CHAPTER 1666

PATIENTS' RIGHTS

§7921. Intent

It is the intent of the Legislature to establish a mechanism for residents of long-term care facilities in this State to articulate their rights and to be responsible for the protection of those rights. [PL 1981, c. 445 (NEW).]

SECTION HISTORY

PL 1981, c. 445 (NEW).

§7922. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1981, c. 445 (NEW).]

1. Long-term care facility. "Long-term care facility" means any facility program of assisted living licensed pursuant to chapters 1663 and 1664, and any nursing facility or unit licensed pursuant to chapter 405.
[PL 2001, c. 596, Pt. B, §13 (AMD); PL 2001, c. 596, Pt. B, §25 (AFF).]

2. Resident. "Resident" means any person who lives in and receives services or care in a long-term care facility.
[PL 1981, c. 445 (NEW).]

SECTION HISTORY

PL 1981, c. 445 (NEW). PL 1991, c. 69, §4 (AMD). PL 1993, c. 661, §20 (AMD). PL 1995, c. 670, §B7 (AMD). PL 1995, c. 670, §D5 (AFF). PL 2001, c. 596, §B13 (AMD). PL 2001, c. 596, §B25 (AFF).

§7923. Residents' council

1. Establishment; composition. Each long-term care facility shall inform residents of their right to establish a council. This information must be given to all residents and a family member or designated representative for those residents on admission and must be posted prominently in the facility.

The administrator shall assist residents in establishing a residents' council, if the residents choose to establish one. If there is no council, at least once each year residents must be given the choice to establish one. A majority vote prevails.

The council shall draw up bylaws. The council may meet as often as specified in the bylaws, but at least quarterly. No employee or representative of the facility may be a member of the council. Family members may sit on the council, but may not be members.
[PL 1991, c. 69, §5 (AMD).]

2. Responsibilities. The council has, but is not limited to, the following responsibilities:

A. To review and make recommendations to strengthen the facility's policies and procedures relating to residents' rights; [PL 1981, c. 445 (NEW).]

B. To establish procedures for informing all residents about their rights; [PL 1981, c. 445 (NEW).]

C. To serve as a forum for obtaining and disseminating information, soliciting and adopting recommendations for facility programming and improvement, and early identification of and recommendations for orderly resolution of residents' problems; [PL 1981, c. 445 (NEW).]

D. To inform the administrator about the opinions and concerns of the residents; [PL 1981, c. 445 (NEW).]

E. To find ways of involving the families of residents in the facility; and [PL 1981, c. 445 (NEW).]

F. To notify the Department of Health and Human Services and the long-term care ombudsman when they are constituted. [PL 1999, c. 384, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

Records of council meetings and decisions shall be prepared and disseminated by the council, which may request the assistance of the designated staff member and shall be kept on file in the facility, available at all times to residents and family members or designated representatives.
[PL 1999, c. 384, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

3. Assistance. Except as provided in this subsection, the administrator shall designate a staff member, not related to the administrator, to assist the residents' council. In small long-term care facilities in which no staff members are unrelated to the administrator or owner of the facility, the administrator may designate a staff member who is related to the administrator.
[PL 1991, c. 69, §5 (AMD).]

SECTION HISTORY

PL 1981, c. 445 (NEW). PL 1991, c. 69, §5 (AMD). PL 1999, c. 384, §3 (AMD). PL 2003, c. 689, §B6 (REV).

§7924. Reporting of violations

1. Alleged violations reported and investigated. Any person who believes that any of those rules governing the licensure of long-term care facilities or the operation of assisted living programs and services authorized pursuant to section 7853 adopted by the department pertaining to residents' rights and conduct of resident care has been violated may report the alleged violation to the protection and advocacy agency designated pursuant to Title 5, section 19502; the long-term care ombudsman pursuant to section 5106, subsection 11-C and section 5107-A; and any other agency or person whom the commissioner may designate.
[PL 2011, c. 657, Pt. EE, §1 (AMD).]

2. Professionals to report. Any professional who provides health care, social services or mental health services or who administers a long-term care facility or program and who knows of or has reasonable cause to suspect that there has been a violation of any of those rules adopted by the department governing the licensure of long-term care facilities pertaining to residents' rights or conduct of resident care shall immediately report or cause a report to be made to an agency or person referred to in subsection 1.
[PL 2005, c. 397, Pt. A, §25 (AMD).]

3. Written report of findings. Any agency or person investigating a situation pursuant to subsection 1 or 2 shall submit a written report of the findings and results of the investigation to the administrator of the long-term care facility in which the residents' rights allegedly have been violated and to the commissioner.
[PL 2005, c. 397, Pt. A, §26 (AMD).]

4. Immunity from liability. No professional shall be held liable for any report or action taken pursuant thereto if the professional acted in good faith pursuant to this section.
[PL 1981, c. 445 (NEW).]

5. Construction. This section may not be construed to limit the powers or responsibilities of the long-term care ombudsman.
[PL 1999, c. 384, §4 (AMD).]

6. Notice of program. Each long-term care facility shall provide to each resident, guardian or personal representative, at the time of admission, information that the long-term care ombudsman program is a source of assistance with complaints and problems. At least 2 posters must be mounted in prominent places in each long-term care facility to inform residents about the services of the program. The posters must also include the department's current rules regarding the rights of residents of long-term care facilities.
[PL 1989, c. 644 (NEW).]

SECTION HISTORY

PL 1981, c. 445 (NEW). PL 1989, c. 644 (AMD). RR 1995, c. 2, §45 (COR). PL 1997, c. 260, §2 (AMD). PL 1999, c. 384, §4 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 596, §B14 (AMD). PL 2001, c. 596, §B25 (AFF). RR 2003, c. 2, §82 (COR). PL 2003, c. 689, §B6 (REV). PL 2005, c. 397, §§A24-26 (AMD). PL 2009, c. 1, Pt. S, §1 (AMD). PL 2011, c. 657, Pt. EE, §1 (AMD).

§7925. Discharges and transfers

Long-term care facilities which receive public funds may not discharge or transfer any person solely based on a change in their source of payment. [PL 1981, c. 445 (NEW).]

SECTION HISTORY

PL 1981, c. 445 (NEW).

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