

Nursing Home Resident Rights

"Old age is fifteen years older than I am."

-- Oliver Wendell Holmes, Jr.,
U.S. Supreme Court justice (1841-1935)

"Old age is no place for sissies."

-- Bette Davis, American film, television,
and theatre actress (1908-1989)

The period from 1946 to 1964, after World War II and before the Vietnam war, is known in the United States as the "Baby Boom." Many Baby Boomers are now helping older parents with decisions regarding independent living versus assisted living.

This column focuses on some questions and answers about the rights of nursing home residents and their families. It is important to note, however, that there are many options available in addition to nursing homes.

Q. What are some of the other options besides nursing homes?

Community-based services such as Meals on Wheels can assist older citizens. Home health care may be a very good option, depending upon health needs. Some older persons move to in-law apartments in private homes. There are many various subsidized housing options for aging and disabled individuals.

Many older persons live in board and care homes or in assisted living facilities. Another growing trend is continuing care retirement communities. Nursing homes may be the best choice when there are serious health conditions that make these other options unworkable.

Q. Do many Tennesseans live in nursing homes?

Only a small percentage of all Tennessee residents live in nursing homes and long term care facilities. However, the percentage of older Tennessee residents in nursing homes is much higher than the national average.

For the year 2004, the United States CDC reports that the national average rate of older Americans 85 and older in nursing homes was 296 out of every 1,000. In Tennessee, the rate was 397 out of every 1,000. This means many Tennesseans have a friend or relative in a nursing home or long term care facility.

Q. What are some of the basic rights of nursing home residents?

In Tennessee, nursing home residents are consumers who are entitled to a basic "bill of rights." Residents/consumers shall be:

- Free to voice grievances without punishment
- Allowed to exercise their rights as a resident and as a citizen
- Free from mental and physical abuse
- Free from chemical and physical restraints
- Discharged or transferred only for medical reasons, for their own welfare, or for non-payment
- Entitled to associate and communicate privately with persons of their choice
- Free to participate in social, religious, and community activities
- Assured access to their personal and medical records, to be informed about their medical condition, and to participate in planning their care and treatment
- Entitled to manage their own personal affairs
- Entitled to keep and use personal belongings as space permits
- Entitled to share a room with one's spouse

Q. Who helps protect these rights?

The Tennessee Commission on Aging provides a free advocate for residents of nursing homes and long-term care facilities, called the Long-Term Care Ombudsman.

The Ombudsman is an impartial third party whose primary purpose is the resolution of problems. The office also trains volunteers, and many facilities have a volunteer assigned to that facility. Residents and their families may contact the Middle Tennessee Ombudsman at (615) 850-3922.

The Legal Aid Society and the AARP have published a free guide to nursing home rights and home health care options. To receive this information or information on other common legal problems, please visit our Web site at www.las.org or call 1-800-238-1443.

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