

Know a resident's rights in a care facility and when to speak up

If you or someone you care for is living in a care facility, you should be aware of a resident's rights to quality care. By educating yourself, you can monitor the level of care at the facility and, should a problem arise, know when to speak up and take action. The following information will help you learn about the rights and how to document problems, communicate effectively and find outside resources if necessary.

A resident's rights

If a person cannot exercise his or her rights, someone else must act to protect them. A person in residential care has the right to:

- Get information.
- Participate in care.
- Make choices.
- Voice complaints.
- Be treated with dignity and respect in privacy and confidentiality.
- Have possessions stored securely.
- Leave one facility and transfer to another.

Communicating a grievance

Problems can come up even in the best residential care facilities. The best way to ensure quality care is to get involved and stay involved. Below are some helpful tips:

Ask about the facility's grievance procedure.

Every facility has grievance policies for investigating and resolving complaints. Make sure to understand these policies before a problem arises.

Define and document your concerns.

- Gather as much information as possible.
- Be precise. Write down the date, time, location and names of individuals involved.
- Ask yourself the following questions: What results do you expect? How can this concern best be resolved? What steps will you take?
- Write down the actions you and the staff members have taken so far.

Tips for talking with the care team:

- Calmly state the problem.
- Be clear and accurate; focus on the concern at hand.
- Listen to the other person's explanation of the problem.
- Avoid placing blame. Instead of saying "You're doing that wrong," try offering a suggestion. For example, "I think my mother would react better to bathing in the morning. That was her routine at home."

- Work together to create an action plan. Write it down.
- Visit and monitor care often.

Use facility resources to take action

Each facility offers many ways to address concerns, solve problems and make necessary changes. Explore the systems the facility already has in place, which may include a grievance procedure, care and service plan meetings, and resident and family councils.

Address concerns directly

First, try to resolve a problem with the people who are directly involved. Talk to a supervisor if necessary. Remember that staff members give vital care and deserve respect. Communicating effectively with them should help resolve your problem.

Go to the next level

If talking to the people involved fails to help, go to the next level of management. You may need to work your way up the chain of command. Bring documentation to illustrate your concerns and remember to be respectful when discussing the issue.

Using outside resources to take action

If you cannot resolve your problem within the facility, consider using the help of an outside agency.

- The Alzheimer's Association can identify local resources, and provide advice on how to recognize quality dementia care and communicate effectively with care providers.
- A long-term care ombudsman advocates for quality residential care, teaches consumers and providers, and helps resolve residents' complaints. To find the ombudsman for your area, call the Eldercare Locator at 800.677.1116 or visit their website at eldercare.gov.
- Elder law attorneys respond to concerns about residents' rights and quality care. They also help in elder abuse and financial abuse cases. Ask a prospective attorney whether he or she regularly handles these matters, as not all attorneys specialize in elder law. To get a listing of elder law attorneys in your area, visit the Alzheimer's Association Community Resource Finder at alz.org/CRF or call 800.272.3900.

Spotting and reporting elder abuse

Each state has a different definition of elder abuse, neglect or exploitation. Elder abuse can be physical, sexual, emotional or psychological. Abuse also includes abandonment, neglect, and financial or material exploitation. The category of abuse depends on where it occurred and who did it. Domestic elder abuse happens in the home of the elder or a caregiver where the offender is someone close to the elder, such as a spouse, sibling, child, friend or caregiver.

Institutional elder abuse happens in a residential facility where the offender is usually a paid caregiver, staff member or professional. Self-neglect happens when the person cannot provide for his or her own needs of food, clothing, shelter, personal hygiene, medication or safety.

Additional resources

The following resources offer more information on elder abuse. In the event of suspected abuse or neglect, you'll be connected to your state or local adult protective services division or to a long-term care ombudsman.

- **National Center on Elder Abuse**
ncea.aoa.org
- **Eldercare Locator**
eldercare.gov
800.677.1116

TS-0006 | Updated October 2016