

## TAKE YOUR RIGHTS WITH YOU: Rights of Massachusetts Nursing Home Residents By Rebecca Benson

Moving to a long-term care facility can have a significant impact on a resident's personal rights and freedoms. In the words of Rebecca Benson, an experienced advocate for long-term care residents, "When you move to a facility, you take your rights with you." Attorney Benson shares a few important issues to consider when making this transition:

### 1. Understand the Contract Language

"People should be aware that sometimes the more protection or 'peace of mind' a continuing care facility is offering, the more autonomy a person may be giving up." For example, if a continuing care facility is promising the opportunity "to age in place" in an admissions agreement, it is important to ask exactly what that means. "The contract language may specify that if the facility determines you need a certain level of care, the staff will arrange for that and can choose to move you to a different unit. As a trade-off for 'peace of mind,' you may be giving up more autonomy and personal decision-making than you want." Attorney Benson suggests taking the time to read and understand all the language in the admissions agreement in order to "make an informed decision about what rights you are giving up and what services you are getting in a particular facility."

### 2. Your Health Care Planning Documents and Durable Power of Attorney

Upon admission and during your stay, the facility will likely inquire about your health care planning documents and durable power of attorney. "Every competent adult has the right to sign or refuse to sign a health care proxy, advance care directive, and a durable power of attorney," says Attorney Benson. "It should be the resident's choice and yet some residents feel pressure from the facility to complete documents." Attorney Benson points out the facility cannot require you to sign health care or financial directives as a condition of admission or treatment. It's important to talk with the facility staff about what documents you choose to have in place, and which you do not.

### 3. Attend the Care Plan Meetings

Lastly, pay attention to the regularly-scheduled required meetings called 'Care Plan Meetings' that take place while you are a resident at a facility. "The meetings are an essential form of communication between the facility staff, the resident, family members, and health care agents, and give everyone the opportunity to talk about the resident's care." Family members, health care agents and guardians "should ensure that each care plan meeting is treated seriously and not just as something that is a formality." Attorney Benson says "The meeting is a powerful tool for making sure a resident's wishes are known and honored."

You can read more about the **Rights of Massachusetts Nursing Home Residents** at

<http://www.margolis.com/Portals/29051/docs/NHRR%20Handout%202013%20-%20Sample%20client%20handout.pdf>

**Consumer Protection Issues for Massachusetts Assisted Living Resident**

<http://www.margolis.com/resources/consumer-protection-assisted-living-residents/>

**Consumer Protection Issues for Massachusetts CCRC Residents**

<http://www.margolis.com/resources/consumer-protection-issues-for-ma-CCRC-residents/>