

NEBRASKA

Downloaded January 2011

12-004.08 Information Available to Public: The licensee must make available for public inspection upon request licenses, license record information, and inspection reports. This information may be displayed on the licensed premises.

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:

1. Be fully informed in writing prior to or at the time of admission and during his or her stay, of services available in the facility, and of related charges including any charges for services not covered by the facility's basic per diem rate;
2. Be fully informed of his or her rights and responsibilities as a resident and of all rules and regulations governing resident conduct and responsibilities. This information must be provided prior to or at the time of admission and its receipt acknowledged by the resident in writing, or, in the case of residents already in the facility, upon the facility's adoption or amendment of resident rights policies;
3. Be fully informed by a physician of his or her health and medical condition unless medically contraindicated;
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;
- ...6. Exercise rights as a resident of the facility and as a citizen of the United States;
7. Voice complaints and grievances without discrimination or reprisal and have those grievances addressed;
8. Be free from chemical and physical restraints imposed for the purposes of discipline or convenience, and not required to treat the resident's medical symptoms;
9. Be free from abuse, neglect and misappropriation of their money and personal property;
10. Refuse to perform services for the facility;
11. Examine the results of the most recent survey of the facility conducted by the Department;
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;

14. Have access to the use of a telephone with auxiliary aides where calls can be made in private;
15. Retain and use personal possessions, including furnishings, and clothing as space permits, unless to do so would infringe upon the rights and safety of other residents;
16. Self-administer medications if it is safe to do so;
17. Form and participate in an organized resident group that functions to address facility issues;
18. Review and receive a copy of their permanent record, within two working days;
19. Manage his or her personal financial affairs. Under specific written authorization by the resident, the facility may assist in such management to the extent specified by the resident;
20. Receive confidential treatment of all information contained in his or her records, including information contained in an electronic data bank. His or her written consent or that of the resident's designee is required for the release of information to persons not otherwise authorized under law to receive it; and
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.

12-006.10A Methods of Administration of Medication: When the facility is responsible for the administration of medication, it must be accomplished by the following methods:

12-006.10A1 Self-Administration: The facility must allow residents of the facility to self-administer medication, with or without supervision, when resident assessment determines resident is capable of doing so.