

# Honoring Resident Rights



*caregivers*

PREVENT  PROTECT  PROMOTE  
*abuse/neglect clients dignity*

## FACILITATOR GUIDE

Developed by:

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# Learning Points

Let's review the main learning points:

- Identify the rights of residents under the law
- Explore common violations of resident rights
- Learn effective techniques to safeguard resident rights

Just as we all are guaranteed certain freedom and rights under federal and state laws, residents in long-term care are guaranteed additional rights because of physical or cognitive limitations.

Honoring resident rights helps caregivers and facilities:

- Provide a high standard of care
- Avoid allegations of misconduct
- Avoid citations and other penalties
- Remind us of the humanity with which we must treat others

*[This workshop is intended to apply to resident rights across a variety of health care settings. Although each provider type is governed by different rules and/or laws, the lists of resident rights contain many similarities. In order to effectively facilitate this class, please review the specific statute/rule covering the provider type you are training, e.g. nursing home, CBRF, etc. A list of links to resident rights outlined in statute or rule is located at the end of this guide under Legal Resources, organized by provider type.]*

## Review Resident Rights

*[Provide each participant with the condensed resident rights handout.]*



The Resident Rights Handout is a condensed description of legal rights commonly found in laws and rules governing state-regulated healthcare providers. Please review the handout briefly.

After looking at the list, can you say which right would be most important to you personally? Why?

*[Using a flip chart or white board, list participant responses. This activity is a good way to help participants remember the rights, rather than just reading the list out loud. To spark conversation, you may need to offer an example of a right that feels most important to you and say why, briefly.]*

# Common Violations of Resident Rights



The examples listed below are based on real-life incidents observed by or reported to the Wisconsin state regulatory agency, the Division of Quality Assurance (DQA). These incidents demonstrate how violations of resident rights can have negative, or even fatal, results on those in your care.

## Activity: Examples of Violations

Please review each example below. Compare the incident to your condensed list of resident rights. Which right or rights did the example violate?

*[Ask for volunteers to read an example out loud. Then ask the group which right(s) were violated. This activity helps participants remember resident rights by reviewing the condensed list of rights again.]*

*[NOTE: This facilitator guide contains suggested responses to each example. The participant guide contains only blank lines for participants to write answers. There may be more than one correct response to each question. This activity is more about having participants increase awareness of resident rights, not as much about “right” or “wrong” responses.]*

**Example #1:** Caregivers were told to wake residents by 4:30 a.m. for showering and to have residents dressed and moved to the common area by 5:30 a.m.

Right(s) violated: \_\_\_\_\_

*[Sample responses: self-determination; be treated with dignity and respect]*

**Example #2:** Staff placed a resident in a mechanical lift chair in a reclined position and then unplugged the chair to keep the resident from getting up on her own. The resident was found on the floor, in front of the chair, with head injuries (subdural and intracranial hemorrhages) requiring nearly two weeks in the hospital.

Right(s) violated: \_\_\_\_\_

*[Sample responses: freedom from mistreatment (neglect); freedom from physical restraints; safe environment; be treated with courtesy and respect]*

Example #3: An elderly resident with congestive heart failure and diabetes received an incorrect **dose** of insulin 30 times in a three-month period. The incorrect **type** of insulin was administered 24 times in the same three-month period.

Right(s) violated: \_\_\_\_\_

*[Sample responses: receive medication, freedom from mistreatment (neglect)]*

Example #4: A resident was observed taking a bath with the bathroom door open, in view of other residents.

Right(s) violated: \_\_\_\_\_

*[Sample responses: treated with courtesy and respect; physical and emotional privacy]*

Example #5: A resident with dementia was found on the sidewalk outside the facility, pulse-less and not breathing. Emergency personnel initiated lifesaving efforts and transferred the resident to the hospital where the resident was pronounced dead.

Right(s) violated: \_\_\_\_\_

*[Sample responses: freedom from mistreatment (neglect); receive prompt/adequate/appropriate treatment; safe environment]*

Example #6: A caregiver witnessed a co-worker slipping a resident's narcotic pain medication into her pocket. Another caregiver witnessed the same co-worker putting a resident's medication "in her own mouth" during a medication pass. The incidents were reported to the manager but no investigation was conducted and the co-worker remained on the work schedule, assigned to administer medications.

Right(s) violated: \_\_\_\_\_

*[Sample responses: receive medication; freedom from mistreatment-misappropriation and potentially abuse (caregiver knowingly deprived resident of pain medication, leaving resident in pain)]*

Example #7: A caregiver took a photo of an elderly female resident, seated on a toilet, and uploaded the photo to the caregiver's own social media page. The caregiver stated she wanted her friends to see what she had to "put up with" at work.

Right(s) violated: \_\_\_\_\_

*[Sample responses: be treated with courtesy and respect; no recording, filming, photographing; confidentiality; physical and emotional privacy]*

Thinking about the examples we just reviewed, why do you think resident rights are sometimes ignored or violated?

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*[Ask participants to volunteer responses and write them on a flip chart or white board for all to see. (You may also ask if anyone would like to volunteer to do the writing—volunteers only though.)*

*Possible responses are listed below. Please incorporate these responses if participants don't think of them:*

- *Lack of awareness of resident rights by residents, caregivers, family members, facility administrators*
- *Loss of empathy or sensitivity to the plight of disabled, elderly, ill residents by caregivers and others*
- *Facility staffing shortages*
- *Lack of effective, person-centered approaches to challenging situations*
- *Poor or incomplete individual service plans (ISPs)*
- *Treating residents as children, not adults*
- *Lack of adequate training and/or education]*

# Effective Techniques to Honor Resident Rights



Now that we have reviewed the rights of residents and learned more about violations, let's talk about how best to safeguard those rights. Think about some techniques or best practices that would help ensure that resident rights are honored every day in your facility. Take a moment to jot down your thoughts.

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*[Ask participants to volunteer responses. Again, post them on a flip chart or white board. Suggested responses:*

- *Post resident rights in the facility*
- *Ensure that residents, family members, caregivers, managers are aware of the rights*
- *Ensure that caregivers have received the correct training for tasks they are performing. E.g. Medication Administration training in CBRFs*
- *If you see something, say something. Report anything that just doesn't feel right to a supervisor or manager.*
- *"Walk a mile in their shoes." Stress empathy and respect for residents. Ask yourself, "How would I feel if I were treated like that?"*
- *Make sure that care plans/ISPs are up to date and offer effective strategies that are personalized for the resident*
- *Learn more about the resident's life history which helps to see the person as an adult with a lifetime's worth of experience, wisdom, relationships, etc. Don't just "see the illness."]*

# Learning Points Review

The learning points represent the main ideas we hoped to cover today:

- Identify the rights of residents under the law
- Explore common violations of resident rights
- Learn effective techniques to safeguard resident rights

*[Point out how each part of the training covered the learning points. For example, the handout helped identify resident rights under the law. Thank participants for attending. Ask if there are any questions. If you wish, seek input on the training via (your own) training evaluations.]*



# Legal Resources for Resident/Patient/Client Rights

## Wisconsin Statutes

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s.50.09, WI stats, Rights of residents in certain facilities (CBRF, Nursing Home, FDD)  
<http://docs.legis.wisconsin.gov/statutes/statutes/50/I/09>

s.51.61, WI stats, Patient rights of certain persons receiving services for mental illness, developmental disabilities, alcoholism or drug dependency  
<http://docs.legis.wisconsin.gov/statutes/statutes/51/61>

## Wisconsin Administrative Code

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The organization of administrative code (rules) on the website below changes frequently. The best way to locate a section of specific Administrative Code is to:

- 1) Go to: [https://docs.legis.wisconsin.gov/code/admin\\_code](https://docs.legis.wisconsin.gov/code/admin_code)
- 2) In the upper right corner of the page, search for the specific rule or section of rule, e.g. DHS 83.32.

Listed below are specific sections of administrative code that refer to resident rights in facilities regulated by DQA. Use this list in your searches that are outlined above.

DHS 83.32 Rights of residents (CBRF)

DHS 88.10 Resident rights (Adult Family Home)

DHS 89.34 Rights of tenants (Residential Care Apartment Complex)

DHS 94.05 Subchapter II Patient Rights (Community Substance Abuse Standards)

DHS 105.17(1w)(b) Information to provide to the client (Personal Care Agency)

DHS 131.19 Patient rights (Hospice)

DHS 132.31 Rights of residents (Nursing Home)

DHS 134.31 Rights of Residents (FDD)

DHS 124.05(3)(a) Patient Rights and Responsibilities (Hospital)

DHS 133.08 Patient rights (Home Health Agency)

# Training Materials Checklist

## For this training, you will need:

- Laptop computer (recommended)
- MS PowerPoint (PPT Viewer can be downloaded for free at [Microsoft.com](http://Microsoft.com))
- LCD Projector (recommended)
- Screen for viewing the PPT (recommended)
- Flip chart and markers
- Printed Participant Guides
- Examples of Resident Rights Handout (one per participant)
- Pens or pencils
- Evaluation (optional)
- Certificate of completion (optional)

Note: It is recommended that the PPT be viewed using an LCD projector. If that option is not available, the PPT may be downloaded and printed as a handout.