



RESIDENT ADVOCACY

RESIDENT RIGHTS WHAT FAMILIES NEED TO KNOW

A plain-language guide to dignity, choice, care planning, privacy, safety, complaints, and transfer rights

“Rights do not disappear when someone moves into care.”

A PRACTICAL GUIDE FOR

Residents | Families | Caregivers | Long-term care
teams



SECTION 1

Know the scope

A CLEARER WAY FORWARD

Federal law protects residents of Medicare- and Medicaid-certified nursing facilities. Assisted living, residential care, and memory care protections also depend on state law and the facility's license.

The foundation

A nursing home resident has the right to a dignified existence, self-determination, and communication with people and services inside and outside the facility. The facility must support the exercise of rights without interference, coercion, discrimination, or retaliation.

The resident remains the decision-maker

A representative may help only to the extent allowed by law and the resident's authorization or legal status. Staff should continue involving the resident, explaining choices in an understandable way, and honoring preferences whenever possible.

Rights should be explained

The facility must provide information about rights and responsibilities in a language and manner the resident understands. Ask for the written rights notice, grievance policy, visiting policy, and transfer or discharge policy.



SECTION 2

Dignity, choice, and daily life

A CLEARER WAY FORWARD

Person-centered care is not an extra courtesy. Federal nursing home rules protect meaningful choices about daily life.

Respect and equal care

- Be treated with dignity and respect
- Receive equal access to quality care regardless of diagnosis, condition, or payment source
- Be free from interference or retaliation when exercising rights

Daily choices

- Choose activities, schedules, sleeping and waking times, and health care consistent with the care plan
- Make choices about significant parts of life in the facility
- Participate in community activities and resident or family groups

Visitors and relationships

Residents may receive visitors of their choosing at the time of their choosing, subject to the resident's right to refuse and reasonable limits that protect another resident's rights or address clinical and safety needs. Residents may communicate privately and maintain community connections.



SECTION 3

Care, information, privacy, and property

A CLEARER WAY FORWARD

Residents have the right to understand their care, participate in decisions, and have personal information and belongings protected.

Care decisions

- Receive information about health status, treatments, medications, risks, and alternatives in an understandable way
- Participate in assessments and the person-centered care plan
- Request, refuse, or discontinue treatment as allowed by law and be informed of consequences
- Choose an attending physician when the physician meets facility requirements

Records and fees

- Access clinical records within required timeframes
- Know which services are included and which carry added charges
- Be informed before fees or services change
- Manage personal finances or choose someone trusted to assist

Privacy and personal belongings

Residents have rights to personal privacy, confidential records and communication, private visits and calls, and use of personal belongings when they do not endanger others. The facility must provide a safe, clean, comfortable, and homelike environment.



SECTION 4

Safety and freedom from mistreatment

A CLEARER WAY FORWARD

No resident should be harmed, humiliated, isolated for staff convenience, or punished for speaking up.

Protected from

- Abuse, neglect, exploitation, involuntary seclusion, and misappropriation of property
- Physical or chemical restraints used for discipline or staff convenience
- Discrimination, coercion, threats, or retaliation

Possible warning signs

- Unexplained injuries, fear, sudden withdrawal, poor hygiene, dehydration, or missing property
- Staff discouraging private visits or refusing to explain care
- A resident saying they feel unsafe, threatened, ignored, or punished

Act on immediate danger

For immediate danger or a medical emergency, call 911. Report suspected abuse, neglect, exploitation, or unsafe care to the appropriate state agency. The Long-Term Care Ombudsman can help the resident understand options and work through concerns.



SECTION 5

Transfer and discharge rights

A CLEARER WAY FORWARD

A nursing facility cannot discharge someone simply because care has become difficult or the family complained. Federal rules limit the reasons and require notice and safe planning.

Permitted reasons are limited

- The resident's needs cannot be met after the facility documents its efforts
- The resident's health improves enough that facility care is no longer needed
- The safety or health of others is endangered
- Payment has not been made after proper notice, or the facility closes

Written notice

The resident and representative generally must receive written notice at least 30 days before transfer or discharge, with limited exceptions. The notice must explain the reason, effective date, destination, appeal rights, and Ombudsman information.

Ask for the complete notice immediately. Appeal deadlines may be short.

A safe transition is required

The facility must provide necessary information to the receiving provider and prepare the resident for a safe and orderly transfer or discharge. Ask about bed-hold and readmission rights before a hospitalization or therapeutic leave.



SECTION 6

How to speak up

A CLEARER WAY FORWARD

Start with the resident's goal. Some concerns can be corrected quickly, while others require outside help or an urgent report.

Document clearly

- Write dates, times, names, what was observed, and how the resident was affected
- Save notices, bills, care-plan documents, photographs taken with consent, and messages
- Ask for the concern and response to be documented in the record when appropriate

Use the facility process

- Speak with the nurse, department leader, social worker, director of nursing, or administrator
- Request a care-plan meeting or file a written grievance
- State the outcome the resident wants and ask when follow-up will occur

Independent advocacy

The Long-Term Care Ombudsman represents the interests of residents, explains rights, and helps resolve problems. Families may contact the program, but the resident's wishes and consent guide Ombudsman action.

Oklahoma contacts

Ombudsman Intake: (405) 521-6734 Senior InfoLine: 1-800-211-2116 OSDH LTC Complaint Hotline: 1-800-747-8419 Immediate danger: 911



SECTION 7

Sources and important limits

A CLEARER WAY FORWARD

These are starting points for understanding federal nursing home rights and finding local help.

Electronic Code of Federal Regulations: 42 CFR 483.10

<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-B/section-483.10>

Electronic Code of Federal Regulations: 42 CFR 483.15

<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-B/section-483.15>

CMS: Your Rights and Protections as a Nursing Home Resident

https://downloads.cms.gov/medicare/your_resident_rights_and_protections_section.pdf

Administration for Community Living: Long-Term Care Ombudsman

<https://acl.gov/programs/Protecting-Rights-and-Preventing-Abuse/Long-term-Care-Ombudsman-Program>

Oklahoma Long-Term Care Ombudsman

<https://oklahoma.gov/oag/litco>

Oklahoma State Department of Health: Long-Term Care Service

<https://oklahoma.gov/health/services/licensing-inspections/long-term-care-service.html>

Important

Educational information, not legal advice. Federal nursing home rules do not automatically apply in the same way to every assisted living, residential care, or memory care setting. Rights, complaint procedures, and appeal deadlines can vary. Contact the Ombudsman, state agency, or a qualified attorney for situation-specific guidance.



A note from Leah

Senior care can feel complicated, especially when decisions have to be made quickly. I created Navigating Senior Care with Leah to give families and caregivers clear information, practical questions, and a steadier next step.

Use this guide as a starting point, keep the person's voice at the center, and reach out when you need help organizing the options.



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