AGEIA HEALTH SERVICES

Protecting Our Residents
Topic Covered

✓ Resident Rights
Introduction

The information covered in this unit is the foundation of what we do in senior living settings... provide a safe and supportive environment for our residents to live independent and fulfilling lives.

Each resident has rights that are protected by state and federal laws. It is your job to know and advocate for these rights for your residents.
Each state has its own list of resident rights which vary depending on the level of care the community is licensed to provide. This unit addresses basic rights of residents everywhere.
Some of the key rights include:

- Each resident will be treated with respect and dignity at all times, and have privacy when receiving any treatment or personal care services.

- A resident has the right to associate and communicate privately with persons of the resident’s choice and to send and receive mail that is unopened.
Some of the key rights include:

- A resident has the right to be free from abuse.

- To form a resident council and meet with the provider at least twice a year to discuss concerns, programs and services, and expenditures.
Some of the key rights include:

- A resident has the right to participate in social, religious and community activities at the resident’s discretion.

- The right to be fully informed, prior to or at the time of admission, of services available in the community.
Some of the key rights include:

- A resident has the right to refuse medication, treatment, care, or to participate in clinical research.

- A resident has the right to obtain treatment, care and services, including but not limited to home health and hospice care.
Some of the key rights include:

- A resident has the right to submit grievances and to suggest changes in policies and services either orally or in writing, without the fear of restraint, interference, coercion, discrimination or reprisal. The provider must listen to and respond promptly to the grievance or suggestion.

- A resident has the right to be free from harassment by other residents.
Some of the key rights include:

- A resident has the right to have their clinical and personal records kept safe and confidential.

- A resident has the right to receive a 30 day notice of proposed changes in fees for services, and an opportunity to act on those changes before they become effective.
The theme among these rights is that the resident has similar freedoms to those we all expect. And we expect these rights without concern for any negative consequences.
Respecting resident rights is serious business. It’s the law and must therefore be upheld. Violations of these rights are the number one cause of licensing problems.

Respecting resident rights requires more than knowing the words; it requires applying them to the way your community functions and the way you provide services.
Treating your residents with respect and dignity and at all times and ensuring privacy.

Let’s cover some examples that may better examine what the rights stand for...

Everyday you have an opportunity to treat residents with the dignity and respect that is their right. Just think of it this way and you’ll always get it right... treat them the way you would want to be treated. Let’s look at some examples:

Terms of endearment:
Many of our residents are don’t mind endearing acknowledgements like sweetie or dear, but it is not for everyone and you should never assume it is alright. What you think of as kind words may actually make the resident feel degraded or child-like. Ask your resident how they would like to be addressed.
Dignity and Respect

To treat a resident with dignity and respect, it helps to learn as much about their history and what is important to them so you can individualize your service.

For example, if the maintenance staff is providing repairs to a male resident’s apartment, it may help to know that this resident spent 30 years of his life as a construction supervisor. This way the maintenance staff can be very careful not to discredit the resident when he offers advice on how to do the repair. It would be much more respectful to thank him for his suggestion than to tell him they have it under control.
Always treat each resident as an adult by using open and honest communication. Never be patronizing or talk down to a resident. Never talk about them to another individual when they are present in the room.

Respect the resident’s possessions and what’s important to them. Be sensitive and respectful of their losses, life stories and experiences.
Privacy

Every resident deserves privacy. Let’s see what can go wrong even in the best of circumstances, when privacy isn’t provided.

Two of the servers, Julie and Debbie just adore their new resident, Clairabell. They admire the way she always comes to meals looking as if she is going to the finest restaurant. Dressed up, hair done, and always accessorized.
One afternoon while serving Clairabell’s meal, Julie leaned over and whispered to Debbie, “Isn’t Clairabell so stylish”. Unfortunately, Clairabell’s hearing wasn’t very good and when she saw the two girls whispering and heard her name she thought they said isn’t she so childish.

Clairabell was so embarrassed she refused to come to any more meals. Unfortunately, no one knew why. This type of isolation could have been completely prevented if Debbie and Julie would have made their comments in a private setting.

What could the servers have done differently?
Here are some additional tips to follow in respecting a resident’s privacy:

1) **Knock First** - always knock or alert your resident before entering their apartment. Wait for a response unless you are concerned about an emergency situation.

2) **Privacy vs. Group Activities** - respect your resident’s rights to control how much they participate in outside events and activities. This is also true in respecting those residents who value their reclusion.

3) **Privacy in Information Sharing** - be sensitive about sharing information about your residents to other individuals including other residents or family members. If asked about a resident simply direct the questioning party to your Executive Director in the kindest manner possible.
4) Allow Private Calls—leave the resident alone when their guests arrive or they are making telephone calls.
5) Mail Privacy—never open a resident’s mail unless they ask for your assistance.

6) Confidentiality—never discuss your residents with anyone. Direct questions to your Executive Director. Do not use resident stories or information for jokes or entertainment of others. Maintain confidentiality and privacy by confining conversations to areas away from other residents or public places where others may overhear you.
What do you do if you do not agree with a resident’s choice?

YES  NO
Residents have a right to make choices that may be different from the ones you might make. Choices can sometimes result in risks or failures of health.

Let’s look at some more examples where upholding a resident’s rights may be difficult:

We know it is our job to encourage a resident to eat a balanced meal, especially if they have a condition such as diabetes. But let’s say your resident with diabetes always insists on eating their dessert first and then being too full to eat the healthy part of their meal.
Sara, the activity director was planning a big Christmas celebration for their community. She was so excited to get the residents involved in planning the event, but not everyone was excited as Sara. Mrs. Jones tried politely telling Sara that she was not interested in participating, but Sara wouldn’t take no for an answer. Finally, out of desperation, Mrs. Jones angrily told Sara to forget it! You see Mrs. Jones’s religion did not allow celebrations of holidays.
The Right to Refuse Medical Treatment or Care

What about the resident that likes to collect everything which not only creates a hazardous environment but makes it very difficult for the housekeeping department to clean properly?
Whether we agree or not, it is a resident’s choice to live their life as they see fit and we must try to be willing to accommodate individual preferences whenever possible, such as: activities, food choices, and sleeping habits just to name a few.

As long as these choices do not infringe upon the rights or safety of others, resident choices should be honored.

There may be times when a resident will make choices that may be different from their normal behavior. This is a time where it is critical to report this unusual behavior to the Executive Director for further evaluation.
The Right to Submit Grievances and Suggest Changes in Policies and Services

Resident Council
Handling resident suggestions and complaints are an important part of advocating for resident rights. Several options for voicing concerns should be available. Let’s take a look at some of the more common methods.

Resident Council is a great means for residents to voice their opinions and suggestions regarding their living conditions. A council that is comprised of residents who meet on a regularly scheduled basis to discuss concerns and provide feedback to the Executive Director works well. Many residents will feel more comfortable speaking as a forum than reporting as an individual.
The most common complaints that arise during council meetings are about food, activities, laundry, or other general areas of interest to all residents.

Timely feedback from management is critical. Residents need to know that they are heard and staff need to tune in to their needs. This relationship will lead to higher resident satisfaction and positive word-of-mouth advertising.
Many state regulations require facilities to develop a policy and procedure outlining a process for residents and their families to voice grievances. Offering the residents a Grievance or Suggestion box to complete a formal written document when they or their family member have a concern works very well. At times a resident may need your assistance in completing the form. Make sure you help them. The form then should be directed immediately to the Executive Director for investigation and corrective action. Once again, this empowers the resident’s voice to be heard.
Sometimes complaints that are of a more serious nature may prompt residents and/or families to seek help from advocates outside the facility to intervene and offer help in addressing unresolved complaints.
The Ombudsman Program offers seniors advocacy in protecting resident right violations that are not being resolved within the facility. The word Ombudsman means “representative of the people”. Your local Ombudsman will play a major role in the lives of those in your community and they can also provide assistance in resolving difficult differences. Many communities have found that their Ombudsman can actually be more supportive of the community when a resident’s demands are unreasonable.
The Ombudsman Program

Ombudsman act as an advocate for residents by helping them, their families and representatives in investigating and resolving complaints/concerns, acting as a mediator between residents and staff, providing information, referral and assistance.

Ombudsman facts:
* They can make unannounced visits at any time.
* They will not be required to inform you that they are in your community.
* They will not reveal the identity of the resident/family member that has lodged the complaint, although they will encourage that they give consent so that issues can be addressed openly.
You Work Where Your Residents Live

They Do Not Live Where You Work

Resident rights are one of the most important parts of your job. Be sure to respect them. Make sure you understand them and you will have no trouble following these principles in your daily work.
What Have I Learned???

Time for your competency test
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