

Residents' Rights

The rights of residents of nursing homes and adult care homes are acknowledged and protected by State law. The [Ombudsman Program](#) assists residents and families in the understanding and exercise of these rights.

NORTH CAROLINA'S ADULT CARE HOME BILL OF RIGHTS

EVERY RESIDENT SHALL HAVE THE FOLLOWING RIGHTS:

- (1) To be treated with respect, consideration, dignity, and full recognition of his or her individuality and right to privacy.
- (2) To receive care and services which are adequate, appropriate, and in compliance with relevant federal and State laws and rules and regulations.
- (3) 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.
- (4) To be free of mental and physical abuse, neglect, and exploitation.
- (5) 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.
- (6) To have his/her personal and medical records kept confidential and not disclosed without the written consent of the individual or guardian, which consent shall specify to whom disclosure may be made, except as required by applicable state or federal statute, regulations, or third party contracts. In the case of an emergency, disclosure can be made to agencies, institutions or individuals who are providing the emergency medical services.
- (7) To receive a reasonable response to his or her requests from the facility administrator and staff.
- (8) 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.
- (9) To have access at any reasonable hour to a telephone where he or she may speak privately.
- (10) 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, stationary, and postage.
- (11) 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.
- (12) 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 residents, administrator and supervisor-in-charge.
- (13) 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.
- (14) To be notified when the facility is issued a provisional license or notice of revocation of license by the Carolina Department of Human Resources and 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.
- (15) 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.
- (16) To receive upon admission to the facility a copy of this section.
- (17) 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 30 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. The resident shall be allowed to remain in the facility until resolution of the appeal.

NORTH CAROLINA'S NURSING HOME RESIDENTS' BILL OF RIGHTS

EVERY RESIDENT SHALL HAVE THE FOLLOWING RIGHTS:

- (1). To be treated with consideration, respect, and full recognition of personal dignity and individuality.
- (2). To receive care, treatment, and services that are adequate and appropriate, and in compliance with relevant federal and State statutes and rules.
- (3). To receive at the time of admission and during stay, a written statement of 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 and Medicaid shall be specified. The patient will sign a written receipt upon receiving the above information.
- (4). To have on file physician's orders with proposed schedule of medical treatment. Written, signed evidence of prior informed consent to participation in experimental research shall be in patient's file.
- (5). To receive respect and privacy in his medical care program. All personal and medical records are confidential.
- (6). To be free of mental and physical abuse. Except in emergencies, to be free of chemical and physical restraint unless authorized for a specified period of time by a physician according to clear and indicated medical need.
- (7). To receive from the administration or staff of the facility a reasonable response to all requests.
- (8). To associate and communicate privately and without restriction with persons and groups of the patient's choice at any reasonable hour. To send and receive mail promptly and unopened. To have access to a telephone where the patient may speak privately. To have access to writing instruments, stationery and postage.
- (9). To manage his/her own financial affairs unless other legal arrangements have been implemented. The facility may also assist the patient, but is required to follow stringent guidelines.
- (10). To have privacy in visits by the patient's spouse, and if both are patients in the same facility, they shall be given the opportunity, where feasible, to share a room.
- (11). To enjoy privacy in his/her room.
- (12). To present grievances and recommend changes in policies and services personally, through other persons or in combination with others, without fear of reprisal, restraint, interference, coercion, or discrimination.
- (13). To not be required to perform services for the facility without personal consent and the written approval of the attending physician.
- (14). To retain, to secure storage for, and to use his personal clothing and possessions, where reasonable.
- (15). To not be transferred or discharged from a facility except for medical, financial, or their own or other patient's welfare, nonpayment for the stay or when mandated by Medicare or Medicaid. Any such transfer shall require at least five days' notice, unless the attending physician orders immediate transfer, which shall be documented in the patient's medical record.
- (16). To be notified within ten days after the facility's license is revoked or made provisional. The responsible party or guardian must be notified as well.