

The Law and You

A Resident's Rights in Long-Term Care

I recently attended a conference on a Resident's Rights in Long-Term Care. It was sponsored by the Division of Salt Lake County Aging Services. The conference was very informative, and I want to share with the readers of my column some of what I learned.

Within the Department of Human Services, is the Division of Aging and Adult Services. And within the Division is the "long-term care ombudsman program."

The purpose of the Ombudsman Program is to promote, advocate, and ensure the "adequacy of care received, and the quality of life experienced by elderly residents of long-term care facilities within the state."

The Ombudsman is responsible for:

- ▶ resolving complaints relating to elderly residents of long-term care facilities;
- ▶ conducting investigations of conduct or policies of any long-term care facility which it has reason to believe affects the health, safety, welfare, or human rights of any elderly resident of a long-term care facility;
- ▶ coordinating the department's services for elderly residents of long-term care facilities to ensure that those services are made available to eligible elderly citizens of the state; and
- ▶ providing training regarding the delivery and regulation of long-term care to public agencies, local ombudsman program volunteers, and operators and employees of long-term care facilities.

The Ombudsman is also charged with

establishing local ombudsman programs throughout the state. And, Utah law requires every long-term care facility to display an ombudsman program information poster.

This information is important. If family members believe that their parent or loved one is not being treated properly while residing in a long-term care facility, they can request help from the local ombudsman program.

A few of the rights of residents in long-term care facilities include:

- ▶ A resident has the right to receive visitors anytime they choose, within reason.
- ▶ A resident has the right to choose his or her own physician and is not required to use the facility's physician.
- ▶ A resident is entitled to view his or her own medical records.
- ▶ The facility does not have the right to overrule a resident's decision to receive certain medical treatment.

The foregoing rights constitute a short list of rights accorded to all residents of long-term care facilities. There are many more. Generally, all civil rights enjoyed by citizens are also rights that residents can and should expect, including rights of privacy and freedom of choice.

Residents should always be treated with dignity and respect. Their privacy should be respected by allowing residents their privacy while meeting with others in the facility, or meeting with visitors, or while making telephone calls.

Residents should be asked about their medical treatment to the extent they have the

capacity to participate in such decisions.

Staff at long-term care facilities should be mindful that residents desire to be treated as though their space is their private domain. Accordingly, staff members and visitors should always knock before entering the room of a resident. They should preserve as much as possible the personal dignity and modesty of residents.

To learn more about the ombudsman program, contact the “aging services” agency in your county. If you believe that a long-term care facility is abusing your loved one or is acting improperly, contact your ombudsman.

If you are still not satisfied, consult with an Elder Law Attorney or an attorney concentrating in estate planning. If needed, check with the National Academy of Elder Law Attorneys at (520) 881-4005, or your local Yellow Pages.