

POLICIES AND PROCEDURES

RESIDENT RIGHTS

Topic: Notice of Resident Rights

Rule(s): IDAPA 16.03.19.201

Policy: Residents (or the residents' representatives, if applicable) are informed of resident rights.

Procedure:

1. At the time of the resident's admission to my certified family home, do the following:
 - Provide the resident (or the resident's representative, if applicable) with a copy of my certified family home's policies and procedures regarding resident rights (pages 90-96 in this manual)
 - Verbally review each resident rights policy and procedure together
 - Complete the Resident Rights Policy Review Log
2. Review my certified family home's policies and procedures regarding resident rights with the resident (or, if applicable, resident's representative) on at least an annual basis.
 - Update the Resident Rights Policy Review Log

PROVIDER'S SIGNATURE AND DATE OF ADOPTION

Topic: Filing Complaints

Rule(s): IDAPA 16.03.19.200

Policy: Any person, including the resident, may file a complaint with the Department when he or she believes that the rights of the resident have been violated.

Procedure:

1. Contact the closest regional certifying agent as follows:
 - Coeur d'Alene Area..... (208) 665-8807
 - Lewiston Area (208) 799-4438
 - Nampa Area..... (208) 455-7120
 - Boise Area (208) 334-0700
 - Twin Falls Area (208) 732-1515
 - Pocatello Area..... (208) 239-6249
 - Idaho Falls Area..... (208) 528-5721
2. Report concerns to the certifying agent.
 - If possible, provide the following (be as specific as possible):
 - The first and last names of the people involved, including:
 - a. The resident whose rights were violated
 - b. The person who violated the resident's rights

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- c. Any witnesses to the incident
- Contact information for the people involved
- A description of the incident that violated the resident's rights, including the date and time

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Topic: Privacy

Rule(s): IDAPA 16.03.19.200.01

Policy: Each resident's right to privacy is honored and protected with regard to:

- Accommodations (e.g., bedroom, bathroom, etc.)
- Medical and other treatments
- Written and telephone communications
- Visits
- Meetings of family and resident groups

Procedure:

1. Unless the resident's plan of service specifically calls for monitoring his or her correspondence to protect the resident from abuse or exploitation, do not open or read written correspondence sent by or to the resident without his or her consent, including:
 - Mail through the postal service
 - Email communications
 - Other written communications (e.g., text messages, private social media accounts, etc.)
2. If the resident is married, allow privacy when his or her spouse visits.
 - If the resident's spouse also lives in my certified family home, allow them to share a room unless medically inadvisable as documented by the resident's health care professional
3. Follow the resident's instructions regarding the use of pictures or videos containing his or her image.

PROVIDER'S SIGNATURE AND DATE OF ADOPTION

Topic: Humane Care

Rule(s): IDAPA 16.03.19.200.02

Policy: Each resident's right to humane care and a humane living environment is honored and protected, including, but not limited to, the following:

- The right to a diet which is consistent with any religious or health-related restrictions

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- The right to refuse a restricted diet
- The right to a safe and sanitary living environment
- The right to an environment free of illicit drug use or possession and any other criminal activities

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Topic: Respectful Treatment

Rule(s): IDAPA 16.03.19.200.03

Policy: Each resident's right to be treated with dignity and respect is honored and protected, including:

- The right to be treated in a courteous manner by the provider and other individuals in the home
- The right to receive a response from the provider to any request of the resident within a reasonable time
- Freedom from discrimination on the basis of race, color, national origin, sex, religion, age, disability, or veteran status
- Freedom from intimidation, manipulation, and coercion
- The right to wear his or her own clothing
- The right to determine his or her own dress and hair style

PROVIDER'S SIGNATURE AND DATE OF ADOPTION

Topic: Basic Needs Allowance

Rule(s): IDAPA 16.03.19.200.04

Policy: Each resident whose care is paid for by publicly-funded assistance is charged for certified family home goods and services from his or her total monthly income an amount leaving, at least, the basic allowance established by IDAPA 16.03.05.513. The current basic allowance is \$_____.

PROVIDER'S SIGNATURE AND DATE OF ADOPTION

Topic: Resident Funds and Property

Rule(s): IDAPA 16.03.19.200.05

Policy: Each resident's right to manage his or her personal funds and use his or her personal property is honored and protected, including the right to retain and use such property in his or her own living area so long as it does not present a fire or life safety hazard.

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Procedure:

1. Do not require the resident to deposit his or her personal funds into an account controlled by any other person.
2. Upon accepting written authorization from the resident (or resident's representative) to manage the resident's funds, hold, safeguard and account for such funds.
 - Follow the policy and procedure for Resident Funds: Management of Resident Funds

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Topic: Access to Resident

Rule(s): IDAPA 16.03.19.200.06

Policy: Each resident's right to receive visitors is honored and protected.

Procedure:

1. Allow immediate access to the resident for the following:
 - Any representative of the Department
 - The state ombudsman for the elderly or his designee
 - Adult protection investigators
 - The resident's personal health care professionals
2. Allow immediate access to the resident, subject to the resident's consent (and right to deny or withdraw that consent at any time) for the following:
 - The resident's relatives
 - Other visitors, subject to reasonable restrictions
3. Allow reasonable access to the resident, subject to the resident's consent (and right to deny or withdraw that consent at any time) by any entity or individual offering the following:
 - Health services
 - Social services
 - Legal services
 - Other services
4. Allow reasonable access to the resident's records, medications and treatments by the resident's health care professional, subject to the resident's consent.

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Topic: Freedom from Harm

Rule(s): IDAPA 16.03.19.200.07

Policy: Each resident's right to be free from harm is honored and protected, including the rights to be free from:

- Physical, mental, or sexual abuse
- Neglect
- Exploitation
- Corporal punishment
- Involuntary seclusion
- Any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat a medical condition

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Topic: Health Services

Rule(s): IDAPA 16.03.19.200.08

Policy: Each resident's right to control his or health-related services is honored and protected, including:

- The right to retain the services of his or her own personal physician and dentist
- The right to select the pharmacy or pharmacist of his or her choice
- The right to confidentiality and privacy concerning his or her medical and dental condition and treatment
- The right to participate in the formulation of his or her plan of service
- The right to decline treatment for any medical condition

Procedure:

1. When the resident is unable to give medical consent, give the name and contact information of the person holding guardianship or power of attorney for health care to any health care provider upon request.

PROVIDER'S SIGNATURE AND DATE OF ADOPTION

Topic: Grievance

Rule(s): IDAPA 16.03.19.200.09

Policy: Each resident's right to voice or file grievances is honored and protected without discrimination or reprisal, including grievances about the behavior of other residents.

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Procedure:

1. When the resident voices or files a grievance, promptly attempt to resolve the grievance.
2. Complete the Grievance Response Record form.
 - Provide a copy of the completed Grievance Response Record form to the resident or resident's representative, if applicable
 - Maintain a copy of the completed Grievance Response Record form with the resident's records

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Topic: Advance Notice

Rule(s): IDAPA 16.03.19.200.10

Policy: Each resident's right to receive at least thirty (30) days advance notice as established in the admission agreement prior to his or her transfer or discharge is honored and protected, except under the following conditions:

- The resident is transferred or discharged only for medical reasons, which my certified family home cannot meet
- The resident's welfare or the welfare of other members of the household is endangered
- The resident has not paid for his or her stay
- The resident violates any condition mutually established between the resident and the provider at the time of admission
- The resident engages in unlawful delivery, production, or use of a controlled substance on the premises of the home

Procedure:

1. Follow my policy and procedure for Admissions, Transfers and Discharges: Emergency Temporary Placement when either of the following occur:
 - The resident is transferred or discharged only for medical reasons, which my certified family home cannot meet
 - The resident's welfare or the welfare of other members of the household is endangered
2. Follow my policy and procedure for Admissions, Transfers and Discharges: Termination of the Admission Agreement when discharging the resident.

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Topic: Other Rights

Rule(s): IDAPA 16.03.19.200.11

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Policy: Each resident's rights for the following are honored and protected:

- The right to refuse to perform services for the home
- The right to access his or her own personal records, including records kept by my certified family home regarding his or her care
 - The right to confidentiality of personal, medical and clinical records
- The right to practice the religion of his or her choice
 - The right to abstain from religious practice
 - The right to be free from the imposition of the religious practices of others
- The right to participate in social, religious, and community activities that do not interfere with the rights of others in the home
- The right to examine, upon reasonable request, the results of the most recent inspection of the home conducted by the Department and any plan of correction in effect
- The right to review a list of other certified family homes that may be available to meet his or her needs in case of transfer
- The right to refuse routine care of a personal nature from any person whom the resident is uncomfortable receiving such care
- The right to be informed, in writing, regarding the formulation of advance directives as described in Title 39, Chapter 45, Idaho Code
- Any other right established by law

Procedure:

1. When the resident is performing paid services for my certified family home, complete a written contract for such services with the resident.
 - Pay the resident a wage consistent with state and federal law

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