



# UNDERSTANDING YOUR RIGHTS IN ASSISTED LIVING

By Janice Martin, Owner of Senior Liaison of Central Florida

Every person moving in to an assisted living community must sign a Resident Agreement. It is a long, legal document. Because it is so long and signed under stressful situations, it is often done without fully understanding it, taken home, and never look at it again.

I'm sure you've purchased apps for your cell phone. Before you can download it, there's a long section that includes a lot of rhetoric. If you actually read through it, you might not ever sign it! The reality is, you either sign it or you don't get the app. The same is true for Resident Agreements – you either agree to it and sign it, or you don't get to move in.

There are all kinds of addendums regarding pets, smoking, motorized scooters, even using an arbitrator in the event of a dispute. But of all those pages, the most important, most overlooked, and most misunderstood is Resident Rights. It may be difficult to accept that although you have provided certain types of care in your own home, you cannot in a facility.

It is each resident's right to do what they want to do, whether it is a) safe, b) logical, c) a health risk, or d) defies common sense. Let's look at two important scenarios:

***"To Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy."***

- Your father is diabetic and asks for 3 rolls at dinner and dessert at every meal. The community must give it to him no matter how much you yell, scream, or threaten. It is his RIGHT to have what he wants, and the community cannot deny him. As a result, you may now be required to pay for an expensive drug to counteract the elevated sugars.

- Your mother falls out of bed frequently and has bed rails on her bed at home. In an assisted living, you cannot have full bed rails. The regulations have changed somewhat, but many communities will not allow it for their own protocols. If they don't, the only solution is to make the bed lower and closer to the floor and put a mat alongside the bed.

- If a resident with Parkinson's has trouble eating from shaking hands and food gets all over their shirt, you may not use a bib so they're not embarrassed and remain clean because a bib is not "dignified."

- If your loved one is an alcoholic and wants to drink, they can. They may have alcohol in their apartment and have a drink at happy hour. One family asked if



we would admit their alcoholic father into memory care so he couldn't get out to get a drink. If there is no diagnosis of dementia, memory care is not an option.

- Each resident has the right to refuse to take a shower or change their clothes. Sometimes it becomes necessary to enlist the help of family. The community will try different staff, times of the day, persuasion, bribery, but sometimes the last resort is to bring in the family.

- No signage in a resident's room is permitted as it may deny their privacy and dignity. The staff may not put a sign stating something such as, "Don't forget to give XXX medication before bed." "Put extra protection on the bed at night." It is an infringement of their privacy. Even family may not leave signs such as "Please take teeth/hearing aids out at night".

***The right to present grievances on behalf of himself or herself or others to the staff or administrator of the facility... or to any other person...free from restraint, interference, coercion, discrimination, or reprisal.***

If you complain to the staff about concerns you have regarding care and feel you must take it to a higher level, you have the right to not receive retaliation.

In addition to Resident Rights, there is also a section in the Florida State Regulations regarding third party providers. This refers to hiring private caregivers, home care agencies, home therapy providers, hospice, etc. There are times where families are told "We use XYZ company for home therapy." Or "We use XYZ hospice." It does not matter which they use! It is YOUR decision. The community may have a preferred provider. This is a convenience for the staff. However, if you have a long-standing relationship with an outside provider, you have the right to continue to receive care from them.

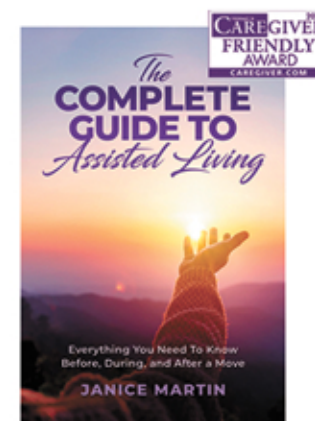
I was contacted by a family who felt their father wasn't receiving enough care in the assisted living. Rather than move him, they requested to bring a home care service to supplement the care at their own cost. The community denied the home care access to the community. THIS IS ILLEGAL! You may request any third party services you wish, and they may not be denied by the community.

The same is true for hospice. Some communities will have a preferred company, but if the family has a different request, the community must honor it.

A husband and wife are living in assisted living and the wife made the decision to enlist hospice. On behalf of the family, I asked for the nurse to give a referral to a specific hospice. After a week, I reached out to the hospice and asked if they had received the referral. When they learned who the director of nursing was, they responded that she "refused" to work with them. It does not work this way!!

In the case of home health, home care, or hospice, IT IS ALWAYS PATIENT CHOICE! Resident Rights will frustrate you and confound you, but they are there for a good reason. Learn to understand the basis for each decision and to advocate for your loved one when those rights are not being met.

In assisted living, if you feel your resident rights or the regulations have been denied or abused, you may make an anonymous complaint by calling (888) 419-3456 / (800) 955-8771 Florida Relay Service (TDD number) and an ombudsman/advocate will be assigned to investigate.



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