

OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN

Community Living, Aging  
and Protective Services

# Know *your* Rights

Residents' Rights in  
Nursing Homes,  
Assisted Living and  
Residential Care Facilities



OKLAHOMA  
Human Services

[www.OKDHS.org](http://www.OKDHS.org)



## Medical Care

**You have the right** to receive adequate and appropriate medical care, and cannot be discriminated against based on your source of payment. You shall be fully informed by your physician of your medical condition and advised in advance of proposed treatments in words that you understand. You have the right to participate in the planning or changing of care and treatments. You may refuse medications and treatment after being fully informed and understand the consequences.

## Privacy

**You have the right** to receive respect and privacy in your medical care program. Case discussion, consultation, examination and treatment shall remain confidential and shall be conducted discreetly. Personal and medical records shall be confidential.

## Personal belongings

**You have the right** to keep and use your personal clothing and possessions. You also have the right to security in the storage and use of your clothing and possessions.

**Federal law requires that you be given a 30-day notice of transfer if you live in a Medicaid or Medicare certified facility, even if you do not receive aid.**

**You also must be readmitted after hospitalization, if you choose, to the first available bed in a semi-private room.**

**Nursing homes, assisted living and residential care facilities must respect residents' rights. State law requires these facilities to assist and encourage you to exercise your rights. Administrators must train staff in these rights.**

**These rights must be posted. A copy must be provided to you and to your personally-selected or court-appointed representative. Violation of any of these rights and threats to violate these rights are crimes punishable by fine and/or imprisonment. The injured party may also sue the violator.**

### **Civil and religious liberties**

**You have the right** to make independent personal decisions and to be informed of available choices.

**You have the right** to participate in social, religious and community activities that do not interfere with the rights of other residents in the facility.

### **Respectful treatment**

**You have the right** to receive courteous and respectful care and treatment and the right to reside and to receive services with reasonable accommodation of your individual needs and preferences, except if your health or safety or that of other residents would be endangered.

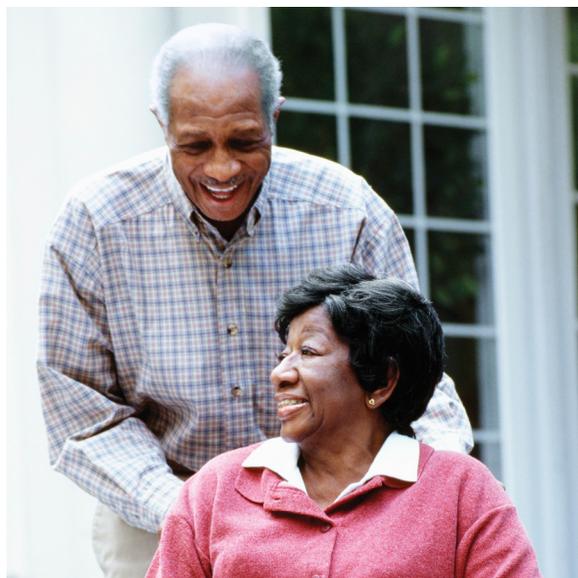
### **Abuse and restraints**

**You are entitled** to be free from mental and physical abuse, corporal punishment, involuntary seclusion, and from any physical or chemical restraints used for discipline or convenience of staff and not required to treat your medical symptoms. Restraints may be authorized in writing by a physician for a specified period of time. You or your representative must be consulted, and you have the right to refuse.

***Federal law provides additional protections for all residents in nursing homes certified for Medicare or Medicaid.***

### **Private communication**

**You have the right** to have private communications, including telephone conversations, visits and consultations with a physician or attorney, meetings with family and resident groups, and meetings with any other person or persons of your choice. You have the right to send and promptly receive unopened personal mail.



***Immediate access to the resident is required by federal law, subject to refusal by the resident.***



## Complaints

**You have the right** to present complaints without fear of reprisal or discrimination on behalf of yourself or others to the facility's staff or administrator, to government officials or to any other person. You may join other persons within or outside the facility to work for improvements in resident care.

- You may contact law enforcement officials to report theft, abuse or other crimes.
- The family of the resident has the right to meet in the facility with other residents' families.
- Every resident shall have the right to prompt efforts by the facility to resolve grievances the resident may have, including those related to the behavior of other residents.

## Work

**You shall not be required** to work or perform services for a facility.

- If you work other than as part of a plan of care or therapy, you may be entitled to payment or wages.

## Spousal visits

**You have the right** to privacy for spousal visits. You may share a room with your spouse if you both reside in the same facility.

## Money matters

**You have the right** to manage your own financial affairs, unless you give the responsibility in writing to the facility or someone else. You shall receive a quarterly accounting of any personal financial transactions undertaken for you by the facility.

- You have the right to receive a written statement of the services provided by the facility, including those required to be offered on an as-needed basis.
- Residents in nursing homes shall receive a statement of related charges, including any costs for services not covered under Medicare and Medicaid or not covered by the facility's basic daily rate.
- Medicaid-certified nursing facilities must deposit your personal funds in excess of \$75 in a separate interest-bearing account.
- Such facilities must also provide you with information on how to apply for Medicare and Medicaid benefits, and must not require a third party guarantee of payment as a condition of admission or continued stay.

For more information, contact your  
Long-Term Care Ombudsman  
at the nearest  
Area Agency on Aging:

Toll Free: 1-800-211-2116

or

The Office of the State Long Term Care  
Ombudsman, Community Living, Aging  
and Protective Services Division

PO Box 53159, Oklahoma City, Oklahoma  
73152 or email [Ombudsman.intake.line@okdhs.org](mailto:Ombudsman.intake.line@okdhs.org)  
or call 1-405-521-6734

[www.okdhs.org](http://www.okdhs.org)

Click on [https://oklahoma.gov/okdhs/  
services/cap/ombudsman.html](https://oklahoma.gov/okdhs/services/cap/ombudsman.html)



**OKLAHOMA**  
**Human Services**

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