

Access to your Records

You have the following rights regarding your records:

- To receive a copy of the written agreement you signed when you first move to the personal care home and to review a copy of your agreement that is on file at the home any time you request.
- To review your own personal financial records kept at the personal care home. If the personal care home gives you assistance with financial management, you are to receive an annual accounting of transactions made on your behalf.
- To authorize any person you choose (family, designated advocate and/or PA Protection and Advocacy staff, etc.) to access all or parts of your resident records.
- To request access to review your records and to have access to your records during business hours.

Persons who may have access to you and your records at their request are staff persons from the Department of Public Welfare, the Department of Aging's Older Adult Protective Services Program, Pennsylvania Protection and Advocacy and the Ombudsman.

Get Free Help in Exercising your Rights or Filing Complaints

Numerous agencies are available to help you file your complaint. Know their numbers and don't be afraid to ask for free, confidential assistance. The agencies include:

1. Your local Ombudsman. The number should be posted in your Personal Care Home. The Ombudsman has authority to enter a personal care home and advocate on behalf of residents.
2. North Penn Legal Services, your local legal services office—1-877-9-LEGAL-0 provides free assistance in filing complaints and resolving resident problems.
3. The Pennsylvania Health Law Project—800-274-3258. PHLP provides free legal services and advocacy to assist residents file complaints and access necessary healthcare services.
4. Protective Services—for complaints of abuse and neglect—The number should be posted in your Personal Care Home. PS has authority to protect Older Pennsylvanians from abuse and neglect.
5. The Pennsylvania Protection and Advocacy—800-692-7443. The PP&A has authority to protect the rights of persons with disabilities who are residents.

Other Important Information

New Personal Care Home regulations went into effect in October 2005. Due to a lawsuit filed by some personal care home owners, a few sections of the regulations were not implemented fully. However, the lawsuit was dismissed in May 2006, so the regulations that were suspended have now been implemented.

If you have any questions or concerns about your care, services, or treatment or about anything not answered by this brochure, please call North Penn Legal Services at 1-877-9-LEGAL-0 or the Pennsylvania Health Law Project at 1-800-274-3258/ 1-866-236-6310 (TTY).

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Know Your Rights and How to Exercise Them

A Guide for Personal Care Home Residents.



**North Penn Legal Services
1-877-9-LEGAL-0**

**PA Health Law Project Helpline—
1-800-274-3258**

**Pennsylvania Health Law Project
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Resident's Rights

As a resident of a personal care home, you have the following explicit rights (you also have some implied rights). All rights and rules for personal care homes can be found at 55 PA Code 2600. If you have access to the internet these can be found at www.pacode.com.

Personal care home residents have the right:

- (1) To leave and return to the home at reasonable times consistent with the home rules
- (2) To receive visitors for a minimum of 12 hours daily, 7 days per week. You do not need permission to have a visitor. House rules may explain where visitors may or may not go in the home.
- (3) To have access in reasonable privacy to a telephone in the home, and to make local calls without charge. Must have access to free non-toll/local calling.
- (4) To have access to the United States mail and to write and send mail, at the resident's own expense, and receive uncensored and unopened mail.
- (5) To attend and participate or not participate in religious activities.
- (6) To be treated with dignity and respect.

Resident's Rights Continued

- (7) To request and receive assistance in relocating—this can be from anyone you choose including your designated person, the owner of the personal care home, your service coordinator or case manager, family members and friends, an advocate, the ombudsman, or an attorney.
- (8) To exercise civil rights and, to this end, to voice grievances and recommend changes in policies and services of the home without fear of reprisal or intimidation.
- (9) To be compensated in accordance with State and Federal labor statutes for labor performed on behalf of the home. Residents may perform personal housekeeping tasks related directly to the resident's personal space but may not perform tasks in lieu of a staff person.
- (10) To privacy of self and possessions. Right to privacy during bathing, dressing, changing, and medical procedures
- (11) To be free from abuse. A resident may not be neglected, intimidated, physically or verbally abused, mistreated, subjected to corporeal punishment or disciplined in any way
- (12) A resident shall receive assistance in accessing health services
- (13) Right to receive assistance in obtain-

Resident's Rights Continued

- ing and keeping clean, seasonal clothing. A resident's clothing shall not be shared with other residents.
- (14) Right to access, review and request corrections to resident's record
 - (15) Right to furnish own room and purchase, receive, use and retain personal clothing and possessions
 - (16) Right to remain in the home except as specified in 2600.228
 - (17) Right to receive services contracted for
 - (18) Right to appeal discharge decisions
 - (19) Right to system to safeguard the resident's money
 - (20) Right to participation in care planning
 - (21) Right to choose own healthcare providers without limitation by the home
 - (22) To be free to associate and communicate with others privately—including advocates, attorneys, state agents, etc. You have the right to receive visits, assistance, and information about available community and advocacy services from anyone, including members from your family, community organizations, legal services programs, Pennsylvania Protection and Advocacy, etc.
 - (23) To be free from restraints.

How to File a Complaint

One more critical right you have as a resident is the right to file a complaint. You may complain to the owner of your personal care home or the Department of Public Welfare (which licenses the personal care home) or BOTH. To file a complaint:

- Put all concerns and complaints in writing.
- Where possible, cite the regulations (which include resident's rights and PCH obligations) that you feel are being violated. Mention whether the complaint is one that relates only to you or whether it is something that affects all the residents.
- Be as detailed as possible.
- Specify how you would like the complaint investigated.
- Ask for a time by which you would like to receive an answer.
- Make a copy for yourself and send a copy to another person (such as an advocate, family member, state agent, etc.).

You may file your complaint with the regional office that oversees personal care homes or through the toll-free complaint line at **1-800-254-5164**. If you are not satisfied with the response to your complaint, complain to someone else.