'64-13-4. Residents’ Rights.

4.6. Refusal of Treatment and Experimental Research.

4.6.a. Refusal of Treatment. A resident has the right to refuse treatment and to refuse to participate in experimental research.

4.6.a.2. Refusal of Experimental Research. The resident shall have the opportunity to refuse to participate in experimental research prior to the start of the research.

4.6.a.2.A. The nursing home shall inform a resident being considered for participation in experimental research of the nature of the experiment and of the possible consequences for participation.

4.9. Right to Choose a Personal Physician.

4.9.a. The resident has the right to choose a personal physician, and to request and receive a second opinion from a physician of the resident’s choice where significant alternatives for care or treatment exist or when the resident requests information concerning care or treatment alternatives.

‘64-13-5. Quality of Life.

5.1. A nursing home shall care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident’s quality of life.

5.2. Dignity.

5.2.a. Each resident shall be treated with consideration and respect and with full recognition of his or her dignity and individuality.

5.2.b. The resident shall have the exclusive right to use and enjoy his or her personal property, and the property shall not be used by other residents or staff without the express permission of the resident.

5.3. Privacy.

5.3.a. Communication. A resident may associate and communicate privately with persons of his or her choice.

5.3.b. Mail. A resident shall receive his or her personal mail unopened unless a request to the contrary has been made to the staff by the resident.

5.3.c. Married Couples. A married resident shall be assured privacy for visits by his or her spouse. A resident has the right to share a room with his or her spouse when married residents live in the same nursing home and both spouses consent to the arrangement.
5.4. Telephone. A resident shall be assured reasonable access to a telephone located in a quiet area where the resident can conduct a private conversation without being overheard or disturbed by others.

5.5. A resident has the right to personal privacy regarding accommodations, medical treatment, written communications, personal care, visits, and meetings of family and resident groups, but this does not require the nursing home to provide a private room for each resident.

5.6. Self Determination and Participation. The resident has the right to:

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

5.6.b. Interact with members of the community both inside and outside the nursing home;

5.6.c. Make choices about aspects of his or her life in the nursing home that are significant to the resident;

5.6.d. Retain and use personal clothing and possessions and make his or her room as homelike as possible, according to his or her individual tastes and desires taking into consideration, space limitations, other residents’ rights, and safety and sanitation issues.

5.6.d.1. A nursing home may specify in the admission contract the nursing home’s liability for a resident’s personal clothing and possessions;

5.6.e. Practice their religion and religious beliefs as they choose, as long as it does not impinge upon the rights of others; and


5.7. Access and Resident and Family Groups and Councils. Each resident shall be encouraged and assisted with exercising his or her rights as a resident of the nursing home and as a citizen or resident of the United States. The resident shall be assisted with voicing grievances and recommending changes in policies and services without fear of reprisal, interference, coercion, punishment, or discrimination.

5.7.a. Access.

5.7.a.1. A nursing home shall not deny a resident immediate access to, and shall provide immediate access to a resident by:

5.7.a.1.A. A representative of a government agency with jurisdiction over some aspect of the nursing home;

5.7.a.1.B. The ombudsman; and

5.7.a.1.C. Any other person of the resident’s choosing.

5.7.a.2. A person entering a nursing home, other than a representative of the director, who has not been invited by a resident or a resident’s legal representative shall:
5.7.a.2.A Promptly advise the administrator or other available agent of the nursing home of his or her presence;

5.7.a.2.B. Not enter the living area of a resident without identifying him or herself to the resident and without receiving the resident’s permission to enter;

5.7.a.2.C. Terminate a visit with a resident upon request of the resident;

5.7.a.2.D. Not disclose communications with a resident unless the resident authorizes disclosure;

5.7.a.2.E. Be permitted to visit all areas of the nursing home except:

5.7.a.2.E.1. Living areas of a resident who objects;

5.7.a.2.E.3. Personal and medical records of the resident, unless the resident or in case of incapacity, the resident’s legal representative, consents in writing;

5.7.a.2.E.6. Any other areas where inspection might endanger any person or might invade the privacy of any employee or resident.

5.7.a.4. Relatives and members of the clergy shall be permitted to visit a seriously ill resident without restriction to the extent possible.

5.7.b. Resident’s Refusal.

5.7.b.1. The resident has the right to refuse a visit and the visit shall be terminated upon the resident’s request.

5.7.b.2. In the case of an incapacitated person, the legal representative may refuse visits on behalf of the resident if the legal representative demonstrates that the visits have a harmful effect on the resident. All relevant information shall be documented in the resident’s medical record.

5.7.c. Administration’s Exclusion.

5.7.c.1. The administrator or designee in charge of the nursing home may refuse a visitor access or require the visitor to leave only if:

5.7.c.1.C. A resident does not wish the visitor to stay.

5.7.c.2. The restriction and the reasons for it shall be documented and kept on file.

5.7.d. Resident and Family Groups and Councils.

5.7.d.1. Residents have the right to organize, maintain, and participate in resident groups in the nursing home.

5.7.d.2. A resident's family has the right to meet in the nursing home with the families of other residents.
5.7.d.3. The nursing home shall provide a resident or family group with private space for meetings.

5.7.d.4. The nursing home shall provide assistance for resident or family group meetings, if requested.

5.7.d.5. Staff or visitors may attend resident or family group meetings only at the group’s invitation.

5.7.d.6. The nursing home shall respond in writing to oral and written requests from resident and family council meetings. Resident councils and family councils shall be encouraged to make recommendations regarding nursing home policies.

5.7.d.7. The nursing home shall provide a designated staff person responsible for providing assistance and responding to written requests that result from group meetings.

5.7.d.8. When a resident or family group exists, the nursing home shall 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 nursing home.

5.8. Participation in Other Activities.

5.8.a. A resident has the right, at his or her discretion, to participate in social, religious, and community activities that do not interfere with the rights of other residents in the nursing home.

'64-13-7. Comprehensive Care Plans.

7.2. Timing of the Care Plan and Participation Requirements.

7.2.a. A comprehensive care plan shall be:

7.2.a.2. Prepared by an interdisciplinary team, which includes the attending physician, a registered nurse with responsibility for the resident, other appropriate staff in disciplines as determined by the resident’s needs, and to the extent practicable, the participation of the resident and the resident’s family with the consent of the resident or the resident’s legal representative; and

64-13-9. Physical Facilities, Equipment and Site Information

...9.4.f. A nursing home shall provide cubicle curtains that assure visual privacy for each resident.

§64-85-6. Assessments and Plans of Care. [Alzheimer’s/dementia special care unit or program]

6.3. Within twenty-one (21) days of admission the interdisciplinary team and the resident and/or the resident’s legal representative, shall develop a written individualized care plan, signed by each member of the alzheimer’s/dementia special care unit or program staff, the resident and/or the resident’s legal representative which shall:
6.3.a. Reflect the resident as a person, with family history and interests;

...6.3.d. Support the individual toward as much independence as possible;

6.3.e. Include opportunities for resident choice and self management...