

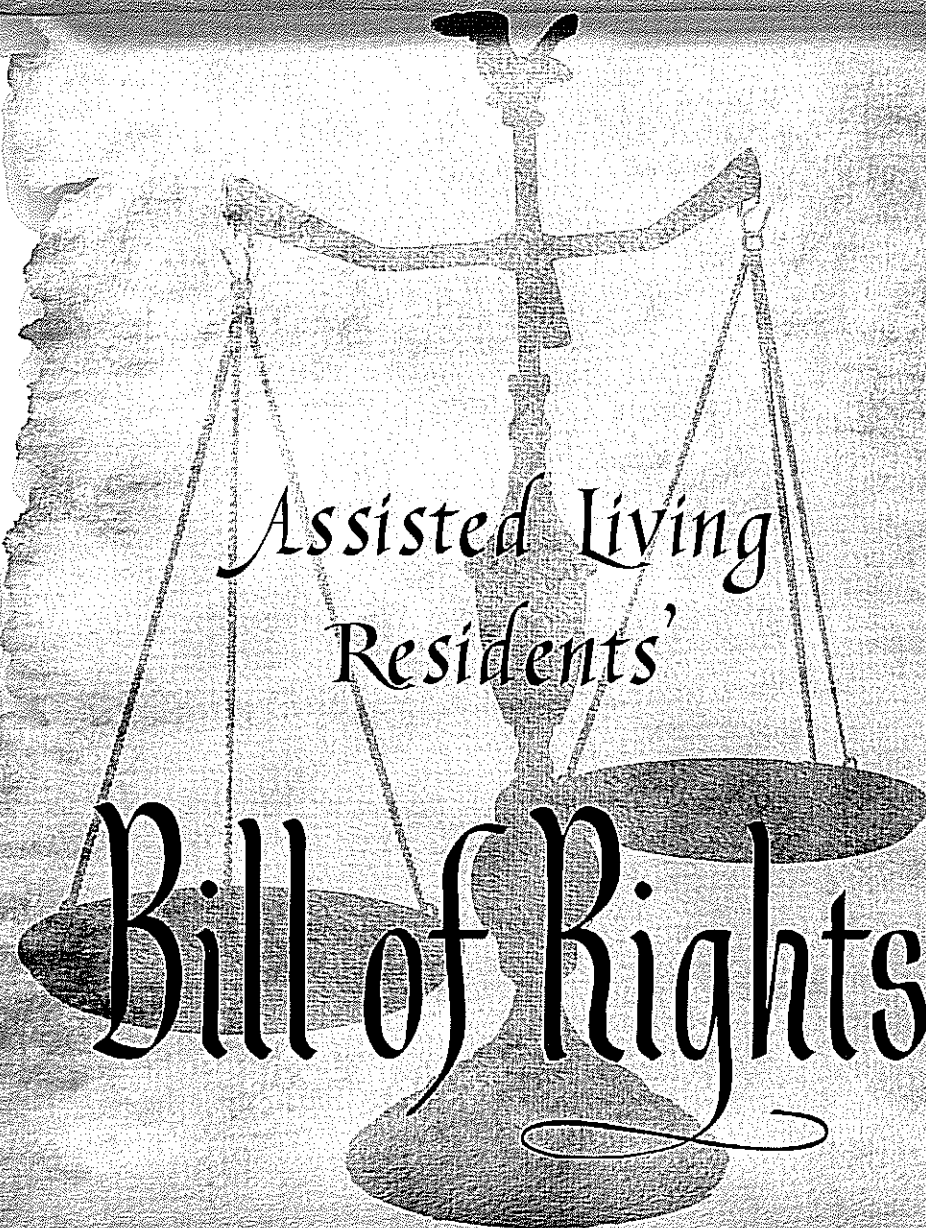


## DEPARTMENT OF ECONOMIC SECURITY

*Your Partner For A Stronger Arizona*

Equal Opportunity Employer/Program ♦ Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, and disability. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact (602) 542-4446; TTY/TDD Services: 7-1-1. ♦ Disponible en español.

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY Division of Aging and Adult Services



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## **Residents' Rights and Quality of Life**

When you are admitted to an assisted living facility, you maintain all of your basic civil rights and liberties. Because protection and promotion of your rights is so important, regulations require that the facility list your rights in detail.

The Department of Health Services and the Long-Term Care Ombudsman Program are required by law to decide whether the assisted living facility is indeed protecting and promoting your rights. Your rights exist to safeguard and promote your dignity, choice and self-determination; to protect your civil, personal, and privacy rights; to protect your rights related to health care, due process and quality of life; and to protect your transfer and discharge rights.

### **Arizona Administrative Code R9-Chapter 10-Article 7 requires that:**

- An assisted living facility shall ensure that a resident or representative is provided a list of current resident rights at the time a resident is accepted into an assisted living facility.
- An assisted living facility shall ensure that a resident or the representative acknowledge, in writing, receipt of the resident's rights.
- An assisted living facility shall ensure that language barriers or physical disabilities do not prevent a resident or representative from becoming aware of resident rights.
- An assisted living facility shall provide you or your representative with the current phone numbers of:
  - Arizona Department of Health Services,
  - Office of Assisted Living Licensure
  - Adult Protective Services

- 911 or other local emergency response
- The Long-Term Care Ombudsman
- The Arizona Center for Disability Law
- The Governor's Office for Americans With Disabilities
- An entity to provide information on health care directives.

As someone living in an assisted living facility, you have the right to be treated with respect and dignity and the right to make choices about how you want to live your everyday life and to receive care.

The assisted living facility must provide you with the necessary care and services that you need in order to attain or maintain your highest level of physical, mental, and social well being. You have the right to participate in the process that decides what those services will be.

You have the right to Self-Determination.

## Self-Determination

You have the right to:

- Live in an environment that promotes and supports each resident's dignity, individuality, independence, self-determination, privacy, and choice.
- Exercise free choice in selecting a primary care provider, pharmacy, or other service provider and assume responsibility for any additional costs incurred as a result of such choice.
- Submit grievances to employees, outside agencies and other individuals without constraint or retaliation.
- Participate or allow your representative or other individual to participate in the development of a written service plan
- Receive the services specified in the service plan, and to review and renegotiate the service plan at any time.
- Refuse services, unless such services are court ordered or the health, safety, or welfare of other individuals is endangered by the refusal of services.
- Exercise free choice in selecting activities, schedules, and daily routines.
- Be assured of the same civil and human rights accorded to other individuals.

When you live in an assisted living facility, you have the right to expect privacy when you have visitors, have telephone conversations or exchange mail with family, friends, government representatives, or anyone else. You have the right to privacy while receiving personal care. You have the right to privacy regarding your personal living space. You also have the right to choose how you spend your time. You have personal and privacy rights.



## Personal and Privacy Rights

You have the right to:

- Participate or refuse to participate in social, recreational, rehabilitative, religious, political, or community activities.
- Perform or refuse to perform work for the assisted living facility.
- Privacy in correspondence, communication, visitation, financial and personal affairs.
- Privacy in hygiene and health related services.
- Receive visitors and to make private phone calls.
- Maintain and use personal possessions, unless such use infringes upon the health, safety, or welfare of other individuals.
- To have financial and other records kept in confidence. The release of records shall be by your written consent or the written consent of your representative, except as otherwise provided by law.
- Be treated with consideration and respect.
- Have access to common areas in the facility.

As a resident of an assisted living facility, you have the right to be free from physical and chemical restraints. A physical restraint is any article, device, or garment that you are unable to remove and is used to restrict movement and to control behavior. A chemical restraint is any medication that is used for discipline or convenience and is not required to treat medical symptoms. You also have the right to be free from abuse, neglect and exploitation.

## Rights Against Restraints and Abuse

You have the right to be:

- Free from physical, mental, and sexual abuse and sexual assault.
- Free from involuntary seclusion.
- Free from deprivation of care and services necessary to maintain minimum physical or mental health.
- Free from the illegal use of your resources for another's profit or advantage.
- Free from the use of physical restraints that are used for discipline or the convenience of the staff.
- Free from chemical restraints that are used to control your behavior.
- Free from discrimination in regard to race, color, national origin, sex, sexual orientation, and religion.

As a resident living in assisted living facility, you have the right to be told of any charges that you may incur. You have the right to be informed in advance of any changes in charges or fees. You also have the right to review the facility's most recent survey and to review the assisted living administrative code. You have the right to information.



## Right to Information

You have the right to:

- Review the assisted living facility's most recent survey conducted by the Arizona Department of Health Services, and any plan of correction in effect, during normal business hours or at a time agreed upon by the resident and the manager.
- Review a copy of the Arizona Administrative Code for assisted living facilities during normal business hours or at a time agreed upon by the resident and the manager.
- Be informed, in writing, of any change to a fee or charge at least 30 days before the change, unless your needs change as documented in your service plan as required in R9-10-711(A)(7).
- Review your records during normal business hours or at an agreed upon time by you and the manager.

You have the right to make choices about your assisted living arrangements. Regulations also exist outlining the circumstances under which you may be discharged by the facility. You have transfer and discharge rights.

## Transfer and Discharge Rights

You have the right to:

- Request to relocate or refuse to relocate within the facility based upon your needs, desires, and availability of such options.
- Understand the conditions under which your residency may be terminated by the assisted living facility as indicated in R9-10-709(E) (1) and (2).
- You may be terminated without notice if:
  - Your behavior is an immediate threat to the health and safety of others in the facility.
  - You have urgent medical or health needs requiring immediate transfer to another health care institution.
  - Your care and service needs exceed the level of care the facility is licensed to provide.
  - You may be terminated with 14 days written notice to you or your representative for one of the following reasons:
    - Documentation of failure to pay fees or charges.
    - Documentation of non-compliance with your residency agreement or internal facility requirements
- With the exception of the above, an assisted living facility shall not terminate residency without providing you or your representative with 30 days written notice.
- Understand the conditions under which you or your representative may terminate your residency at the assisted living facility as indicated in R9-10-709(E) (4) and (5).
- You or your representative may terminate residency without notice if a governmental agency has substantiated:



- Neglect
- Abuse
- Exploitation
- Conditions of imminent danger to life, health or safety
- You or your representative may terminate residency after providing 14 days written notice to the assisted living facility if documentation exists showing the facility's failure to comply with your service plan or residency agreement.
- Receive an appropriate written notice of termination, which shall include:
  - The reason for termination of residency.
  - The effective date of the termination of residency.
  - You or your representative's right to grieve the termination of residency.
  - The assisted living facility's grievance procedure.
  - The assisted living facility's refund policy.
- Receive the following documentation:
  - A copy of your service plan.
  - Documentation that you are free of pulmonary tuberculosis.
  - Phone numbers and addresses of the local Area Agency on Aging and the Department of Economic Security, Division of Aging and Adult Services and State Long Term Care Ombudsman Program

## Arizona Long-Term Care Ombudsman Offices

### Region I

Area Agency on Aging  
1366 E. Thomas Rd., Suite  
108  
Phoenix, AZ 85014  
(602) 264-2255

### Region II

Pima Council on Aging  
8467 E. Broadway  
Tucson, AZ 85710  
(520) 790-7262

### Region III

Northern Arizona Council of  
Governments  
119 E. Aspen Ave.  
Flagstaff, AZ 86001  
1-877-521-3500  
and  
1500 Cherry Rd.  
1-877-521-3500

### Region IV

Western Arizona Council of  
Governments  
224 S. 3rd Ave.  
Yuma, AZ 85364  
(928) 217-7115  
and  
208 N. 4th St.  
Kingman, AZ 86401  
(928) 753-6247

### Region V

Pinal/Gila Council for Senior  
Citizens  
8969 W. McCartney Rd.  
Casa Grande, AZ 85222  
(520) 836-2758  
(800) 293-9393

### Region VI

Southeastern Arizona  
Governments Organization  
118 Arizona St.  
Bisbee, AZ 85603  
(520) 432-5301  
and  
Southeastern Arizona  
Community Action Program  
490 W. Chenoweth St.  
Nogales, AZ 85628  
(520) 287-3408

### Region VII

Navajo Area Agency on Aging  
PO Box Drawer 1390  
Window Rock, AZ 86515  
(928) 729-4486



### **Region VIII**

Inter-Tribal Council of Arizona  
2214 N. Central, Suite 100  
Phoenix, AZ 85004  
(602) 258-4822

Pascua Yaqui Tribe  
7474 S. Camino de Oeste  
Tucson, AZ 85746  
(520) 879-5538

White Mountain Apache Tribe  
PO Box 700  
White River, AZ 85941  
(928) 338-4346 ext. 295

Hopi Tribe, Office of Elderly  
Services  
PO Box 123  
Kykotsmovi, AZ 86309  
(928) 734-3506

### **Additional Resources**

Department of Economic Security  
Office of the State Long-Term

Care Ombudsman

602-542-4446

Adult Protective Services

1-877-767-2385

Department of Health Services

Office of Assisted Living Licensure

602-364-2639

### **NOTES**