



Resident Rights

RESIDENT NAME: _____ Room #: _____

The following are rights that all WSL residents have.

1. Residents have the right to be treated with consideration, respect, and full recognition of their dignity and individuality, including privacy in treatment and personal care and including being informed of the name, licensure status, and staff position of all those with whom the resident has contact.
2. Residents have the right to be fully informed of their resident rights and responsibilities and of all procedures governing resident conduct and responsibilities. This information must be provided orally and in writing before or at admission, except for emergency admissions. Receipt of the information must be acknowledged by the resident in writing. When a resident lacks the capacity to make informed judgments the signing must be by the person legally responsible for the resident.
3. Residents shall be fully informed in writing in language that the resident can understand, before or at the time of admission and as necessary during their stay, of the facility's basic per diem rate and of those services included and not included in the basic per diem rate. A statement of services that are not normally covered by Medicare or Medicaid shall also be included in this disclosure.
4. Residents shall be fully informed by a health care provider of his or her medical condition, health care needs, and diagnostic test results, including the manner by which such results will be provided and the expected time interval between testing and receiving results, unless medically inadvisable and so documented in the medical record, and shall be given the opportunity to participate in the planning of his or her total care and medical treatment, to refuse treatment, and to be involved in experimental research upon the patient's written consent only. *For the purposes of this paragraph "health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist, or psychologist, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.*
5. A resident shall be transferred or discharged after appropriate discharge planning only for medical reasons, for the resident's welfare or that of other residents, if the facility ceases to operate, or for nonpayment for the resident's stay, *except as prohibited by Title XVIII or XIX of the Social Security Act. No patient shall be involuntarily discharged from a facility because the patient becomes eligible for Medicaid as a source of payment.*



6. Residents shall be encouraged and assisted throughout the resident's stay to exercise the resident's rights as a resident and citizen. The resident may voice grievances and recommend changes in policies and services to facility staff or outside representatives free from restraint, interference, coercion, discrimination, or reprisal.
7. The resident shall be permitted to manage the resident's personal financial affairs. If the resident authorizes the facility in writing to assist in this management and the facility consents, the assistance shall be carried out in accordance with the resident's rights under this subdivision and in conformance with state law and rules.
8. Residents shall be free from emotional, psychological, sexual and physical abuse and from exploitation, neglect, corporal punishment and involuntary seclusion.
9. Residents shall be free from chemical and physical restraints except when they are authorized in writing by a physician for a specific and limited time necessary to protect the resident or others from injury. In an emergency, restraints may be authorized by the designated professional staff member in order to protect the resident or others from injury. The staff member must promptly report such action to the physician and document same in the medical records.
10. The resident shall be ensured confidential treatment of all information contained in the resident's personal and clinical record, including that stored in an automatic data bank, and the resident's written consent shall be required for the release of information to anyone not otherwise authorized by law to receive it. Medical information contained in the medical records at any facility licensed under this chapter shall be deemed to be the property of the resident. The resident shall be entitled to a copy of such records upon request. The charge for the copying of a resident's medical records shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.
11. The resident shall not be required to perform services for the facility. Where appropriate for therapeutic or diversional purposes and agreed to by the resident, such services may be included in a plan of care and treatment.
12. The resident shall be free to communicate with, associate with, and meet privately with anyone, including family and resident groups, unless doing so would infringe upon the rights of other residents. The resident may send and receive unopened personal mail. The resident has the right to have regular access to the unmonitored use of a telephone.
13. The resident shall be free to participate in activities of any social, religious, and community groups, unless to do so would infringe upon the rights of other residents.
14. The resident shall be free to retain and use personal clothing and possessions as space permits, provided it does not infringe on the rights of other residents.



15. The resident shall be entitled to privacy for visits and, if married, to share a room with his or her spouse if both are residents in the same facility and where both residents consent, unless it is medically contraindicated and so documented by a physician. The resident has the right to reside and receive services in the facility with reasonable accommodation of individual needs and preferences, including choice of room and roommate, except when the health and safety of the individual or other residents would be endangered.
16. The resident shall not be denied appropriate care on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, source of income, source of payment, or profession.
17. The resident shall be entitled to be treated by the resident's physician of choice, subject to reasonable rules and regulations of the facility regarding the facility's credentialing process.
18. The resident shall be entitled to have the resident's spouse, or next of kin, unmarried partner, or a personal representative chosen by the resident visit the facility, without restriction, if the resident is considered terminally ill by the physician responsible for the resident's care.
19. The resident shall be entitled to receive representatives of approved organizations as provided in RSA 151:28.
20. The resident shall not be denied admission to the facility based on Medicaid as a source of payment when there is an available space in the facility.
21. Subject to the terms and conditions of the resident's insurance plan, the resident shall have access to any provider in his or her insurance plan network and referral to a provider or facility within such network shall not be unreasonably withheld pursuant to RSA 420-J:8, XIV
22. The resident shall not be denied admission, care, or services based solely on the patient's vaccination status.
23. (a) In addition to the rights specified in line 18 the resident shall be entitled to designate a spouse, family member, or caregiver who may visit the facility while the resident is receiving care.
(b)(1) Notwithstanding subparagraph (a), a health care facility may establish visitation policies that limit or restrict visitation when:
(A) The presence of visitors would be medically or therapeutically contraindicated in the best clinical judgment of health care professionals;
(B) The presence of visitors would interfere with the care of or rights of any resident;
(C) Visitors are engaging in disruptive, threatening, or violent behavior toward any staff member, resident, or another visitor; or
(D) Visitors are noncompliant with written community policy.
(2) Upon request, the resident or resident's representative, if the resident is incapacitated, shall be provided the reason for denial or revocation of visitation rights under this paragraph.
(c) A health care facility may require visitors to wear personal protective equipment provided by



the facility, or provided by the visitor and approved by the facility. A health care facility may require visitors to comply with reasonable safety protocols and rules of conduct. The health care facility may revoke visitation rights for failure to comply with this subparagraph.

(d) Nothing in this paragraph shall be construed to require a health care facility to allow a visitor to enter an operating room, isolation room, isolation unit, behavioral health setting or other typically restricted area or to remain present during the administration of emergency care in critical situations. Nothing in this paragraph shall be construed to require a health care facility to allow a visitor access beyond the rooms, units, or wards in which the resident is receiving care or beyond general common areas in the health care facility.

(e) The rights specified in this paragraph shall not be terminated, suspended, or waived by the health care facility, the department of health and human services, or any governmental entity, notwithstanding declarations of emergency declared by the governor or the legislature. No health care facility licensed pursuant to RSA 151:2 shall require a resident to waive the rights specified in this paragraph.

(f) Each health care facility licensed pursuant to RSA 151:2 shall post on its website:

- (1) Informational materials explaining the rights specified in this paragraph;
- (2) The residents' bill of rights which applies to the facility on its website; and
- (3) Community visitation policy detailing the rights and responsibilities specified in this paragraph, and the limitations placed upon those rights by written community policy on its website.

(g) Unless expressly required by federal law or regulation, the department or any other state agency shall not take any action arising out of this paragraph against a health care facility for:

- (1) Giving a visitor individual access to a property or location controlled by the health care facility;
- (2) Failing to protect or otherwise ensure the safety or comfort of a visitor given access to a property or location controlled by the health care facility;
- (3) The acts or omissions of any visitor who is given access to a property or location controlled by the health care facility.

By signing below, I _____ (Resident ___/___ Authorized Personal Representative) acknowledge and understand the above rights and agree that I have been given a Resident Rights pamphlet which outlines these rights in greater detail.

(Resident or Authorized Personal Representative Signature)

(Date)