

Resident Rights Policy

SCOPE

The governing body of the nursing facility is responsible for establishing written policies regarding the rights and responsibilities of residents as provided for in [42 CFR 483.10](#) and [28 Pa Code 201.29](#). Through the administrator, the governing body is responsible for development of and adherence to procedures implementing the resident rights policies. In addition to the governing body and the administrator, the resident rights policy applies to residents and staff.

PURPOSE

This policy establishes guidance regarding resident rights at Mt Hope Nazarene Retirement Community. The policy will outline the posting of state and federal resident rights, providing personal notice of this list to residents, and involving residents or their representative in developing, implementing, and reviewing resident rights policies. In addition, the policy outlines reasonable advanced notice of changes, informing a resident prior to transfer whether a facility accepts Medicare or Medicaid, protections pertaining to experimental treatment or research, and the resident's right to care, free from discrimination. It is the intention of Mt Hope to honor all resident rights and to support a resident to lead a meaningful and purposive and being able to choose the life that most suits there overall well being and satisfaction.

DEFINITIONS

Abuse – Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. *Willful*, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm. ([42 CFR 483.5 Definitions](#))

Experimental Research – The development, testing and use of a clinical treatment, such as an investigational drug or therapy that has not yet been approved by the United States Food and Drug Administration or medical community as effective and conforming to medical practice. ([28 Pa Code 201.29\(C.3\)\(3\)\(iii\)](#))

Exploitation – Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion. ([42 CFR 483.5 Definitions](#))

Mental Abuse – Includes humiliation, harassment, threats of punishment or deprivation. ([28 Pa Code 201.3 Definitions](#))

Mistreatment – Inappropriate treatment or exploitation of a resident. ([42 CFR 483.5 Definitions](#))



Sexual Abuse – Non-consensual sexual contact of any type with a resident. ([42 CFR 483.5 Definitions](#))

POLICY

MHNRC adheres to the rights and responsibilities of residents as provided for in [42 CFR 483.10](#) (relating to resident rights) and [28 Pa Code 201.29](#). These rights are enumerated at the following link: <https://www.health.pa.gov/topics/Documents/Facilities%20and%20Licensing/Exhibit%20A%20-%20Resident%20Rights%20Template.pdf>

Policy Development, Access, and Notice

Residents will be asked if they desire to participate in the development, implementation and review of the policies and procedures regarding the rights and responsibilities of residents. If desired, the resident or their representative will be included in the process. If so many residents desire to participate that the number is unmanageable, residents may be selected on a rotating basis to participate, or the resident council may manage the input from all residents.

- Policies and procedures regarding rights and responsibilities of residents are available to residents and members of the public and are available on MHNRC website and posted at the bulletin boards on first and second floor. They are given out at admission and upon request to the administrator.
- Policies of the facility regarding resident rights and an outline of the facility's objectives are available to staff, residents, consumer groups and the interested public and upon request to the administrator. Are posted on the website and posted on the facility information bulletin boards.

Notice that lists state and federal resident rights is posted near the entrances and on each floor of the facility.

Residents are personally notified of the resident's rights in accordance with [42 CFR 483.10\(g\)\(16\)](#) and a certificate of the provision of this personal notice of resident's rights is entered into the resident's medical record. This notice is provided to the resident prior to or upon admission and during the resident's stay. Residents are informed both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. Residents are provided with the [State-developed notice of Medicaid rights and obligations](#) upon admission. Receipt of the above information, and any amendments to it, is acknowledged in writing by the resident.

Resident Rights

Mistreatment and abuse of residents is prohibited.

If changes in charges occur during the resident's stay, the resident, or resident representative, will be advised verbally and in writing at least 30 days prior to the change unless circumstances dictate otherwise.



The resident, or resident representative, will receive a written procedure indicating how any required security deposit will be used and the terms for the return of the deposit. A security deposit is not required for a resident who receives Medical Assistance.

Prior to transfer, the resident or resident representative will be informed as to whether the facility where the resident is being transferred is certified to participate in the Medicare and the Medical Assistance Programs.

If experimental research or treatment is provided, it will not be conducted without the approval of the Department of Health, including the Department's Institutional Review Board, and without the written approval and informed consent of the resident, or resident representative, obtained prior to participation and initiation of the experimental research or treatment. The resident, or resident representative, will be fully informed of the nature of the experimental research or treatment and the possible consequences, if any, of participation. The resident, or resident representative, will be given the opportunity to refuse to participate both before and during any experimental research or treatment.

A resident has the right to care without discrimination based upon race, color, familial status, religious creed, ancestry, age, sex, gender, sexual orientation, gender identity or expression, national origin, ability to pay, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the resident or because the resident is a handler or trainer of support or guide animals.

Annual in-service training as required by [28 Pa Code 201.20](#) will be conducted to inform staff on topics related to resident rights including nondiscrimination and cultural competency.

COMPLIANCE AND RESPONSIBILITIES

The governing body of the nursing facility is responsible for establishing written policies regarding the rights and responsibilities of residents as provided for in [42 CFR 483.10](#) and [28 Pa Code 201.29](#). Through the administrator, the governing body is responsible for development of and adherence to procedures implementing the resident rights policies. In addition to the governing body and the administrator, the resident rights policy applies to residents and staff.

The annual in-service training on resident rights, including nondiscrimination and cultural competency, that is required by [28 Pa Code 201.20](#) will be carried out or delegated by the administrator.

REVIEW

This policy will be reviewed by the governing body annually.

RESOURCES AND REFERENCES

Pennsylvania State Resources



- The Resident Rights Template on the PA Department of Health (DOH) website: <https://www.health.pa.gov/topics/Documents/Facilities%20and%20Licensing/Exhibit%20A%20-%20Resident%20Rights%20Template.pdf>
- PA DOH Nursing Facility Regulations Website (includes state and federal nursing home regulations, interpretive guidelines, and a presentation on the new regulations): <https://www.health.pa.gov/topics/facilities/nursing%20homes/Pages/Regulations.aspx>
- Pennsylvania Department of Human Services (DHS) Nursing Home Admissions Notice Packet describing Medical Assistance rights: [https://www.dhs.pa.gov/docs/Documents/MA%20Response%20Forms/Admissions%20Notice%20Packet%20\(Nursing%20Homes\).pdf](https://www.dhs.pa.gov/docs/Documents/MA%20Response%20Forms/Admissions%20Notice%20Packet%20(Nursing%20Homes).pdf)

Regulatory Text

- The new Nursing Facility Regulations were approved by the Independent Regulatory Review Commission (IRRC) on October 28, 2022. The final regulations were published in the Volume 52 Number 52 edition of the *Pennsylvania Bulletin* on Dec. 24, 2022 and can be accessed at <https://www.pacodeandbulletin.gov/Home/volume?vol=52&issue=52>.
- The original final rulemakings can be found on the IRRC website at http://www.irrc.state.pa.us/regulations/find_a_regulation.cfm. The text of the new regulations can be found in four separate rulemakings as follows:
 - [Rulemaking 4 \(10-224\)](#) – Qualifications, Training, Job Duties, Recordkeeping, Program Standards, and Resident Rights and Services (includes Residents Rights 201.29 and Staff training 201.20)
 - [Rulemaking 1 \(10-221\)](#) – General Applicability and Definitions
 - [Rulemaking 2 \(10-222\)](#) – General Operation and Physical Requirements
 - [Rulemaking 3 \(10-223\)](#) – Applications for Ownership, Management and Changes of Ownership; Health and Safety
- Federal nursing home regulations: <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483>
- Federal nursing home resident rights § 483.10: <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-B/section-483.10>

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