consistent with your interests and preferences. The information should be gathered to proactively assist you with the fulfillment of your choices.
- To meet with any visitors of your choice at the time of your choosing as long as it does not impose on the rights of other residents, and conforms with the facility's policies.
- To take part in nursing home activities, and to meet with, and participate in the activities of any social, religious and community groups.
- To leave the nursing home during the day or, in coordination with the facility, for an overnight visit.
- To refuse to perform services for the nursing home.
- To request visits at any time by representatives of the religion of your choice and to attend outside religious services at your own expense.
- To participate in meals, recreation and social activities without being subjected to discrimination based on your age, race, religion, sex or nationality.
- To organize and participate in a Resident or Family Council that presents residents' concerns to the administration of the facility – and to which the administration is required to respond. The facility must designate a staff person, who is approved by the Council, to provide assistance and ensure that Council concerns are responded to in a timely way. The Council can choose not to have a staff member in attendance.

Food and Snacks

- To be provided with a nourishing, palatable and well-balanced diet that takes into consideration your preferences as well as the cultural, ethnic and religious make-up of the facility population.
- To provide input on the menu either through the Resident Council or directly.
- To receive at least three meals daily, at regular times comparable to normal mealtimes in the community or in accordance with your needs, preferences, requests, and plan of care.
- To be provided alternative meals and snacks outside of normal meal times as indicated in your care plan. Further, you cannot be charged for special foods and meals ordered by your medical provider.

Discharges and Transfers

- To refuse to be transferred to another room or to have your roommate changed. You must be notified in writing of a change in your room or roommate and you have a right to have an informal hearing with the administrator first.
- Transfers to another facility cannot be solely for the convenience of the facility – and LTCO must be notified.
- To discharge yourself from the nursing home by presenting a release signed by you, your next of kin, or your guardian.
- To be transferred or discharged only for one or more of the following reasons:
 - In an emergency, with notification of your physician and your next of kin or guardian or if the facility closes.
 - For medical reasons, to protect your welfare or the welfare of others or to comply with your advance directive.
 - For nonpayment of fees, in situations not prohibited by law.
 - Your health has improved and you no longer require nursing home care.
- To receive notice at least 30 days in advance when the nursing home requests your transfer or discharge, except in an emergency. That notice should provide appeal information and a copy should be sent to LTCO.
- To be informed of the facility's bed-hold policy when you are transferred to an acute care or psychiatric hospital.

Protection of Your Rights

- To be given a written statement of all of your rights under federal and state law.
- To be given a copy of and informed about the facility's grievance policy which should include specific information on how to file a complaint orally, in writing and anonymously and should include a timeframe for the facility to review and respond.
- To retain and exercise all the constitutional, civil and legal rights to which you are entitled by law. The nursing home is required to encourage and help you to exercise these rights.
- To be provided with specific contact information on how to report abuse, neglect, exploitation or a violation of residents' rights and how to obtain information about returning to the community. The LTCO can be contacted at 1-877-582-6995.