



Your Rights in Nursing Facilities

When living in a nursing home, you have the right to:

- Contact and meet with advocates from the disAbility Law Center of Virginia;
- Be free from abuse and neglect and to express concerns without being threatened;
- Be treated with courtesy and respect;
- Be part of social, religious, and community groups unless there are documented reasons why you should not be a part of that group;
- Choose your own healthcare provider from reasonably available sources;
- Access all of your records, including current clinical records, within 24 hours of asking; and
- Be free from restraints except in case of emergency.

Personal Funds

- The facility must have your written permission to manage your personal funds.
- The facility must deposit your personal funds of more than \$50 in an interest bearing account. That account must be separate from any of the facility's operating accounts.
- You should have access to spending money on an ongoing basis.

Homelike environment:

You have the right to a safe, clean, and comfortable environment which maximizes your independence, and that includes:

- Protection from property theft
- Housekeeping and maintenance services
- Clean bed and bath linens
- Private closet space in your room
- Adequate and comfortable lighting
- Comfortable and safe temperatures (between 71° and 81° F)
- Safe sound levels

Advance Directives

The facility must:

- Give you written information about your legal right to make decisions concerning medical care. This includes the right to accept or refuse medical or surgical treatment, and the right to make advance directives;
- Document any advance directive in your medical record;
- Not discriminate against you based on whether or not you have executed an advance directive; and
- Advise about the right under state law to make an advance directive.

Discharge and Transfer

The facility may only transfer or discharge you under the following circumstances:

- Facility cannot meet your needs and the transfer or discharge is necessary for your welfare; or
- Your health has improved so that you no longer need the nursing home services; or
- Safety of other individuals in the facility is endangered; or
- You have failed, after reasonable and appropriate notice, to pay for a stay at the facility; or
- Facility ceases to operate.

Before a discharge or transfer, the facility, in most cases, must provide notice to you or your family member, representative, or surrogate at least 30 days before the transfer.

That notice must include:

- Reason for the transfer or discharge;
- Effective date of the transfer or discharge;
- Location where you will be transferred or discharged;
- A statement that you have the right to appeal the action to the state;
- Name, address, and phone number of the long term care ombudsman;
- Mailing address and telephone number for the disAbility Law Center of Virginia for nursing facility residents who are mentally ill and/or have developmental disabilities.

How Do I File A Complaint?

To file a complaint or for information, you may contact any of the following:

- Virginia Department of Health (VDH), Office of Licensure and Certification, (800) 955-1819 (toll-free) <http://www.vdh.virginia.gov/OLC/Complaint/>
- Department of Social Services (DSS), Adult Protective Services Hotline, (888) 832-3858 (toll-free) <http://www.dss.virginia.gov/family/as/aps.cgi>
- disAbility Law Center of Virginia (dLCV), (800) 552-3962 (toll-free), www.dlcv.org

dLCV publications are available in alternate format, upon request.