


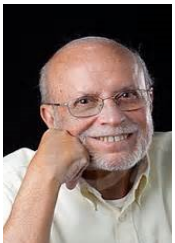


# Residential Health Care Facility Residents

## in New Jersey



**WE HAVE RIGHTS!**



### Complaints and Questions

You have the right to voice complaints without being threatened or punished. Your residential health care facility is required to provide you and your next of kin or guardian with the names, addresses, and telephone numbers of the government agencies to which you can complain or ask questions.

**This brochure will answer the following questions:**

1. May I wear my own clothes?
2. May I refuse to take certain medication?
3. Do I have the right to have a phone in my room?
4. Do I have the right to meet with any visitor I want?
5. Whom can I call if I think my rights are being violated?
6. Does the facility have the right to open my mail without my permission?



**NJ Office of the Long-Term Care Ombudsman (LTCO)**  
**877-582-6995**

The LTCO investigates allegations of abuse, neglect and exploitation of living in nursing homes and other long-term care facilities. If you or someone you know is being abused or neglected, please call our hotline at 877-582-6995. By law, our case files are closed to the public. In an emergency, call 911.

**NJ Department of Health Licensing and Certification**  
**800-792-9770 (complaints)**  
**800-367-6543 (questions)**

The state's Division of Health Facilities Evaluation and Licensing regulates New Jersey's long-term care facilities on the basis of complaint investigations and annual inspections. Division's 24-hour Complaint Hotline, handles consumer complaints and facility emergencies seven days a week.



### Introduction

As a residential health care facility resident in New Jersey, you have special rights that are guaranteed by law.

- **You have the right to be treated with dignity and respect.**
- **You should be cared for in a manner that enhances your quality of life, free from humiliation, harassment, or threats.**
- **You have the right to be free from physical, sexual, mental and verbal abuse and financial exploitation.**

These are just a few of your rights. A more complete list appears on the back of this brochure. The New Jersey Office of the Long-Term Care Ombudsman (LTCO) has prepared this information to help you and your family understand your rights. The LTCO investigates allegations of abuse and exploitation of people living in nursing homes and other long-term care facilities. You can call us confidentially and toll-free at 877-582-6995 to make a complaint. We want to make sure that your rights are respected and enforced, because your safety, well-being, and happiness are very important to us.



**Long-Term Care Ombudsman**  
**1-877-582-6995**  
Guidance. Support. Advocacy.

P.O. Box 852  
Trenton, NJ 08625-0852  
Fax: 609-943-3479  
ombudsman@ltco.nj.gov  
www.nj.gov/ltco



*Please Follow Us!*

Facebook/NJelderombudsman  
LinkedIn@NJ LTC Ombudsman  
Threads@NJelderombudsman  
YouTube.com/NJelderombudsman  
Instagram@NJelderombudsman







# List of Residents' Rights

As a resident of a Residential Health Care Facility licensed by the NJ Department of Health, you have the following rights:



## Medical Care

- To retain the services of a physician you choose at your own expense or through a health plan.
- To have assistance in obtaining medical care.
- To refuse medication and treatment after you have been informed of the possible consequences of your decision. You may also refuse to participate in experimental research.

## Freedom from Abuse

- To be free from physical and mental abuse, exploitation, and chemical and physical restraints. Medication shall not be used for punishment, or for the convenience of the facility or in quantities that interfere with living activities.

## Self-determination/Physical and Personal Environment

- To keep and use your personal property including clothing and personal possessions used on a daily basis unless it would be unsafe, impractical, or violate the rights of other residents.
- The facility must take precautions to ensure that your personal possessions are secure from theft, loss, and misplacement.
- To retain and use personal property in your immediate living quarters except where the facility can demonstrate that it would be unsafe or impractical or if it infringes upon the rights of others. This right cannot be restricted solely out of convenience to the facility.
- To have access to property on deposit with the facility on a daily basis during specific periods established by the facility and at a reasonable hour.

## Privacy and Confidential Treatment

- To be assured that your personal and health and social records are kept confidential and that you can examine such records.
- To be assured that your written consent will be required for the release of your records outside the facility except when you are transferred to another health care facility, or as required by law or by a third-party payer.
- To be treated with consideration, respect, and full recognition of your dignity, individuality, and right to privacy.
- To have privacy concerning your medical condition, your treatment, and your personal needs.
- To have privacy maintained during toileting, bathing, and other activities of personal hygiene except as needed for your safety or assistance.

## Discharges and Transfers

- To discharge yourself by presenting a release signed by you, your next of kin, or your guardian.
- To be transferred or discharged only for one or more of the following reasons:
  - In an emergency, with notification of your physician and your next of kin or guardian.
  - For medical reasons, to protect your welfare or the welfare of others or to comply with your Advance Directive.
  - For nonpayment of fees, in situations not prohibited by law.
  - For repeated violations of written rules and regulations after being advised of them in writing.
- To receive notice at least 30 days in advance when the facility requests your transfer or discharge, except in an emergency.

## Finances

- To manage your own finances or to delegate that responsibility – unless a court-appointed guardian is in place.
- To receive a written statement describing the services provided by the facility and the related charges.
- To receive a quarterly written account of all your funds and property that are deposited with the facility for your use and safekeeping.
- To have daily access during specified, reasonable hours, to the money and property you have deposited with the facility.
- If you receive a Social Security Administration and/or Supplemental Security Income check, the facility should maintain a monthly written record for you that includes any disbursements, the reason for them and to whom they were made.
- You may provide the facility any funds you receive through the Home Energy Assistance Program but are not required to do so and should not be coerced or threatened into doing so.

## Mail and Telephones

- To have private access to a telephone in the facility at a reasonable hour – both to make and receive confidential calls. To have a private telephone at your expense.
- If the facility provides telephones which are coin-operated, the resident shall be charged no more than the actual cost of the call, except for an access fee no greater than the cost of a local phone call.
- To send and receive mail unopened and to be given assistance in reading and writing correspondence.

## Visits and Activities

- To refuse to perform services for the facility.
- To associate and communicate privately with persons of your choice and have opportunities to have private and intimate physical and social interaction. To have visitors during reasonably set visiting hours, not less than 12 hours a day. Visiting hours should be posted.
- To join other residents or people outside of the facility to work for improvements in resident care.
- To meet with visitors including legal services representatives, employees and volunteers of the NJ Long-Term Care Ombudsman, representatives of the NJ Department of Community Affairs, NJ Department of Health or any representatives of governmental, welfare or social services agencies. All governmental representatives shall have full and free access at a reasonable hour to the facility in order to visit with, and make personal, social and legal services available to all residents.
- To participate in facility activities and participate in social, religious, and community activities.
- To have access to physical exercise and the outdoors. To leave the facility premises unless medically unfeasible.
- To have visits at any hour from next of kin, sponsors, guardians, or clergy (at resident's request) at any time if ill.
- Residents are not required to go to bed and have the right to be outside their bedrooms.

## Protection of Your Rights

- To be given a written statement -- with written acknowledgement from you -- of your rights and responsibilities including your obligation to respect the rights and property of other residents. Copies should also be given to your family and the staff.
- To receive a written statement prior to admission and during stay of the services available at the facility and any charges for room, board, laundry, and personal services. Statement should include deposit and refund policy of the facility.
- To be given 30 days notice of any change in charges for services.
- To be provided with contact information for the NJ Office of the Long-Term Care Ombudsman and the NJ Department of Community Affairs, Residential Health Care Evaluation Program.
- Information on where and how to file a complaint with these agencies should be conspicuously posted in the facility.
- To retain and exercise all of the constitutional, civil, and legal rights to which you are entitled by law including the right to independent personal decisions. The facility is required to encourage and help you to exercise these rights.
- You cannot be required to participate in any religious beliefs or practices or to attend religious services. Arrangements should be made, at your expense, for you to attend religious services of your choice.
- You cannot be discriminated against with respect to participation in recreational activities, meals, social, or other functions. Your participation can only be restricted if recommended by your doctor and consented to by you.
- You have the right to gainful employment, to move to a different living arrangement, to wear your own clothing and to determine your own dress, hair style and other personal choices according to your preference.

**Please read this “Bill of Rights” carefully.**  
**THE NJ DEPARTMENT OF HEALTH, STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES**  
*N.J. Stat. 55:13B-1 et seq.(2014) and N.J.A.C. 8:43-14.2 et seq. (2015).*  
For further information about the NJ Department of Health Licensing Standards, please contact (P) 1-800-367-6543  
Some RHCfs are licensed by the NJ Department of Community Affairs (NJDCA).  
Call NJDCA at 609-633-6251.