

Checklist #18

Functional Area: Resident Rights

Yes = In Compliance
 No = Further Action

Objective: Ensure facilities honor and protect the rights of each resident.

Specific Criteria	Yes	No
<p>Policy and Procedure: IDAPA 16.03.22.160 Has the facility developed written policies and procedures which assure that resident rights will be promoted and protected in the facility? {IDAPA 16.03.22.160}</p>		
<p>Requirements: IDAPA 16.03.22.505 Resident Funds 1. If the facility agrees to handle resident funds, do you establish a separate trust account for each resident? 2. Does the facility maintain an accounting record of residents' funds? 3. Does the facility assure residents' funds are not mixed with the facility funds? 4. Does the facility assure funds are not being borrowing between resident accounts? Does the facility also assure the following: a. The facility does not require a resident to purchase goods or services from the facility other than those outlined in the admission policies and/or the admission agreement? b. The facility documents each transaction of the resident's personal funds including the time of the transaction and signatures of the facility personnel and the resident? c. The resident has access to his personal funds during reasonable hours? {IDAPA 16.03.22.505.01}</p>		
<p>5. Does the facility assure that only room and board funds prorated to the last day of the 30 day notice when the resident permanently leaves the facility is retained (except in situations described in Subsections 220.07.c.i. and 220.07.c.ii. of these rules)? 6. Does the facility assure all funds remaining after the above are the property of the resident? 7. Does the facility assure that in the event of the resident's death, the facility's fees cease accruing 15 days after the resident's death? {IDAPA 16.03.22.505.02}</p>		
<p>Requirements: IDAPA 16.03.22.510 Does the facility assure that policies and procedures are implemented to ensure all residents are free from abuse? {IDAPA 16.03.22.510}</p>		
<p>Requirements: IDAPA 16.03.22.515 Does the administrator assure that policies and procedures are implemented to assure all residents are free from exploitation? {IDAPA 16.03.22.515}</p>		
<p>Requirements: IDAPA 16.03.22.520 Does the administrator assure that policies and procedures are implemented to assure all residents are free from inadequate care? {IDAPA 16.03.22.520}</p>		

Specific Criteria	Yes	No
<p>Requirements: IDAPA 16.03.22.525 Does the administrator assure that policies and procedures are implemented to assure all residents are free from neglect? {IDAPA 16.03.22.525}</p>		
<p>Requirements: IDAPA 16.03.22.550 Does the administrator assure that policies and procedures are implemented to assure residents' rights are observed and protected? {IDAPA16.03.22.550}</p>		
<p>Requirements: IDAPA 16.03.22.550.01 Resident Records 1. Does the facility maintain and keep a current record for each resident, as noted below (a-h)? 2. Upon request does the facility provide a resident access to the information in his record which includes: a. A copy of the resident's current Negotiated Service Agreement? b. The physician or authorized provider's orders? c. Written acknowledgement that the resident has received copies of the rights? d. A record of all personal property and funds that the resident has entrusted to the facility, including copies of receipts for the property? e. Information about any specific health problems of the resident that may be useful in a medical emergency? f. The name, address, and telephone number of an individual identified by the resident who should be contacted in the event of an emergency or death of the resident? g. Any other health-related, emergency, or pertinent information which the resident requests the facility to keep on record? h. The current admission agreement between the resident and the facility? {IDAPA16.03.22.550.01}</p>		
<p>Requirements: IDAPA 16.03.22.550.02 Privacy 1. Does the facility assure each resident the right to privacy with regard to accommodations, medical and other treatment, written and telephone communications, visits, and meetings of family and resident groups? {IDAPA16.03.22.550.02}</p>		
<p>Requirements: IDAPA 16.03.22.550.03 Humane Care and Environment Does the facility assure each resident has the right to humane care and a humane environment, including the following: 1. The right to a diet that is consistent with any religious or health-related restrictions? 2. The right to refuse a restricted diet? 3. The right to a safe and sanitary living environment? 4. The right to be treated with dignity and respect? 5. The right to be treated in a courteous manner by staff? 6. The right to receive a response from the facility to any request of the resident within a reasonable time? 7. The right to be communicated with, orally or in writing, in a language they understand? (continued on next page)</p>		

Specific Criteria	Yes	No
8. The right to be provided with a means of communication in a language familiar to the resident? 9. The right to confidentiality while language translating services of any kind are being provided? {IDAPA16.03.22.550.03}		
Requirements: IDAPA 16.03.22.550.04 Personal Possessions Does the facility assure each resident has the right to the following: <ol style="list-style-type: none"> 1. Wear his own clothing? 2. Determine his own dress or hair style? 3. Maintain the resident's individuality and personal dignity by retaining and using his own personal property in his own living area? 4. Does the facility provide the resident a separate storage area in his/her own living area and at least 1 locked cabinet or drawer to keep personal property? {IDAPA16.03.22.550.04} 		
Requirements: IDAPA 16.03.22.550.05 Personal Funds <ol style="list-style-type: none"> 1. Does the facility assure residents (on public assistance) will retain (for their personal use) the applicable board and care allowance established by Department rules? 2. Does the facility assure you do not require a resident to deposit his personal funds with the facility? 3. Does the facility establish and maintain a system for holding, safeguarding, and accounting for personal funds of which the resident gives written authorization? {IDAPA16.03.22.550.05} 		
Requirements: IDAPA 16.03.22.550.06 Management of Personal Funds <ol style="list-style-type: none"> 1. Does the facility assure that it manages and accounts for personal funds of any resident who deposited funds with the facility (upon a facility's acceptance of written authorization of a resident) as follows: <ol style="list-style-type: none"> a. Does the facility deposit any amount of a resident's personal funds in excess of 5 times the personal needs allowance in an interest bearing account that is separate from the facility's operating accounts? b. The facility credits all interest earned on separate accounts to the resident? c. The facility maintains the other personal funds in a non-interest bearing account or petty cash fund? d. The facility maintains a full and complete separate accounting of each resident's personal funds; which includes a written record of all financial transactions involving each resident's personal funds and gives the resident (or a legal representative) reasonable access to the record? e. Upon the death of a resident (where the facility handles the resident's funds) the facility promptly turns over the resident's personal funds and a final accounting of these funds to the individual administering the resident's estate? f. Upon the death of a client of the Department (where the facility handles the resident's funds the facility promptly refunds the resident's personal funds and a final accounting funds to the Department? {IDAPA16.03.22.550.06} 		

Specific Criteria	Yes	No
<p>Requirements: IDAPA 16.03.22.550.07 Access and Visitation Rights</p> <ol style="list-style-type: none"> 1. Does the facility assure that it permits the following: <ol style="list-style-type: none"> a. Immediate access to any resident by any representative of the Department, by the state ombudsman for the elderly or his designees, or by the resident's individual physician? b. Immediate access to a resident by immediate family or other relatives (subject to the resident's right to deny or withdraw consent at any time)? c. Immediate access to a resident by others who are visiting with the consent of the resident (subject to the resident's right to deny or withdraw consent at any time)? d. Reasonable access to a resident by any entity or individual that provides health, social, legal, or other services to the resident (subject to the resident's right to deny or withdraw consent at any time)? <p style="text-align: right;">{IDAPA16.03.22.550.07}</p>		
<p>Requirements: IDAPA 16.03.22.550.08 Employment</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to refuse to perform services for the facility except as contracted by the resident and the administrator of the facility? 2. If the resident is hired by the facility to perform services as an employee of the facility, do you assure the wage paid to the resident is consistent with state and federal law? <p style="text-align: right;">{IDAPA16.03.22.550.08}</p>		
<p>Requirements: IDAPA 16.03.22.550.09 Confidentiality</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to confidentiality of personal and clinical records? <p style="text-align: right;">{IDAPA16.03.22.550.09}</p>		
<p>Requirements: IDAPA 16.03.22.550.10 Freedom from Abuse, Neglect, and Restraints</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to be free from the following: <ol style="list-style-type: none"> a. Physical, mental or sexual abuse? b. Neglect? c. Corporal punishment, d. Involuntary seclusion? e. Any physical or chemical restraints? <p style="text-align: right;">{IDAPA16.03.22.550.10}</p>		
<p>Requirements: IDAPA 16.03.22.550.11 Freedom of Religion</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to practice the religion of his choice or to abstain from religious practice? 2. Does the facility assure residents are free from the imposition of the religious practices of others? <p style="text-align: right;">{IDAPA16.03.22.550.11}</p>		

Specific Criteria	Yes	No
<p>Requirements: IDAPA 16.03.22.550.12 Control and Receipt of Health-Related Services</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to control his receipt of health related services, including: <ol style="list-style-type: none"> a. The right to retain the services of his own personal physician, dentist, and other health care professionals? b. The right to select the pharmacy or pharmacist of his choice (as long as it meets the statute and rules governing residential care or assisted living and the policies and procedures of the residential care or assisted living facility)? c. The right to confidentiality and privacy concerning his medical or dental condition and treatment? d. The right to refuse medical services based on informed decision making? (Refusal of treatment does not relieve the facility of its obligations, see sub-sections i-ii) <ol style="list-style-type: none"> i. Does the facility document the resident and his legal guardian has been informed of the consequences of the refusal? ii. Does the facility document that the resident's physician or authorized provider has been notified of the resident's refusal? {IDAPA16.03.22.550.12} 		
<p>Requirements: IDAPA 16.03.22.550.13 Grievances</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to voice grievances with respect to treatment or care, without discrimination or reprisal, and the right to prompt efforts by the facility to resolve grievances, including those with respect to the behavior of other residents? {IDAPA16.03.22.550.13} 		
<p>Requirements: IDAPA 16.03.22.550.14 Participation in Resident and Family Groups</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to organize and participate in resident groups in the facility? 2. Does the facility assure each resident's family has the right to meet in the facility with the families of other residents? {IDAPA16.03.22.550.14} 		
<p>Requirements: IDAPA 16.03.22.550.15 Participation in Other Activities</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility? {IDAPA16.03.22.550.15} 		
<p>Requirements: IDAPA 16.03.22.550.16 Examination of Survey Results</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to examine the results of the most recent survey of the facility conducted by the Licensing and Survey Agency, including any plan of correction that's current? {IDAPA16.03.22.550.16} 		

Specific Criteria	Yes	No
<p>Requirements: IDAPA 16.03.22.550.17 Access by Advocates and Representatives</p> <ol style="list-style-type: none"> 1. Does the facility assure advocates and representatives of the community legal services programs are permitted to have access to the facility at reasonable times in order to do the following: <ol style="list-style-type: none"> a. Visit, talk with, and make personal, social, and legal services available to all residents? b. Inform residents of their rights and entitlements, and their corresponding obligations, under state, federal and local laws by distribution of educational materials and discussion in groups and with individuals? c. Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, and in all other matters in which residents are aggrieved. This can be provided individually, or in a group basis, and may include organizational activity, counseling and litigation? d. Engage in all other methods of assisting, advising, and representing residents to offer the fullest extent of their rights? e. Communicate privately and without restrictions with any resident who consents to the communication? f. Observe all common areas of the facility? {IDAPA16.03.22.550.17} 		
<p>Requirements: IDAPA 16.03.22.550.18 Access by Protection and Advocacy System</p> <ol style="list-style-type: none"> 1. Does the facility assure that it permits advocates and representatives of the protection and advocacy system designated by the governor, access to residents, facilities, and records in accordance with applicable federal statutes and regulations? {IDAPA16.03.22.550.18} 		
<p>Requirements: IDAPA 16.03.22.550.19 Access by the Long Term Care Ombudsman</p> <ol style="list-style-type: none"> 1. Does the facility assure that it permits advocates and representatives of the long term care ombudsman program access to residents, facilities and records in accordance with applicable federal and state law, rules, and regulations? {IDAPA16.03.22.550.19} 		
<p>Requirements: IDAPA 16.03.22.550.20 Transfer or Discharge</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has the right to be transferred or discharged only for medical reasons, or for his welfare or that of other residents, or for nonpayment for his stay? 2. Does the facility assure that in non-emergency conditions, the resident will be given at least 30 calendar days notice of discharge? 3. Does the facility assure a resident has the right to appeal any involuntary discharge? {IDAPA16.03.22.550.20} 		
<p>Requirements: IDAPA 16.03.22.550.21 Citizenship Rights</p> <ol style="list-style-type: none"> 1. Does the facility assure each resident has a right to be encouraged and assisted to exercise rights as a citizen, including the right to be informed and to vote? {IDAPA16.03.22.550.21} 		

Specific Criteria	Yes	No
<p>Requirements: IDAPA 16.03.22.550.22 Advanced Directives</p> <p>1. Does the facility assure residents have the right to be informed, in writing, regarding the formulation of advance directives? {IDAPA16.03.22.550.22}</p>		
<p>Requirements: IDAPA 16.03.22.560 Notice of Residents' Rights</p> <p>1. Does the facility assure that you offer the following to the residents:</p> <ol style="list-style-type: none"> Oral and written information about residents' legal rights during their stay at the facility? Written statements of residents' rights? Written statement of notification when the rights change? A written statement that includes a description of the protection of personal funds? A written statement that includes the fact that a resident may file a complaint with the Department respecting resident abuse, neglect, or misappropriation of resident property in the facility? Conspicuous posting of the residents' rights in the facility at all times? {IDAPA16.03.22.560} 		
<p>Record Keeping or Documentation:</p> <ol style="list-style-type: none"> Does the facility maintain an accounting record of resident funds? {IDAPA16.03.22.505.01 & 550.06} Does the facility maintain documentation of each transaction of the resident's personal funds including the time of the transaction and signatures of the facility personnel and the resident? {IDAPA16.03.22.505.01} Does the facility maintain a current record on each resident? {IDAPA16.03.22.550.01} Does the facility document the resident and his legal guardian has been informed of the consequences of the refusal of medical services based on informed decision making? {IDAPA16.03.22.550.12.i} Does the facility document the resident's physician or authorized provider has been notified of the resident's refusal of medical services? {IDAPA16.03.22.550.12.ii} Does the facility assure residents have the right to be informed, in writing, regarding the formulation of advance directives? {IDAPA16.03.22.550.22} Does the facility offer the information to residents as listed above in the checklist for Section 560? {IDAPA16.03.22.560} Does the administrator assure the facility has a signed copy of the resident's rights as identified in Section 550 of these rules or a signed and dated statement that the resident or his legal guardian or conservator has read and understands his rights as a resident of the facility? {IDAPA16.03.22.705.04} 		

The check lists can be used as a quality improvement tool and are offered as a helpful guide. They do not take the place of the rule requirements. It is highly recommended that the check lists be used in conjunction with the rules themselves.