420-5-10-.05 Resident Rights.

... (3) Notice of rights and services

...(d) The resident has the right to refuse treatment, to refuse to participate in experimental research, and to formulate an advance directive as specified in paragraph (h) of this section.

...(h) The facility must maintain written policies and procedures regarding advance directives. These requirements include provisions to inform and provide written information to all adult residents concerning the right to accept or refuse medical or surgical treatment and, at the individual's option, formulate an advance directive. This includes a written description of the facility's policies to implement advance directives.

...(l) The facility must also promptly notify the resident and, if known, the resident's legal representative or interested family member where there is:

1. A change in room or roommate assignment.

...(v) Free choice. The resident has the right to:

1. Choose a personal attending physician;

2. Be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being; and

3. Unless adjudged incompetent or otherwise found to be incapacitated under the laws of the State, participate in planning care and treatment or changes in care and treatment.

420-5-10-.08 Quality of Life.

(1) Quality of Life. A facility must care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.

(a) Dignity. The facility must promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality.

(b) Self-determination and participation. The resident has the right to:

1. Choose activities, schedules, and health care consistent with his or her interests, assessments, and plans of care;

2. Interact with members of the community both inside and outside the facility; and
3. Make choices about aspects of his or her life in the facility that is significant to the resident.

(c) Participation in resident and family groups.

1. A resident has the right to organize and participate in resident groups in the facility;
2. A resident’s family has the right to meet in the facility with the families of other residents in the facility;
3. The facility must provide a resident or family group, if one exists, with private space;
4. Staff or visitors may attend meetings at the group’s invitation;
5. The facility must provide a designated staff person responsible for providing assistance and responding to written requests that result from group meetings;
6. When a resident or family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

(d) Participation in other activities. A resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility.

(e) Accommodation of needs. A resident has the right to:

1. Reside and receive services in the facility with reasonable accommodations of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered; and
2. Receive notice before the resident’s room or roommate in the facility is changed.

Author: Jimmy D. Prince

Author: Rick Harris

420-5-10-09 Resident Assessment

... (11) A comprehensive care plan must be--
(b) Prepared by an interdisciplinary team, that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the resident's needs, and, to the extent practicable, the participation of the resident, the resident's family of the resident's legal representative.

Author: Patricia E. Ivie
