

Recently placed a loved one in a Maryland long-term care facility? Here's what you need to know...

Does my loved one have individual rights as a nursing home resident?

Yes. The 1987 Nursing Home Reform Law guarantees nursing home residents nationwide basic rights including, but not limited to, the right to dignity, respect, and freedom, the right to privacy and confidentiality, and the right to make independent choices. In addition to the rights provided by federal law, Maryland state law guarantees its own rights to nursing home residents. To order a hard copy of the Maryland *Patients' Bill of Rights - Nursing Homes* mail a check or money order for \$3.50 to the Office of Health Care Quality (see contact information on back).

When can I visit my loved one?

Family members have the legal right to visit their loved one at any time. Though the facility may post "visiting hours," they cannot prevent a family member from visiting unless the resident states otherwise. **Visiting your loved one often during the first few weeks of their stay can help ease the transitional stress of moving into a long-term care facility for both you and your loved one.** Furthermore, visiting your loved one frequently is the best way to monitor their care.

What can I expect from the facility in the first few weeks of my loved one's stay?

The resident must have a comprehensive **assessment** within 14 days of admission to a nursing home. The goal of the assessment is to evaluate your loved one's physical and mental condition including their ability to perform activities of daily living (ADLs) such as eating, walking, dressing, bathing, and communicating. Their personal preferences and habits should also be discussed.

Within 7 days of the initial assessment, the facility must hold a **care plan conference**. At this conference, an individualized care plan is developed for the resident by an interdisciplinary team including a nurse, nurse aide, activities director, dietary staff, and social worker. *It is very important that the resident and family members actively participate in the initial assessment and the care plan conference to ensure that all of the resident's needs are adequately addressed.*

The care plan specifically outlines how individual staff will assist the resident on a daily basis to ensure that they maintain the highest physical, mental, and social functioning possible. Every 90 days after the initial plan is developed, or whenever there is a significant change in the resident's condition, another care plan conference is held to determine what changes need to be made to the care plan.

Who will take care of my loved one?

♦ *Certified Nursing Assistants (CNAs)* provide 90% of the hands-on care in nursing homes. They take care of the day-to-day needs of the residents including dressing, toileting, and bathing. ♦ *Registered Nurses (RNs) / Licensed Practical Nurses (LPNs)* manage the care of residents on each unit and supervise the CNAs. They often distribute medications. ♦ *Director of Nursing (DoN)* is in charge of all nursing services facility-wide. ♦ *Director of Social Services* manages the social work staff and often leads the care plan process. ♦ *Director of Dietary Services* oversees the diets of the residents and works with the DoN to develop plans to prevent weight loss among residents. ♦ *Administrator* oversees the operations of the facility and is responsible for budgetary decisions. ♦

Be sure to ask the facility for a current staff list so that you can address your questions to the appropriate staff. *Federal law now requires that the facility publicly post the number of RNs, LPNs, and CNAs providing direct-care to residents every day on every shift.* Be sure to ask facility staff where that information is located.

Who do I contact if I have concerns about my loved one?

There are several ways to address concerns about your loved one's care. It is often best to try and resolve the problem within the facility before turning to outside sources. **First, always document any concern that arises including the date, time, names and positions of those involved, and the specifics of the problem.** It is highly recommended that family members maintain a small notebook as an easily accessible, written record of concerns.

Following are specific strategies for resolving issues *within* the facility. (1) *Voice your concern directly to those involved.* Calmly discussing the problem as soon as possible with those directly involved may result in the timeliest resolution. (2) *Respectfully raise your concerns with staff supervisors.* (3) *Follow the facility's grievance process.* Every facility is required by law to provide an official grievance/complaint process which includes a timely response by the facility to residents and/or family members' concerns. (4) *Work with the Resident or Family Council.* Resident and family councils offer an opportunity to meet and discuss both facility-wide and individual concerns. Family Councils are an excellent way for family members to share their observations and to make their collective voices heard within the facility. When a family council brings a formal complaint or suggestion to the facility, staff is required to respond in a timely fashion. The rights of family councils are protected under both federal and Maryland state law. To access the state and federal law, visit NCCNHR's website. If there is no family council in your loved one's facility – look into starting one. Contact NCCNHR for details.

Resources *outside* the facility include: the state long-term care ombudsman (SLTCO) and the Maryland Office of Health Care Quality (OHCQ). The SLTCO is an advocate for nursing home residents and has the power, based on federal law, to intervene on their behalf. The state ombudsman's office may refer you to your local ombudsman who will process your complaint. The OHCQ is the regulating agency for all nursing homes in Maryland. To file an official nursing home complaint contact OHCQ or visit their website to download a complaint form.

Resources

State Long-term Care Ombudsman
Maryland Department of Aging
301 West Preston Street, Suite 1007
Baltimore, MD 21201
Ph: 410.767.1100 or 1.800.243.3425
Fx: 410.333.7943
<http://mdoa.state.md.us/Services/Ombudsman.html>

DHMH, Office of Health Care Quality
Spring Grove Hospital Center
Bland Bryant Building
55 Wade Avenue
Catonsville, Maryland 21228
Ph: 410.402.8000 or 1.877.402.8218
<http://dhmh.state.md.us/ohcq/>

National Citizens' Coalition for Nursing Home Reform (NCCNHR)
1424 16th Street, NW, Suite 202
Washington, DC 20036
Ph: 202.332.2275
Fx: 202.332.3949
<http://nursinghomeaction.org>

Additional consumer fact sheets and publications are available by calling NCCNHR or visiting our website.

Fact sheet titles include:

Residents' Rights: An Overview
Assessment and Care Planning: The Key to Good Care
Access and Visitation in Nursing Homes
Resolving Problems in Nursing Homes