

Residents' rights.

(A) As used in this rule:

- (1) "Physical restraint" includes but is not limited to a geriatric chair, the locked door of a room, or any article, device, or garment that interferes with the free movement of the resident and that he or she is unable to remove easily.
- (2) "Chemical restraint" means chlorpromazine hydrochloride or any drug that is listed in the schedules of controlled substances under section 3719.41 of the Revised Code as a substance having a depressant effect on the central nervous system to the degree that the resident cannot attain his highest, practicable physical, mental, and psychosocial well-being.

(B) As specified in division (B) of section 3724.07 of the Revised Code, the rights of a resident of a community alternative home include all of the following:

- (1) The right to a safe, healthy, clean, and decent living environment;
- (2) The right to be treated at all times with courtesy, respect, and with full recognition of personal dignity and individuality;
- (3) The right to have all reasonable requests and inquiries responded to promptly;
- (4) The right to have clothes and bed sheets changed as the need arises to ensure that his or her condition is comfortable and sanitary;
- (5) The right to confidential treatment of his or her personal and medical records, and the right to approve or refuse the release of these records to any individual, except in the case of transfer to another community alternative home or other health care facility, and except as required by law or rule or as required by a third-party payment contract;
- (6) The right to privacy during medical examination or treatment and in the care of personal or bodily needs;
- (7) The right to exercise all civil rights, unless he or she has been adjudicated incompetent pursuant to Chapter 2111. of the Revised Code and has not been restored to legal capacity, as well as the right to the cooperation of the operator or residence manager in making arrangements for him or her to exercise the right to vote;
- (8) The right to retire and rise in accordance with a reasonable request, if the resident does not disturb others or interfere with meal schedules;
- (9) The right to refuse medical treatment or services, or if the resident has been adjudicated incompetent pursuant to Chapter 2111. of the Revised Code and has not been restored to legal capacity, the right to have his or her legal guardian make decisions about medical treatment and services for him or her;

- (10) The right to observe religious obligations and participate in religious activities;
- (11) The right to manage personal financial affairs;
- (12) The right to ownership and reasonable use of personal property, including clothing, so as to maintain dignity and individuality;
- (13) The right to engage in activities of his or her own choosing within reason, or to refrain from engaging in activities;
- (14) The right to participate in activities within the home and use the common areas within reason unless his or her physician has indicated, in his or her medical record, that an activity is not medically advisable;
- (15) The right to private and unrestricted communications, including the right to receive, and send sealed, unopened correspondence, the right to reasonable access to a telephone for private communications, and the right to private visits at a reasonable hour;
- (16) The right to initiate and maintain contact with the community, including the right to participate in the activities of community groups at his or her initiative or at the initiative of community groups, unless his or her physician has indicated, in the medical record, that an activity is not medically advisable;
- (17) The right to retain the services of any health care or social services provider at his or her own expense;
- (18) The right to be free from abuse, neglect, or exploitation;
- (19) The right to be free from physical or chemical restraints or prolonged isolation, except as specified in paragraph (C) of rule 3701-16-17 of the Administrative Code;
- (20) The right to examine billing records maintained by the home concerning his or her care upon request, to be informed in writing of the rates charged by the home as well as any additional charges, and to receive thirty days notice in writing of any change in the rates and charges;
- (21) The right to state grievances and recommend changes in policies and services to the home's staff, to a governmental agency, or to any other person without reprisal;
- (22) The right to have any significant change in his or her health reported to his or her sponsor;
- (23) The right to not be transferred or discharged from the home except as authorized by section 3724.10 of the Revised Code and rule 3701-16-23 of the Administrative Code.

- (C) Each community alternative home shall establish a written residents' rights policy which shall include:
- (1) The resident's rights enumerated in section 3724.07 of the Revised Code and paragraph (B) of this rule;
 - (2) The grievance procedure and policies of the home.
- (D) The home shall establish procedures for facilitating residents' exercise of their rights.
- (E) At the time of admission, the residence manager shall give a copy of the residents' rights policy to the resident and his or her sponsor, if any, and shall explain the contents of the policy to them.
- (F) Each community alternative home shall post prominently within the home a copy of the residents' rights listed in division (B) of section 3724.07 of the Revised Code and paragraph (B) of this rule, and the addresses and telephone numbers of the residents' rights advocates, registered under section 3701.07 of the Revised Code, for the area in which the home is located, and of the central and district offices of the department.
- (G) A sponsor may assert on behalf of a resident any of the rights enumerated under section 3724.07 of the Revised Code and any rights enumerated under this rule. Any attempted waiver of these rights is void. No community alternative home or person associated with a community alternative home shall deny a resident any of these rights.

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Certification

01/09/2009

Date

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