

Long-Term Care Bill of Rights

Comparing Residents’ Bill of Rights for Adult Care Homes and Nursing Homes under North Carolina Law

Adult Care Home (G.S. 131D-21)	Nursing Home (G.S. 131E-117)
<p>Every resident has the right . . .</p> <p>To be treated with respect, consideration, dignity, and full recognition of his or her individuality and right to privacy.</p>	<p>Every resident has the right . . .</p> <p>To be treated with consideration, respect, and full recognition of personal dignity and individuality.</p>
<p>To receive care and services which are adequate, appropriate, and in compliance with relevant federal and state laws and rules and regulations.</p>	<p>To receive care, treatment, and services which are adequate, appropriate, and in compliance with relevant federal and state statutes and rules.</p>
<p>To receive upon admission and during his or her stay a written statement of the services provided by the facility and the charges for these services.</p>	<p>To receive at the time of admission and during the stay, a written statement of the services provided by the facility, including those required to be offered on an as-needed basis, and of related charges. Charges for services not covered under Medicare or Medicaid shall be specified. Upon receiving this statement, the patient shall sign a written receipt which must be on file in the facility and available for inspection.</p>
	<p>To have on file in the patient’s record a written or verbal order of the attending physician containing any information as the attending physician deems appropriate or necessary, together with the proposed schedule of medical treatment. The patient shall give prior informed consent to participation in experimental research. Written evidence of compliance with this subdivision, including signed acknowledgments by the patient, shall be retained by the facility in the patient’s file.</p>
<p>To be free of mental and physical abuse, neglect, and exploitation.</p>	<p>To be free from mental and physical abuse.</p>
<p>Except in emergencies, to be free from chemical and physical restraint unless authorized for a specified period of time by a physician according to clear and indicated medical need.</p>	<p>Except in emergencies, to be free from chemical and physical restraints unless authorized for a specified period of time by a physician according to clear and indicated medical need.</p>

Adult Care Home (G.S. 131D-21)**Every resident has the right . . .**

To have his or her personal and medical records kept confidential and not disclosed except as permitted or required by applicable state or federal law.

To receive a reasonable response to his or her requests from the facility administrator and staff.

To associate and communicate privately and without restriction with people and groups of his or her own choice on his or her own or their initiative at any reasonable hour.

To have access at any reasonable hour to a telephone where he or she may speak privately.

To send and receive mail promptly and unopened, unless the resident requests that someone open and read mail, and to have access at his or her expense to writing instruments, stationery, and postage.

To be encouraged to exercise his or her rights as a resident and citizen, and to be permitted to make complaints and suggestions without fear of coercion or retaliation.

To have and use his or her own possessions where reasonable and have an accessible, lockable space provided for security of personal valuables. This space shall be accessible only to the resident, the administrator, or supervisor in charge.

Nursing Home (G.S. 131E-117)**Every resident has the right . . .**

To receive respect and privacy in the patient's medical care program. Case discussion, consultation, examination, and treatment shall remain confidential and shall be conducted discreetly. Personal and medical records shall be confidential, and the written consent of the patient shall be obtained for their release to any individual, other than family members, except as needed in case of the patient's transfer to another health care institution or as required by law or third-party payment contract.

To receive from the administrator or staff of the facility a reasonable response to all requests.

To associate and communicate privately and without restriction with persons and groups of the patient's choice on the patient's initiative or that of the persons or groups at any reasonable hour.

To have access at any reasonable hour to a telephone where the patient may speak privately.

To send and receive mail promptly and unopened, unless the patient is unable to open and read personal mail, and to have access to writing instruments, stationery, and postage.

To present grievances and recommend changes in policies and services, personally or through other persons or in combination with others, on the patient's personal behalf or that of others to the facility's staff, the community advisory committee, the administrator, the Department, or other persons or groups without fear of reprisal, restraint, interference, coercion, or discrimination.

To enjoy privacy in visits by the patient's spouse, and, if both are inpatients of the facility, they shall be afforded the opportunity where feasible to share a room.

To enjoy privacy in the patient's room.

To retain, to secure storage for, and to use personal clothing and possessions, where reasonable.

Adult Care Home (G.S. 131D-21)

Every resident has the right . . .

To manage his or her personal-needs funds, unless such authority has been delegated to another. If authority to manage personal-needs funds has been delegated to the facility, the resident has the right to examine the account at any time.

To be notified when the facility is issued a provisional license or notice of revocation of license by the North Carolina Department of Health and Human Services and to be informed as to the basis on which the provisional license or notice of revocation of license was issued. The resident's responsible family member or guardian shall also be notified.

To have freedom to participate by choice in accessible community activities and in social, political, medical, and religious resources and to have freedom to refuse such participation.

Nursing Home (G.S. 131E-117)

Every resident has the right . . .

To manage the patient's financial affairs, unless authority has been delegated to another pursuant to a power of attorney or written agreement, or unless some other person or agency has been appointed for this purpose pursuant to law. Nothing shall prevent the patient and facility from entering a written agreement for the facility to manage the patient's financial affairs. In the event that the facility manages the patient's financial affairs, it shall have an accounting available for inspection and shall furnish the patient with a quarterly statement of the patient's account. The patient shall have reasonable access to this account at reasonable hours. The patient or facility may terminate the agreement for the facility to manage the patient's financial affairs at any time upon five days' notice.

To be notified within ten days after the facility has been issued a provisional license because of violation of licensure regulations or has received notice of revocation of license by the North Carolina Department of Health and Human Services and to be informed as to the basis on which the provisional license or notice of revocation of license was issued. The patient's responsible family member or guardian shall also be notified.

To not be required to perform services for the facility without personal consent and the written approval of the attending physician.

Adult Care Home (G.S. 131D-21)**Every resident has the right . . .**

To receive upon admission to the facility a copy of this section.

To not be transferred or discharged from a facility except for medical reasons, the resident's own or other residents' welfare, nonpayment for the stay, or when the transfer is mandated under state or federal law. The resident shall be given at least thirty days' advance notice to ensure orderly transfer or discharge, except in the case of jeopardy to the health or safety of the resident or others in the home. The resident has the right to appeal a facility's attempt to transfer or discharge the resident pursuant to rules adopted by the Medical Care Commission, and the resident shall be allowed to remain in the facility until resolution of the appeal, unless otherwise provided by law. The Medical Care Commission shall adopt rules pertaining to the transfer and discharge of residents that offer protections to residents for safe and orderly transfer and discharge.

Nursing Home (G.S. 131E-117)**Every resident has the right . . .**

To not be transferred or discharged from a facility except for medical reasons, the patient's own or other patients' welfare, nonpayment for the stay, or when the transfer or discharge is mandated under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act. The patient shall be given at least five days' advance notice to ensure orderly transfer or discharge, unless the attending physician orders immediate transfer, and these actions, and the reasons for them, shall be documented in the patient's medical record.