

My Right to Visitors in a Nursing Home

WHO IS ALLOWED TO VISIT ME IN THE NURSING HOME?

- Your family and friends.
- Your doctor.
- Volunteers and staff from the New York State Long Term Care Ombudsman Program.
- New York State's designated protection and advocacy agency for people with disabilities.
- Anyone who provides health, social, legal or other services to you.
- Federal and state government officials.

CAN I REFUSE VISITORS?

Yes, you can refuse visitors.

CAN MY FAMILY VISIT ME WHEN IT IS NOT VISITING TIME?

Yes, the law allows your family to visit you at any time of day as long as you want them to visit.

CAN I HAVE PRIVACY DURING MY VISITS?

Yes, however, this does not mean that your visit has to be in a private room.

CAN I HAVE VISITS IN MY ROOM?

Yes, you may have visits in your room. There may, however, be some times when you cannot have visits in your room. For example, if your roommate is sleeping, the visit may disturb your roommate. In that case, the nursing home should offer you an alternative space to meet in.

DO VISITORS TO NURSING HOMES HAVE RIGHTS?

The regulations do not provide rights to the visitor. The right to visit is the nursing home resident's right. This means that if you do not want to have a family member visit, then the family member does not have a right to visit.

CAN I HAVE A LAWYER, SOCIAL WORKER, OR ANYONE ELSE WHO PROVIDES SERVICES VISIT ME AT THE FACILITY?

Yes, you may invite a lawyer, social worker, or anyone else who provides services to visit you at the facility.

WHAT IF THE NURSING HOME SUGGESTS THAT I MEET WITH A MANAGED LONG TERM CARE PLAN REPRESENTATIVE OR HEALTH INSURANCE PROVIDER?

You have a right to refuse visitors. This means you have a right to reject visits from managed long term care plan representatives or health insurance providers.

CAN THE NURSING HOME RESTRICT MY VISITORS?

Sometimes. Nursing homes may limit your visitors if they pose a threat to the health and safety of the residents of the facility or to the safe operation of the facility. A home should limit your visitors only when other solutions have not succeeded in eliminating the threat.

If the home limits access by your visitor, it should try to limit the visits as little as possible. The nursing home should: (1) limit the restriction to a defined period of time, (2) inform the visitor of the problems that led to the limitation, (3) inform the visitor of the behavior changes he or she needs to make for the restrictions to be removed, and (4) continue its attempts to resolve the issue and evaluate the appropriateness of the restrictions.

WHAT HAPPENS IF ONE OF MY VISITORS DOES NOT GET ALONG WITH THE NURSING HOME'S STAFF?

The nursing home should not restrict your visitors because there is conflict between facility staff and visitors. Limits on visitors should be reserved for situations that clearly demonstrate a threat to the health and safety of the *residents* or to the safe operation of the facility. If there is a problem between the nursing home's staff and your visitor then the home should limit contact between the staff and visitor.

WHAT SHOULD I DO IF MY RIGHTS HAVE BEEN VIOLATED?

You should complain to the nursing home. If the facility does not address your concerns, you may always 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 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.**