

PLEASE RETURN:  
COMPLETED ROSTER  
COMPLETED TESTS  
COMPLETED EVALUATION

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NURSING HOME #NH 2772  
ASSISTED LIVING #ALF 909

**ROSTER**

Program Title: **RESIDENT RIGHTS ( 1 HR)**

Date: \_\_\_\_\_ Facility Name: \_\_\_\_\_

\*\*\*\*\***PLEASE PRINT CLEARLY**\*\*\*\*\*

CERTIFICATES CAN NOW BE EMAILED IF WE CAN READ THE EMAIL ADDRESS

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ADDRESS \_\_\_\_\_

EMAIL \_\_\_\_\_



*PEGCO, INC*  
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RESIDENT RIGHTS (1 HOUR)  
For Certified Nursing Assistants

**AGENDA**

- I. INTRODUCTION
- II. THE RESIDENTS
- III. THE STAFF & PRACTICING THE GOLDEN RULE
- IV. RESIDENTS/PATIENTS BILL OF RIGHTS
- V. THE RIGHT FACILITY



## *The Service Team*

With the increasing specialization of health care, the number of its professions has expanded to include many service personnel who work with doctors and nurses to provide better health care. They include:

- Laboratory technicians to perform tests on blood, urine, etc.
- Physical therapists to help injured or disabled patients regain lost physical functions.
- Radiology technicians to administer x-rays.
- Respiratory therapists to help patients with impaired breathing.

## *The Patient*

The patient is the central member of the health care team. Patients can assist in their own care through cooperation and taking an active role. In addition the patient's family plays an important role and needs to be considered along with the patient.

## *The Business and Support Team*

The health care system has a business and support structure which includes: facilities, personnel, equipment, supplies, administration, accounting, and so on. Unless this business and support structure is functioning as it should, it will not be possible to provide the right health care to patients





PRACTICE THE GOLDEN RULE

TREAT OTHERS AS YOU WISH  
THEM TO TREAT YOU.

HONESTY  
AND TRUSTWORTHINESS

You will be expected to provide important information about your care of the patient and to perform the duties that are asked of you.

CONFIDENTIALITY

You must not discuss information about the patient or the patient's treatment with anyone not directly involved in the treatment of the patient.

CONSIDERATION AND SYMPATHY

Patients may be depressed or confused over their physical condition. Kindness and care are necessary.

PATIENCE

Your interaction with patients will be more successful if you recognize that some may need more time or assistance to perform activities than others.

COURTESY AND RESPECT

This will improve all your relations with coworkers, patients, and others.

DEDICATION, COOPERATION, AND DEPENDABILITY

You are a member of a team that relies on your performance. The patient's health is dependent on it. You must do everything that is expected of you, when and how it is expected.





## QUALITY OF LIFE ISSUES

When people enter nursing homes, they don't leave their personalities at the door. Nor do they lose their basic human rights and needs for respect, encouragement and friendliness. All individuals need to retain as much control over the events in their daily lives as possible.

Consequently, nursing home residents should have the freedom and privacy to attend to their personal needs. That means several things from managing their own financial affairs, if they are able, to decorating their rooms with personal belongings. It also means being able to participate in the planning of their treatment and being assured of the confidentiality of their medical records.

In the 1980s, several studies identified some problems with the quality of care that the nation's nursing homes provided to Medicare and Medicaid residents and recommended the implementation of new and higher standards of care in nursing facilities. Congress subsequently enacted legislation to raise these standards. The reforms, which took effect in October of 1990, have served to strengthen both the quality of life and the quality of care for residents. Among other things, they require the provision and enforcement of certain rights of residents to dignity, choice, self-determination, and quality services and activities.



Knowing some of the key details of the law can help you make a better decision about selecting a nursing home. It can also better prepare you to be a resident, to know what to expect, and what to ask for if you are not receiving the care and services to which you are entitled. You will need to ask questions and observe how a nursing home is performing.

- ★ Under the law, nursing homes must train their nurse aides. Facilities must also conduct a comprehensive assessment of resident needs within two weeks of admission. The law also requires that nursing home residents have the right to choose activities, schedules and health care that are consistent with their interests and needs. Facilities are expected to provide a safe, clean, comfortable homelike environment.
  
- ★ Residents must receive the necessary care and services that enable them to reach and maintain their highest practicable level of physical, mental and social well-being.





- ★ For example, married residents should be assured privacy for visits from spouses. If both husband and wife live in the home, they should be able to share a room, if possible. All residents should have freedom and opportunity to make friends and to socialize. Residents and their relatives must be able to talk to administrators and staff about questions, problems, and complaints without fear of reprisal. Administrators should be courteous, helpful and frank. They should treat residents and their requests with respect. Staff members should respond quickly to calls for assistance and treat residents with courtesy, respect and affection. A long-term care facility may meet every known standard, but that's not enough. Warm, professional relationships between staff and residents are an essential ingredient to quality care.

Residents should not be transferred or discharged arbitrarily and should be given reasonable advance notice if they must be moved.



Many of the specific items you should keep an eye out for are part of the regulations concerning residents' rights- a set of rules that nursing homes certified by Medicaid and Medicare must follow. The law applies to referrals, admissions, accommodations, room assignments and transfers, policies regarding financial matters, care services, physical facilities, residents' privileges, and the assignments of medical staff and volunteers. In addition, a civil rights law ensures equal access regardless of race, color or national origin in all nursing homes.



## SEEK REFERRALS

Before visiting nursing homes, get information about available options from a variety of different people like professionals in the long-term care field (such as the local ombudsman), to friends or acquaintances.





## RIGHTS OF PATIENTS IN HOSPITALS

These rights form a comprehensive legal basis for treatment and interaction with patients by health care providers.

*All consumers have rights which protect them.*

These rights differ with the service of product provided. In health care, patients have rights with which all health care providers must be familiar. These rights include all the civil rights guaranteed by government as well as many medical and human rights specific to health care.

*In 1973, the American Hospital Association established the Patient's Bill of Rights.*

This established the basic rights to quality health care for every hospital patient. These include the rights to: emergency and other reasonable medical care; considerate and respectful care; information necessary for informed consent by the patient (see above); privacy and confidentiality; and refusal of treatment.

*Patients should be fully informed of their rights.*

The rights of patients should be placed where they can be seen by everyone in the hospital and given directly to patients upon their admission. However, patients have these rights whether or not they are aware to them. The nursing assistant must know them, understand them, and respect them.

## EMERGENCY AND OTHER REASONABLE MEDICAL CARE

Every patient has the right to emergency medical treatment and to the reasonable use of hospital services in the treatment of their condition, without discrimination due to race, religion, or other reason, including ability to pay.



## PRIVACY AND CONFIDENTIALITY

Only health care workers directly providing care for a patient need to know information on the treatment and care of that patient. This is kept in the form of the patient record and other records. *These records are legal documents* and are only available to the patient, the insurer, and the legal system. They must not be discussed with others.

## CONSIDERATE AND RESPECTFUL CARE

An individual's health involves their physical, psychological, and emotional condition. Any health care that does not respect the patient's personal dignity is not acceptable.

## INFORMATION NECESSARY FOR INFORMED CONSENT OR REFUSAL

The patient must be fully informed about the following *in terms they can understand*:

- ▶ the name and function of all their health care providers, and all institutional information relevant to their care
- ▶ all elements for the diagnosis of their condition, proposed treatment and alternative, prognosis with and without treatment and continuing care requirements
- ▶ all hospital rules and regulations that apply to patients
- ▶ the cost of their care

## SAFE AND ADEQUATE CARE IN A DECENT ENVIRONMENT

Long-term care residents suffer psychologically and emotionally from illness, loss of independence, and other causes. Their environment should be as safe, comfortable, and pleasant as possible.

## FREEDOM FROM ABUSE: PHYSICAL OR OTHERWISE

Abuse of the sick, elderly, or disabled is a *crime*. While this is often thought of in physical terms, abuse also includes mental and emotional abuse.



## PERSONAL PRIVACY, INCLUDING PRIVATE VISITATION, PRIVATE MAIL, AND PRIVATE USE OF THE PHONE

Residents have the right to keep what they wish private from care providers and other residents. They should be able to use a room to be by themselves, meet privately with friends and family, or meet with a member of the opposite sex. Their mail and phone conversations are to be kept private.

## PERSONAL PROPERTY AND CLOTHING

Living in an institution can weaken a person's sense of self-worth, independence, and dignity. Having your own clothing and possessions (where practical and safe) is important to resident's psychological and emotional well-being.

## FREEDOM TO PRACTICE THEIR RELIGIOUS BELIEFS WITH CLERGY OF THEIR CHOICE

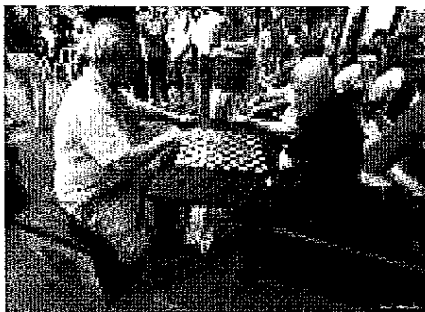
Residents are free to see any religious minister they wish, and to practice their religion as often as they wish.

## VISITATION DURING REASONABLE HOURS

Visits by friends and family cannot be limited during reasonable hours (usually 8am to 8pm)

## RECREATIONAL ACTIVITIES

Recreation (mental, social, and physical) is an important human need and element of long-term care.





BEING IN THE RIGHT FACILITY IS ALL  
IMPORTANT TO THE RESIDENTS FAMILY  
FOR THEIR LOVED ONE'S WELL-BEING. THE  
FACILITY SELECTED WILL BE THE HOME  
AND COMMUNITY FOR THE DURATION OF  
ANY STAY. OFTEN FOR THE REMAINDER OF  
A PERSON'S LIFE.

SOME DAY THAT RESIDENT MAY BE YOU  
OR YOUR LOVED ONE.





## PATIENT RIGHTS DEFINED

Patients have a fundamental right to receive considerate healthcare that safeguards their dignity and respects their cultural, psycho-social and spiritual values. By understanding and respecting these values, you, the healthcare worker, can provide effective and personal care. The Patient's Bill of Rights, legislated through state law and monitored by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), was first adopted by the American Hospital Association in 1973 to ensure that healthcare facilities and healthcare workers respect and honor their patients' rights.

The Patient's Bill of Rights promotes patients' interests and well-being by:

- preserving an individual's dignity
- protecting the privacy and confidentiality of patient information
- assuring patients that they can communicate with persons outside any facility
- ensuring that patients have the knowledge to make informed decisions about their healthcare
- ensuring impartial access to healthcare
- ensuring that patients know their rights and responsibilities in receiving healthcare





# PATIENT RIGHTS: A SERVICE PATIENTS COUNT ON

Patients are consumers of healthcare services in many types of settings such as hospitals, long-term care, ambulatory care, home healthcare, rehabilitation centers and hospice care. When you respect and protect the rights of your patients, they will participate more in their care and become satisfied consumers of healthcare services. Excellent service is never an accident- it always involves a deliberate effort to identify and exceed expectations of each patient- consumer. The more you focus on patients' expectations, the more patients will perceive that you're interested in them and that you respect their rights.

## THE RIGHT TO RESPECTFUL TREATMENT

Patients have the right to always be treated with respect and courtesy, and to be given prompt and reasonable responses to their questions and requests. You must always safeguard the dignity of your patients and be respectful of their personal values and beliefs.

## THE RIGHT TO PRIVACY AND CONFIDENTIALITY

Each of your patients has the right to privacy and to confidential handling of all communications and records regarding his or her healthcare. A patient's privacy must be guarded during case discussion, consultation, examination and treatment. Ethically, you are obligated to protect the privacy and confidentiality of all patient information.

All communication and records pertaining to a patient's care must be treated as confidential by all healthcare workers and facilities. They cannot be divulged without the patient's (or legal guardian's) written consent, except in cases such as suspected abuse and public health hazards, when reporting is permitted or required by law. Computerized patient information should only be accessed by persons needing to make care decisions. Confidentiality of patient information must be maintained when this information is released to any other parties entitled to review it, whether by phone, mail, fax, or email. Follow your facility's policies for release of any patient information.



## THE RIGHT TO BE IN COMMUNICATION

Your patients have the right to communicate with persons outside any facility in which they are seeking healthcare. This includes the right to receive visitors, mail, telephone calls and other communication as long as ongoing treatment is not compromised. Any restrictions on communication must be discussed with the patient. When the safety of a patient is in jeopardy from outside persons, as in the case of physical abuse, your facility must offer protection to the patient by not disclosing his or her presence at your facility.

## THE RIGHT MAKE INFORMED DECISIONS

Patients (families or other designated persons when appropriate) have the right to a full explanation of diagnosis and proposed treatments and procedures in terms that are easily understood. This explanation must include benefits of the treatment, the risks involved, possible significant complication, the probable outcome of the treatment and alternative treatments available. Special forms documenting written consent are required for surgery, diagnostic procedures and therapeutic procedures. The patient has the right to an interpreter if necessary in order to understand all pertinent communication.

Furthermore, patients have the right to:

- ☺ Review any records pertaining to their healthcare and to have the information explained or interpreted as necessary, except when restricted by law
- ☺ Know, at all times, the identity and professional status of all individuals providing any type of service, and to know which physician is primarily in charge of their care
- ☺ Be informed of any affiliations existing between their healthcare facility and any educational institutions. Patients must be informed if their healthcare facility proposes to engage in or perform research associated with their care or treatment. This research must be fully explained to a patient before consent is sought, and the patient's written permission must be obtained.



# THE RIGHT TO PARTICIPATE IN ALL ASPECTS OF HEALTHCARE

Patients have the right to be involved in all aspects of their care. They can, to the extent permitted by law, make decisions about the plan of their care prior to and during the course of treatment, and they must be informed of the medical consequences of their actions. When a patient refuses care, he or she is entitled to receive other appropriate care and services the facility provides or to be transferred to another facility.

When the patient does not have the mental or physical capacity to make care decisions, or when the patient is a child, people other than (or in addition to) the patient may be involved in making care decisions for them. When the patient cannot make decisions regarding his or her own care, a surrogate decision-maker is identified. In the case of an un-emancipated minor, the parent or legal guardian is responsible for approving care prescribed.

Some special consideration involving the rights of the mentally ill include:

- ✓ Humane, appropriate treatment
- ✓ Protection from harm in the treatment setting
- ✓ Freedom from unnecessary or excessive medication
- ✓ Freedom from physical restraint and isolation except in well-defined emergency situations
- ✓ Freedom from retaliation







## THE RIGHT TO AN ADVANCE DIRECTIVE

Patients have the right to an advance directive, such as a living will, healthcare proxy or a durable power of attorney for healthcare. Through the advance directive, patients can make their wishes concerning medical treatment known to their healthcare provider in case they become incapacitated, or they can designate a surrogate decision-maker. You and your facility must honor the intent of the directive to the extent permitted by law. Your facility has a system in place to advise patients of their right to an advance directive, to ask them if they have an advance directive and to assist them in developing one if they wish. Information concurring the advance directive must be included in the patient's record.

Patients, family and other decision-makers have the right to be involved in resolving dilemmas about care decisions. Issues that involve withholding resuscitative services or foregoing or withdrawing life-sustaining treatment can be especially difficult to resolve. Your facility has developed a decision-making process that must be followed consistently to assist patients, families, healthcare professionals and your facility when making these difficult decisions.

Dying patients and their families have unique needs for respectful, responsive care and have the right to be supported during the patient's final stages of life. Concern for the patient's comfort and dignity should guide all aspects of care. Patients also have the right to pastoral counseling.

## THE RIGHT TO IMPARTIAL ACCESS TO CARE

Patients must be given impartial access to healthcare regardless of race, national origin, religion, age, creed, sex or sources of payment. Patients have the right to treatment for any emergency medical condition that will deteriorate if such treatment is not given. When a facility cannot provide the care a patient request, the staff must fully inform the patient of alternatives for care. If necessary, the facility may transfer the patient to another organization, providing the transfer is acceptable to the receiving organization.

Furthermore, patients have the right to expect reasonable continuity of care when appropriate and to be informed by their care givers of available and realistic patient-care options when care at your facility is no longer appropriate.



## KNOWLEDGE OF RIGHTS AND RESPONSIBILITIES IN RECEIVING CARE

Patients have the right to be informed of your facility's policies and practices that relate to patient care, treatment and responsibilities, including financial responsibility.

Each patient has the right to obtain a full explanation of the bills related to his or her healthcare, including an itemized explanation of the total bill for health services rendered. Patients may also expect timely notice of any refusal by third-party payers to pay charges.

Your facility, in compliance with JCAHO, has developed systems to receive, respond to and document patient complaints. Patients must be informed of this grievance process and cannot be penalized for complaining. Complaints from patients provide you and your facility with the opportunity to immediately make things right with the patient and to improve services for future patients.

## PATIENTS HAVE RESPONSIBILITIES

In order to receive optimal care, patients and their families must fulfill certain responsibilities. Patients, or other designated persons, are responsible for:

- Providing accurate information about their present illness and past medical history
- Seeking clarification when necessary to fully understand their health problems and the proposed plan of action
- Following through on the agreed plan of care
- Following the rules and regulations of the healthcare facility and considering the rights of others
- Providing information for insurance claims and working with the healthcare facility to make payment arrangements when necessary



## *The Nursing Home Reform Act- A Bill of Rights for Residents*

1. The right to choose a personal attending physician.
2. The right to be fully informed in advance about care and treatment.
3. The right to be fully informed in advance of any changes in care to treatment that may affect the resident's well being.
4. The right to participate in planning care and treatment or changes in care and treatment
5. The right to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms.
6. The right to privacy with regard to accommodations, medical treatment, written and telephonic communications, visits, and meetings of family and of resident groups.
7. The right to visits with and access to the resident's doctor, family, social service workers, ombudsmen, and state survey agency personnel.
8. The right to confidentiality of personal and clinical records.
9. The right to access current clinical records of the resident upon request by the resident or the resident's legal representative, within twenty-four (24) hours (excluding hours occurring during a weekend or holiday) after making such a request.
10. The right to reside and receive services with reasonable accommodation of individual needs and preferences, except where the health or safety of the individual or other residents would be endangered.
11. The right to receive notice before the room or roommate of the resident in the facility is changed.
12. The right to voice grievances with respect to treatment or care that is )or is not) given, without discrimination or reprisal.



13. The right to prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents.
14. The right to organize and participate in resident groups in the facility (and the right of the resident's family to meet in the facility with the families of other residents).
15. The right to participate in social, religious, and community activities, so long as they do not interfere with the rights of other resident in the facility.
16. The right to examine, upon reasonable request, the results of the most recent state survey of the facility and any plan of correction in effect with respect to the facility.
17. The right to refuse a transfer to another room within the facility, if a purpose of the transfer is to relocate the resident from a portion of the facility that is a skilled care facility to a non-skilled care portion of the facility.
18. The right to remain in the facility unless transfer or discharge is appropriate due to medical concerns, safety concerns, nonpayment of charges, or closure of the facility.
19. The right to thirty days notice of transfer or discharge.
20. The right to manage one's own finances.





## RESOURCES

“Nursing Homes & Assisted Living Facilities”  
by Linda H. Connell- Attorney at Law

Brochure by Coastal Health Train



# RESIDENT RIGHTS TEST

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

- T F 1. Patients have fundamental right o considerate healthcare that safeguard their dignity and respects their values.
- T F 2. The Patient's Bill of Rights is legislated through state law and monitored by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).
- T F 3. As you protect the rights of your patients, they will become satisfied consumers of healthcare services.
- T F 4. Patients forfeit their right to be treated with respect and courtesy when they become demanding and impolite.
- T F 5. You are obligated to protect the privacy and confidentiality of all patient information.
- T F 6. Generally, records pertaining to patient care can only be divulged with either the patient's or legal guardian's verbal or written consent.
- T F 7. Patients can only receive visitors, mail, telephone calls and other outside communication as permitted by the healthcare facility.
- T F 8. When informing patients about treatments and procedures, the healthcare provider must include benefits, risks involved, probable outcome and alternative treatments available.
- T F 9. Patients must receive permission from the primary care physician to review any records pertaining to their healthcare.
- T F 10. All persons providing any type of service to a patient must reveal their identity and Professional status to the patient.
- T F 11. Patients must be advised of any research conducted by your facility that is associated with their care and be given the opportunity to consent or decline participation.
- T F 12. When a patient refuses care, he or she is no longer entitled to other care or services provided by your facility.
- T F 13. Your facility is required to have a system in place to advise patients of their rights to an advance directive.
- T F 14. Patients must be given impartial access to healthcare regardless of national origin, race, age, religion, sex, creed or sources of payment.

- T F 15. Patients have the right to treatment for any medical emergency that will deteriorate if such treatment is not given.
- T F 16. Your facility must inform patients of their rights and responsibilities in receiving healthcare.
- T F 17. Patients have the right to obtain an itemized explanation of the bills related to their healthcare.
- T F 18. JCAHO requires that your facility have systems in place to receive, respond to and document patient complaints.
- T F 19. Patient complaints can help your facility improve services for future patients.
- T F 20. Patients are responsible for providing accurate information, seeking clarification when necessary and following through on the agreed plan of care.

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**NURSING HOME #NH 2772**  
**ASSISTED LIVING #ALF 909**  
**HOME HEALTH CARE #HH 1175**

*PROGRAM EVALUATION*

COURSE TITLE: \_\_\_\_\_ RESIDENT RIGHTS (1 HR)

DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_

*Please evaluate by circling the appropriate rating:*  
*5-Excellent 4-Above average 3-Average 2-Fair 1-Poor*

- |   |                      |
|---|----------------------|
| 1. Overall quality of the program                         | 5 4 3 2 1            |
| 2. Overall content of the program                         |                      |
| a. content can improve my ability to perform my job       | 5 4 3 2 1            |
| b. content reflected knowledge level and needs of learner | 5 4 3 2 1            |
| c. the material was current                               | 5 4 3 2 1            |
| 3. Achieved stated objectives                             |                      |
| a. total number of objectives in program _____            |                      |
| b. circle the number of met objectives                    | 1 2 3 4 5 6 7 8 9 10 |
| c. the test material reflected the objectives listed      | 5 4 3 2 1            |
| 4. Overall organization of the program                    |                      |
| a. material was organized to facilitate learning          | 5 4 3 2 1            |
| b. material covered was adequate and accurate             | 5 4 3 2 1            |

What did you like best about the program?

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Your suggestions for improving this program.

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Any topic ideas for future in-service programs

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***THANK YOU FOR USING PEGCO INC. WE APPRECIATE YOU.***