



Residents' Rights: Did You Know, I Can Say No!

*What are your residents' rights when it comes to their Nutritional/Dining needs?*

Barbara Thomsen, CDM, CFPP, RAC CQP

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**Honoring Resident Rights**

- Learning Points
  - Identify the rights of residents
  - Explore common violations
  - Learn effective techniques to "soften" the NO
- Review examples of resident rights.
- What's Most important to you?

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Let's get connected! Grab your phones and register for Slido

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### 3 easy steps for your audience to join in




1 Open browser



2 Go to slido.com



3 Enter event code



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### 10 Ways to Survive CMS Phase III



The Center for Medicare & Medicaid Services (CMS) Phase III is a comprehensive update to the existing regulations. It includes changes to the requirements for the QAPI program, the governing body, and the infection control practices. The following are 10 ways to survive CMS Phase III:

- 1. Address Infection Control (\$485.80).** Require facilities to have a trained infection preventionist on staff that is an active member of your QAPI team! Work with your Infection Preventionist to find common ground on what Food and Nutrition Services infection control practices should be. (i.e. room trays & use of paper products for isolation precautions, allowable cardboard in the foodservice dry storage area).
- 2. Integrate Freedom from Abuse, Neglect and Exploitation (\$483.12)** into your facility's QAPI program. Be sure the foodservice department has a QAPI plan in place and is represented at the meetings.
- 3. Include responsibility and accountability for the QAPI program with the obligations of the governing body (\$483.70 Administration).** Be sure to hold the foodservice staff accountable to making your QAPI plan successful.
- 4. Consider Behavioral Health Services (\$483.40)** as it relates to residents with a history of trauma and/or posttraumatic stress disorder. Be sure to identify and assess the needs of these residents as it relates to their nutritional needs and dining environments.
- 5. Provide training to staff related to trauma-informed care (\$483.25 Quality of Care).** Develop and implement a process to assess foodservice staff competencies and skill sets as related to caring for residents with a history of trauma and/or post-traumatic stress disorder.

Address additional resources at [www.cdm.com/resources](https://www.cdm.com/resources)

**CDM** | Center for Medicare & Medicaid Services

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6. **Comprehensive Resident Centered Care Plans (\$483.21)** needs can be related to trauma-informed care. Be sure to assess and update any special Food & Nutrition Services interventions.

7. Make sure to implement a **Facility Wide Training Requirements (\$483.95)** for the following topics "The 8 Pack," Communications, Resident Rights & Facility Responsibility, Abuse, Neglect & Exploitation, Quality Assurance and Performance Improvement, Infection Control, Compliance & Ethics and Behavioral Health. Know how your organization or facility is going to support these trainings. Remember, these required topics are to be implemented for new and existing staff, contractors, and volunteers.

8. Implement a **Compliance & Ethics Program (\$483.85)**. Know it and share it with your facility/company. The CBDM has a CDM CFPP Code of Ethics that all CDMs must accept and abide by, and effective June 1, 2019, is requiring 1 Ethics CE during your 3-year certification window.

9. Consider your **Physical Environment (\$483.90)**. Confirm that each resident's bedside has a call system that will allow the resident to request staff assistance and the call goes directly to a staff member or centralized staff work area. Be a part of your facility; when you see a call light or hear a call, don't just walk by, assist the resident as much as possible, or at least let them know you are making sure help is on the way.

10. Represent **Food and Nutrition Services (483.60)**. Show PRIDE in what you do and who you are as a leader! Hang your CDM, CFPP certificate on your wall and wear the credentials on your name badge. Demonstrate the knowledge and skills you've acquired to be a confident professional and leader.

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CMS MEGA RULE UPCOMING  
Phase 3 November 2019

**Eight required training topics to be implemented for new and existing staff, contractors and volunteers**

1. Communications
2. Resident Rights and Facility Responsibility
3. Abuse
4. Neglect and Exploitation
5. Quality Assurance and Performance Improvement
6. Infection Control
7. Compliance and Ethics
8. Behavioral Health

**CMS Phase III 2019**



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### Examples of Resident Rights

Listed below are common resident/patient/client rights listed in statutes and rules for a variety of healthcare providers.

1. **Communication** - Make and receive phone calls, letters, emails, texts, etc. privately
2. **Confidentiality** - Maintain confidentiality of health and personal information and records; residents may approve or refuse release of information to any individual outside the CRRF
3. **Freedom from labor** - Not be required by the provider to perform labor that is financially beneficial to the provider; personal housekeeping may be required for therapeutic purposes if identified in the resident's individual service plan
4. **Freedom from mistreatment** - Be free from physical, sexual and mental abuse and neglect and from financial exploitation and misappropriation of property
5. **Freedom from seclusion** - Be free from isolation or separation
6. **Freedom from chemical restraints** - Be free from medication used to restrict the freedom or movement of a resident (without practitioner order)
7. **Freedom from physical restraints** - Be free from physical restraints that restrict the freedom or movement of a resident (without practitioner order)
8. **Receive medication** - Receive all prescribed medication in the dosage and at intervals prescribed by a practitioner; retain the right to refuse medication unless court-ordered
9. **Prompt and adequate treatment** - Receive the correct treatment in a timely manner

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## Examples of Resident Rights

Listed below are common resident/patient/client rights listed in statutes and rules for a variety of healthcare providers.

**10. Treatment options** - Participate and be fully informed in the planning of care and treatment options; retain the right to refuse care or treatment unless court-ordered

**11. Self-determination** - Make decisions relating to care, activities, daily routines and other aspects of life which enhance self-reliance, autonomy and decision making

**12. Least restrictive environment** - Have the fewest restrictions necessary to meet the purposes of the resident's admission without curfew, rules or other restrictions to a resident's freedom of choice

**13. Recording, filming, photographing** - Not be recorded, filmed, photographed without written consent; CTRF may photograph for ID purposes

**14. Safe environment** - Live in an environment in which residents are safeguarded from environmental hazards

**15. Physical and emotional privacy** - Receive privacy in treatment, living arrangements, caring for personal needs, etc.

**16. Present grievances** - Make complaints to facility staff; public officials, any other person without fear of retaliation

**17. Manage one's financial affairs** - Resident may manage finances or delegate the responsibility to the facility or another person

**18. Be fully informed of facility services and fees** - Be informed about all services and fees upon admission or during the resident's stay

**19. Be treated with courtesy and respect** - Receive full recognition of the resident's dignity and individuality

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**Residents of nursing homes have rights that are guaranteed by the federal Nursing Home Reform Act. The law requires nursing homes to "guarantee and protect the rights of each resident" and to provide residents with the right to self-determination. Many states also have state laws that protect the rights of nursing home residents.**

**Right to a Dignified Existence**

- Be treated with courtesy, respect, and dignity, recognizing each resident's individuality
- Respect their own rights, independence, and independence of property
- Respect their right to privacy
- Quality of life is considered important
- Carrying out religious practices, customs, traditions, or beliefs
- Respect their movement, and use of personal belongings when possible
- Freedom of association
- Freedom of expression

**Right to Self-Determination**

- Choice of activities, clothing, food, and personal belongings, including attending activities
- Freedom of association with friends and family
- Freedom of movement, including the right to leave the premises at will
- Freedom of expression, including the right to join or leave any group or organization
- Freedom of association with friends and family
- Freedom of association with friends and family
- Freedom of association with friends and family

**Right to be Fully Informed of**

- The right to plan for retirement and to receive a benefit of retirement
- The right to plan for retirement and to receive a benefit of retirement
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- The right to plan for retirement and to receive a benefit of retirement

**Right to Make Grievances**

- Have grievances heard, discussed, and resolved in the best of all
- Be kept informed of the facility's grievance procedure, and provide a written decision upon request
- Be kept informed of the facility's grievance procedure, and provide a written decision upon request

**Right of Access to**

- Facilities, services, community resources, and religious and cultural facilities
- Freedom of movement, including the right to leave the premises at will
- Freedom of expression, including the right to join or leave any group or organization
- Freedom of association with friends and family
- Freedom of association with friends and family
- Freedom of association with friends and family

**Right Regarding Financial Affairs**

- Freedom to own financial assets
- Information about available services and the charges for each service
- Respectful of the resident's right to privacy and to the right to privacy
- Respectful of the resident's right to privacy and to the right to privacy
- Respectful of the resident's right to privacy and to the right to privacy

**Right to Privacy**

- Respectful of the resident's right to privacy and to the right to privacy
- Respectful of the resident's right to privacy and to the right to privacy
- Respectful of the resident's right to privacy and to the right to privacy

**Right During Discharge/Transfer**

- Respectful of the resident's right to privacy and to the right to privacy
- Respectful of the resident's right to privacy and to the right to privacy
- Respectful of the resident's right to privacy and to the right to privacy

**GET HELP**

For more information about Residents' Rights, or questions about nursing home care, please contact the National Consumer Voice for Quality Long-Term Care at 1-800-453-3333 or [www.nationalconsumervoice.org](http://www.nationalconsumervoice.org)

800-453-3333, 1-800-453-3333, 1-800-453-3333

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## Violations of Resident Rights

- Activity: Which rights were violated in each example?
- Why are resident rights ignored or violated?

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## Effective Techniques

- Think about ways to honor resident rights
- Jot down ideas
- Review Learning Points

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### FACT SHEET

#### CULTURE CHANGE IN NURSING HOMES

Quality of care in nursing homes must be addressed from all angles: regulatory, legal, advocacy, and within the nursing home itself. An ongoing effort to provide a new way of living and working in nursing homes is critical. An ongoing effort to provide a new way of living and working in nursing homes is critical. An ongoing effort to provide a new way of living and working in nursing homes is critical.

**PIONEER PRINCIPLES**

- Know each person
- Each person can and does make a difference
- Respecting the fundamental belief that all are transformed by love
- Respond to each as well as an individual
- Risk taking is a normal part of life
- Put the person before the task
- All roles are needed in a self-determining, wherever they live
- Continuously in the attitude of institutionalization
- Do unto others as you would have them do unto you - the Golden Rule
- Provide the growth and development of all
- Shape and use the potential of the environment in all aspects of personal, organizational, professional and
- Practice self-examination, searching for new reality and opportunities for doing better
- Recognize that culture change and transformation are not decisions, but a journey, always a work in progress

**PERSON-DIRECTED PRACTICES**

- Establish resident decision in goal setting and care
- Re-organize and empower staff, focusing on responsibility, accountability and using respect to direct care workers (resident assistants)

**ENABLE RESIDENT CHOICE IN ASPECTS OF DAILY LIFE SIGNIFICANT TO THE RESIDENT**, such as time getting up and going to bed, eating, naps, times outdoors, favorite pastimes, times and methods of bathing, content of meals and the ways meals are served.

The Pioneer Network is an organization working with the Consumer Voice and other national entities to foster the spread of culture change practices and principles. Pioneer principles are used to guide their work.

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### EXAMPLES OF CULTURE CHANGE

The implementation of a philosophy of culture change can take many forms depending upon the challenges faced by the organization. Strong models of culture change approaches are illustrated in the work of the early Pioneers, who were brought together for the first time in 1995 by the Consumer Voice. The work of the early Pioneers is spreading beyond first innovators as more and more organizations begin their transformational change journey. There are different strategies for culture change, including the Eden Alternative and the Wellspring approaches. Be sure to ask your nursing home if they are using any culture change techniques.

For more information and resources on culture change in nursing homes, go to [www.theconsumervoice.org](http://www.theconsumervoice.org)

- **Teach and model good communication, especially staff listening skills**
- Mix the presence of children into daily life
- Welcome and provide for residents' animals for companionship, meaning, and delight
- Maintain plenty of living plants inside and out to enable daily contact with the natural world
- **Encourage creative ideas from staff, residents, and families**
- Continuously educate staff on culture change
- Provide resident assistant training which includes mentorship and support
- Use a resident assistant career ladder in which wages are tied to performance and education
- Design and organize in-service training to make it person (resident) centered
- **Respect every active family member**
- Develop small units of 10 to 15 residents

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The screenshot shows the website of The National Consumer Voice for Quality Long-Term Care. The main navigation bar includes links for Home, About, Get Help, Events, News & Updates, Policy & Advocacy, and Contact. The page is titled "Residents' Rights" and features a sidebar with links to various resources like "Nursing Home Residents", "Getting Help", "Resident Council Center", "Fast Sheets", "The Resident Advocate Newsletter", "Consumer Engagement", "National Nursing Home Quality Improvement Campaign", "View from the Inside", "Paper", "Assisted Living", and "Homes & Community Care". The main content area is titled "Residents' Rights Overview" and includes a brief introduction to the federal right to nursing home reform, a link to view a consumer voice fact sheet, and a list of links to various resources including "What are Residents' Rights?", "Residents' Rights in Other Languages", "Residents' Rights in Braille", "Residents' Rights Month", and "Residents' Rights Bingo".

<https://theconsumervoice.org/issues/recipients/nursing-home-residents/residents-rights>

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<http://theconsumervoice.org/events>

**Residents' Rights Month 2018**  
October 01, 2018 - October 31, 2018  
Residents' Rights Month is an annual event designated by the Consumer Voice and is celebrated in October to honor residents living in all long-term care facilities and consumers receiving services in their home or community. It is a time for celebration and recognition offering an opportunity for every facility to focus on and celebrate awareness of dignity, respect and the value of each individual resident. The theme for this year is "Speak Up: Know Your Rights and How to Use Them."

**Activities to Call Attention to Residents' Dining Experience**

**Purpose of Activities:**

- To call attention to resident dining experience
- To amplify the Residents' Voice on the dining experience
- To get residents involved in food service planning
- To identify ways to overcome challenges to quality dining experience

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**Recipe for Residents Rights: Free Choice**  
Residents Rights identify the following three areas under Free Choice:  
(1) the right to choose a personal attending physician  
(2) the right to be fully informed in advance about care and treatment  
(3) the right to participate in care and treatment decisions

**USE COOKING TERMS IN YOUR FACILITY  
RECIPE FOR FREE CHOICE**

**Knead** a kind doctor into a pile of goodness  
**Serve** my favorite medication before lunch  
**Cut** my shower time in half  
**Melt** the restraints in the oven and **Pour** them in the trash  
**Layer** my meal choices with love  
**Shape** my activities into gardening  
**Combine** it all together and **Mix** it up for fun.

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**Barbara Thomsen, CDM, CFPP, RAC**  
Education & Regulatory Outreach Consultant  
ANFP  
Phone: 800.323.1908 ext. 130  
E-mail: [regs@ANFPonline.org](mailto:regs@ANFPonline.org)



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