

Your medical rights

Your Medical Rights as a nursing home resident include the right to:

- Be fully informed about your medical condition in a language that you understand;
- Make decisions about your medical treatment;
- Refuse treatment if you don't want it;
- 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) form (your instructions, signed by a medical professional, that order the treatment that you want or do not want in the future);
- Give yourself your medications if your doctor says that it's safe;
- 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;
- Have the nursing home adjust to your individual needs;
- Review all your medical records and reports;
- Apply to get Medicaid services in your nursing home, rather than in another nursing home;
- Complain about your care without retaliation.

We are currently working to update this information. Please check back soon.

Maryland Legal Aid

Maryland Legal Aid is a private, non-profit law firm that provides free civil legal services to Maryland's most vulnerable residents and communities and is dedicated to protecting and advancing human rights for all. Its Long Term Care Assistance Project helps Marylanders to obtain the long term care they need, in the location they want.

Know your rights!

It's important to be proactive in learning about your medical rights, rather than waiting until a crisis has occurred. While every effort is made to keep this information current, the law sometimes changes. Call Legal Aid at 866-635-2948 or another legal resource if you are seeking advice on your particular issue, or if you have a court case or administrative hearing scheduled.

The Maryland State Bar Association Elder Law and Disability Rights Section generously funded the production of this brochure.



Your
Medical
Rights
in a
Nursing
Home



Planning for your care

A nursing home must care for all of your personal needs—physical, mental, and social. A **comprehensive assessment** must be done when you enter. 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 activities and food do you like and dislike?
- 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 does that affect your life?
- How can your care at the nursing home be improved?

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 and dietary staff, and a social worker. Staff should look at

your Care Plan at least every three months and when your condition changes. If it's not working, the staff should make changes to the Care Plan at a new meeting.

An example of medical rights:

Bed Sores

Some people who live in nursing homes have a bed sore, or “pressure ulcer.” This is a dark or red area on the skin, a break, or a deep, craterlike wound in the skin. They are caused by pressure that stops blood from getting to skin and tissue. Bed sores can lead to serious medical problems and can be painful. If you go into a nursing home without bed sores, the nursing home must provide care so that you do not develop bed sores. If you have bed sores, the nursing home must treat you to make sure they heal and to prevent new sores.

You have the right to know that you have a bed sore and to know how it is going to be treated. You have the right to ask questions and talk about how to prevent bed sores in a Care Plan meeting. Your right to be free from physical and chemical restraints is important because they can make bed sores worse. You should know that if you stay in bed for

a long time or do not change positions, you may get a bed sore. You have the right to refuse treatment, but this could result in a bed sore getting worse. You have the right to complain if you do not think you are getting good care, such as if you are sitting in wet clothes or not being moved, which could make the bed sore worse.

What can I do if I think my rights have been ignored?

For medical problems, discuss the problem with your nurse and then with the Director of Nursing. If the problem continues, contact the nursing home administrator, your local Long Term Care Ombudsman, or any of the resources listed to the right.

This brochure focuses only on your medical rights. You have many other rights as well, including the right to be treated with respect and dignity. To learn more about all your rights, go to www.peoples-law.org.

To get help

The Office of Health Care Quality (OHQC) investigates complaints and can fine the nursing home. Contact them at 1-877-402-8219 or <http://dhmh.maryland.gov/ohcq/>.

The Long Term Care Ombudsman is a free advocate for residents who will try to help you resolve your concerns. Call the statewide office at 1-800-243-3425, or go to <http://www.aging.maryland.gov/Ombudsman.html>.

Report nursing home abuse or fraud to the Maryland Attorney General's Office, Medicaid Fraud Division, at 410-576-6521, or call the Department of Health and Mental Hygiene, Office of the Inspector General's Hotline at 866-770-7175.

You may want **legal advice**. Maryland Legal Aid's **Long Term Care Assistance Project** gives free legal advice to low income nursing home residents: 866-635-2948. For a private lawyer in your county, go to <http://www.msba.org/public/referral.htm>.