

Resident Rights



SOURCE: Nursing Facility Requirements for Licensure and Medicaid Certification



Residents of Texas nursing facilities have all the rights, benefits, responsibilities, and privileges granted by the Constitution and laws of this state and the United States. They have the right to be free of interference, coercion, discrimination, and reprisal in exercising these rights as citizens of the United States.

Dignity and respect

You have the right to

- live in safe, decent, and clean conditions
- be free from abuse, neglect, and exploitation
- be treated with dignity, courtesy, consideration, and respect
- be free from discrimination based on age, race, religion, sex, nationality, disability, marital status, or source of payment
- practice your own religious beliefs
- keep and use personal property, secure from theft or loss
- choose and wear your own clothes
- be free from any physical or chemical restraints used for discipline or convenience and not required to treat your medical symptoms
- receive visitors

Freedom of choice

You have the right to

- make your own choices regarding personal affairs, care, benefits, and services
- choose your own physician at your own expense or through a health care plan
- manage your own financial affairs in the least restrictive method, or to delegate that responsibility to another person
- access money and property you have deposited with the facility and to have an accounting of your money and property that are deposited with the facility and of all financial transactions made with or on your behalf
- participate in activities inside and outside the facility
- place in your room an electronic monitoring device that is owned and operated by you or provided by your guardian or legal representative
- refuse to perform services for the person or facility providing services

- use advance directives as defined in the Texas Health and Safety Code, §166.002
- designate a guardian or representative to ensure quality stewardship of your affairs, if protective measures are required

Privacy and confidentiality

You have the right to

- privacy, including privacy during visits and telephone calls and while attending to personal needs
- have facility information about you maintained as confidential
- send and receive unopened mail and to receive help in reading or writing correspondence

Information

You have the right to

- receive a written statement or admission agreement describing the services provided by the facility and the related charges
- be informed of Medicare or Medicaid benefits
- receive a copy of the Statement of Resident Rights and to be informed of revisions
- be informed in a language you understand about your total medical condition, recommended treatment and expected results (including reasonably expected effects, side effects and associated risks), and be notified whenever there is a significant change in your condition.

Participation in your care

You have the right to

- receive all care necessary to have the highest possible level of health
- participate in developing a plan of care, to refuse treatment, and to refuse to participate in experimental research
- refuse treatment, care, or services
- receive information about prescribed psychoactive medication from the person who prescribes the medication or that person's designee, to have any psychoactive medications prescribed and administered in a responsible manner as mandated by

the Texas Health and Safety Code, §242.505, and to refuse to consent to the prescription of psychoactive medications

- access personal and clinical records, which will be maintained as confidential and may not be released without your consent
- communicate in your native language to acquire or to receive treatment, care, or services

Transfers and discharges

You have the right to

- not be relocated within the facility, except in accordance with nursing facility regulations
- discharge yourself from the facility unless you have been adjudicated mentally incompetent
- not be discharged from the facility, except as provided in the nursing facility regulations
- receive a 30-day written notice sent to you, your legally authorized representative, or a family member
- appeal the discharge within 10 days of receiving notice in a Medicaid facility
- be readmitted to the facility as provided by nursing facility regulations

Complaints

You have the right to

- complain about care or treatment and receive a prompt response to resolve the complaint without fear of reprisal or discrimination
- organize or participate in any group that presents residents' concerns to the administrator of the facility

Your rights may be restricted only to the extent necessary to protect you or others, or to protect the rights of others, particularly those rights relating to privacy and confidentiality.

These described rights are in addition to other rights or remedies an individual may be entitled to, according to rules and under the law.



To get information or file a complaint, contact
DADS Consumer Rights and Services at 800-458-9858 ■ Long-Term Care Ombudsman (Advocacy) Program at 800-252-2412
Go to www.dads.state.tx.us and click on Complaint Intake and Consumer Rights