PORTER HILLS VILLAGE  
Home for the Aged  
Resident Rights & Responsibilities

Rights of Resident

Non-Discrimination of Residents. A resident shall not be denied appropriate care on the basis of race, religion, color, national origin, sex, age, disability, marital status, sexual preference, or source of payment.

Medical Records. An individual who is or has been a resident is entitled to inspect, or receive for a reasonable fee, a copy of his or her medical record upon request in accordance with the medical records access act, 2004 PA 47, MCL 333.26261 to 333.26271. Except as otherwise permitted or required under the health insurance portability and accountability act of 1996, Public Law 104-191, or regulations promulgated under that act, 45 CFR parts 160 and 164, a third party shall not be given a copy of the resident’s medical record without prior authorization of the resident.

Confidential Treatment. A resident is entitled to confidential treatment of personal and medical records, and may refuse their release to a person outside the health facility or agency except as required because of a transfer to another healthcare facility, as required by law or third party payment contract, or as permitted or required under the health insurance portability and accountability act of 1996, Public Law 104-191, or regulations promulgated under that act, 45CFR parts160 and 164.

Privacy – Personal Needs. A resident is entitled to privacy, to the extent feasible, in treatment and in caring for personal needs with consideration, respect, and full recognition of his or her dignity and individuality.

Medical Care. A resident is entitled to receive adequate and appropriate care, and to receive, from the appropriate individual within the health facility or agency, information about his or her medical condition, proposed course of treatment, and prospects for recovery, in terms that the resident can understand, unless medically contraindicated as documented by the attending physician in the medical record.

Refusal of Treatment. A resident is entitled to refuse treatment to the extent provided by law and to be informed of the consequences of that refusal. If a refusal of treatment prevents a health facility or agency or its staff from providing appropriate care according to ethical and professional standards, the relationship with the resident may be terminated upon reasonable notice.

Grievances/Suggestions for Change. A resident is entitled to exercise his or her rights as a resident and as a citizen, and to this end may present grievances or recommend changes in policies and services on behalf of himself or herself or others to the health facility or agency.
staff, to governmental officials, or to another person of his or her choice within or outside the health facility or agency, free from restraint, interference, coercion, discrimination, or reprisal. A resident is entitled to information about the health facility’s or agency’s policies and procedures for initiation, review, and resolution of or resident complaints.

**Experimental Procedures.** A resident is entitled to information concerning an experimental procedure proposed as a part of his or her care and has the right to refuse to participate in the experimental procedure without jeopardizing his or her continuing care.

**Financial Assistance.** A resident is entitled to receive and examine an explanation of his or her bill regardless of the source of payment and to receive, upon request, information relating to financial assistance available through the health facility or agency.

**Health Care Delivery and Planning.** A resident is entitled to know who is responsible for and who is providing his or her direct care, is entitled to receive information concerning his or her continuing health needs and alternatives for meeting those needs, and to be involved in his or her discharge planning, if appropriate.

**Privacy - Communications.** A resident is entitled to associate and have private communications and consultations with his or her physician, attorney, or any other person of his or her choice and to send and receive personal mail unopened on the same day it is received at the health facility or agency, unless medically contraindicated as documented by the attending physician in the medical record. A resident’s civil and religious liberties, including the right to independent personal decisions and the right to knowledge of available choices, shall not be infringed and the health facility or agency shall encourage and assist in the fullest possible exercise of these rights. A resident may meet with, and participate in, the activities of social, religious, and community groups at his or her discretion, unless medically contraindicated as documented by the attending physician in the medical record.

**Resident Abuse.** A resident is entitled to be free from mental and physical abuse and from physical and chemical restraints, except those restraints authorized in writing by the attending physician for a specified and limited time or as are necessitated by an emergency to protect the resident from injury to self or others, in which case the restraint may only be applied by a qualified professional who shall set forth in writing the circumstances requiring the use of restraints and who shall promptly report the action to the attending physician. In case of a chemical restraint, a physician shall be consulted within 24 hours after the commencement of the chemical restraint.

**Performance of Services.** A resident is entitled to be free from performing services for the health facility or agency that are not included for therapeutic purposes in the plan of care.

**Rules and Regulations.** A resident is entitled to information about the health facility or agency rules and regulations affecting resident care and conduct.

**Pain & Symptom Management.** A resident is entitled to adequate and appropriate pain and symptom management as a basic and essential element of his or her medical treatment.
Resident Rights Document. The policy shall be provided to each home for the aged resident upon admission, and the staff of the facility shall be trained and involved in the implementation of the policy.

Visitors. Each home for the aged resident may associate and communicate privately with persons of his or her choice. Reasonable, regular visiting hours, which shall be not less than 8 hours per day, and which shall take into consideration the special circumstances of each visitor, shall be established for residents to receive visitors. A resident may be visited by the resident’s attorney or by representatives of the departments named in section 20156, during other than established visiting hours. Reasonable privacy shall be afforded for visitation of a resident who shares a room with another resident. Each resident shall have reasonable access to a telephone. A married home for the aged resident is entitled to meet privately with his or her spouse in a room that assures privacy. If both spouses are residents in the same facility, they are entitled to share a room unless medically contraindicated and documented by the attending physician in the medical record.

Personal Property. A home for the aged resident is entitled to retain and use personal clothing and possessions as space permits, unless to do so would infringe upon the rights of other residents, or unless medically contraindicated as documented by the attending physician in the medical record. Each home for the aged resident shall be provided with reasonable space. At the request of a resident, a home for the aged shall provide for the safekeeping of personal effects, funds, and other property of a resident in accordance with section 21767, except that a home for the aged is not required to provide for the safekeeping of a property that would impose an unreasonable burden on the home for the aged.

Medical Treatment. A home for the aged resident is entitled to the opportunity to participate in the planning of his or her medical treatment. A home for the aged resident shall be fully informed by the attending physician of the resident’s medical condition unless medically contraindicated as documented by a physician in the medical record. Each home for the aged resident shall be afforded the opportunity to discharge himself or herself from the home for the aged.

Transfer/Discharge. A home for the aged resident may be transferred or discharged only for medical reasons, for his or her welfare or that of other residents, or for nonpayment of his or her stay, except as provided by title XVIII or title XIX. A home for the aged resident may be transferred or discharged only as provided in sections 21773 to 21777. A home for the aged resident is entitled to be given reasonable advance notice to ensure orderly transfer or discharge. Those actions shall be documented in the medical record.

Services and Charges. A home for the aged resident is entitled to be fully informed before or at the time of admission and during stay of services available in the facility, and of the related charges including any charges for services not covered under title XVIII, or not covered by the facility’s basic per diem rate. The statement of services provided by the facility shall be in writing and shall include those required to be offered on an as-needed basis.
Financial Affairs. A home for the aged resident is entitled to manage his or her own financial affairs, or to have at least a quarterly accounting of personal financial transactions undertaken in his or her behalf by the facility during a period of time the resident has delegated those responsibilities to the facility. In addition, a resident is entitled to receive each month from the facility an itemized statement setting forth the services paid for by or on behalf of the resident and the services rendered by the facility. The admission of a resident to a home for the aged does not confer on the home for the aged or its owner, administrator, employees, or representatives the authority to manage, use, or dispose of a resident’s property.

Medical Records. A home for the aged resident or a person authorized by the resident in writing may inspect and copy the resident’s personal and medical records. The records shall be made available for inspection and copying by the home for the aged within a reasonable time, not exceeding 1 week, after the receipt of a written request.

Healing Arts. If a home for the aged resident desires treatment by a licensed member of the healing arts, the treatment shall be made available unless it is medically contraindicated, and the medical contraindication is justified in the resident’s medical record by the attending physician.

Family Stays. A home for the aged resident has the right to have his or her parents, if a minor, or his or her spouse, next of kin, or resident’s representative, if an adult, stay at the facility 24 hours a day if the resident is considered terminally ill by the physician responsible for the resident’s care.

Nutrition. Each home for the aged resident shall be provided with meals that meet the recommended dietary allowances for that resident’s age and sex and that may be modified according to special dietary needs or ability to chew.

Approved Organizations. Each home for the aged resident has the right to receive representatives of approved organizations as provided in section 21763.

Resident Protection. A home for the aged, its owner, administrator, employee, or representative shall not discharge, harass, or retaliate or discriminate against a resident because the resident has exercised a right protected under this section.

Resident’s Representative Rights. In the case of a home for the aged resident, the rights enumerated in subsection (2)(c), (g), and (k) and subsection (3)(d), (g), and (h) may be exercised by the resident’s representative.

Notification of Resident Rights and Responsibilities. A home for the aged resident is entitled to be fully informed, as evidenced by the resident’s written acknowledgment, before or at the time of admission and during stay, of the policy required by this section. The policy shall provide that if a resident is adjudicated incompetent and not restored to legal capacity, the rights and responsibilities set forth in this section shall be exercised by a person designated by the resident. The health facility or agency shall provide proper forms for the resident to provide for the designation of this person at the time of admission.
Additional Resident Rights. This section does not prohibit a health facility or agency from establishing and recognizing additional residents' rights.

Definitions. As used in this section:
(a) “Resident’s representative” means that term as defined in section 21703.
(b) “Title XVIII” means title XVIII of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1395 to 1395b, 1395b-2, 1395b-6 to 1395b-7, 1395c to 1395i, 1395i-2 to 1395i-5, 1395j to 1395t, 1395u to 1395w, 1395w-2 to 1395w-4, 1395w-21 to 1395w-28, 1395x to 1395yy, and 1395bbb to 1395ggg.
(c) “Title XIX” means title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6, and 1396r-8 to 1396v.


Responsibilities of Resident

Rules and Regulations. A resident is responsible for following the health facility rules and regulations affecting resident care and conduct.

Medical History. A resident is responsible for providing a complete and accurate medical history.

Comprehension of Medical Care. A resident is responsible for making it known whether he or she clearly comprehends a contemplated course of action and the things he or she is expected to do.

Following Physician Orders. A resident is responsible for following the recommendations and advice prescribed in a course of treatment by the physician.

Notification of Complications. A resident is responsible for providing information about unexpected complications that arise in an expected course of treatment.

Consideration of Others. A resident is responsible for being considerate of the rights of other residents and health facility personnel and property.

Financial Information. A resident is responsible for providing the health facility with accurate and timely information concerning his or her sources of payment and ability to meet financial obligations.