

10.07.14.35

.35 Resident's Rights.

- A. A resident of an assisted living program has the right to:
- (1) Be treated with consideration, respect, and full recognition of the resident's human dignity and individuality;
 - (2) Receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant State, local, and federal laws and regulations;
 - (3) Participate in planning the resident's service plan and medical treatment;
 - (4) Choose a pharmacy provider, subject to the provider's reasonable policies and procedures with regard to patient safety in administration of medications;
 - (5) Refuse treatment after the possible consequences of refusing treatment are fully explained;
 - (6) Privacy, including the right to have a staff member knock on the resident's door before entering unless the staff member knows that the resident is asleep;
 - (7) Be free from mental, verbal, sexual, and physical abuse, neglect, involuntary seclusion, and exploitation;
 - (8) Be free from physical and chemical restraints;
 - (9) Confidentiality;
 - (10) Manage personal financial affairs to the extent permitted by law;
 - (11) Retain legal counsel;
 - (12) Attend or not attend religious services as the resident chooses, and receive visits from members of the clergy;
 - (13) Possess and use personal clothing and other personal effects to a reasonable extent, and to have reasonable security for those effects in accordance with the assisted living program's security policy;
 - (14) Determine dress, hairstyle, or other personal effects according to individual preference, unless the personal hygiene of a resident is compromised;
 - (15) Meet or visit privately with any individual the resident chooses, subject to reasonable restrictions on visiting hours and places, which shall be posted by the assisted living manager;
 - (16) Make suggestions or complaints or present grievances on behalf of the resident, or others, to the assisted living manager, government agencies, or other persons without threat or fear of retaliation;
 - (17) Receive a prompt response, through an established complaint or grievance procedure, to any complaints, suggestions, or grievances the resident may have;
 - (18) Have access to the procedures for making complaints to:
 - (a) The Long-Term Care Ombudsman Program of the Department of Aging as set forth in COMAR 32.03.02;
 - (b) The Adult Protective Services Program of the local department of social services;
 - (c) The Office of Health Care Quality of the Department; and
 - (d) The designated protection and advocacy agency, if applicable;
 - (19) Have access to writing instruments, stationery, and postage;
 - (20) Receive a prompt, reasonable response from an assisted living manager or staff to a personal request of the resident;
 - (21) Receive and send correspondence without delay, and without the correspondence being opened, censored, controlled, or restricted, except on request of the resident, or written request of the resident's representative;

(22) Receive notice before the resident's roommate is changed and, to the extent possible, have input into the choice of roommate;

(23) Have reasonable access to the private use of a common use telephone within the facility; and

(24) Retain personal clothing and possessions as space permits with the understanding that the assisted living program may limit the number of personal possessions retained at the facility for the health and safety of other residents.

B. Confidential Information.

(1) Any case discussion, consultation, examination, or treatment of a resident is:

(a) Confidential;

(b) To be done discreetly; and

(c) Not open to an individual who is not involved directly in the care of the resident, unless the resident or resident's representative permits the individual to be present.

(2) Except as necessary for the transfer of a resident from the assisted living program to another facility, or as otherwise required by law, the personal and medical records of a resident are confidential and may not be released without the consent of the resident or resident's representative, to any individual who is:

(a) Not associated with the assisted living program; or

(b) Associated with the assisted living program, but does not have a demonstrated need for the information.

(3) The assisted living manager shall share resident information with the Department as necessary to administer this chapter.

C. Service Prohibited. A resident may not be assigned to do any work for the assisted living program without the resident's consent and appropriate compensation, unless the resident declines to be compensated.

D. Adult Medical Day Care.

(1) Adult day care attendance may be encouraged.

(2) Adult day care attendance or attendance at any other structured program shall be voluntary, not mandatory.

(3) Adult medical day care availability and policies shall be disclosed in the assisted living program's admission agreement.

E. Notice of Resident's Rights. An assisted living program shall place a copy of the resident's rights, as set forth in this regulation, in a conspicuous location, plainly visible and easily read by residents, staff, and visitors, and provide a copy to each resident and resident's representative on admission.