

A Guide to Nursing Home Resident Rights

WHAT ARE MY RIGHTS AS A NURSING HOME RESIDENT?

You have a right to:

- Be treated with dignity, respect and consideration at all times;
- Exercise all of your rights as a citizen, including the right to vote and right to practice your religion;
- Complain and express your preferences about your life at the facility without retaliation; and
- Organize Resident Councils and meet in a private space in the nursing home.

WHAT ARE MY RIGHTS TO CLINICAL CARE AND TREATMENT?

You have a right to:

- Ask questions about your medical condition and have the questions answered;
- Choose your own physician from those permitted to practice in the home;
- Access your own clinical records within 24 hours of request, unless you or others would be harmed by it; and
- Refuse medication and treatment and discharge yourself from the facility after being fully informed of the consequences of such action.

DO I HAVE THE RIGHT TO PRIVACY?

Yes. You have the right to:

- Privacy of your personal and clinical records;
- Meet with visitors and other residents privately, and associate and communicate with persons of your choice;
- Send and receive unopened mail promptly; and
- Private use of a telephone that is wheelchair accessible and useable by residents who have hearing or visual impairments.

WHAT ARE MY FINANCIAL RIGHTS?

- You have the right to apply for Medicare or Medicaid;
- You have the right to manage your own finances, except when a court orders someone to do it for you;
- If you choose to deposit your money with the nursing home, the nursing home must make your financial records available within one business day of your request; and
- The home cannot require a third party guarantee for your stay in the nursing home.

WHAT IF THE NURSING HOME DECIDES TO TRANSFER ME OUT OF THE HOME AND I DO NOT WANT TO LEAVE?

There are limited situations when a nursing home can transfer you out of the home. For example, the nursing home can transfer you when you require emergency medical care or when the safety or health of other individuals may be endangered. It may also discharge you when your medical condition improves and you no longer require skilled nursing care. The nursing home must provide you with a notice explaining why it is discharging you. This notice must explain your right to appeal if you disagree with the nursing home's decision.

WHAT IF I WANT TO MOVE OUT OF THE NURSING HOME?

You may discharge yourself from the facility after being fully informed of the consequences of such action. The government funds programs designed for residents who are seeking a less restrictive living environment. Ask your social worker how you can access programs such as the Money Follows the Person program and the Nursing Home Transition and Diversion Waiver Program.

WHAT IF I THINK MY RIGHTS HAVE BEEN VIOLATED?

You have a right to express your concerns with the nursing home without retaliation. If you have concerns that have not been addressed by the nursing home, you can call the New York State Department of Health complaint line at (888) 201-4563 or the Long Term Care Ombudsman Program at CIDNY at 212-812-2901 (Bronx, Manhattan, and Staten Island) or 212-812-2911 (Brooklyn and Queens). You can also call MFY Legal Services, Inc.'s Nursing Home Residents Project toll-free at 855-444-6477 and discuss your concerns confidentially.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call MFY Legal Services, Inc.'s Nursing Home Residents Project toll-free at 855-444-6477 Monday through Friday from 10:00 a.m. to 5:00 p.m.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.