

Residents' Bill of Rights

The facility must implement a Residents' Bill of Rights. Each resident and the resident's designated representative, if appropriate, must be given a copy of the resident's rights and responsibilities before moving into the facility. The Bill of Rights must state that residents have the right:

- To be treated with dignity and respect.
- To be given informed choice and opportunity to select or refuse service and to accept responsibility for the consequences.
- To participate in the development of their initial service plan and any revisions or updates at the time those changes are made.
- To receive information about the method for evaluating their service needs and assessing costs for the services provided.
- To exercise individual rights that do not infringe upon the rights or safety of others.
- To be free from neglect, financial exploitation, verbal, mental, physical, or sexual abuse.
- To receive services in a manner that protects privacy and dignity.
- To have prompt access to review all of their records and to purchase photocopies. Photocopied records must be promptly provided, but in no case require more than two business days (excluding Saturday, Sunday, and holidays).
- To have medical and other records kept confidential except as otherwise provided by law.
- To associate and communicate privately with any individual of choice, to send and receive personal mail unopened, and to have reasonable access to the private use of a telephone.
- To be free from physical restraints and inappropriate use of psychoactive medications.
- To manage personal financial affairs unless legally restricted.
- To have access to, and participate in, social activities.
- To be encouraged and assisted to exercise rights as a citizen.
- To be free of any written contract or agreement language with the facility that purports to waive their rights or the facility's liability for negligence.
- To voice grievances and suggest changes in policies and services to either staff or outside representatives without fear of retaliation.

- To be free of retaliation after they have exercised their rights
- To have a safe and homelike environment.
- To be free of discrimination in regard to race, color, national origin, gender, sexual orientation, or religion.
- To receive proper notification if requested to move-out of the facility, and to be required to move-out only for reasons stated in OAR 411-054-0080 (Involuntary Move-out Criteria) and have the opportunity for an administrative hearing, if applicable.

In addition to the rights listed above, there are additional federal rights for assisted living and residential care facilities that are considered home- and community-based settings (HCBS).

(2) HCBS RIGHTS.

(a) Effective Jan. 1, 2016 for providers initially licensed after Jan. 1, 2016, and effective no later than Sept. 1, 2018 for providers initially licensed before Jan. 1, 2016 the following rights must include the freedoms authorized by 42 CFR 441.301(c)(4) and 42 CFR 441.530(a)(1):

- (A) Live under a legally enforceable residency agreement;
- (B) The freedom and support to access food at any time;
- (C) To have visitors of the resident's choosing at any time;
- (D) Choose a roommate when sharing a bedroom;
- (E) Furnish and decorate the resident's bedroom according to the Residency Agreement; and
- (F) The freedom and support to control the resident's schedule and activities.