



Your Rights in an Assisted Living Facility

The following information is based on the Assisted Living Facility Resident's Bill of Rights found in Title 26, Part 1, Texas Administrative Code, Chapter 553.

Dignity and Respect

You have the right to:

- Have all the rights, benefits, responsibilities, and privileges granted by the constitution and laws of Texas and the United States, except where lawfully restricted, and to be free of interference, coercion, discrimination, and reprisal in exercising these civil rights.
- Live in safe and decent conditions.
- Be treated with dignity, consideration, and respect.
- Not be abused, neglected, or exploited.
- Not be treated differently based on your age, race, religion or spiritual beliefs, gender, nationality, abilities, marital status, or source of payment.
- Practice your own religion and have your own spiritual beliefs.
- Keep and use personal property, including a locked area to secure your items from theft or loss.
- Keep and use personal belongings, including clothes and furniture, if space is available. The number of your personal belongings may be limited for the health and safety of other residents.
- Not be physically or chemically restrained for discipline or convenience. If a restraint is used, it must treat a medical symptom. A restraint must be ordered by a physician to treat a medical symptom or may be used in an emergency to protect you or others from injury.

***Long-term care ombudsmen advocate
for residents and are separate from HHS.***

Note: If you have an intellectual or developmental disability, your guardian may allow the facility to use restraints or other consequences to change your behavior.

Freedom of Choice

You have the right to:

- Make choices about your care, benefits, and services.
- Choose your own physician.
- Manage your finances or delegate that responsibility to another person, including the facility. If you choose the facility, they must give you a statement at least every three months (or whenever you request it) that shows what charges and payments were made on your behalf.
- Attend activities of social, religious, or community groups.
- Interact with other people and achieve your highest level of independence and autonomy.
- Visit with anyone of your choice at any reasonable hour.
- Communicate with anyone of your choice.
- Put in your room an electronic monitoring device that is owned and operated by you or provided by your guardian or other legal representative.
- Refuse to perform services for the facility, except as agreed to by you and the facility.
- Make decisions about future health and financial decisions, including your end-of-life wishes.
- Designate a guardian or representative to handle your finances or to make health care decisions for you when you are unable.
- Choose your clothes, hairstyle, and other personal effects.

Privacy and Confidentiality

You have the right to:

- Privacy during care, visits, and resident council meetings.
- Keep personal and clinical records confidential unless you give the facility permission to share them. A facility may release your records if required by law, or they may send your records to another facility if you want to move there.
- Make private phone calls at a reasonable hour or during an emergency or personal crisis.
- Send and receive unopened mail. The facility must make sure your mail is promptly sent and delivered.

Information

You have the right to:

- Get a written agreement from the facility that describes the services it provides and any charges.
- Be informed within 30 days of moving in what Medicare or Medicaid benefits you qualify for, and what items or services are covered by these benefits.
- Get a copy of the Resident's Bill of Rights in a language you understand.
- Understand the risks and benefits of a recommended treatment before getting treatment or care from your health care provider.

Participate in Care

You have the right to:

- View and get copies of facility records about you.
- Be involved in your plan of care that describes your medical, nursing, and psychological needs and how they will be met.

- Refuse medical treatment or services, and to be informed of the consequences of refusing treatment or services.
- Communicate in your native language with other residents or facility staff, including to get treatment, care, or services.

Transfer and Discharge

You have the right to:

- Leave the facility temporarily or permanently. You may be required by a written agreement with the facility to provide notice and pay additional fees to the facility.
- Not be discharged or transferred from the facility, unless one or more of the following applies:
 - It is for your welfare and the facility can no longer provide the care you need.
 - Your health improves and you no longer need assisted living services.
 - Your health and safety or the health and safety of another resident would be endangered.
 - The facility closes or stops participating in the program, such as Medicaid, that reimburses for your care or services.
 - After reasonable notice, you do not pay.
- Be notified in writing 30 days before the discharge or transfer, except in an emergency, and for the notice to be sent to you, your legally authorized representative or a family member. The notice must say:
 - The facility intends to transfer or discharge you.
 - Why you are being transferred or discharged.
 - When the transfer or discharge will happen.
 - Where you are being moved to.
 - Any appeal rights you have.

Complaints

You have the right to:

- Complain about care or treatment and receive a prompt response from the facility to resolve the complaint.
- Not be discriminated against or treated differently for complaining.
- Complain anonymously or with help from a person you choose.
- File a complaint with Texas Health and Human Services Complaint and Incident Intake by calling 800-458-9858, option 1.
- Get help, find a resolution, or file a complaint with a long-term care ombudsman by calling 800-252-2412.