

Wisconsin Nursing Home Residents' Rights

Ingleside Manor

Know Your Rights under Federal Nursing Home Regulations

What are your Federal rights in a nursing home?

As a resident of Ingleside Manor, you have certain rights and protections under Federal law that help ensure you get the care and services you need.

Ingleside Manor must provide you with a written description of your legal rights. Keep the information you receive about your rights, admission and transfer policies, and any other information from Ingleside Manor in case you and/or your representative need to look at them later.

Generally

All residents have the right to equal access to quality care regardless of diagnosis, severity of condition, or payment source.

Exercise of Rights

You have the right to exercise your rights as a resident of Ingleside Manor and as a citizen of the United States, without fear of interference, coercion, discrimination or reprisal. You and/or your representative have the right to organize or participate in resident and/or family groups. You also have the right to choose a representative, including a spouse (opposite or same sex), family member, friend or others to exercise your rights on your behalf. Legal guardians appointed on your behalf may exercise your rights according to state law. You retain the ability to exercise any rights that you do not delegate to a representative.

Planning and Implementing Care

You and/or your representative have the right to be fully informed of your medical condition in a language you can understand, and to participate in your person-centered care planning and treatment, including the type of caregiver who provides services to you. You also have the right to refuse and/or discontinue medications and treatments (but this could be harmful to your health), and to formulate an advanced directive.

Choice of Attending Physician

You have the right to choose and see your own doctor.

Respect, Dignity and Self-Determination

- You have the right to be treated with respect and dignity.
- You have the right to retain and use personal possessions.
- You have the right to the reasonable accommodation of your needs so long as it doesn't endanger the health or safety of you or other residents.
- You have the right to choose your roommate when practicable.
- You have the right to choose activities and schedules (including sleeping and waking times).
- You have the right to participate in community activities both inside and outside of Ingleside Manor.
- You have the right to spend private time with visitors. Ingleside Manor must permit your family, your representative(s), your physician, a representative of the state, and your Long-Term Care Ombudsman to visit you at any time. You don't have to see any visitor you don't want to see. Additionally, Ingleside Manor must provide you with reasonable access to any person who gives you help with your health, social or legal needs.
- You have the right to manage your own money or choose someone you trust to do this for you. If you ask Ingleside Manor to manage your personal funds, you must sign a written statement that allows Ingleside Manor to do this for you. Ingleside Manor must allow you access to your bank accounts, cash, and other financial records. Ingleside Manor must place your money over \$100 (\$50 for those receiving Medicaid) in an account that provides interest, and they must give you quarterly statements. Ingleside Manor must protect your funds from any loss by buying a bond or providing other similar protections.
- If you and your spouse both live in Ingleside Manor, you have the right to share a room (if you both agree to do so).
- You have the right to be free from physical (except if you're at risk of harming yourself or others) or chemical restraints.
 - Physical restraints are any manual method or physical or mechanical device, material, or equipment attached to or near your body so that you can't remove the restraint easily. Physical restraints prevent your freedom of movement or normal access to your own body.
 - A chemical restraint is a drug that's used for discipline or convenience and isn't needed to treat your medical symptoms.

- You have the right to be informed of all resident rights and responsibilities in Ingleside Manor, including the right to access your personal and medical records. You have the right to communicate with Federal, State or local officials, including surveyors and the State Long Term Care Ombudsman without any interference from Ingleside Manor.

Privacy and Confidentiality

- You have the right to send and receive mail and packages. Ingleside Manor staff should never open your mail unless you allow it.
- You have the right to use a phone (including your own personal cell phone) and talk privately.
- You have the right to access the Internet and other forms of electronic means of communication to the extent available.

Safe Environment

You have the right to a safe, clean, comfortable and home-like environment that allows you to be as independent as possible. Ingleside Manor must take reasonable care to protect your personal property from loss or theft.

Grievances

You have the right to voice grievances to the staff of Ingleside Manor, or any other person, without fear of discrimination or reprisal. Ingleside Manor must resolve the issue promptly.

Freedom from Abuse, Neglect, Misappropriation of Property and Exploitation

You have the right to be free from verbal, sexual, physical, and mental abuse, involuntary seclusion, exploitation, and misappropriation of your property by anyone. If you feel you've been abused, neglected (your needs aren't met), or exploited, report this to Ingleside Manor, your family, your local Long-Term Care Ombudsman, or your State Survey Agency.

Social Services

Ingleside Manor must provide you with any needed medically-related social services, including counseling, help solving problems with other residents, help in contacting legal and financial professionals, and discharge planning.

Admission, Transfer and Discharge Rights

- You must be informed in writing about services and fees before you move into Ingleside Manor. Ingleside Manor can't require a minimum entrance fee as a condition of residence.

- You can't be sent to another nursing home or be made to leave Ingleside Manor, except in these situations:
 - It's necessary for the welfare or safety of you or others;
 - Your needs can no longer be met by Ingleside Manor;
 - Your health has improved to the point that nursing home care is no longer necessary;
 - You don't pay for the services for which you're responsible; or
 - Ingleside Manor closes.
- Ingleside Manor can't make you leave if you're waiting to get Medicaid or if an appeal is pending. Ingleside Manor should work with other state agencies to get payment if a family member or other individual is holding your money.
- You (and your representative) have a right to be notified before you are transferred or discharged from Ingleside Manor.

Facility Responsibilities

- Ingleside Manor must ensure that each resident can exercise his/her rights without interference, coercion, discrimination, or reprisal from the facility.
- Ingleside Manor must provide equal access to quality care regardless of diagnosis, severity of condition, or payment source.
- Ingleside Manor must establish and maintain identical policies and practices regarding transfer, discharge, and provision of services regardless of pay source.
- Ingleside Manor must treat the decisions of the resident's legal or chosen representative as the decisions of the resident to the extent required by the court or as delegated by the resident.
 - Ingleside Manor shall not extend the representative's right to make decisions on the resident's behalf beyond the extent required by the court or delegated by the resident.
 - If Ingleside Manor has reason to believe that a representative is making decisions or taking actions that are not in the best interest of the resident, facility staff may report such concerns as permitted and shall report such concerns when and in the manner required by state law.
- Planning and Implementing Care: Ingleside Manor must inform the resident of the right to participate in his/her treatment and shall support the resident in this right.
 - The planning process must:
 - Include resident/and/or representative
 - Include an assessment of the resident's strengths and needs
 - Incorporate resident personal and cultural preferences in developing goals of care

- Attending Physician: Ingleside Manor must ensure that each resident remains informed of the name, specialty, and way of contacting the physician and other primary care professionals responsible for his/her care.
- Self-Determination: Ingleside Manor must promote and facilitate resident self-determination through support of the resident's choices.
- Access: Ingleside Manor must provide immediate access to any resident by:
 - Any representative of the Secretary, State, Office of the State Long-Term Care Ombudsman, protection and advocacy systems
 - His or her individual physician
 - Resident representative
 - Immediate family member or other relatives subject to the resident right to deny or withdraw consent at any time
 - Others who are visiting with consent of resident, subject to reasonable clinical and safety restrictions
 - Individuals that provide health, social, legal, or other services to the resident
- Visitation: Ingleside Manor must have written policies and procedures regarding the visitation rights of the residents, including those setting forth any clinically necessary or reasonable restrictions or limitation that the facility may need to place on such rights and the reasons for the clinical or safety restriction or limitation
 - Ingleside Manor must inform each resident and/or representative:
 - Of his/her visitation rights, including any clinical or safety restrictions or limitations
 - Of the right to receive visitors he/she designates, including spouse (opposite or same sex) or partner, family members, or friend
 - That the facility may not restrict, limit, or otherwise deny visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability
 - Ensure that all visitors enjoy full and equal visitation rights
- Resident/Family Groups: Ingleside Manor must provide a resident or family group with private space and
 - Staff and visitors may attend meetings only at the group's invitation
 - Ingleside Manor must provide a designated staff person who is approved by the family or resident group to be responsible for providing assistance and responding to written requests from the groups
 - Ingleside Manor must consider and act upon grievances and recommendations of groups regarding care and life in the facility

- Work: Ingleside Manor must not require a resident to perform services for the facility, but the resident may if he/she chooses when:
 - Facility staff has documented the resident's need or desire for work in the care plan
 - The care plan specifies the nature of the services performed and whether the services are paid or voluntary
 - Compensation for paid services is at or above prevailing rates
 - The resident agrees to the work arrangement in the plan of care
- Personal Funds: Ingleside Manor must not require residents to deposit personal funds with the facility, but if the resident chooses to do so:
 - Upon written authorization of the resident, facility staff must safeguard, manage, and account for personal funds of the resident
 - Deposits in excess of \$100 must be deposited into an interest-bearing account that is separate from any operating accounts, that credits all interest earned to the resident account
 - A personal fund that does not exceed \$100 may be placed in a non-interest bearing, interest-bearing, or petty cash account
- Accounting and Records: Ingleside Manor must establish and maintain a system that assures a full, complete, and separate accounting of each resident's personal funds entrusted to the facility on the resident's behalf, and must be according to generally accepted accounting principles
 - The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than the resident
 - Individual financial records must be available to the resident through quarterly statements and upon request
 - Facility staff must notify each resident that receives Medicaid benefits:
 - When the account reaches \$200 less than the SSI resource limit for one person
 - That if the amount in the account in addition to the value of the resident's other nonexempt resources reaches the SSI limit for one person, the resident may lose eligibility for SSI or Medicaid
 - Conveyance of the resident's personal funds upon discharge, eviction, or death of the resident must occur within 30 days and must include a final accounting, either to the resident, or in the case of death, the individual or probate jurisdiction administering the resident's estate
 - Ingleside Manor must purchase a surety bond or otherwise provide assurance satisfactory to the Secretary to assure the security of all personal funds of residents deposited with the facility.

- Ingleside Manor must not impose a charge against the personal funds of a resident for any item or service for which payment is made under Medicare or Medicaid (except for applicable deductibles or co-insurance)
- Ingleside Manor may charge a resident for requested services that are more expensive or in excess of covered services and for:
 - Cosmetics and special grooming items
 - Personal clothing
 - Personal reading materials
 - Gifts purchased on behalf of resident
 - Flowers and plants
 - Costs to participate in activities that fall outside the scope of the activity program
 - Private duty nurses or aides
 - Telephone, including cell phone
 - Television, radio, computer, electronics
 - Smoking materials (Ingleside Manor is a smoke-free campus), notions, novelties, and confections
- Ingleside Manor must inform a resident requesting an item or service for which a charge will be made that there will be a charge made and what the charge is, both orally and in writing
- Information and Communication: Ingleside Manor must ensure that information is provided to each resident in a form and manner that the resident can access and understand, including an alternative format or in a language the resident can understand.
 - Ingleside Manor must provide the resident with access to medical records pertaining to him or herself upon oral or written request in the form or format requested by the individual, including electronic format, or a hard copy or other form agreed to by the facility and resident, within 24 hours, excluding weekends and holidays
 - Ingleside Manor must make reports with respect to any surveys, certification, and complaint investigations conducted by Federal or State Surveyors during the 3 preceding years available for review upon request and any plans or correction in effect with respect to the facility readily accessible to residents
 - A notice must be posted of this availability
 - Ingleside Manor must post in a form and manner accessible and understandable the list of names, addresses (mail and email), and telephone numbers of all pertinent agencies and advocacy groups, such as State survey and certification

agency, Office of Ombudsman, Aging and Disability Resource Center, and Medicare/Medicaid fraud control unit

- Ingleside Manor must post in a form and manner accessible and understandable a statement that the resident may file a complaint with the State survey and certification agency concerning resident abuse, neglect, misappropriation or resident property in the facility, non-compliance with advanced directives, or return to community requirements.
- Advanced Directives: Ingleside Manor must inform and provide written information to all adult residents concerning the right to accept or refuse medical or surgical treatment and formulate an advanced directive, and provide a written description of the facility policies to implement advance directives and applicable State law
 - Ingleside Manor is permitted to contract with other entities to furnish this information but is still legally responsible for ensuring that the requirements are met
 - Ingleside Manor may give advanced directive information to the representative if the resident is incapacitated upon admission
 - If the resident does become able to receive the information, Ingleside Manor must have measures in place to follow up
 - Ingleside Manor must display in the facility written information and provide to residents and applicants for admission, oral and written information about how to apply for and use Medicare and Medicaid benefits, and how to receive refunds for previous payments covered by such benefits
- Notification of Changes: Ingleside Manor must immediately inform the resident, consult with the physician, and notify the representative when there is:
 - An accident involving the resident which results in injury and has the potential for requiring physician intervention
 - A significant change in the resident's physical, mental, or psychosocial status
 - A need to alter treatment significantly due to adverse consequences or new forms of treatment
 - A decision to transfer or discharge the resident from the facility
 - When making notification, facility staff must ensure that all pertinent information is provided upon request to the physician
 - Facility staff must promptly notify the resident and/or representative if there is:
 - A change in room or roommate assignment
 - A change in resident rights
 - Facility staff must record and periodically update the address, email, and phone number of the representative

- Admission: Ingleside Manor must disclose in its admission agreement its physical configuration, including the various locations that comprise the composite distinct part and also the policies that apply to room changes between its different locations
 - Facility staff must provide a notice of rights and services to the resident prior to or upon admission and during the resident's stay
 - Facility staff must inform the resident orally and in writing of his/her rights and all rules and regulation governing resident conduct and responsibilities during the stay in the facility
 - Facility staff must provide the resident with the State-developed notice of Medicaid rights and obligations and resident must acknowledge receipt in writing
 - Facility staff must inform each Medicaid-eligible resident, in writing, at the time of admission to the nursing home AND when the resident becomes eligible for Medicaid of:
 - Items and services that are included in nursing facility services
 - Other items and services that the facility offers and for which the resident may be charged and the amount
 - Facility staff must inform each Medicaid-eligible resident, in writing, at the time of admission to the nursing home AND when the resident becomes eligible for Medicaid, and periodically of:
 - Items and services that change under Medicare and Medicaid (as soon as reasonably possible)
 - Items and/or services that facility offers (must give 60-day notice in writing)
- Refunds at Discharge: If a resident dies or is hospitalized or is transferred and does not return, facility staff must refund any deposit or any charges already paid less the facility per diem rate, regardless of any minimum stay or discharge notice requirements.
 - Facility staff must refund money due within 30 days of discharge
- Ingleside Manor must furnish to each resident a written description of legal rights, including:
 - Manner of protection of personal funds
 - Requirements and procedures for establishing eligibility for Medicaid, including the right to request an assessment of resources
- Ingleside Manor must protect and facilitate each resident's right to communicate with individuals and entities within and external to the facility including reasonable access to
 - A telephone, including TTY and TDD
 - Internet, if available
 - Stationary, postage, writing implements, and ability to send mail

- Ingleside Manor must protect the resident’s right to personal privacy, including privacy in his/her verbal, written, and electronic communications
 - Including the right to send and promptly receive mail that is unopened both from a postal services and by other means
 - Privacy includes accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings with family and resident groups, but does not require the facility to provide a private room for each resident
- Ingleside Manor must comply with resident rights regarding his/her medical records, and must allow an Ombudsman (not a volunteer Ombudsman) to examine a resident’s medical, social, and administrative records in accordance with State law
- Ingleside Manor must provide a safe, clean, comfortable, and homelike environment allowing the resident to use his or her personal belongings to the extent possible
 - Ingleside Manor must provide housekeeping and maintenance services necessary to maintain a safe, orderly, and comfortable interior
 - Facility staff must provide clean bed and bath linens that are in good condition
 - Facility must provide closet space in each room
 - Facility must provide adequate and comfortable lighting levels in all areas
 - Facility must provide comfortable and safe temperature levels
- Grievances: Ingleside Manor must make information on how to file a grievance or complaint available to the resident
 - Ingleside Manor must establish a grievance policy to ensure prompt resolution of all grievances regarding resident rights, including those with respect to the behavior of other residents. The policy must be provided to a resident upon request and must include:
 - Individual resident notification or through postings in prominent locations throughout the facility of the right to file grievances verbally or in writing
 - Notification of the right to file grievances anonymously
 - Contact information of the grievance official with whom a grievance can be filed, including name, business address, email, and phone number
 - A reasonable expected timeframe for completing the review of the grievance
 - The right to obtain a written decision regarding the grievance
 - Contact information of independent entities with whom grievances may be filed
 - Ingleside Manor must identify a grievance official who is responsible for:

- Overseeing the grievance process and receiving and tracking grievances through their conclusion
- Leading investigations
- Maintaining confidentiality
- Communicating grievance decisions to resident and coordinating with agencies
- Taking immediate action to prevent further violations of any resident right while the alleged violation is being investigated
- Immediately reporting all alleged violations involving neglect, abuse, injuries of unknown origin, misappropriation, or exploitation to the Administrator and as required by state law
- Ensuring that all grievance decisions include the date received, a summary statement of the resident grievance, steps taken to investigate, summary of findings, a statement of whether the grievance was substantiated or not, any action taken as a result of the grievance, and the date the written decision was issued
- Taking appropriate corrective action in accordance with state law if the alleged violation is confirmed by the facility or an outside entity having jurisdiction
- Maintaining evidence demonstrating the results of all grievances for a period of no less than three years
- Not prohibiting or discouraging a resident from communicating with state or advocacy agencies