

Issue Paper

NURSING HOME RESIDENT RIGHTS -SB 1248 (Alquist)

California NeuroAlliance Position: SUPPORT

Background

There are nearly 1300 nursing homes currently doing business in California, and providing care to roughly 100,000 residents. In order to do business in California, a nursing home must provide written policies regarding the rights of residents living within nursing homes. Residents' rights assure that residents are cared for with sensitivity to their individual needs and treated with respect, dignity and justice.

Most residents of nursing homes have rights under both federal and state law. Nursing homes are required to inform residents of these rights and protect and promote their rights. If a resident is incapable of exercising his or her rights, the person designated by law, such as conservator, guardian, next of kin, or representative payee, may exercise these rights. However, not all nursing home residents have the same rights. Residents whose payment source is Medicare or Medi-Cal have more rights guaranteed to them by federal law than private-pay residents who reside in facilities that do not accept Medicare or Medi-Cal, and whose rights rely solely on state law.

What SB 1248 Does

SB 1248 would extend the same rights guaranteed by federal law for residents whose care is paid for by governmental sources such as Medicare or Medi-Cal to private-pay nursing home residents. Although approximately 90% of all nursing homes in California accept Medicare or Medi-Cal, still thousands of residents are affected by this lack of equity.

Among the rights that SB 1248 will assure for nursing home residents include:

- They are informed of the patients' rights advocate in their area,
- They are informed as to what services and their costs they are being charged for,

- They are provided confidentiality with regard to their medical records,
- They are allowed to choose their physician,
- They are allowed to participate in their care planning,
- They may voice a grievance without fear of retaliation or recrimination.

Impact of AB 1248 on People with Neurological Conditions

Many people disabled by a neurological disease eventually rely on long-term health care facilities for their care. Individuals who are private-pay patients and their families will be assured that they have the same rights that the federal government guarantees and will be cared for and protected in the same manner as all other patients while in a California nursing home facility.