Resident Bill of Rights

ASSISTED LIVING FACILITIES

Explanation: Pursuant to section 429.28, Florida Statutes, no resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

1. Live in a safe and decent living environment, free from abuse and neglect.
2. Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.
3. Retain and use his or her own clothes and other personal property in his or her immediate living quarters, so as to maintain individuality and personal dignity, except when the facility can demonstrate that such would be unsafe, impractical, or an infringement upon the rights of other residents.
4. Unrestricted private communication, including receiving and sending unopened correspondence, access to a telephone (long-distance telephone charges, if any, will be charged to the resident), and visiting with any person of his or her choice, at any time between the hours of 9 a.m. and 9 p.m. at a minimum. Upon request, the facility shall make provisions to extend visiting hours for caregivers and out-of-town guests, and in other similar situations.
5. Freedom to participate in and benefit from community services and activities and to pursue the highest possible level of independence, autonomy, and interaction within the community.
6. Manage his or her financial affairs unless the resident or, if applicable, the resident's representative, designee, surrogate, guardian, or attorney in fact authorizes the administrator of the facility to provide safekeeping for funds as provided in section 429.27, Florida Statutes.

7. Share a room with his or her spouse if both are residents of the facility.

8. Reasonable opportunity for regular exercise several times a week and to be outdoors at regular and frequent intervals except when prevented by inclement weather.

9. Exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, nor any attendance at religious services, shall be imposed upon any resident.

10. Assistance with obtaining access to adequate and appropriate health care. For purposes of this right, "adequate and appropriate health care" means the management of medications, assistance in making appointments for health care services, the provision of or arrangement of transportation to health care appointments, and the performance of health care services in accordance with section 429.255, Florida Statutes, which are consistent with established and recognized standards within the community.

11. At least 45 days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for relocation must be set forth in writing and provided to the resident or the resident's legal representative. The notice must state that the resident may contact the State Long-Term Care Ombudsman Program for assistance with relocation and must include the statewide toll-free telephone number of the program, **1-888-831-0404**. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

12. Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other person without restraint, interference, coercion, discrimination, or reprisal. Each facility shall establish a grievance procedure to facilitate the residents'

exercise of this right. This right includes access to ombudsman volunteers and advocates and the right to be a member of, to be active in, and to associate with advocacy or special interest groups.

Protection from Retaliation

The facility shall not hamper or prevent residents from exercising these rights. The facility and its employees may not serve notice upon a resident to leave the premises or take any other retaliatory action against any person who exercises any of these rights; appears as a witness in any hearing, inside or outside the facility; or files a civil action alleging a violation of Part I of Chapter 429, Florida Statutes, or notifies a state attorney or the Attorney General of a possible violation. A facility that terminates the residency of an individual who has done any of these things must show good cause in a court of competent jurisdiction.

Any person who submits or reports a complaint concerning a suspected violation, or concerning services and conditions in facilities, or who testifies in any administrative or judicial proceeding arising from such a complaint, is immune from civil or criminal liability for doing so, unless that person acted in bad faith or with malicious purpose, or the court finds a complete absence of a justiciable issue of law or fact raised by the losing party.

Where to Make a Complaint

You, your legal representative, and your guardian (if any) may lodge a complaint with any of the following. The Community will ensure that you have access to a telephone to call the State Long-Term Care Ombudsman Program or local ombudsman council, the Elder Abuse Hotline, and Disability Rights Florida.

- **State Long-Term Care Ombudsman Program:** toll-free **1-888-831-0404**; e-mail LTCOPInformer@elderaffairs.org; ombudsman.elderaffairs.org
- **Local Long-Term Care Ombudsman Council** (North Central District, serving Sumter County): (352) 620-3088
- **Elder Abuse Hotline** (Florida Abuse Hotline, operated by the Department of Children and Families): 1-800-96-ABUSE (1-800-962-2873)
- **Disability Rights Florida:** 1-800-342-0823

- **Agency for Health Care Administration (AHCA)**, Complaint Administration Unit, the state licensing agency for assisted living facilities: 1-888-419-3456; apps.ahca.myflorida.com/hcfc
- **Florida Relay Service** (for callers who are Deaf, hard of hearing, Deaf/Blind, or speech disabled): dial 711

A complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are kept confidential pursuant to section 400.0077, Florida Statutes. Retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right.

The Community's own grievance procedure is described in the Community's Grievance Policy. You may also contact any of the agencies above at any time, whether or not you use the Community's grievance procedure.

Reference: section 429.28, Florida Statutes.