411-085-0000 Statement of Purpose

(Effective 08/01/2004)

The purpose of these rules (OAR Chapter 411, Divisions 85 through 89) is to establish requirements for nursing facilities that promote quality care and maximization of personal choice and independence for residents. Whenever possible, care shall be directed toward returning the resident to his/her own residence or to the least restrictive alternative environment within the shortest time possible.

Stat. Auth.: ORS 410 & ORS 441

Stats. Implemented: ORS 441.055 & ORS 441.615

411-085-0310 Residents' Rights: Generally The facility must protect, encourage and assist the resident in exercising the rights identified in OAR 411-085-0300 through 411-085-0350. Each resident and his/her legal representative, as appropriate, has the right to:

(4) Be fully informed of his/her total health status, including but not limited to medical status. The resident must be informed of the right to choose his/her own physician and to be fully informed in advance of any changes in care or treatment. The facility staff must encourage the resident to exercise the right to make his/her own decisions and fully participate in care and care planning unless the resident has been found legally incapable of doing so.

(5) Refuse any medication, treatment, care or any participation in experimental research unless the resident has been found legally incapable of doing so.

(11) Be treated with consideration, respect and dignity and assured complete privacy during treatment and when receiving personal care.

(12) Associate and communicate privately with persons of the resident’s choice, to send and receive personal mail unopened and to have regular access to the private use of a telephone.

(13) Be provided privacy for visits when requested, including meetings with other residents and family groups.

(17) Participate in social, religious, and community activities at the discretion of the resident.

Both the resident and facility management may have keys.

Stat. Auth.: ORS 410 & ORS 441

Stats. Implemented: ORS 441.055, ORS 441.600, ORS 441.610, ORS
411-085-0330 Residents' Rights: Visitor Access

(1) DEFINITION. As used in this rule, "full and free access" means access to the fullest extent possible without undue adverse interference on the operation of the facility.

(2) FULL ACCESS. The facility must permit individuals and groups full and free access to:

(a) Visit, talk with and make personal, social and legal services available to all residents;

(b) Inform residents of their rights and entitlements, and their corresponding obligations, under federal and state laws by means of distribution of educational materials and discussion in groups and with individual residents;

(c) Assist, advise and represent residents in obtaining public assistance, medical assistance, social security benefits and in asserting resident rights. Assistance may be provided to residents individually or in groups.

(3) RIGHT TO REFUSE. The resident has the right to refuse contact with any individual or group who otherwise has access to the facility under this rule. The refusal to communicate with any individual or group must be made directly by the resident unless the resident's medical record clearly documents the reasons for not doing so.

(4) SOLICITATION. This rule is not intended to allow access to persons or organizations whose primary purpose is to solicit purchase of services or products, or solicit contributions, from the residents or staff.

Stat. Auth.: ORS 410 & 441
Stats. Implemented: ORS 441.055, 441.605 & 441.615
Hist.: SSD 19-1990, f. 8-29-90, cert. ef. 10-1-90; SPD 26-2004, f. 7-30-04, cert. ef. 8-1-04

411-085-0340 Residents' Rights: Pharmaceutical Services, Charges for Drugs

(1) CHOICE OF SUPPLIERS:

(a) The resident must have a choice from among prescription/nonprescription drug delivery systems so long as the system selected:

(A) Provides for timely delivery of drugs;

(B) Provides adequate protection to prevent tampering with drugs;

(C) Provides that drugs are delivered in a unit of use compatible with the established system of the facility for dispensing drugs, whether that system is provided by a facility pharmacy or by a contract with a pharmacy; and
(D) Provides a 24-hour emergency service procedure either directly or by contract with another pharmacy.

(b) The resident must have a choice from among suppliers of nonprescription medication, but no facility is required to accept any opened container of such medication;

(d) The resident must have a choice from among suppliers of nonprescriptive sickroom supplies so long as any items supplied can be maintained in a clean manner with equipment available at the facility;

Stat. Auth.: ORS 410 & ORS 441

Stats. Implemented: ORS 441.055, ORS 441.083, ORS 441.084 & ORS 441.615

411-086-0060 Comprehensive Assessment and Care Plan

(2) CARE PLAN PREPARATION and IMPLEMENTATION. The facility, through the nursing services department and the interdisciplinary staff, shall provide services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident in accordance with a written, dated, care plan.

(c) The plan shall provide for and promote personal choice and independence of the resident.

(f) The plan shall be prepared and implemented with participation of the resident and in accordance with the resident's wishes.


Stats. Implemented: ORS 441.055 & 441.615

411-086-0140 Nursing Services: Problem Resolution & Preventive Care

(1) PROBLEM RESOLUTION and PREVENTION.

(a) Conditions to be Prevented. The licensee shall take all reasonable measures consistent with resident choice to resolve and to prevent undesirable conditions such as:

(I) Loss of self-esteem or dignity.

(2) SAFE ENVIRONMENT. The licensee shall ensure the provision of a safe environment to protect residents from injury. Actions taken by the facility staff shall be consistent with each resident's right to fully participate in his or her own care planning and shall not limit any resident's ability to care for herself/himself.

(3) RESTRAINTS. The licensee shall ensure that, except when required in an emergency, physical and chemical restraints are only applied in accordance with the resident's care plan. Restraints may be used only to ensure the physical safety of the resident or other residents.
(a) Freedom of Choice. When restraints are considered in the interdisciplinary care planning conference to reduce the risk of injury related to falls, the resident or his/her legal guardian or person acting under the resident's power of attorney for health care must be informed of the potential risks of falling and the risks associated with restraints.


Stats. Implemented: ORS 441.055 & 441.615

411-086-0230 Activity Services

(1) ACTIVITY PROGRAM: The facility shall have an activity program available to all residents which encourages each resident to maintain normal activity and to return to self-care. The program shall address the intellectual, social, spiritual, creative, and physical need(s), capabilities, and interests of each resident, and shall encourage resident self-direction.

(c) The program shall include activities meaningful to the residents at least six days per week, including:

(B) Individual self-care activities designed to enhance personal responsibility and choice (e.g., dressing, personal hygiene);

411-086-0360 Resident Furnishings, Equipment

...(3) Privacy. In multiple-bed rooms, opportunity for privacy shall be provided by flame retardant curtains or screens. Cubicle curtains or screens are not required for beds assigned to pediatric residents.

411-087-0130 Resident Care Unit

...(e) Privacy. The facility shall provide full visual privacy by means of cubicle curtains for each resident in multi-bed rooms. Design for privacy shall not restrict the exit/access of other residents from/to the resident room, handwash sink, or toilet. "Full visual privacy" in a multi-bed room means curtains which prevent staff, visitors and other residents from seeing a resident in bed, but which allow staff, visitors and other residents access to the toilet room, handwash sink and entrance;