

# Protecting Your Rights in a Nursing Home



## Who We Are

We advocate with and for Marylanders experiencing poverty to achieve equity and social justice through free civil legal services, community collaboration, and systems change.

Established in 1911, Maryland Legal Aid is a statewide private, nonprofit law firm that provides free, civil legal services to low-income and vulnerable people to address their most fundamental legal problems. From our 12 offices throughout the state and through our community-based clinics, we help our clients preserve and access safe and affordable housing, maintain and regain custody of their children, and be safe from domestic violence. Maryland Legal Aid increases our clients' economic security by defending against consumer debt, including foreclosures and tax sales, removing barriers to employment, and accessing critical income supports such as unemployment, food stamps and other vital public benefits. Through special projects, we represent elder adults, nursing home residents, children in alleged abuse and neglect cases, and migrant farmworkers. In its advocacy, Maryland Legal Aid seeks systemic change through impact litigation, in our advocacy, and by storytelling.

## Know Your Rights!

This brochure is for Maryland residents and contains general information about your rights, but is not meant to be legal advice. Every effort is made to keep this information current. However, the law sometimes changes. If you need information about your specific situation, or if you have a pending legal case, you should seek legal counsel from Maryland Legal Aid or another legal resource.

## What is a Nursing Home?

A Nursing Home is a facility licensed by the state that provides 24-hour nursing care or assistance. The amount of time spent in a nursing home can vary. Some stay for a long period of time; others for a short stay to receive nursing care and rehabilitation services after a hospital stay or illness before returning to their homes.

## What rights do Nursing Home Residents have?

You have many rights as a nursing home resident under both Maryland and federal law. You have general rights as a resident of a nursing home, rights to having a plan of care developed that is tailored to your needs, and the right to be informed about and participate in your medical care. Nursing homes must give you a copy of the “Residents’ Bill of Rights” upon admission. Nursing homes also must post the rights. You can get a copy of your rights at: [mhcc.maryland.gov/consumerinfo/longtermcare/documents/resident\\_rights.pdf](http://mhcc.maryland.gov/consumerinfo/longtermcare/documents/resident_rights.pdf).

## Your Rights as a Nursing Home Resident

As a nursing home resident, the nursing home is now your home, even if only temporarily. You have the right to have your personal needs and preferences addressed, such as:

- Having the nursing home adjust to your individual needs, such as the time of day you like to eat, wake up or go to sleep;
- Receiving visits from friends, family, advocates, ombudsmen, social services providers, and doctors as you choose;
- Receiving information about the nursing home, such as any changes to costs for services or participation in the Medicaid or Medicare program;

- The right to privacy and confidentiality;
- The right to be treated with consideration, respect, and dignity; and
- The right to make independent choices.

## Planning for Your Care

A nursing home must care for all of your needs—physical, mental, and social. A comprehensive assessment must be done when you enter the nursing home. From this assessment, the nursing home will create a plan of care that will change as your needs and condition change. Staff should ask you about every part of your life, such as:

- What is your personal history?
- What are your physical and mental conditions?
- What is your preferred schedule for taking a bath, waking up in the morning, eating meals?
- What help do you need with walking, dressing, using the toilet, and eating?
- How well are you able to communicate with staff?
- Do you need to lose or gain weight?
- What medications do you take, and how do they affect you?

A nursing home uses the assessment to create a Care Plan with you and any family members that you choose. Your care planning team should include a nurse, nurse aid (called a GNA), activities director, dietary staff, and a social worker. Staff should review your

Care Plan at least every three months and/or when your condition changes. If your care plan is not meeting your needs, you have the right to request changes to your care plan and ask for a meeting.

## **Your Rights in the Nursing Home: Medical Care**

You must be informed about your medical issues and treatment. In order for you to participate in your plan of care you should:

- Be fully informed about your medical condition in a language that you understand;
- Be able to make decisions about your medical treatment;
- Be able to refuse treatment;
- Create an advance directive (an advance directive is a way to write down your medical wishes so that the nursing home knows your wishes, even if you are no longer able to tell them yourself);
- Create a Medical Orders for Life-Sustaining Treatment (MOLST ) (a MOLST is a set of your instructions, signed by a medical professional, that order the treatment that you want or do not want in the future);
- Give yourself medications if your doctor says that it is safe to do so;
- Choose your own doctor, although it may be difficult to get doctors to visit you in the nursing home;
- Be free from chemical restraints,

such as a drug that is used for the nursing home's convenience, not for medical treatment;

- Be free from physical restraints, such as something that prevents you from moving freely, like a bed rail;
- Review all your medical records and reports;
- Participate in Care Plan meetings so that you can talk about your care with the staff;
- Apply to get Medicaid services in your own home or apartment, rather than in a nursing home;
- Be able to complain about your care without retaliation; and
- If necessary, have a safe and secure transfer or discharge.

You have many detailed rights, and this brochure does not list them all. If something bad happens or you think your rights were violated, you should take action.

## **What can I do if my rights have been violated?**

For issues related to your medical needs, discuss the problem with your doctor or nurse and then with the Director of Nursing at the nursing home. If the problem continues or does not relate to your medical needs, contact the nursing home administrator or any of the resources listed in this brochure.

## Contact the Long-Term Care Ombudsman

The Long-Term Care Ombudsman (Ombudsman) is a free advocate for nursing home residents who tries to help residents resolve their concerns. The Ombudsman assist with voicing complaints to nursing home staff and to the Maryland Office of Health Care Quality and can help you find an attorney or other resources to help. The Ombudsman keeps information confidential and will not act without an individual's permission. The Ombudsman makes regular visits to nursing homes. To find your local Ombudsman, call the statewide office at 1-800-243-3425, or go to [www.aging.maryland.gov/Pages/Ombudsman.aspx](http://www.aging.maryland.gov/Pages/Ombudsman.aspx).

## Complain to the Resident Council or the Family Council

A Resident Council is a group, independent from the nursing home, made up of residents who meet regularly to discuss their concerns. The nursing home is required to encourage the activities of the residents council, including providing the council with a place to meet. Any resident can join the council. If there is a resident council, the nursing home must listen to their concerns. The nursing home must also act upon the concerns and recommendations of the residents. Nursing facility staff may not attend a resident council

meeting unless invited by the resident council.

A Family Council is similar to a resident council, but is made up of family members who meet regularly to discuss their concerns. Any family member can join the family council. If there is a family council, the nursing home must respond to all written questions and concerns from them within 14 days.

## **File a Complaint with the Maryland Office of Health Care Quality (OHCQ)**

OHCQ investigates complaints about assisted living facilities. If you file a complaint, they must investigate your matter. You can contact OHCQ at 1-877-402-8221, file a complaint online or get the complaint form at: <https://health.maryland.gov/ohcq/Pages/Complaints.aspx>.

## **Report Abuse or Fraud**

If you want to report fraud, waste, or abuse, you can contact the Maryland Department of Health Office of the Inspector General Hotline at 1-866-770-7175 or at [health.maryland.gov/oig](http://health.maryland.gov/oig). The Office of the Attorney General's Medicaid Fraud Unit also investigates neglect or abuse. You can contact the Medicaid Fraud Unit at 410-576-6521.

## **Contact an Attorney**

You may be able to get help from Maryland Legal Aid or consult with a private attorney. For assistance, call Maryland Legal Aid's centralized intake at 1-888-465-2468. To find a private attorney, you can reach out to the Lawyer Referral Service in your county.

## **Maryland Legal Aid's Statewide Long-Term Care Assistance Project**

Maryland Legal Aid's Long-Term Care Assistance Project provides free legal help for low-income persons to get the long-term health care they need in the setting of their choice, whether that is at home, in the community through assisted living, or in a nursing home. You can contact the Long-Term Care Assistance project by calling 1-888-465-2468 or go to [www.mdlab.org](http://www.mdlab.org).

## **Lawyer Referral Service**

Contact the Maryland State Bar Association at 1-800-492-1964 or go to [www.msba.org/public/lawyer-referral.aspx](http://www.msba.org/public/lawyer-referral.aspx)

Resources for more information about Nursing Home residents' rights and Nursing Homes, generally:

- National Consumer Voice for Quality Long-Term Care: [www.theconsumervoice.org](http://www.theconsumervoice.org)
- AARP: <https://www.aarp.org/>
- <http://www.medicareadvocacy.org/>

# Maryland Legal Aid Offices

**Centralized Intake:** 1-888-465-2468  
is now serving all jurisdictions:

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## Offices

### **Alleghany/Garrett**

138 Baltimore Street  
Suite 204  
Cumberland, MD 21502

### **Anne Arundel/Howard**

2024 West Street  
Suite 204  
Annapolis, MD 21401  
3451 Court House Drive  
2nd Floor  
Ellicott City, MD 21043

### **Baltimore City**

500 E. Lexington Street  
Baltimore, MD 21202

### **Baltimore County**

215 Washington Avenue  
Suite 305  
Towson, MD 21204

### **Cecil/Harford**

103 S. Hickory Avenue  
Bel Air, MD 21014

### **Lower Eastern Shore Dorchester, Somerset, Wicomico, Worcester**

201 E. Main Street  
Salisbury, MD 21801

### **Midwestern Maryland Carroll, Frederick, Washington**

22 S. Market Street  
Suite 11  
Frederick, MD 21701

### **Montgomery County**

600 Jefferson Plaza  
Suite 430  
Rockville, MD 20852

### **Prince George's County**

8401 Corporate Drive  
Suite 200  
Landover, MD 20785

### **Southern Maryland Calvert, Charles, St. Mary's**

15045 Burnt Store Road  
Hughesville, MD 20637

### **Upper Eastern Shore Caroline, Kent, Queen Anne's, Talbot**

106 N. Washington Street  
Suite 101  
Easton, MD 21601

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**TTY Users:** Call Maryland Relay, Dial 7-1-1

[www.mdlab.org](http://www.mdlab.org)

For more information

[www.peoples-law.org](http://www.peoples-law.org)

For self-help legal information and  
community resources

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