



Resident's Rights

Department of Health

Division of Health Care Services

Residential Licensing

Learning Objectives

At the end of this presentation, you will:

- Understand the rights of a resident residing in an assisted living home.
- Understand the prohibited actions by an assisted living home.
- The requirements of informing a resident of their rights.
- Licensing expectation and interpretation.





Admission

AS 47.33.310 (a)

(a) At the time a person begins residency in an assisted living home, the home shall provide the resident and the resident's representative, if any, with a copy of the rights set out in AS 47.33.300. The home shall obtain from the resident or the resident's representative a signed and dated acknowledgement stating that the resident has read or been read the rights, understands the rights, and has had any questions about the rights answered by the home.

Admission Expectations

Licensing Expectation and Interpretation:

- At admission, the Home must review the rights set in AS 47.33.300 with the resident and/or their representative.
- The Home must provide a copy of those rights and if needed read to the resident.
- The Home must obtain written acknowledgement signed and dated by the resident and/or their representative.
- The Home must answer any questions regarding these rights the resident and/or their representative has.




Resident File

AS 47.33.070 (a)(7)(A)

(a) An assisted living home shall maintain, for each resident of the home, a file that includes (7) written acknowledgment by the resident or the resident's representative that the resident has received a copy of and has read, or has been read the (A) resident's rights under AS 47.33.300;





Resident File Expectations

Licensing Expectation and Interpretation:

- The Home must maintain the resident's signed and dated acknowledgement in their resident file.
- This can include a signed copy of the rights or a signed statement.
- This document can be reviewed at any inspection or investigation.

Posting Requirements

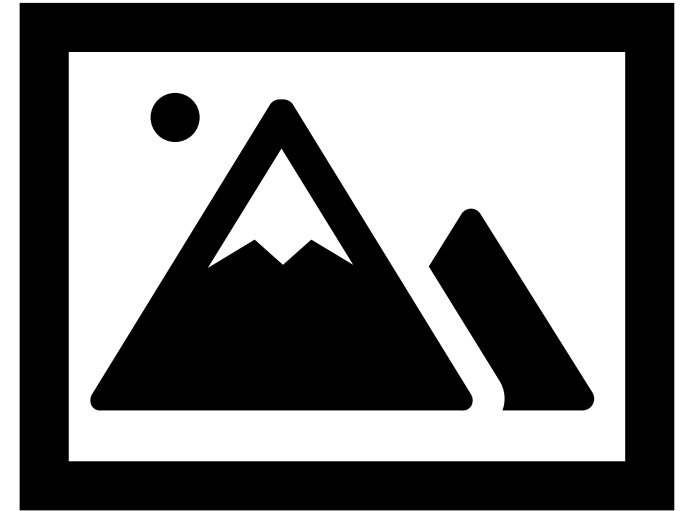
AS 47.33.310 (b)(1)(2)(3)(4)

(b) An assisted living home shall post in a prominent place in the home(1) a copy of the rights set out in AS 47.33.300;(2) the name, address, and phone number of the long term care ombudsman hired under AS 44.25.300 and, if relevant to residents, of the advocacy agency for persons with a developmental disability or mental illness;(3) the telephone number of an information or referral service for vulnerable adults; and(4) a copy of the grievance procedure established under AS 47.33.340.

Posting Requirements Expectations

Licensing Expectation and Interpretation:

- The Home must post a copy of the rights set in AS 47.33.300 in a prominent location accessible to the resident.
- This posting should **not** be in a staff only location.
- The Home must also post contact information for the long-term care ombudsman, advocacy agencies (disability law center), information for referral services, and the Home's grievance procedure.

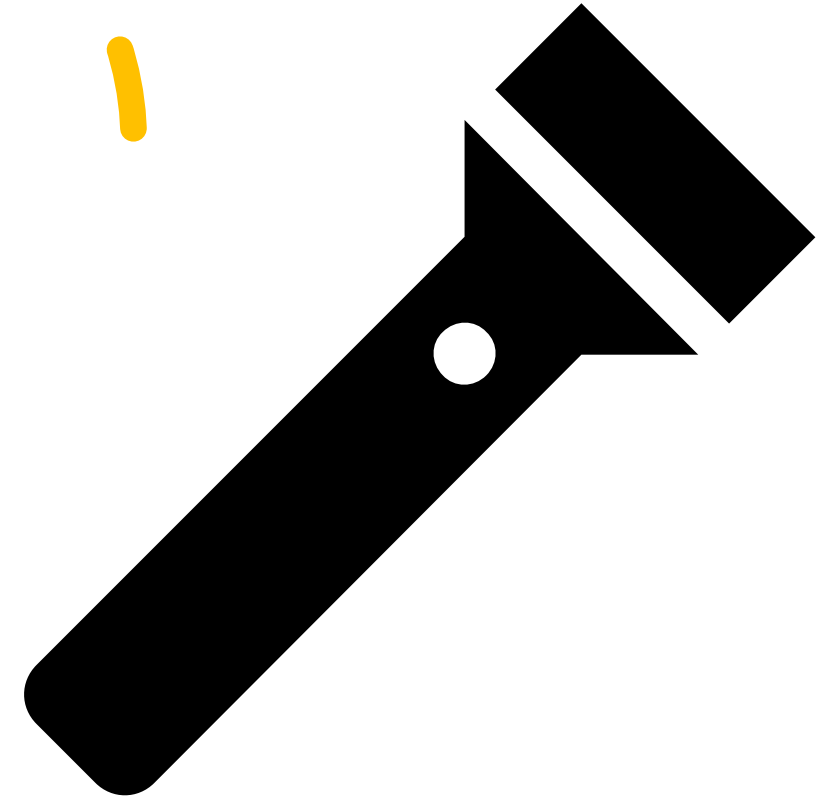


Access to the Assisted Living Home

AS 47.33.320 (1)(2)(3)

An assisted living home shall allow advocates and the representatives of community legal services programs access to the home at reasonable times to, subject to the resident's consent,

- (1) visit with a resident of the home and make personal, social, and legal services available to the resident;
- (2) distribute educational and informational materials to advise a resident or resident's representative of applicable rights; and
- (3) assist a resident or a resident's representative in asserting legal rights or claims.



Access Expectations

Licensing Expectation and Interpretation:

- The Home must allow advocates and representatives of legal services programs reasonable access to residents of the home.
 - This includes:
 - The resident's case worker or care coordinator,
 - OLTCO, and
 - Disability Law Center.

Residents' Rights

47.33.300 (a)(1) and Expectations

47.33.300 (a)

(1) Live in a safe and sanitary environment free from abuse and discrimination.

Licensing Expectation and Interpretation:

- The Home is clean and sanitary.
- Abuse and discrimination are address immediately and reported to centralized intake.



Residents' Rights 47.33.300 (a)(2)(A)(B)(C)(D)

47.33.300 (a)

(2) be treated with consideration and respect for personal dignity, individuality, and the need for privacy, including privacy in:

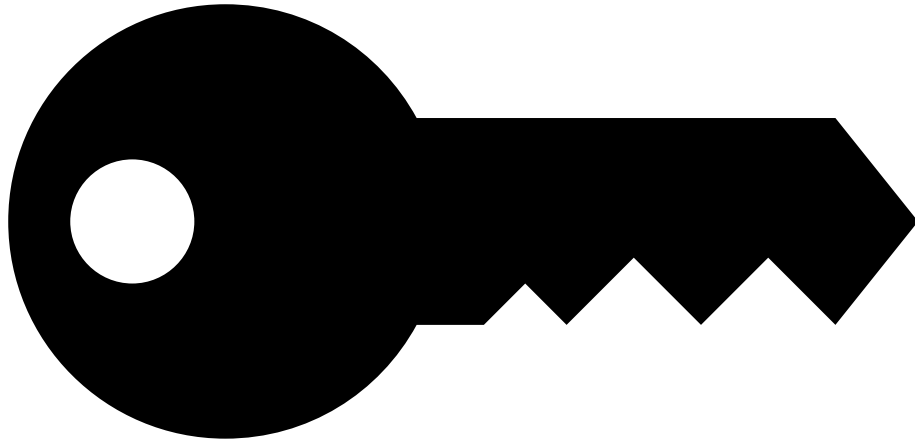
(A) a medical examination or health-related consultation;

(B) the resident's room or portion of a room;

(C) bathing and toileting, except for any assistance in those activities that is specified in the resident's assisted living plan; and

(D) the maintenance of personal possessions and the right to keep at least one cabinet or drawer locked;

Residents' Rights 47.33.300 (a)(2)(A)(B)(C)(D) Expectations



Licensing Expectation and Interpretation:

- Home is expected to ensure a resident's privacy unless otherwise stated in the assisted living plan.
- Staff should knock or announce themselves when entering a resident's room.
- The resident can lock their door and only relevant staff should have a key.
- The Home's contract can indicate times as which it may enter to clean the room without resident permission.
- If the resident reside in a double occupancy room, you must ensure they some privacy from their roommate if request.
- The Home must ensure the resident can have a locked draw or cabinet if requested.

Residents' Rights 47.33.300 (a)(3) and Expectations

47.33.300 (a)

(3) possess and use personal clothing and other personal property, unless the home can demonstrate that the possession or use of certain personal property would be unsafe or an infringement of the rights of other residents;

Licensing Expectation and Interpretation:

- If a resident cannot safely possess an item, it must be clearly documented and should be included in their assisted living plan and reviewed by the resident's representative.
- This can address items like lighters and resident bringing in found objects that may have pests.

Residents' Rights 47.33.300

(a)(4)(A)(B)(C)(D)

47.33.300 (a)

(4) engage in private communications, including

(A) receiving and sending unopened correspondence;

(B) having access to a telephone, or having a private telephone at the resident's own expense;

(C) visiting with persons of the resident's choice, subject to visiting hours established by the home and consistent with AS 47.33.060; and

(D) having access to the Internet provided by the home, subject to availability to the home in the community, and having a private device to access the Internet at the resident's own expense;



Residents' Rights 47.33.300

(a)(4)(A)(B) Expectations



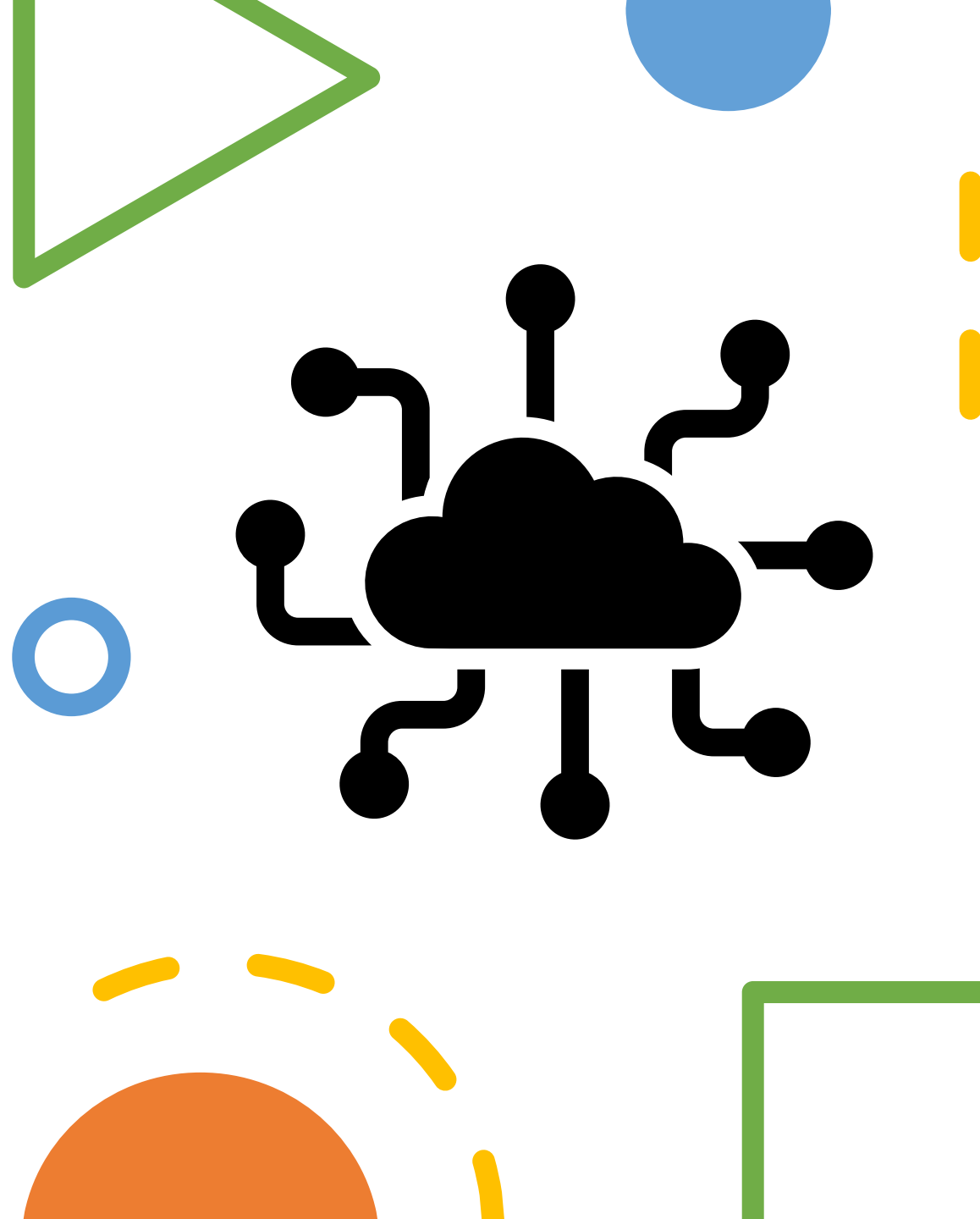
Licensing Expectation and Interpretation:

- If a resident require assistance with mail, it should be stated in the assisted living plan.
- The Home must have a designated phone for resident use, a staff member's phone is unacceptable.
- If a resident has any behaviors related to excess 911 calls, document it in their assisted living plan and how staff will assist.

Residents' Rights 47.33.300 (a)(4)(C)(D) Expectations

Licensing Expectation and Interpretation:

- The Home can have suggested visiting hours, settings requirement prohibits the Home from not allowing visitors at any time. This ensure dignity in death should a family want to visitor and allow the representative to check if they have any concerns.
- If a visitor is disrupting the home, contact the local authorities.
- If the Home has internet access it must be provided to the residents. The Home is not responsible for the devices.
- Residents at their own expense can purchase faster internet speed.



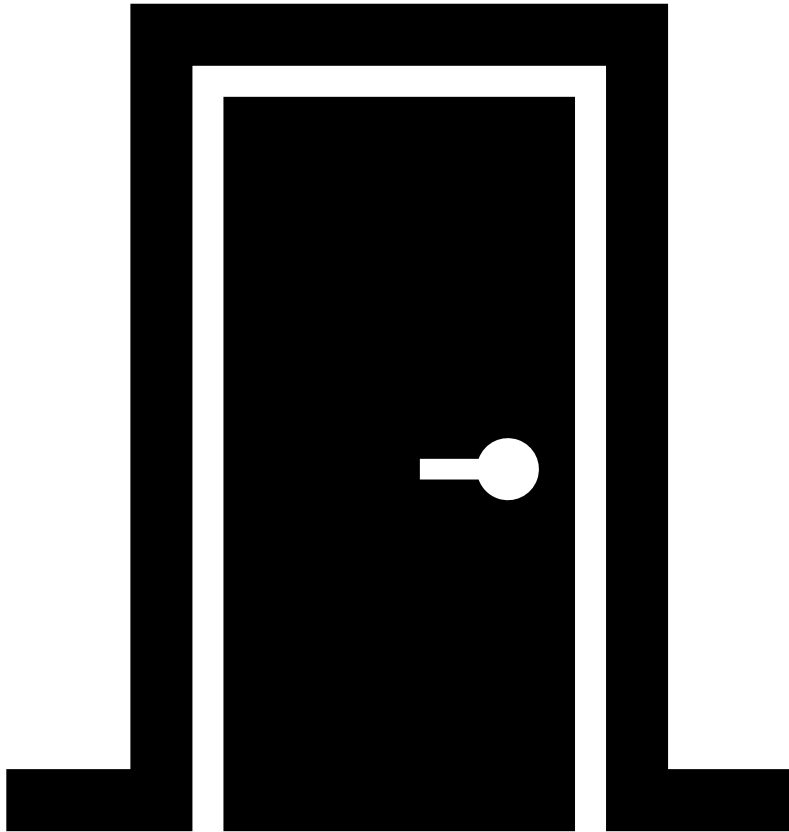
Residents' Rights 47.33.300 (a)(5) and Expectations

AS 47.33.300 (a)

(5) close the door of the resident's room at any time, including during visits in the room with guests or other residents;

Licensing Expectation and Interpretation:

- All exception must be stated in the assisted living plans.
- Concerned about the residents well being contact local authorities or file a report with Adult Protective Services.





Residents' Rights 47.33.300 (a)(6) and Expectations

AS 47.33.300 (a)

(6) at the resident's own expense unless otherwise provided in the residential services contract, participate in and benefit from community services and activities to achieve the highest possible level of independence, autonomy, and interaction with the community;

Licensing Expectation and Interpretation:

- The resident's assisted living plan should address how this need will be met.
- The Home should help facilitate how a resident can access their community.

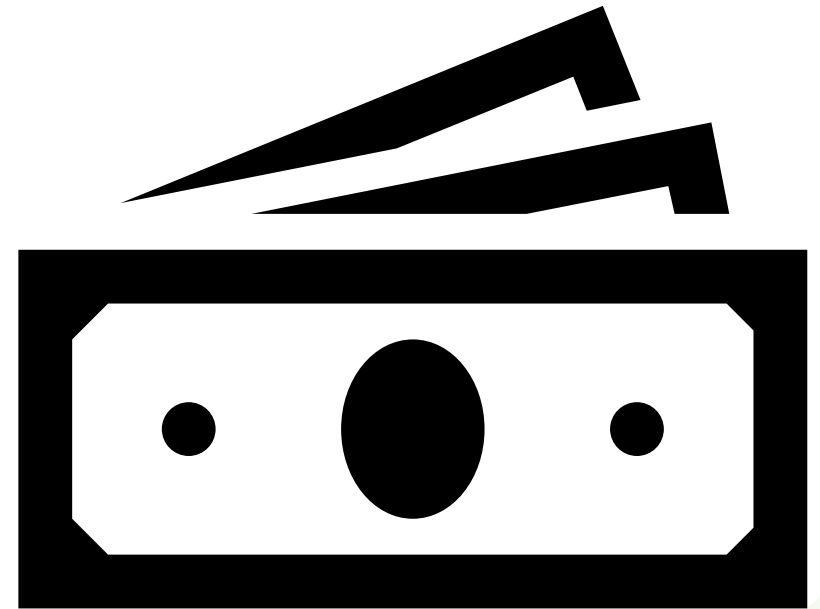
Residents' Rights 47.33.300 (a)(7) and Expectations

AS 47.33.300 (a)

(7) manage the resident's own money;

Licensing Expectation and Interpretation:

- Unless the Home has entered into an agreement to manage the resident's money the resident has the right to manage their own.
- If you have concerns regarding a resident's capacity to manage their money a report should be made to Centralized Intake.



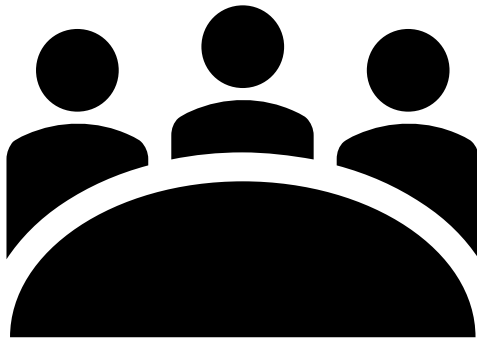
Residents' Rights 47.33.300 (a)(8) and Expectations

AS 47.33.300 (a)

(8) participate in the development of the resident's assisted living plan;

Licensing Expectation and Interpretation:

- All residents should be offered the ability to participate in the development of their assisted living plan.



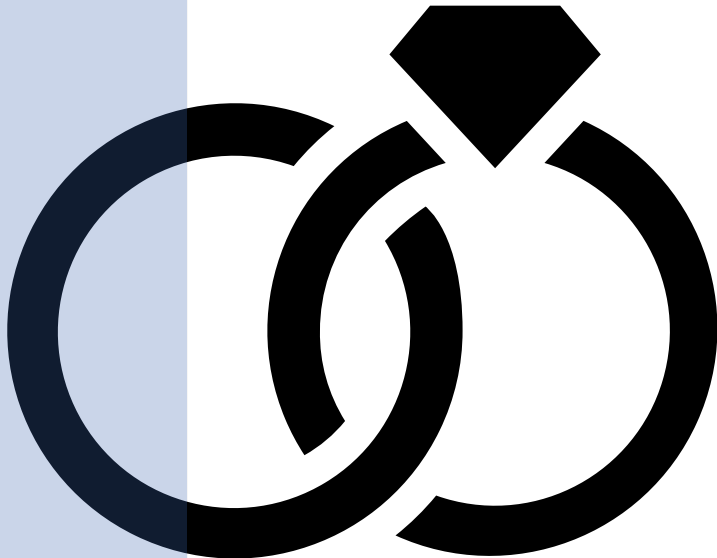
Residents' Rights 47.33.300 (a)(9) and Expectations

AS 47.33.300 (a)

(9) share a room with a spouse if both are residents of the home;

Licensing Expectation and Interpretation:

- The Home cannot require spouses to have their own rooms or require them to live together.
- Concerns should be addressed in the assisted living plan or reported to Centralized Intake.
- Law Enforcement should always be contacted when appropriate.





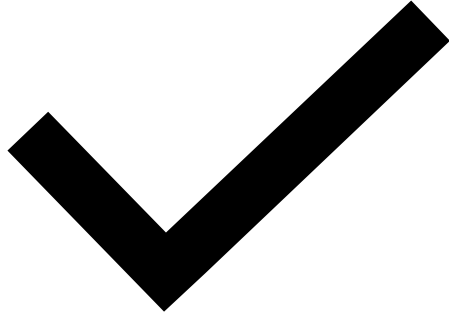
Residents' Rights 47.33.300 (a)(10) and Expectations

AS 47.33.300 (a)

(10) have a reasonable opportunity to exercise and to go outdoors at regular and frequent intervals, when weather permits;

Licensing Expectation and Interpretation:

- The home should appropriately staff to ensure residents this right.
- In some communities and locations, the Home may need to help arrange to ensure residents are afforded this right.



Residents' Rights 47.33.300 (a)(11) and Expectations

AS 47.33.300 (a)

(11) exercise civil and religious liberties;

Licensing Expectation and Interpretation:

- The Home should be prepared to arrange and ensure residents they can exercise their civil liberties, including the right to vote.
- Residents can exercise their religious liberties, including the right to and not to pray, and should never be forced to attend specific religious institutes or participate in religious ceremonies.

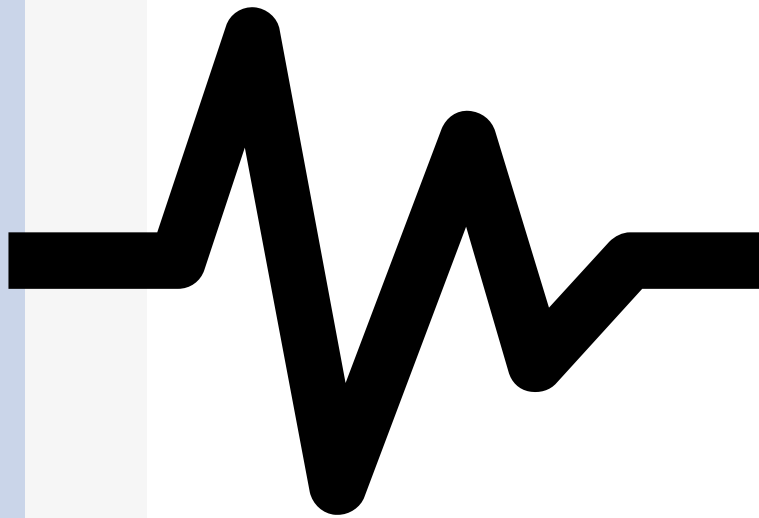
Residents' Rights 47.33.300 (a)(12) and Expectations

AS 43.33.330

(12) have access to adequate and appropriate health care and health care providers of the resident's own choosing, consistent with established and recognized standards within the community;

Licensing Expectation and Interpretation:

- Home cannot require resident to seek health care at certain providers.





Residents' Rights 47.33.300 (a)(13) and Expectations

- (13) self-administer the resident's own medications, unless specifically provided otherwise in the resident's assisted living plan;

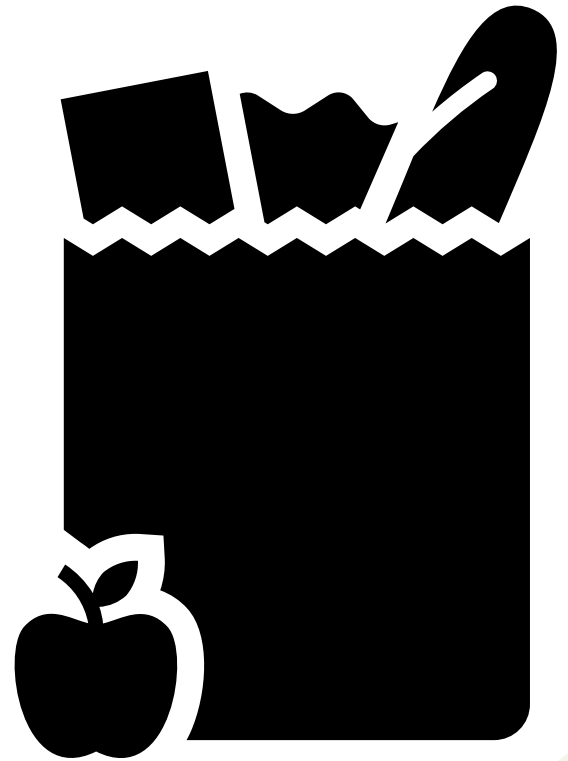
Residents' Rights 47.33.300 (a)(14) and Expectations

AS 47.33.300 (a)

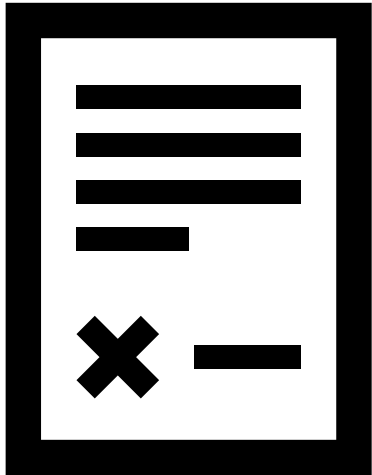
(14) receive meals that are consistent with cultural preferences and religious or health-related restrictions;

Licensing Expectation and Interpretation:

- The Home should be prepared to meet cultural and religious food preferences as well as health related restriction.
- The Home is not obligated to expend money to ensure this right unless it is stated in the residential service contract.



Residents' Rights 47.33.300 (a)(15) and Expectations



AS 47.33.300 (a)

(15) receive the prior notice of relocation of the home or the home's intent to terminate the residential services contract of the resident required by [AS 47.33.080](#) and 47.33.360, respectively;

Licensing Expectation and Interpretation:

- Residents should always be notified of relocations and involuntary termination notices.
- Residents do not have to relocate if you change locations.
- Ensure proper notification of involuntary termination of contract to the Department as well offering a conference and assistant in relocation.

Residents' Rights 47.33.300 (a)(16) and Expectations

AS 47.33.300 (a)

(16) present to the home grievances and recommendations for change in the policies, procedures, or services of the home without fear of reprisal or retaliation;

Licensing Expectation and Interpretation:

- Residents should not face and retaliation for adhering to the Home's grievance policies. Retaliatory actions can result in an investigation of the Home.



Residents' Rights 47.33.300 (a)(17) and Expectations

AS 47.33.300 (a)

(17) at the resident's own expense unless otherwise provided in the residential services contract, have access to and participate in advocacy or special interest groups;

Licensing Expectation and Interpretation:

- Residents have the rights to participate in advocacy or specialist interest group addressing this right should be addressed in the Assisted Living Plan.

Residents'
Rights
47.33.300
(a)(18) and
Expectations

AS 47.33.300 (a)

(18) at the resident's own expense unless otherwise provided in the residential services contract, intervene or participate in, or refrain from participating in, adjudicatory proceedings held under this chapter, unless provided otherwise by other law;

Licensing Expectation and Interpretation:

- Residents have a right to choose to participate in any adjudicatory proceeding.

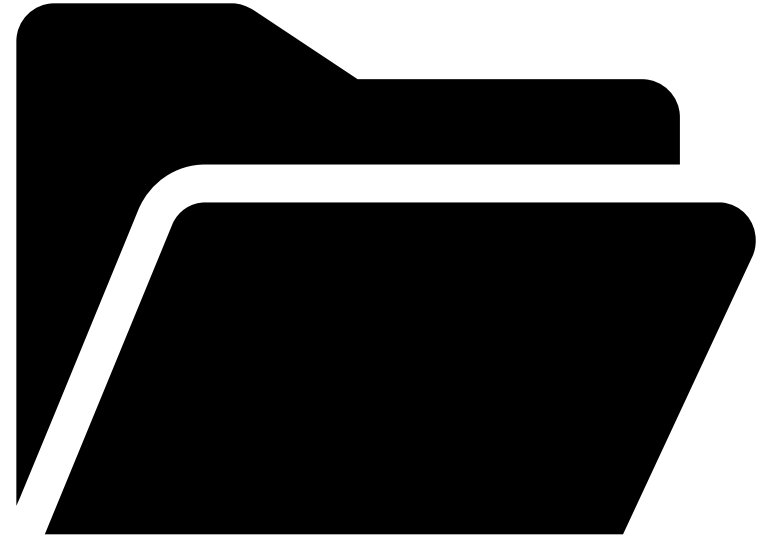
Residents' Rights 47.33.300 (a)(19) and Expectations

AS 47.33.300 (a)

(19) reasonable access to home files relating to the resident, subject to the constitutional right of privacy of other residents of the home;

Licensing Expectation and Interpretation:

- Residents and/or their representatives can request to review their home files and should be made available when requested.



Residents' Rights 47.33.300 (a)(20) and Expectations

AS 47.33.300 (a)

(20) receive information in a language the resident understands;

Licensing Expectation and Interpretation:

- The Home should be prepared to provide the resident information in a language they can understand.
- This includes caregivers with adequate ability to communicate in English 7 AAC 75.220 (d).
- Translating services can help provide documents in a language the resident understands.



Residents' Rights 47.33.300 (a)(21) and Expectations

AS 47.33.300 (a)

(21) receive quality care; in this paragraph, "quality care" means care of a resident in accordance with the resident's assisted living plan, plan of care, personal preferences, and health care providers' recommendations.

Licensing Expectation and Interpretation:

- If the care needed is documented the expectation is that service is provided.
- If documentation does not accurately reflect services. The Home and team should work together to ensure documents accurately reflect care needs.

Sec 47.33.330 (a)(1) Prohibitions

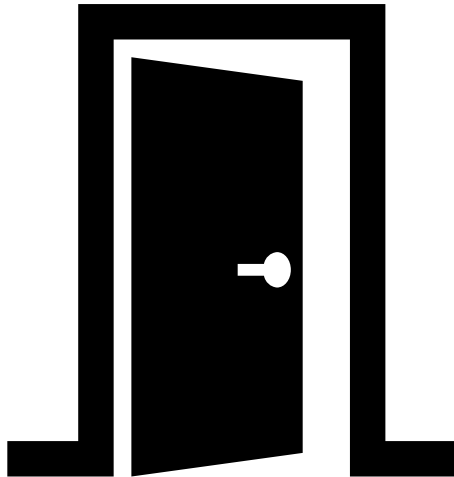
AS 47.33.330 (a)

(1) deprive a resident of the home of the rights, benefits, or privileges guaranteed to the resident by law;



Sec 47.33.330 (a)(2)(A)(B)(C)(D)

Prohibitions



AS 47.33.330(a)

- (2) enter a resident's room without first obtaining permission, except
- (A) during regular, previously announced, fire, sanitation, or other licensing inspections;
 - (B) when a condition or situation presents an imminent danger;
 - (C) as required by the resident's assisted living plan to provide services specified in the residential services contract; or
 - (D) for other vital health or safety reasons;

Sec 47.33.330
(a)(3)Prohibitions

AS 47.33.330(a)

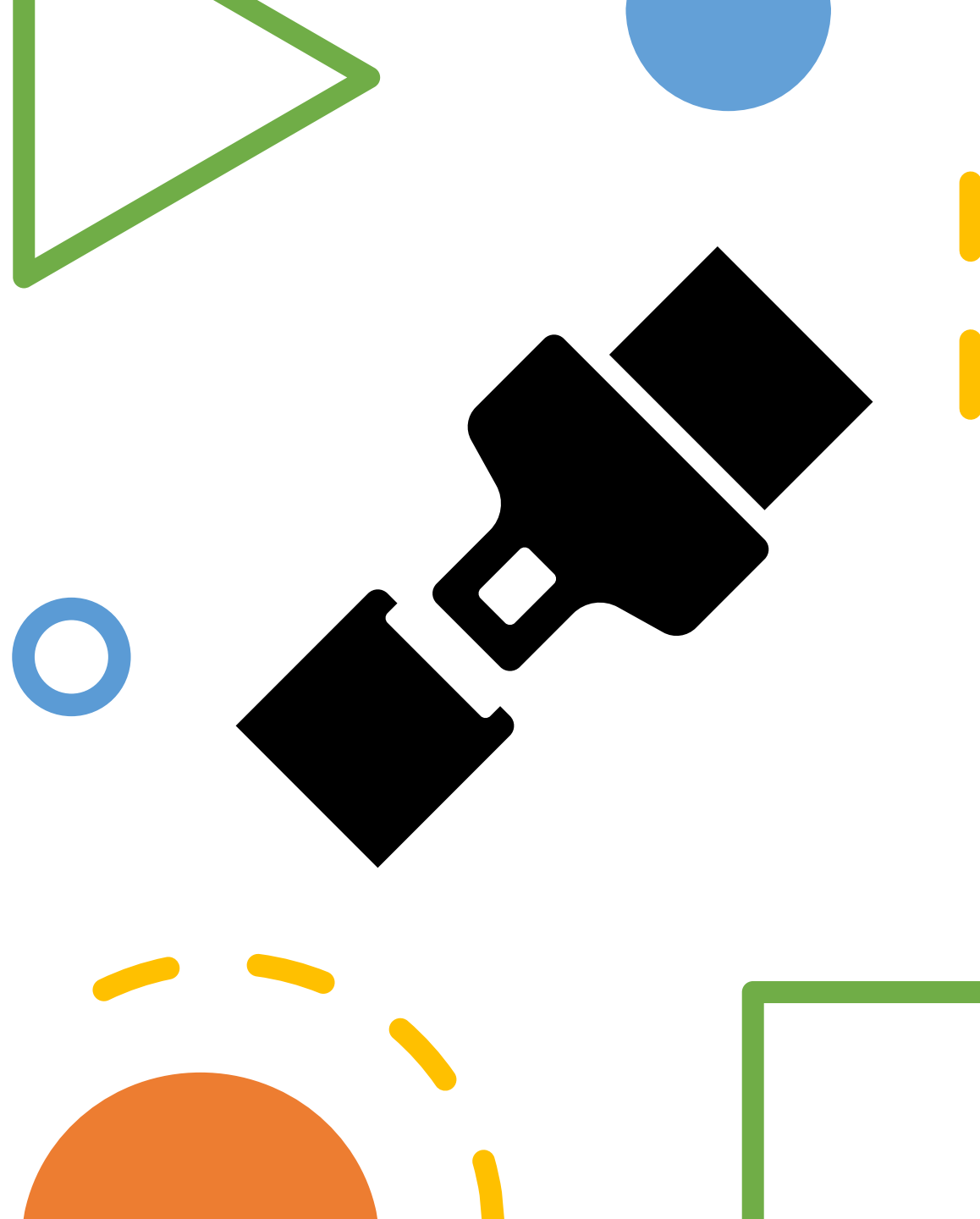
(3) impose religious beliefs or practices upon a resident or require a resident to attend religious services;

Sec 47.33.330

(a)(4) Prohibitions

AS 47.33.330(a)

(4) place a resident under physical restraint unless the resident's own actions present an imminent danger to the resident or others;





Sec 47.33.330

(a)() Prohibitions

AS 47.33.330(a)

(5) place a resident under chemical restraint; this paragraph does not prevent a resident from voluntarily taking tranquilizers, or other medication, prescribed by a licensed physician;

Sec 47.33.330

(a)(6) Prohibitions

AS 47.33.330(a)

(6) compel a resident to perform services for the home, except as contracted for by the resident and the home or as provided for in the resident's assisted living plan;



Sec 47.33.330
(a)(7) Prohibitions

AS 47.33.330(a)

(7) restrain, interfere with, coerce, discriminate against, or retaliate against a resident for asserting a right specified by this chapter or by other law.

Sec 47.33.330 (b) Prohibitions

AS 47.33.330(b)

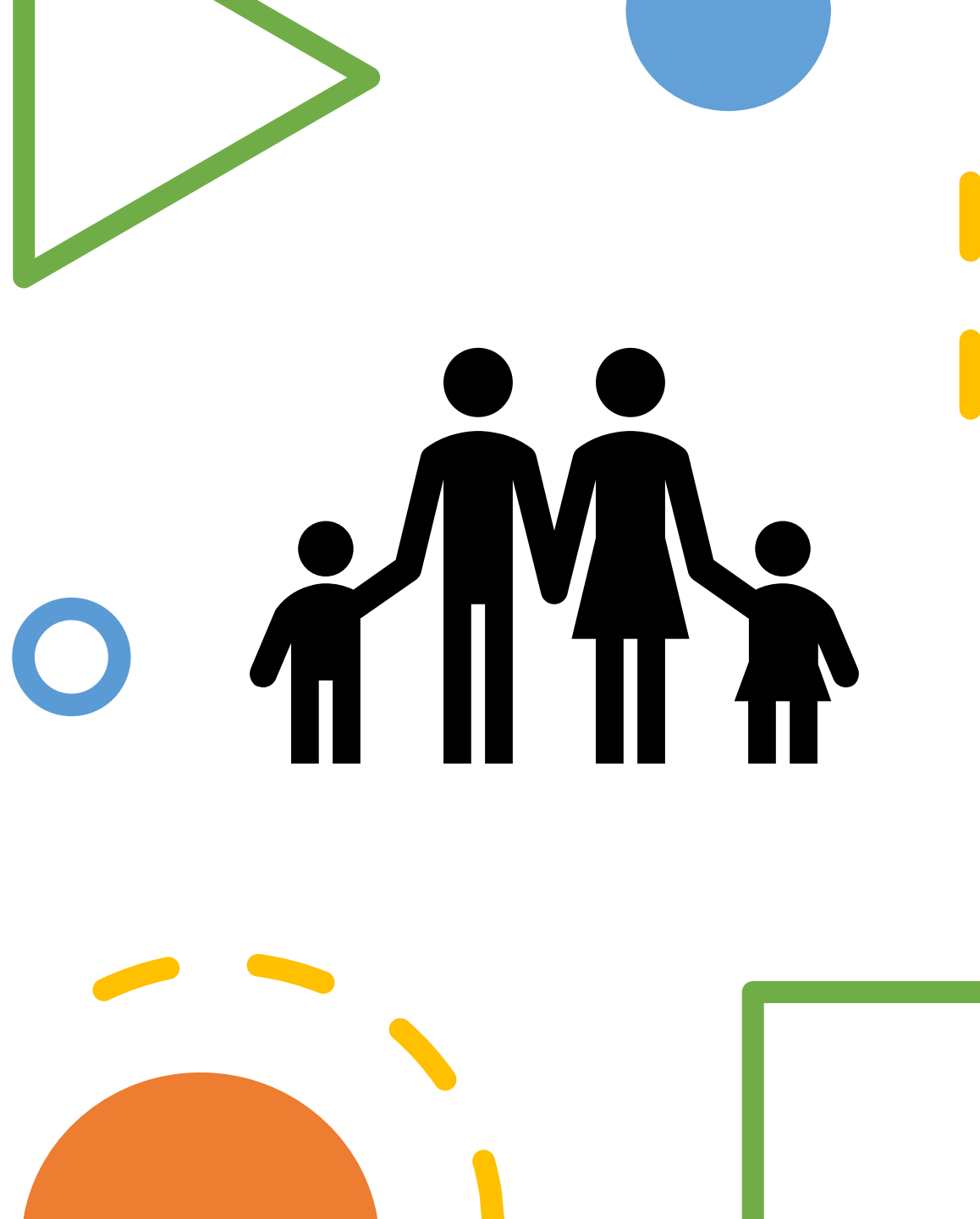
(b) An assisted living home may not physically restrain a resident unless the home has a written physical restraint procedure that has been approved by the licensing agency. The home shall terminate the physical restraint as soon as the resident no longer presents an imminent danger.

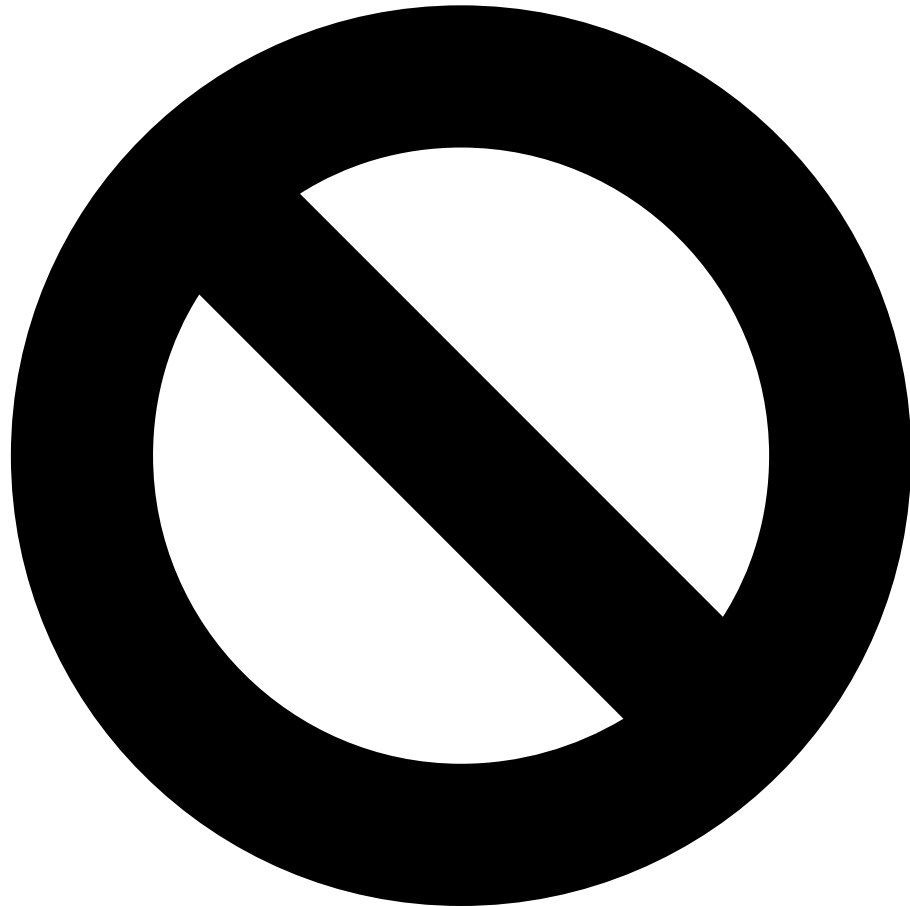
Sec 47.33.330

(c) Prohibitions

AS 47.33.330(c)

(c) An owner, administrator, employee, or agent of an assisted living home may not act as a representative of a resident.





Variances

- The Department cannot issue any variances for AS 47.33.300 Resident's Rights or AS 47.33.330 Prohibitions.
- The Home should ensure sufficient documentation in a resident assisted living plan or residential service contract if for the safety of the resident they can not be afforded a right.

Sample Form

- The Department provides a sample “Notice of Residents Right” form the Home may use to meet the statutory requirement to document resident acknowledgement they have been notified/recieved/ been read their rights.

Website:

<https://health.alaska.gov/dhcs/Pages/cl/ALH%27s/Provider-Resources.aspx>

Questions or Comments

- If you have any additional questions or concerns, please follow-up with your assigned licensing specialist and/or their supervisor.
- Questions and concerns can also be sent to ALH.Newhome@alaska.gov.

