



Resident Rights for Florida CNAs

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one (1.0) contact hour.**

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Purpose and Objectives

The purpose of this course is to expand the CNA's awareness of long-term residents' rights. This will prepare them to uphold these rights while providing care to the residents of long-term care facilities. This course specifically addresses the credentialing requirements for the Florida Board of Nursing.

After successful completion of this course, you will be able to:

1. Discuss what patient rights are and where to find a description of these rights
2. Describe dignified and respectful care
3. Define the role and responsibilities of an ombudsman
4. State the role of the CNA in protecting resident rights

Introduction

Basic human rights are protected by state and national law and facility rules. These laws are specific for upholding respect and dignity for all patients. Many of these patients are vulnerable because of failing health or advanced age. These people need protective rights to prevent mistreatment.

The rights state how residents are to be treated by: They describe respectful and dignified care by:

- Ensuring residents know what services are available for them
- Allowing residents to keep and manage their own personal money
- Giving residents control over their own medical care choices

(Centers for Medicare & Medicaid Services, 2012)

Federal Laws:

All facilities that participate in Medicare and Medicaid programs must meet federal residents' rights requirements.

Centers for Medicare and Medicaid Services (CMS) §483.10 Resident Rights state that:

The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility.

What this means to you is:

- A resident, even if determined to be incompetent, has the right to assert their rights to the degree they are able.
- To extent possible, the residents, have the choice to decide how they live their everyday lives and receive care, if these desires do not violate the facility's rules and the facility's rules do not violate the federal/state requirements.

Resident Rights

Nursing home residents have certain rights and protections under the law. **The nursing home must list and give all new residents a copy of these rights.**

CMS describes that resident rights include, but aren't limited to:

- The right to be treated with dignity and respect
 - Be free from discrimination
 - Be free from abuse
 - Be free from restraints
 - Make complaints
 - The right to be informed in writing about services and fees before you enter the nursing home
 - The right to manage your own money or to choose someone else you trust to do this for you
 - The right to privacy, and to keep and use your personal belongings and property as long as it doesn't interfere with the rights, health, or safety of others
 - The right to be informed about your medical condition, medications, and to see your own doctor. You also have the right to refuse medications and treatments
 - Get social services
 - The right to have a choice over your schedule (for example, when you get up and go to sleep), your activities and other preferences that are important to you
 - The right to an environment more like a home that maximizes your comfort and provides you with assistance to be as independent as possible
 - Share a room with your spouse
- (Medicare.gov, 2012)

Are you interested in the full definition of these rights? Go to:

[https://downloads.cms.gov/medicare/Your Resident Rights and Protections section.pdf](https://downloads.cms.gov/medicare/Your_Resident_Rights_and_Protections_section.pdf)

State Resident Laws

Some states have residents' rights in state law or regulation for nursing homes, licensed assisted living, adult care homes, and other board and care facilities. A person living in a long-term care facility maintains the same rights as an individual in the larger community. It is important that you know and follow the regulations of the state you are employed in.

Florida's Resident Laws

The state law includes all the rights protected under federal law. Sometimes the wording is different or more specific. Be familiar with the rights of residents in the state in which you practice.

In Florida, the state law requires all nursing home residents to be entitled to the following basic rights:

- Be fully informed about available services
- Have a copy of facility rules and regulations
- Get reasonable accommodations for special living needs
- Organize or take part in gatherings within the facility
- Be notified ahead of time about changes in rooms or roommates
- Know the rules about transfer or discharge from the facility
- Be allowed an overnight visit away from the facility
- Choose their personal physician
- Receive skillful care from competent caregivers

- Be fully informed about their medical conditions
- Make their own decisions about care and treatments
- Refuse medications or treatments, except in an emergency
- Petition the court about institutionalization

Florida's Resident Laws

Florida residents also have the right to:

- Keep their own money separate from facility accounts
- Spend their money as they want to
- Be fully informed about Medicaid and Medicare issues
- Be allowed privacy when wanted
- Have all personal information kept confidential
- Be free from physical or mental abuse
- Have freedom to receive visitors, make phone calls, or use mail services
- See reports of facility inspections
- Complain and receive a response to the complaint
- File a report of abuse
- Use an ombudsman to advocate for them

Facility Rules

Each long-term care facility will have rules that the residents must follow to ensure their safety and care. However, these rules may not take the place of the rights given to the resident under federal and state law. If you have questions regarding the facility's rules, ask your supervisor or contact the Ombudsman Program in your state.

Test Your Knowledge

A resident's rights in a long-term facility is protected by?

- A. The facility makes all the decisions about what a resident can do
- B. Federal, state, and facility regulations and rules**
- C. There are no rules about patient rights
- D. The state regulations are most important

Rationale: Basic **human rights are protected by state and national law and facility rules**. These laws are specific for upholding respect and dignity for all patients. Many of these patients are vulnerable because of failing health or advanced age. These people need protective rights to prevent mistreatment.

The Older American Act

The Older American Act authorizes a range of services and help that older Americans (60 years of age and older) need to remain as independent and productive as possible in their homes and in long-term care facilities (National Center to Preserve Social Security and Medicare (NCPSSM), 2016).

Title VII of this act, supports programs to ensure the older adult's rights by supporting the Long-Term Care Ombudsman Program and elder abuse prevention services. The Long-Term Care Ombudsman Program is required to investigate and resolve complaints made by or on behalf of nursing facility residents or other institutionalized populations.

What Is an Ombudsman?

A Long-Term Care Ombudsman is officially appointed by the court and investigates individuals' complaints and provides a voice for residents of nursing homes and assisted living facilities.

The role includes:

- Resolution of problems encountered by Individuals in long-term care facilities
- Providing information and referral about facility selection and quality care
- Assists resident and family councils
- Promotes residents' rights and represents residents' needs and interests to public officials
- Visiting Nursing homes and board and care homes (including assisting living)
- Advocating for residents, working with them and for them to address complaints
- Confidentiality is central to all ombudsman work

(NORC, 2016)

Your Role

As a CNA, you have a responsibility to look after the rights of your patients, and act as an advocate (supporter) of your patient's rights.

You can advocate for your patients by:

- Following procedures to safeguard them, such as hand washing and proper identification before treatments
- Reporting any action or activity that violates your patients' rights
- Reporting practices or procedures that you believe to be wrong
- Allowing your patient to make choices about their activities of daily living
- Allowing your patient to make choices about their visitors
- Remembering that the patients are in charge of their care and can refuse to accept the care that is offered to them
- Always use a kind and polite manner in speaking
 - Call people by the name they prefer, not a nickname you like to use
- Allow your patients time to talk and share feelings
 - Encourage your patients to share their concerns with you
- Preserve the dignity of your patients' appearance at all times
 - Keep them clean and appropriately dressed
- Be sensitive to privacy
 - This applies to body exposure, personal space, private conversations, treasured possessions and personal information.
- **Confidentiality is one of your most important duties**
 - Never shared with anyone inside your job unless it is necessary for the patient's care (such as sharing with your supervisor, social worker, physician, etc.)

- Never shared with anyone outside your job (family, friends, other healthcare workers, social media)

As a CNA, it is your responsibility to document and report to your supervisor when a patient refuses care, response to care given, questions about their care and any other issues that may arise during your contact with them (NCPSSM, 2016).

Test Your Knowledge

You are caring for Mrs. H. a new patient to your unit, she is concerned that dressing changes are different than when she was hospitalized and refuses to let you complete the task. Your responsibility is to:

- A. Inform Mrs. H. that the dressing change is what the doctor ordered, and you must complete the task
- B. Document that Mrs. H. refused the dressing change and move on to other job duties
- C. Report to your supervisor that Mrs. H. has questions regarding her dressing change and is refusing to let it be done**
- D. Insist on completing the dressing change or the patient will not get her lunch

Rationale: As a CNA, you have a responsibility to look after the rights of your patients, and act as an advocate (supporter) of your patient's rights.

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As a CNA, it is your responsibility to document and report when a patient refuses care, response to care given, questions about their care and any other issues that may arise during your contact with them.

Your Role

You must also be aware of the types of abuse that may occur in the facility. This abuse may be committed by staff members, other residents, family, friends, or any other individual that comes in contact with the patients.

In many states such as Florida, long-term healthcare workers are required by law to report elder abuse. It is expected that CNAs will report the alleged abuse to their supervisor who will be responsible for reporting the abuse. However, be aware of the facility's policy on reporting abuse and follow the policy.

If you believe that a resident is being abused, you should immediately tell your supervisor and document what you heard or saw. If you heard the abuse, document exactly what was said and by whom. You can intervene by entering the room to be with the patient if it is safe for you to do.

You can encourage your patient to contact the ombudsman. The number for the local Ombudsman Program should be posted in the nursing home.

Types of Abuse

There are several types of abuse that may occur, you should familiarize yourself with the following list so that you can advocate for your patients.

- **Physical Abuse:** Includes hitting, striking, pinching, slapping, shaking, pushing, grabbing, handling in a rough manner, or injuring someone in another way. It also includes prolonged, excessive, inappropriate, or unauthorized use of physical restraints or drugs used to control behavior.
- **Verbal Abuse:** Includes name calling, yelling, swearing, frightening, belittling, intimidating, or threatening someone.
- **Sexual Abuse:** Includes sexual contact, sexual harassment, sexual coercion, and sexual assault
 - There should never be sexual contact between a resident or anyone else unless it is consensual spousal contact
- **Emotional Abuse:** Includes belittling, causing fear or shame, threatening to punish residents for their behavior, threat of eviction, or encouraging a resident to pay for favors or attention
- **Neglect:** Includes being ignored or being treated with indifference, not receiving basic medical or personal care (such as assistance with personal hygiene, adequate food, liquids, shelter, and clothing) and protection from health and safety hazards
- **Isolation:** Includes involuntary seclusion, being prevented from meeting with visitors, or not having privacy with regards to telephone calls or mail
- **Financial Abuse:** Includes theft of property or money and misuse of personal funds, such as charging for items of service included in the daily rate

Forms of Abuse

Abuse is not always a black and white situation, consider the following forms of maltreatment or abuse that you might come across, including:

- Rough handling and assaults
- Unnecessary use of restraints
- Force-feeding
- Withholding food or necessary care
- Leaving someone in harm's way
- Leaving someone stranded when they need help
- Yelling and threatening
- Ignoring someone
- Unwanted sexual contact
- Not letting someone spend their money
- Using someone's money for things they don't want

As a CNA, it is your responsibility to report and document any of these forms of abuse that you may encounter.

Conclusion

You are a significant person in the life of a long-term care resident. You are their voice, when they cannot or are not heard. You can make a difference in any life you touch when you care for them in a way that meets their expectation to be treated with dignity.

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