

<b>ALASKA PIONEER HOME</b>		<b>P&amp;P No: 01.04</b>
<b>Title: Resident Rights and Rules</b>		<b>Approval: D. COTE</b>
<b>Key Words: Rights, Rules, Grievance, Appeal, Retaliation</b>		
<b>Team: All employees</b>	<b>Effective Date: 8/1/12</b>	<b>Page: 1 of 7</b>

**PURPOSE**

To explain the residents’ rights, Home rules, grievance procedure, appeal procedure, and protection from retaliation for the residents and staff at the Alaska Pioneer Homes (AKPH).

**POLICY**

The residents living in the AKPH have all the legal rights which they held before coming to live in the Home.

The Home rules are a guide for conduct and action that serve the common interests and needs of the residents living in a Home setting.

The AKPH resident grievance procedure is a positive force that facilitates the open discussion of issues and complaints.

A decision made by a Home administrator concerning resident admission, discharge, or payment may be appealed to the AKPH director.

AKPH does not retaliate against a resident or the resident’s representative for making a complaint or taking legal action against the Home.

**DEFINITIONS**

**Grievance procedure** is a formal complaint by a resident who believes that they have been wronged by a Home management decision.

**Appeal procedure** occurs when a decision of a Home administrator is brought to the division director for review.

**Retaliation** is taking revenge, to counter an attack with one of equal intensity.

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- A. Residents are advised at time of admission of their legal rights, Home rules, the grievance procedure, the appeal procedure, and protection from retaliation.
  - 1. The administrator designates care team members to provide the resident/representative with explanation and/or copies of the required notices.
  - 2. Information is posted in a commonly accessible location, in clear view, in each Home regarding:
    - a. Resident rights.
    - b. Home rules.
    - c. Office of the Long Term Care Ombudsman contact information.
    - d. If applicable, the advocacy agency contact for residents with a developmental disability or mental illness.
    - e. Vulnerable adult information or referral service contact.
    - f. Grievance procedure.
- B. AKPH ensures the rights of residents
  - 1. AKPH does not establish or apply a policy, procedure, or rule that is inconsistent with a resident right.
  - 2. The resident rights do not create an obligation for AKPH to expend money to implement the rights.
  - 3. AKPH provides a copy of the resident rights at the time a person begins residency in a Home.
  - 4. After the resident has read the rights, understands them, and has had questions answered, the Home obtains a dated signature on the rights document.
- C. Resident Rights
  - 1. Live in a safe and sanitary environment.
  - 2. Be treated with consideration and respect for personal dignity, individuality, and privacy. Privacy includes:
    - a. Medical examination and health consultation.
    - b. Resident's room or their portion of a room.
    - c. Bathing and toileting, except for any assistance in the activities that is specified in the resident's assisted living plan of care.
    - d. Personal possessions and the right to keep at least one cabinet or drawer locked.
  - 3. Possess and use personal clothing and property, unless the Home can show that the possession or use of certain personal property would be unsafe or an infringement of the rights of other residents.
  - 4. Engage in private communications, including:

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- a. Sending and receiving unopened correspondence.
  - b. Having a private telephone or access to a Home telephone.
  - c. Visiting with persons of the resident's choice, subject to the visiting hours of the Home.
5. Close the door of the resident's room at any time, including during visits in the room with guests or other residents.
  6. Participate in community services and activities to achieve the highest level of independence, autonomy, and interaction with the community.
    - a. This is a resident expense unless provided in the residential services contract.
  7. Manage the resident's own money and finances.
  8. Take part in the development of the resident's assisted living plan of care.
  9. Share a room with a spouse if both are residents of the Home.
  10. Have an opportunity to exercise and to go outdoors at regular and frequent times, when weather and time permits.
  11. Exercise civil and religious liberties.
  12. Access adequate health care and health care providers of the resident's choosing, consistent with community standards.
  13. Self administer the resident's own medications, unless stated otherwise in the resident's assisted living plan of care.
  14. Receive meals that are consistent with religion and health restrictions.
  15. Receive prior notice of relocation of the Home or the Home's intent to terminate the residential services contract.
  16. Present grievances to the Home, and recommend policy, procedure, or service changes to the Home.
  17. Have access to and participate in advocacy or special interest groups.
    - a. This is a resident expense unless provided in the residential services contract.
  18. Intervene, participate in, or refrain from participating in adjudicatory proceedings.
    - a. This is a when an arbiter reviews evidence and arguments from opposing parties to reach a decision; this is a resident expense unless provided in the residential services contract.
  19. Access to the resident's Home files, subject to the constitutional right of privacy of other residents of the Home.
- D. The Home established rules for the residents to follow.
1. A copy of the Home rules is given to a prospective resident before entering into resident service contract with the Home.

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2. Home rules address various issues, including time and frequency of use of the telephone, hours for viewing and volume for listening to a television and radio, visitors, movement of residents in and out of the Home, use of personal property, use of tobacco and alcohol, and physical, verbal, or other abuse of residents or staff.
3. The Home does not adopt a rule that unreasonably restricts a right of a resident.

**E. Home rules**

1. Absences from the Home
  - a. Residents are asked to advise the Home's office of absences in order to provide an accurate count of residents in the Home in the event of an emergency.
  - b. An absence of more than 60 days, for a non-medical reason, will result in the resident being discharged.
2. Electrical appliances
  - a. Residents may use small electrical appliances upon approval of the Home administrator.
  - b. Maintenance inspects all electrical appliances for safety at the time of installation.
  - c. Residents are responsible for the care and cleaning of these appliances.
  - d. Electrical heating devices such as heat plates, heated blankets, and irons are prohibited in residents' rooms.
  - e. A Home administrator may make an exception if there is a reason for the resident to use a prohibited item, the resident is capable of safely using the item, and the item has safety modifications, such as automatic shut off features.
3. Weapons
  - a. Persons who enter the Home property are prohibited from carrying or keeping on the premises a handgun, firearm, knife, or other weapon of any kind.
  - b. The only exception to this policy is police officers.
  - c. No weapons are brought into or kept in a Pioneer Home.
4. Personal hygiene
  - a. Residents are expected to bathe and change clothes on a regular basis, a minimum of once a week, for the comfort of all residents.
  - b. Exception to this policy is made by the care team and the Home administrator.
5. Pets
  - a. Pets may reside in or visit the Homes.

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- b. Each Home assesses the appropriateness of the animal visiting or residing there using Eden guidelines.
  - c. The Home administrator makes the final decision about the admission of animals into the Home.
  - d. A care plan for each resident pet is developed to ensure that pets are kept in good health, are free of disease, and given ample support and attention.
  - e. The cost of resident pet care is paid by the resident.
6. Smoking
- a. State law prohibits smoking inside the Homes.
  - b. Designated outdoor smoking areas are available for residents to smoke.
7. Alcoholic beverages
- a. As adults living in their own homes, the Pioneer Home residents are permitted to drink alcoholic beverages.
  - b. The resident's physician is aware of the resident's use of alcohol.
  - c. Alcohol use that causes a resident to behave in a way that threatens the health, safety, or rights of another resident or staff member is not permitted.
  - d. Behavior from alcohol use that threatens another resident is modified by the staff and the Home.
  - e. Behavior modifications include seeking treatment for alcohol abuse, or curtailing the resident's alcohol use.
8. Photographs
- a. Pictures taken in the Home are used for commercial or public use *only* when residents or their legal representatives have signed a release form.
- F. Grievance Procedures
- 1. A reasonable and rational process for a complaint by a resident or a resident's representative is provided with the grievance procedure.
  - 2. All Home residents or their representatives have the right to pursue a grievance.
  - 3. The Home administrator or designee hears, investigates, and attempts to resolve any grievance in a fair and timely manner.
  - 4. Steps in the grievance procedure:
    - a. The resident and the resident's representative present a written or verbal explanation of the grievance to a staff member or the Home administrator.
    - b. Grievance details include time, place, and nature of the grievance, persons involved, and other pertinent information.
    - c. The resident, resident's representative, and a resident advocate attend an informal meeting within 10 working days of the complaint.

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- d. At the conclusion of the meeting, the person who conducted the meeting submits the grievance form, to include the meeting summary and the action to be taken.
- e. The Home administrator receives the grievance form and issues a written decision within 30 days of the initial filing.
- f. The Home administrator investigates and corrects any condition found to be inconsistent with licensing laws or regulations, policies and procedures, or residents' rights.
- g. Written notification of the final decision includes a statement of the resident's right to request a review of the decision by the AKPH division director.

**G. Appeal Procedure**

1. The following decisions made by the Home administrator can be appealed to the division director within 30 days after the mailing or personal delivery of the decision:
  - a. Admission, discharge, length of absence, continued stay in a Pioneer Home, or eligibility for day services and respite services.
  - b. Payment assistance application and discharge for non-payment of any appropriate rate.
2. The director or designee accepts all written evidence that the resident, resident's representative, Home administrator, or designated employee wishes to submit during the appeal process.
3. The director or designee conducts a hearing and reviews the evidence if the resident, resident's representative, Home administrator, or designated employee requests a hearing.
4. Witnesses called to testify at a hearing will testify under oath and furnish relevant documents upon request.
5. The director or designee reviews and considers the written evidence submitted if a hearing is not held.
6. The director issues a written decision, or the designee prepares a recommended decision, within 10 working days after the written and testimonial records are closed.
7. A person can appeal the decision in writing to the commissioner of Health and Social Services within 30 days after the mailing or personal delivery of the director's decision.

**F. Protection from Retaliation**

1. Under Alaska law, an assisted living home cannot take retaliatory action against a resident, if that resident or resident's representative:
  - a. Exercises a right provided by this policy or by law.

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- b. Appears as a witness, or refuses to appear as a witness, in a judicial proceeding regarding the Home.
  - c. Files a civil action alleging a violation of AS 47.33.350.
  - d. Claims a violation of AS 47.33.350 before a state or federal agency having jurisdiction over the Home or its employees.
  - e. Termination of a residential services contract by an assisted living home within 60 days after the resident engages in a grievance procedure.
2. This termination creates a rebuttable presumption that the termination was retaliatory.
  3. The Home gives the resident and the resident's representative written notice of the protection from retaliation provided at the time a person begins residency in a Home.

**HISTORY OF REVISIONS**

New: 1/1/12  
Revised: 7/20/12  
Reviewed:

**ATTACHMENTS****REFERENCES**

7 AAC 74.065, AS 47.33.050, AS 47.33.300, AS 47.33.340, AS 47.33.350, 7 AAC 10.1080, HCBS SOP