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NURSING HOME RESIDENTS' RIGHTS

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Individuals who reside in nursing homes enjoy the same basic rights as all other people. However, the combination of living in an institutional setting and experiencing a medical disability often results in a loss of dignity for the resident if the facility fails to provide appropriate care and support. For that reason, both the federal government and most states have adopted a Nursing Home Bill of Rights in an effort to ensure that residents are provided with the services necessary to enable them to function at the highest level possible.

In New Jersey, the Nursing Home Bill of Rights has been codified at N.J.S.A. 30:13-5. The statute provides that every nursing home resident has the right to:

1. Manage his/her own financial affairs;
2. Wear his/her own clothing;
3. Retain and use his/her own personal property in his/her own immediate living quarters unless the nursing home can demonstrate that doing so is unsafe;
4. Receive and send unopened correspondence, and, upon request, to obtain assistance in reading and writing correspondence;
5. Enjoy unaccompanied access to a telephone and maintain a private telephone (at the resident's expense);
6. Privacy;
7. Retain his/her own personal physician and to obtain from that physician or the physician affiliated with the nursing home complete and current information regarding his/her medical diagnosis, treatment and prognosis in terms and language the resident can understand;
8. Unrestricted communication with visitors at any reasonable hour;
9. Present grievances to the nursing home administrator, state agency or other person without threat of discharge or reprisal in any form or manner;
10. A safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident, including the

- right to respect and receive appropriate assessment, management and treatment of pain;
11. Refuse to perform services for the nursing home;
 12. Interact with members of the opposite sex (where residents are married, they must be provided an opportunity for private visits, and unless medically inadvisable, a shared room); and
 13. Not be deprived of any constitutional, civil or legal right.

While some nursing homes go to great lengths to protect the rights of their residents, unfortunately, violations often occur. When this happens, consider taking the following actions, which are listed in order. Progress through the list only if the dispute remains unresolved at the preceding step.

1. Express your concern to a staff member in a calm, cooperative manner.
2. Explain the problem to a supervisor, including details of the violation such as the date of the occurrence and the names of the staff members on duty at the time.
3. Schedule a meeting with the nursing home administrator to discuss the issue.
4. Contact the state nursing home ombudsman (the individual appointed to advocate for facility residents) and ask him/her to intervene.
5. If the problem is sufficiently serious, report it to the state facility licensing agency.
6. Employ a geriatric care manager who understands how nursing homes function to assess the situation and determine if the goal which you are trying to reach is realistic given the nursing home's limited resources.
7. Consider hiring an attorney if the facility refuses to comply with state or federal laws.
8. If all else fails, move to another facility.



Begley & Bookbinder, P.C. is a law firm that concentrates on Estate & Tax Planning, Elder Law, Estate Administration, Guardianship and Will Contests, Real Estate, as well as Medicaid Planning. We are based in Moorestown, NJ, with offices in Stone Harbor, Lawrenceville & Philadelphia, PA.

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