50-5-1104. Rights of long-term care facility residents.

...(2) In addition to the rights adopted under subsection (1), the state adopts for all residents of long-term care facilities the following rights:

...(c) Residents have the right to organize, maintain, and participate in resident advisory councils. The facility shall afford reasonable privacy and facility space for the meetings of the councils.

...(f) During a resident’s stay in a long-term care facility, the resident retains the prerogative to exercise decision making rights in all aspects of the resident’s health care, including placement and treatment issues such as medication, special diets, or other medical regimens.

...(i) Each resident has the right to privacy in the resident’s room or portion of the room. If a resident is seeking privacy in the resident’s room, staff members should make reasonable efforts to make their presence known when entering the room.

...(k) If clothing is provided to the resident by the facility, it must be of reasonable fit.

(History: En. Sec. 4, Ch. 582, L. 1987; amd. Sec. 43, Ch. 16, L. 1991; amd. Sec. 21, Ch. 255, L. 1995; amd. Sec. 209, Ch. 42, L. 1997.)

12-006 STANDARDS OF OPERATION, CARE, AND TREATMENT:

12-006.02 Administration: The administrator is responsible for:

4. The facility’s protection and promotion of residents’ health, safety and wellbeing; promotion of resident individuality, privacy and dignity; and resident participation in decisions regarding care and services;

12-006.05 Resident Rights: The facility must inform residents of their rights in writing.

The operations of the facility must afford residents the opportunity to exercise their rights, which must include, but are not limited to, the following. Residents must have the right to:

4. Participate in the planning of his or her total care and medical treatment, or to refuse treatment. A resident may participate in experimental research only upon informed written consent;

...12. Privacy in written communication including sending and receiving mail;
13. Receive visitors as long as this does not infringe on the rights and safety of other residents in the facility. The administrator may refuse access to any person for any of the following reasons:

a. The resident refuses to see the visitor;

b. The presence of that person would be injurious to the health and safety of a resident, especially as documented by the attending physician;

c. The visitor’s behavior is unreasonably disruptive to the facility and this behavior is documented by the facility;

d. The presence of that person would threaten the security of a resident’s property or facility property; or

e. The visit is for commercial purposes only.

Any person refused access to a facility may, within 30 days of such refusal, request a hearing by the Department. The wrongful refusal of a nursing home to grant access to any person as required in Neb. Rev. Stat. §§ 71-6019 and 71-6020 constitutes a violation of the Nebraska Nursing Home Act. A nursing home may appeal any citation issued pursuant to this section as provided in 175 NAC 12-008.02;

...17. Form and participate in an organized resident group that functions to address facility issues;

...21. Be treated with consideration, respect, and full recognition of his or her dignity and individuality, including privacy in treatment and in care for his or her personal needs.

12-007.03R Privacy: In multiple bed resident rooms, visual privacy and window curtains must be provided for each resident. In new facilities, the curtain layout must totally surround each care and treatment location and not restrict access to the entrance to the room, lavatory, toilet, or enclosed storage.