



A Matter of Rights

Division of Alaska Pioneer Homes

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**Alaska Department of Family and
Community Services**

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A Matter of Rights

A Guide to Your Rights as a Pioneer Home Resident



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Introduction

This booklet is all about rights—your rights as a resident in our facility. After you have read this information, you will be asked to sign a form acknowledging that you or your representative understand your rights. Please ask for information if anything is unclear.

The Alaska Pioneer Homes are licensed assisted living homes. As assisted living homes, we are required to inform residents at the time of admission regarding the following:

- 1. Residents' Rights** — In an assisted living home, you have all the legal rights that you enjoyed before you came to live here. The rights on the following pages reemphasize those personal rights you've always had. They include your right to privacy and your right to be involved in decisions regarding your care.
- 2. Prohibited Actions by the Home** — What the home and the home staff are prohibited from doing.
- 3. Home Rules** — This section lists the current rules of the Alaska Pioneer Homes.
- 4. Grievance Procedures** — This section describes the way in which a grievance may be resolved.
- 5. Appeal Procedures** — This section describes the process to appeal a decision made by an Alaska Pioneer Home administrator.
- 6. Protection from Retaliation** — As a resident in an assisted living home, you may not be retaliated against if you exercise your rights by voicing concerns and/or pursuing an appeal or legal solution.

Your Rights

(AS 47.33.300, AS 47.33.320, & AS 47.33.330)

In Alaska, a resident of an assisted living home has the right to:

1. Live in a safe and sanitary environment.
2. Exercise all the rights you would have in your own home, including:
 - a. Freedom to come and go from the home.
 - b. Arise and retire at times of your choosing.
 - c. Close the door to your room at any time, including during visits in the room with guests or other residents.
 - d. Share a room with your spouse if both are residents of the home.
 - e. Receive meals that are consistent with religious or health-related restrictions.
2. Be treated with consideration and respect for personal dignity, individuality, and the need for privacy, including privacy in:
 - a. Medical examination or health-related consultation.
 - b. Your room or portion of a room.
 - c. Bathing and toileting, except for any assistance in those activities that are specified in your care plan.
 - d. The maintenance of personal possessions and the right to keep at least one cabinet or drawer locked.
3. Have an opportunity to exercise and to go outdoors at regular and frequent times, when weather permits.
4. Furnish your own room, 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.
5. Engage in private, unrestricted communications, including:
 - a. Receiving and sending unopened correspondence.
 - b. Having access to a telephone or having a private telephone at your own expense.
 - c. 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 your own expense.

- d. Visiting with persons of your choice.
- 6. Manage your own money and finances.
- 7. Be free from physical, mental, sexual, and verbal abuse and neglect.
- 8. Participate in and benefit from community services and activities at your own expense, unless otherwise provided in the residential services contract, to achieve the highest possible level of independence, autonomy, and interaction with the community.
- 9. Exercise civil and religious liberties.
- 10. Participate in the development of your care plan, have the ability to review care plan goals, and to evaluate services for their effectiveness.
- 11. Have access to adequate and appropriate health care and health care providers of your choosing, consistent with established and recognized standards within the community.
- 12. Self-administer your own medications, unless specifically addressed in your care plan.
- 13. Exercise choice about end-of-life care.
- 14. Form and participate in resident councils.
- 15. Receive prior notice of relocation of the home or the home's intent to terminate the residential services contract of the resident required by Alaska Statute 47.33.080 and 47.33.360, respectively.
- 16. Exercise your right to file a complaint or grievance anonymously.
- 17. Present to the home grievances and recommendations for change in the policies, procedures, or services of the home without reprisal.
- 18. Appeal any decision made by the home administrator to the director (see page 9 – 10 of this booklet for details or view procedures at 7 AAC 74.065).
- 19. 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 at the elder's expense unless provided in the residential services contract.
- 20. Accept or refuse services.
- 21. Arrange for third-party services at your own expense.

22. Have free reciprocal communication with, and access to, the State of Alaska Long Term Care Ombudsman program:
3745 Community Park Loop, Suite 200
Anchorage, AK 99508
Toll Free: (800) 730-6393
23. Have access to and participate in advocacy or special interest groups at your own expense, unless otherwise provided in the residential services contract.
24. Have reasonable access to the home's files relating to you, subject to the constitutional right of privacy for other residents of the home.
25. Exercise choice and lifestyle as long as it does not interfere with other residents' rights.
26. Receive information regarding fees for services, supplies, and medications.
27. Receive information in a language you understand.
28. Receive care from competent, trained staff.
29. Be allowed to have advocates and the representatives of community legal services programs in the home to visit and make personal, social and legal services available to you, provide advice and education, and assist you in asserting legal rights or claims.
30. Receive quality care in accordance with the assisted living plan, plan of care, personal preferences, and health care providers' recommendation.

The home may not:

1. Deprive you of the rights, benefits, or privileges guaranteed to you by law.
2. Enter your room without permission except during regular, previously announced, fire, sanitation, or licensing inspections; when a condition presents imminent danger; as required by your assisted living plan to provide services; or for vital health or safety reasons.
3. Impose religious beliefs or practices upon you or require you to attend religious services.
4. Place you under physical restraint unless there is an imminent danger to you or others.
5. Place you under chemical restraint involuntarily.
6. Compel you to perform services for the home.
7. Restrain, interfere with, coerce, discriminate against, or retaliate against you for asserting a right specified by law.

Home Rules

Absences from the Home

1. You 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.
2. An absence of more than 60 consecutive days, unless the absence was due to a medical reason, will result in you being discharged. (7 AAC 74.060)

Visitors

1. You are encouraged to receive guests. Homes will foster opportunities for residents to interact with the larger community as each resident desires.
2. Children are welcome at the homes; however, visits must be supervised by an adult in order to assure the safety of the children and other residents.
3. Homes will have posted times when entrance doors are locked for security reasons. Accommodations can be made to allow access to the home after the doors are locked.
4. Solicitations from any groups or persons are not allowed.
5. You will have access to public areas to entertain visitors, with respect for other residents' rights. Home staff will help accommodate these gatherings to the benefit of you and the community. Homes will work with you to provide private areas for meeting with significant others.
6. Guests are required to conduct themselves in a respectful manner consistent with the rules. Guests who cannot meet this standard will be asked to leave, and if they refuse to leave, police assistance will be requested.
7. You have the right to end a visit at any time. Home staff will help you exercise this right when necessary.
8. You or your legal representatives must sign photograph release forms if photographs are to be taken in the home for commercial or public usage. If you or your representative do not sign this form, no photographs of you will be used by the home.
9. A guest may be denied or given restricted visitation privileges if it is apparent that the presence of the guest upsets you, other residents or staff. An appropriate entry will be made in your file, and the decisions to restrict a guest may be reviewed from time to time by the home administrator.
10. Any guest denied or given restricted visitation privileges may ask for the reason(s) in writing. Any visitation denials or restrictions may be

appealed to the home administrator and, if unresolved, the guest may appeal to the director or designee of the Division of Alaska Pioneer Homes. Guests will receive a written reply to all appeals within approximately 10 business days of receipt of such appeals unless additional time is required. The director's decision is final.

Electrical appliances

1. Upon approval by the home administrator, you may use small electrical appliances such as radios, televisions, microwave ovens, pots for heating water if they are thermostatically controlled, and small refrigerators in your room.
2. You are responsible for the care and cleaning of these appliances. Maintenance will inspect all electrical appliances for safety at the time of installation.
3. Due to fire regulations, hot plates, heated blankets, electrical irons and other electrical appliances are prohibited in your room.
4. An administrator may waive this rule if there is a compelling reason for you to use the item, you are capable of using the item and if the item has safety modifications such as automatic shut-off switches.

Weapons

1. All persons who enter Alaska Pioneer Homes property are prohibited from carrying or keeping on the premises a handgun, firearm, ammunition, knife, or other weapon of any kind regardless of whether the person is licensed to carry the weapon.
2. The only exemption from this policy will be for law enforcement.
3. No weapons may be brought into or kept in an Alaska Pioneer Home.

Personal Hygiene

1. For the comfort and well-being of all, you are expected to bathe and change clothes on a regular basis.
2. Exceptions to this policy are made by the care team and/or home administrator.

Pets

1. Pets may reside in or visit the homes subject to limitations under 7 AAC 10.1090.

2. Each home will assess the appropriateness of each animal visiting or residing there, using Eden Alternative guidelines.
3. The home administrator has final say regarding the admission of individual animals into the home, subject to grievance procedures.
4. A care plan will be developed to assure elder pets are kept in good health, are free of disease and are given ample support and attention.
5. The cost of caring for elder pets will be paid for by the elder.

Smoking

The Alaska Pioneer Homes are non-smoking facilities. Pursuant to state and local statutes, smoking may or may not be permitted in a designated outdoor area. Smoking marijuana, tobacco, e-cigarettes, and vaping is only permitted in designated smoking areas.

Alcoholic beverages and marijuana use

As an adult living in your home, you may drink alcoholic beverages and use marijuana under the following conditions:

1. Your physician is aware of your use of alcohol and/or marijuana.
2. Alcohol and/or marijuana use that causes you to behave in a way that threatens the health, safety or rights of another resident or staff member is not allowed.
3. If your use of alcohol and/or marijuana affects the rights, health or safety of other residents, the home administrator and home staff will work with you to attempt to modify the behavior. This may include seeking treatment for alcohol abuse or forbidding the use of alcohol.
4. Smoking marijuana is not allowed within the facility. Please refer to the smoking section above.

Grievance Procedure

It is the intention of the Alaska Pioneer Homes to provide a reasonable and rational process for you or your representative to issue a complaint. All Alaska Pioneer Home residents or their representatives have the right to pursue a grievance. The home administrator or designee will hear and attempt to resolve all grievances in a fair and timely manner.

You or your representative have the right to:

1. Present both a written and an oral explanation of the resident's grievance to a staff member or the home administrator, which should include the details concerning time, place, nature of occurrence or condition, persons involved, and other pertinent facts.
2. Have an advocate of your choice, and your representative, if any, attend meetings concerning your grievance.
3. Be notified in writing, within 30 days after the filing of the grievance, of the final decision of the home regarding the grievance.

The home administrator will respond to a resident's grievance no later than the next working day the administrator is in the office and will:

1. Investigate and correct any condition found to be inconsistent with licensing laws or regulations, policies and procedures, or residents' rights.
2. Ensure that the resident or the resident's representative and any advocate chosen by the resident or representative are included in meetings concerning the resident's grievance.

Appeal Procedure

The following decisions made by the home administrator may be appealed to the division director within 30 days after the mailing or personal delivery of the decision (7 AAC 74.065):

1. A decision made in the case of admission, discharge, length of absence, continued stay in a Alaska Pioneer Home, or eligibility for day services and respite services; and
2. A decision made by a designated department employee in the case of payment assistance applications and discharge for nonpayment of any appropriate rate.

During the course of the appeal, the division director or the director's designee shall accept all written evidence that you, or your representative, Alaska Pioneer Home administrator, or designated employee wishes to submit. If you or your representative, the Alaska Pioneer Home administrator, or a designated employee requests a hearing, the director or the director's designee shall conduct a hearing and review the evidence. Witnesses called to testify at a hearing shall testify under oath and shall furnish relevant documents upon request. If a hearing is not held, the director or the director's designee shall review and consider the written evidence submitted.

Within 30 days after the mailing or personal delivery of the director's decision, a party to the proceeding may appeal that decision in writing to the Commissioner of the Department of Family and Community Services.

A copy of 7 AAC 74.065 and the Alaska Pioneer Homes Appeal Procedure will be provided to you upon request.

Protection from Retaliation

Protection from retaliation under Alaska law (AS 47.33.350):

1. An assisted living home may not take retaliatory action against a resident of that home if you or your representative:
 - a. Exercises a right provided by this chapter or by another law.
 - b. Appears as a witness, or refuses to appear as a witness, in an adjudicatory proceeding regarding the home.
 - c. Files a civil action alleging a violation of this chapter.
 - d. Claims a violation of this chapter before a state or federal agency having jurisdiction over the home or its employees.
2. Termination of your residential services contract by an assisted living home within 60 days after you engage in an activity described in point 1 of this section creates a rebuttable presumption that the termination was retaliatory.

At the time, or before, a person begins residency in an assisted living home, the home shall give you and your representative, if any, written notice of the protection from retaliation provided under this section.

Contact Information

For further information, please contact the Alaska Pioneer Homes Central Office at:

Division of Alaska Pioneer Homes – Central Office

PO Box 110690

Juneau, AK 99811-0690

Phone: 907-465-4416

Fax: 907-465-4108

Email: alaskapioneerhomes@alaska.gov

Contact information for specific homes

Alaska Veterans & Pioneers Home

250 E. Fireweed Ave.

Palmer, AK 99645

907-745-4241

Anchorage Pioneer Home

923 W. 11th Ave

Anchorage, AK 99501

907-276-3414

Fairbanks Pioneer Home

2221 Eagan Ave.

Fairbanks, AK 99701

907-458-2221

Juneau Pioneer Home

4675 Glacier Hwy

Juneau, AK 99801

907-780-3422

Ketchikan Pioneer Home

141 Bryant St

Ketchikan, AK 99901

907-225-4111

Sitka Pioneer Home

120 Katlian St

Sitka, AK 99835

907-747-3213

Other important numbers:

Pioneer Home Billing: 907-465-4029

Pioneer Home Pharmacy: 907-343-7294

This booklet is one of five providing information about Alaska Pioneer Homes.

Other booklets in the series:

About our Homes

Admissions and Discharge

Payment Assistance

Pharmacy Program

<https://dfcs.alaska.gov/daph/Pages/default.aspx>