

## Know Residents' Rights in a Care Facility and When to Speak Up

If you have concerns about the quality of care you or someone you care about is receiving in a care facility, you need to speak up and take action. The following information will help you learn about a resident's rights, document problems, communicate effectively, and find outside resources when 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. Here are some tips.

#### Ask about the facility's grievance procedure

Before a problem arises, you should know the facility's grievance procedure. Every facility has policies for investigating and fixing complaints.

#### Define and document your concern

- Gather as much specific information as possible.
- Be precise. Write down the date, time, location and names of individuals involved.
- Consider 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/or the staff members have taken so far.

#### Tips for talking with the care team

- Calmly state the problem.
- Be clear and accurate, and 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 making a suggestion. For example, you might say, "I think my mother would react better to bathing if she got her bath in the morning. That was her routine at home."
- Suggest and agree on a plan of action. Write it down.
- Keep visiting often and monitoring care.

### **Using facility resources to take action**

Each facility offers many ways to address concerns, solve problems and make necessary changes.

### **Use existing systems**

A facility's system to address concerns include its 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 their 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 discuss them respectfully.

### **Using outside resources to take action**

If you cannot resolve your problem within the facility, an outside agency or person may help.

- Your local Alzheimer's Association can help you recognize good dementia care, communicate with care providers and recommend local resources.
- A long-term care ombudsman advocates for quality residential care, teaches consumers and providers, and helps resolve residents' complaints.
- Elder law attorneys respond to concerns about residents' rights and quality care. They also help in elder abuse and financial abuse cases. Not all attorneys specialize in elder law. Ask a prospective attorney whether he or she regularly handles these matters. You can also contact your local bar association for references to elder law attorneys.

### **Spotting and reporting elder abuse**

Each state has a different definition of abuse, neglect or exploitation of the elderly. Elder abuse includes physical abuse, sexual abuse, emotional or psychological abuse, 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. 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. 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.

For more information about elder abuse, visit the National Center on Elder Abuse at [www.elderabusecenter.org](http://www.elderabusecenter.org).

If you suspect abuse or neglect, call us or the Eldercare Locator. You'll be connected to your state or local adult protective services division or to a long-term care ombudsman.

- Alzheimer's Association 1.800.272.3900
- Eldercare Locator 1.800.677.1116

The Alzheimer's Association is the leading voluntary health organization in Alzheimer care, support and research.

**Created** May 2006