

603 BILL OF RIGHTS

603.1 Residents' Bill of Rights

1. Each assisted living facility must post the Residents' Bill of Rights, as provided by the Department, in a prominent place in the facility. The Residents' Bill of Rights must prominently display the toll-free number for contacting the Office of Long Term Care and filing a complaint, or the facility must post the number and its purpose beside the Residents' Bill of Rights. Further, the facility shall prominently display the contact information for the State Ombudsman's office. A copy of the Residents' Bill of Rights must be given to each resident in a manner and form comprehensible to the resident or his or her responsible party.
2. A resident has all the rights, benefits, responsibilities, and privileges granted by the constitution and laws and regulations of this state and the United States except where lawfully restricted. The resident has the right to be free of interference, coercion, discrimination, or reprisal in exercising these civil rights.
3. In addition to the provisions of Section 603.1(1)(2), each resident in the assisted living facility has the right to, and the facility shall ensure that residents shall:

- A. Be free from physical or mental abuse, including corporal punishment;
- B. Be permitted to participate in activities of social, religious, or community groups unless the participation interferes with the rights of others;
- C. Be provided a schedule of individual and group activities appropriate to individual resident needs, interests and wishes;
- D. Be, at a minimum, provided:
 - (i.) In-house activities and programs, the character and scope of which shall be disclosed to potential residents or their responsible parties in writing as part of the application process;
 - (ii.) Group recreation and socialization;
- E. Not be prevented in any way from the practice of the religion of the resident's choice. The assisted living facility shall not be expected to participate or facilitate the practice of religion beyond arranging or coordinating transportation to the extent possible;
- F. Be treated with respect, kindness, consideration, and recognition of his or her dignity and individuality, without regard to race, religion, national origin, sex, age, disability, marital status, sexual orientation or source of payment. This means that the resident:
 - (i.) has the right to make his or her own choices regarding personal affairs, care, benefits, and services,
 - (ii.) has the right to be free from abuse, neglect, and exploitation, and
 - (iii.) if protective measures are required, has the right to designate a guardian or representative to ensure the right to quality stewardship of his or her affairs to the extent permitted by law;
- G. Be provided a safe and appropriate living environment;
- H. Not be confined to his or her apartment or bed;
- I. Not be prohibited from communicating in his or her native language with other residents or personnel/staff/employees;

- J. Be permitted to complain about the resident's care or treatment. The complaint may be made anonymously or communicated by a person designated by the resident. The provider must promptly respond to resolve the complaint. The provider must not discriminate or take any punitive, retaliatory, or adverse action whatsoever against a resident who makes a complaint or causes a complaint to be made;
- K. Be allowed to receive and send unopened mail, and the provider must ensure that the resident's mail is sent and delivered promptly;
- L. Be allowed communication, including personal visitation with any person of the resident's choice, including family members, representatives of advocacy groups, and community service organizations;
- M. Be allowed to make contacts with the community and to achieve the highest level of independence, autonomy, and interaction with the community of which the resident is capable;
- N. Be allowed to manage his or her financial affairs. The resident may authorize in writing another person to manage his or her money. The resident may choose the manner in which his or her money is managed, including a money management program, a representative payee program, a financial power of attorney, a trust, or a similar method, as desired by the resident. The resident or his or her responsible party must be given, upon request of the resident or his or her responsible party, but at least quarterly, an accounting of financial transactions made on his or her behalf by the facility should the facility accept his or her written delegation of this responsibility to the facility in conformance with state law. Further, if a facility agrees to manage residents' funds, the facility shall indemnify and hold harmless the resident from any loss of or theft of funds;
- O. Be allowed access to the resident's records. Resident records are confidential and may not be released without the resident's or his or her responsible party's consent unless the release without consent is required by law;
- P. Have the right and be allowed to choose and retain a personal physician or advance practice nurse;
- Q. Participate in the development of the individual direct care services and health care services plan portions of his or her occupancy

admission agreement that describes the resident's direct care services and how the needs will be met;

- R. Be given the opportunity to refuse medical treatment or services after the resident or his or her responsible party:
 - (i.) is advised by the person providing services of the possible consequences of refusing treatment or services, and
 - (ii.) acknowledges that he or she understands the consequences of refusing treatment or services;
- S. Be allowed unaccompanied access to a telephone;
- T. Have privacy while attending to personal needs, and a private place for receiving visitors or associating with other residents, unless providing privacy would infringe on the rights of other residents. The right applies to medical treatment, written communications, telephone conversations, meeting with family, and access to resident councils;
- U. If married, have the right to share an apartment or unit with his or her spouse even if the spouse is not receiving services through the assisted living facility. In the case of two consenting adults, if one or both is receiving services through the assisted living facility, the couple shall have the right to share an apartment or unit;
- V. Be allowed to retain and use personal possessions, including, but not limited to, clothing and furnishings, as space permits. The number of personal possessions may be limited for the health and safety of other residents;
- W. Be allowed to determine his or her dress, hairstyle, or other personal effects according to individual preference, except the resident has the responsibility to maintain personal hygiene;
- X. Be allowed to retain and use personal property in his or her immediate living quarters and shall have a lockable apartment or unit door;
- Y. Be allowed to refuse to perform services for the facility;
- Z. Be informed by the assisted living facility no later than the 30th day after admission:
 - (i.) whether the resident is entitled to benefits under Medicare

or Medicaid, and

- (ii.) which items and services are covered by these benefits, including items or services for which the resident may not be separately charged;
- AA. Residents are discharged or transferred in conformity with Ark. Code Ann. § 20-10-1005 and the provisions governing transfer and discharge in these regulations.
- BB. Be allowed to immediately leave the assisted living facility, either temporarily or permanently, subject to contractual or financial obligations as specified in Section 601.3(g);
- CC. Have access to the services of a representative of the State Long Term Care Ombudsman Program, Arkansas Department of Human Services, Division of Aging and Adult Services;
- DD. Be allowed to execute an advance directive or designate a guardian in advance of need to make decisions regarding the resident's health care should the resident become incapacitated.
- EE. Receive reimbursement from the facility for any lost, misappropriated, or destroyed property or funds, when the loss, misappropriation, or destruction, occurs at a time in which the facility was exercising care or control over the funds or properties, including loss or destruction of residents' property that occurs during laundering or cleaning of the facility, the resident's room, or the resident's property, excluding normal wear and tear.