

# Chapter 2

## The Person's Rights

# Patients' Rights

- In April 2003 the American Hospital Association adopted *The Patient Care Partnership: Understanding Expectations, Rights, and Responsibilities*. This document:
  - Explains the person's rights and expectations during hospital stays
  - Stresses the relationship between the doctor, health team, and patient

# OBRA

- The Omnibus Budget Reconciliation Act (OBRA) is a federal law.
- Nursing centers must provide care in a manner and in a setting that maintains or improves each person's quality of life, health, and safety.

# Residents' Rights

- Residents have rights as United States citizens.
- Some residents cannot exercise their rights.
  - A representative (partner, adult child, court-appointed guardian) does so for them.
- Nursing centers must inform residents of their rights, both orally and in writing.

# Information

- The right to information means access to all records about the person.
  - They include the medical record, contracts, incident reports, and financial records.
  - The request can be oral or written.
- The person has the right to be fully informed of his or her health condition.
- The person must also have information about his or her doctor.

# Refusing Treatment

- The person has the right to refuse treatment. A person who does not give consent or refuses treatment cannot be treated against his or her wishes.
- The center must find out what the person is refusing and why.
  - Find out the reason for the refusal.
  - Explain the problems that can result from the refusal.
  - Offer other treatments options.
  - Continue to provide all other services.

# Refusing Treatment, cont'd.

- Advance directives:
  - Are part of the right to refuse treatment
  - Include living wills and instruction about life support
  - Contain written instructions about health care when the person is not able to make such decisions

# Privacy and Confidentiality

- Residents have the right to personal privacy.
  - A person has the right to use the bathroom in private.
  - Residents have the right to visit with others in private—in areas where others cannot see or hear them.
  - The right to privacy also includes mail.
  - Information about the person's care, treatment, and condition is kept confidential.



# Personal Choice

- Residents have the right to make their own choices.
  - They can choose their own doctors.
  - They also help plan and decide about their care and treatment.
  - They can choose activities, schedules, and care.
  - They can choose when to get up and go to bed, what to wear, how to spend their time, and what to eat.
  - They can choose friends and visitors inside and outside the center.

# Grievances

- Residents have the right to voice concerns, questions, and complaints about treatment and care.
  - The problem may involve another person.
  - It may be about care that was given or not given.

# Work

- The resident has the right to work or perform services if he or she wants to do so.
  - Some people like to garden, repair or build things, clean, sew, mend, or cook.
  - Other persons need work for rehabilitation or activity reasons.

# Taking Part in Resident Groups

- The resident has the right to form and take part in resident groups.
- Residents have the right to take part in social, cultural, religious, and community events.
- They have the right to receive help when moving to and from events of their choice.

# Personal Items

- Residents have the right to keep and use personal items.
- The person's property is protected.
- Protect yourself and the center from being accused of stealing a person's property.

# Freedom From Abuse, Mistreatment, and Neglect

- Residents have the right to be free from verbal, sexual, physical, and mental abuse.
- Residents also have the right to be free from involuntary seclusion:
  - Separating the person from others against his or her will
  - Keeping the person in a certain area
  - Keeping the person away from his or her room without consent

# Freedom From Abuse, Mistreatment, and Neglect, cont'd.

- No one can abuse, neglect, or mistreat a resident.
- Centers must investigate suspected or reported cases of abuse.
- They cannot employ persons who:
  - Were found guilty of abusing, neglecting, or mistreating others by a court of law.
  - Have a finding entered into the state's nursing assistant registry about abuse, neglect, mistreatment, or wrongful acts involving the person's money or property.

# Freedom From Restraint

- Residents have the right not to have body movements restricted.
  - Some drugs are restraints because they affect mood, behavior, and mental function.
  - Sometimes residents are restrained to protect them from harming themselves or others.



# Quality of Life

- Residents have the right to quality of life.
  - They must be cared for in a manner and in a setting that promotes dignity and respect for self.
  - Care must promote physical, mental, and social well-being.

# Activities

- Residents have the right to activities that enhance each person's physical, mental, and psycho-social well-being.
  - Centers must provide religious services for spiritual health.

# Environment

- Residents have the right to a safe, clean, comfortable, and home-like setting.
  - The person is allowed to have and use personal items to the extent possible.
  - They allow personal choice and promote a home-like setting.