

# Honoring Resident Rights



*caregivers*

PREVENT  PROTECT  PROMOTE  
*abuse/neglect clients dignity*

## PARTICIPANT GUIDE

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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

## Review Resident Rights



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?

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# 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?

**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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

# 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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## 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

# 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)