

OBRA – RESIDENT’ RIGHTS in a Residential Care Facility for the Elderly (RCFE)

87572 PERSONAL RIGHTS 87572

Code provides that:

(a) Each resident shall have personal rights which include, but are not limited to, the following:

This policy shall be designed to encourage regular family involvement with the resident and shall provide ample opportunities for family participation in activities at the facility.

- (1) To be accorded dignity in his/her personal relationships with staff, residents, and other persons.
- (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment.
- (3) To be free from corporal or unusual punishment, humiliation, intimidation, mental abuse, or other actions of a punitive nature, such as withholding of monetary allowances or interfering with daily living functions such as eating or sleeping patterns or elimination.
- (4) To be informed by the licensee of the provisions of law regarding complaints and of procedures to confidentially register complaints, including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency.
- (5) To have the freedom of attending religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, either in or outside the facility, shall be on a completely voluntary basis.
- (6) To leave or depart the facility at any time and to not be locked into any room, building, or on facility premises by day or night. This does not prohibit the establishment of house rules, such as the locking of doors at night, for the protection of residents; nor does it prohibit, with permission of the licensing agency, the barring of windows against intruders.
- (7) To visit the facility prior to residence along with his/her family and responsible persons.
- (8) To have his/her family or responsible persons regularly informed by the facility of activities related to his/her care or services including ongoing evaluations, as appropriate to the resident’s needs.
- (9) To have communications to the facility from his/her family and responsible persons answered promptly and appropriately.
- (10) To be informed of the facility’s policy concerning family visits and other communications with residents, as specified in Health and Safety Code Section 1569.313.

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- (11) To have his/her visitors, including ombudspersons and advocacy representatives permitted to visit privately during reasonable hours and without prior notice, provided that the rights of other residents are not infringed upon.
- (12) To wear his/her own clothes; to keep and use his/her own personal possessions, including his/her toilet articles; and to keep and be allowed to spend his/her own money.
- (13) To have access to individual storage space for private use.
- (14) To have reasonable access to telephones, both make and receive confidential calls. The licensee may require reimbursement for long-distance calls.
- (15) To mail and receive unopened correspondence in a prompt manner.
- (16) To receive or reject medical care, or other services.
- (17) To receive assistance in exercising the right to vote.
- (18) To move from the facility.

(b) All persons accepted to facilities, or their responsible persons, shall be personally advised and give a copy of these rights at admission. The licensee shall have all residents or their responsible persons sign a copy of these rights and the signed copy shall be included in the resident’s record.

(c) Facilities licensed for seven (7) or more shall prominently post, in areas accessible to the residents and their relatives, the following:

- (1) Procedures for filing confidential complaints.
- (2) A copy of these rights or, in lieu of a posted copy, instructions on how to obtain additional copies of these rights.

(d) The information in (c) above shall be posted in English, and in facilities where a significant portion of the

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(A) Section 1569.313 of the Health and Safety

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residents cannot read English, in the language they can read.

use of these devices, and shall assist such persons with their utilization as needed.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.30 and 1569.31, 1569.312 and 1569.313, Health and Safety Code.

(5) The licensee shall provide for assisting residents with self-administered medications as needed. Facility personnel, except those authorized by law, shall not administer injections, but may assist persons with self-administration as needed. Assistance with self-administered medications shall be limited to the following:

87573 TELEPHONES 87573

All facilities shall have telephone service on the premises. Facilities with a capacity of sixteen (16) or more persons shall be listed in the telephone directory under the name of the facility.

(A) Medications usually prescribed for self-administration which have been authorized by the person’s physician.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code.

(B) Medications during an illness determined by a physician to be temporary and minor.

87574 MOTOR VEHICLES USED IN 87574
TRANSPORTING RESIDENTS

Only drivers licensed for the type of vehicles operated shall be permitted to transport residents. The rated seating capacity of the vehicles shall not be exceeded. Any vehicle used by the facility to transport residents shall be maintained in a safe operating condition.

(C) Assistance required because of tremor, failing eyesight, and similar conditions.

(6) When requested by the prescribing physician or the licensing agency, a record of dosages of medications which are centrally stored shall be maintained by the facility.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code.

87575 INCIDENTAL MEDICAL 87575
AND DENTAL CARE

(a) A plan for incidental medical and dental care shall be developed by each facility. The plan shall encourage routine medical and dental care and provide for assistance in obtaining such care, by compliance with the following:

(1) The licensee shall arrange, or assist in arranging, for medical and dental care appropriate to the conditions and needs of residents.

(2) The licensee shall provide assistance in meeting necessary medical and dental needs. This includes transportation which may be limited to the nearest available medical or dental facility which will meet the resident’s need. In providing transportation the licensee shall do so directly or make arrangements for this service.

(3) There shall be arrangements for separation and care of residents whose illness requires separation from others.

(4) When residents require prosthetic devices, vision and hearing aids, the staff shall be familiar with the