

Your guide to living in a nursing home

When you're in a nursing home, you have certain rights and protections under federal law. These protections make sure the nursing home treats you with respect, shields you from unethical practices, and helps you get the care you need. Nursing homes must comply with these laws to get paid by Medicare and Medicaid. Nursing homes must meet your needs regardless of how they get paid, and give you information to help you apply for and use Medicare and Medicaid benefits.

Read your admission agreement carefully

Once you choose a nursing home, the nursing home may ask you to sign an admission agreement. **You aren't required to agree to everything.** For example, a nursing home **isn't allowed to:**

- Make a third party, like your family, pay your nursing home bill. It may only ask your family to use your money to pay the bills (if your family has legal access to your funds).
- Require you to sign an agreement to resolve issues outside of state or federal courts (known as "binding arbitration") to be admitted or get care.

The admission agreement must be clear about what's covered in the nursing home's basic rate, and what might be charged separately. The nursing home is also required to tell you about any extra charges when you're admitted, and periodically during your stay.

If you have concerns about something in the admission agreement, cross out the item with a pen or marker before signing to show you don't agree. If you have a lawyer, you can also ask them to review the agreement before you sign.

Nursing homes must honor your preferences

Nursing homes must recognize and respect your preferences when giving you care. You have the right to:

- **Make your own schedule**, like when you go to bed, wake up, and eat meals.
- **Keep your personal items in the nursing home**, unless this would violate the rights or health and safety of others.
- **Privacy.** For example, staff should knock on the door and ask permission before entering your room.
- **Have visitors at any time, for as long you want.** However, visits may be limited when there are reasonable clinical and safety restrictions in place.

- **Participate in activities that interest you**, including activities outside of and organized by the nursing home.
- **Make choices about your meals and/or diet.** The nursing home should make a reasonable effort to get you any specific food you ask for. All food and drinks must be served at a safe temperature.

Note: All nursing homes must have enough staff to care for you safely and meet your needs and preferences. Visit [Medicare.gov/care-compare](https://www.medicare.gov/care-compare), or download “Your Guide to Choosing a Nursing Home” at [Medicare.gov/publications](https://www.medicare.gov/publications) to learn more about staffing in nursing homes.

You have the right to make decisions about your care

You have the right to be involved in planning your care and asking the nursing home to meet your needs and preferences. Ask if there’s a family and/or resident council, and how you can get involved. Resident and family councils work with nursing facilities to help improve care and resolve issues.

Care planning:

Nursing homes are required to develop care plans that describe how they’ll meet your needs and preferences. You’ll work with a health care team on a comprehensive care plan to address your medical, physical, and mental needs. You and your representatives have the right to participate in your care planning and ask for specific care. Nursing homes must support and encourage your participation. Your preferences and goals may change throughout your stay, so nursing homes should have ongoing discussions with you about updating your care plan.

Treatments:

You have the right to accept or refuse treatments or medications. The nursing home must tell you the risks and benefits of all medications, and you have the right to accept, decline, or choose alternative options you prefer. Some medications, like antipsychotic drugs, may be prescribed to treat a specific condition. However, because these medications can carry health risks and may be unnecessarily sedating, non-medication-based approaches are suggested like:

- Music or crafts
- Activities related to your interests
- Exercise
- Additional staff support

Talk to your doctor and/or care team about these options before accepting medication.

You also have the right to develop an advance directive (also known as a living will). This can include planning for when you may not be able to make your own decisions in the future. You can choose an agent and/or specify how you want decisions made. If you have advance directive preferences, tell the nursing home staff so they can help make sure your wishes are respected, or help you make changes, if needed.

Nursing homes can discharge or transfer you in certain situations, and you have a right to appeal

When you're admitted to a nursing home, the nursing home will ask you about your discharge goals to help make sure you get the care you need. In most cases, you and your nursing home should understand and agree on a discharge date. There are limited circumstances where the nursing home can transfer or discharge you. This can only happen if:

- **The discharge or transfer is necessary for your health and safety because the nursing home can't meet your needs** (like transferring you to a hospital in an emergency). If you're transferred to a hospital, the nursing home must let you return to the nursing home from the hospital if it can still meet your needs. The nursing home has to make a good faith effort to meet your needs.
- **Your health has improved enough that you no longer need nursing home care and/or services.**
- **Your clinical or behavioral status (or condition) endangers the health or safety of yourself and others.**
- **The nursing home hasn't been paid. They may only discharge or transfer you after you've been given reasonable and appropriate notice.**
- **The nursing home stops operating.**

The nursing home must give you, your representative and, in some cases, the long-term care ombudsman written notice, usually 30 days in advance, when they want to discharge or transfer you. (Go to page 4 to learn more about the long-term care ombudsman.)

You have the right to appeal a discharge. The exact steps vary from state to state, but in most cases you make an appeal request to the state. A state administrative law judge usually conducts an appeal hearing. Both you and your representatives can testify, submit information, and make arguments. The nursing home must give you information on how to appeal your discharge.

Reporting or resolving nursing home problems

If you have a problem at the nursing home, there are several ways to solve it. First, talk to the staff involved about the problem. If they can't solve it, ask to talk with:

- The supervisor
- The social worker
- The director of nursing
- The administrator
- Your doctor

If your concern still isn't resolved, you can:

- Contact a member of the resident council (if the nursing home has one)
- File a grievance with the nursing home
- Contact your local long-term care ombudsman
- File a complaint with the State Survey Agency

Remember, you have a right to voice complaints without fear of discrimination or punishment. Concerns can include issues about care you got (or didn't get), the behavior of staff or other residents, or anything else related to your nursing home stay. You have the right to contact your local long-term care ombudsman at any time.

The grievance process

Each nursing home must have a grievance process and a specific person whose job is to accept, investigate, respond to, and resolve concerns in a timely manner (called a "Grievance Official"). This person is also responsible for keeping your concern confidential. If you ask, nursing homes must give you information about their grievance policy, the process, and how to contact the "Grievance Official."

You can raise concerns verbally or in writing, but the nursing home's response must be in writing. The nursing home's response must include:

1. The date your concern was shared with the "Grievance Official."
2. A summary of your concern.
3. The steps the nursing home has taken to investigate your concern.
4. A summary of the nursing home's conclusions after their investigation.
5. Whether or not your concern was confirmed.
6. Any corrective action taken by the nursing home.

The "Grievance Official" is responsible for keeping you updated on the progress of your concern.

Your local long-term care ombudsman

A long-term care ombudsman advocates for residents of nursing homes and other adult care facilities. Their duties include:

- Working with you to solve problems with your nursing home (including financial issues).
- Visiting nursing homes and speaking with you (and other residents) to make sure your rights are protected.
- Discussing general information with you about nursing homes, your rights, and care.
- Answering questions, like how many complaints they've gotten about a specific nursing home, what kind of complaints they were, and if the issues were resolved in a timely manner.

To get the contact information for your local long-term care ombudsman, visit theconsumervoice.org/get_help.

State Survey Agencies & Medicare Regional Offices

Your State Survey Agency can help you with questions or complaints about your quality of care or quality of life in a nursing home. State Survey Agencies oversee and inspect nursing homes that participate in the Medicare and/or Medicaid programs to ensure health and safety standards are met. To find contact information for your State Survey Agency, visit [CMS.gov/files/document/contact-information-filing-complaint-state-survey-agency.pdf](https://www.cms.gov/files/document/contact-information-filing-complaint-state-survey-agency.pdf).

You can file a complaint, and the survey agency will investigate it. Give as much detail as you can in the complaint, so the investigator can do a thorough investigation.

If your complaint isn't addressed after working with your State Survey Agency, contact your Medicare Regional Office. Medicare's Regional Offices work closely with State Survey Agencies, nursing home residents, health care providers, state governments, and others to address questions or concerns. For regional office contact information, visit [CMS.gov/about-cms/where-we-are/regional-offices](https://www.cms.gov/about-cms/where-we-are/regional-offices).

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Medicare

You have the right to get Medicare information in an accessible format, like large print, braille, or audio. You also have the right to file a complaint if you feel you've been discriminated against. Visit **[Medicare.gov/about-us/accessibility-nondiscrimination-notice](https://www.medicare.gov/about-us/accessibility-nondiscrimination-notice)**, or call 1-800-MEDICARE (1-800-633-4227) for more information. TTY users can call 1-877-486-2048.

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