



Resident Rights

Rights for CBRF residents are established under s. 50.09, Wisconsin Statutes and Chapter DHS 83.32, Wisconsin Administrative Code. Other statutes, such as s. 51.61 and chs. 54, 55, 155 and 304, Stats., and ch. DHS 94 may further clarify or condition a particular resident's rights, depending on the legal status of the resident or a service received by the resident. This CBRF shall comply with all applicable statutes and rules.

We respect and support our residents in exercising their rights.

This CBRF protects the civil rights of residents as these rights are defined in the U.S. Constitution, the Wisconsin Constitution, the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 504 of the Rehabilitation Act of 1973, The Fair Housing Amendments Act of 1988, the Americans with Disabilities Act of 1990, and all other applicable federal and state statutes. For a complete copy of Chapter 50 and/or Chapter 83, go to www.ewala.org or contact WALA at 608/288-0246.

Residents have the following rights:

Medical treatment

Right to receive prompt and adequate treatment that is appropriate to the resident's needs, within the capacity of the facility. [S.50.09(1)(l),Stats. and DHS 83.32(3)(i)]

Right to receive all prescribed medications in the dosage and at intervals prescribed by practitioner. Right to refuse medications unless court-ordered. DHS 83.32(3)(h)

Right to participate in the planning of care and treatment, to be fully informed of resident's care and treatment and of care and treatment options, and to refuse any form of care or treatment unless ordered by a court. [S.50.09(1)(n),Stats. and DHS 83.32(3)(j)]

Right to use the licensed, certified or registered provider of health care and pharmacist of the resident's choice. S.50.09(1)(m),Stats.

Freedom from chemical restraints. DHS 83.32(3)(f)

Freedom from physical restraints, except upon review and approval by the Department of Health Services upon written authorization from the resident's primary physician or advanced practice nurse prescriber. DHS 83.32(3)(g)

Respect

Right to be treated with courtesy, respect and full recognition of the resident's dignity and individuality. S.50.09(1)(e),Stats.

Freedom from seclusion. DHS 83.32(3)(e)

Physical and emotional privacy in treatment, living arrangements, and caring for personal needs, including but not limited to privacy of visits by spouse, health care privacy, and confidentiality of health and personal records. S.50.09(1)(f),Stats.

Right not be recorded, filmed or photographed without informed, written consent by the resident or the resident's legal representative (except photograph for identification purposes, or by the Department of Health Services as part of an inspection or investigation.) DHS 83.32(3)(m)

Right to be free from mental and physical abuse, and free from chemical and physical restraints except as described in this section of the statutes. S.50.09(1)(k),Stats.

Right to retain and use personal clothing and effects and to retain other personal possessions, as space permits, in a reasonably secure manner. S.50.09(1)(i),Stats.

Right to have the least restrictive conditions necessary to achieve the purpose of the resident's admission. DHS 83.32(3)(L)

Safety

Freedom from physical, sexual and mental abuse and neglect, financial exploitation and misappropriation of property. DHS 83.32(3)(d)

Right to live in a safe environment, and to be safeguarded from environmental hazards. DHS 83.32(3)(n)

Activities

Right to participate in social, religious and community activities at the resident's discretion, unless medically contraindicated and documented in the resident's record. S.50.09(1)(h),Stats.

Right to make decisions relating to care, activities, daily routines and other aspects of life which enhance the resident's self reliance and support the resident's autonomy and decision-making. DHS 83.32(3)(k)

Communications

Right to receive and unrestricted communications with family, medical personnel, attorney, and public officials. Right to send and receive mail and have private visits. [S.50.09(1)(a),Stats.]

Right to access a telephone for private communications and to make and receive phone calls within reasonable limits and in privacy. [S.50.09(1)(a),Stats. and DHS 83.32(3)(a)]

Grievances

Right to present grievances on the behalf of the resident or others, and to join with others within or outside the facility to work for improvements in resident care. [S.50.09(1)(b),Stats.]

Confidentiality

Right to confidentiality of health and personal information and records, including the right to approve or refuse release of that information to persons outside of the CBRF, except as specified in this section of the code. [DHS 83.32(3)(b)]

Financial and administrative

Right to manage their own financial affairs, unless the resident delegates that responsibility in writing to the CBRF or another person, and the CBRF or the other person accepts that responsibility. [S.50.09(1)(c),Stats.]

Right to be fully informed, in writing, prior to or at the time of admission, of all services included in the per diem rate, other services available, and the charges for such services.

Right to be informed in writing of changes in services or charges during the resident's stay. [S.50.09(1)(d),Stats.]

Right to be transferred or discharged, and to be given reasonable advance notice of any planned transfer or discharge and an explanation of the need for and alternatives to transfer or discharge. (This section includes other related transfer and discharge rights.) [S.50.09(1)(j),Stats.]

Labor

Right not to be required by the CBRF to perform labor that is of any financial benefit to the CBRF, or to perform services for the facility that are not included for therapeutic purposes in the resident's plan of care. [S.50.09(1)(g),Stats. and DHS 83.32(3)(c)]