



Missouri Department of Health and Senior Services
Office of the State Long-Term Care Ombudsman
P.O. Box 570
Jefferson City, MO 65102-0570

800-309-3282

LTCOmbudsman@health.mo.gov
<http://health.mo.gov/seniors/ombudsman/index.php>

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER
Services provided on a nondiscriminatory basis.

Alternate forms of this publication for persons with disabilities may be obtained by contacting the Missouri Department of Health and Senior Services at 800-309-3282. Hearing- and speech-impaired citizens can dial 711.



RESIDENT RIGHTS
FOR LONG-TERM CARE IN MISSOURI

Notes:

YOUR RIGHTS AS A RESIDENT OF A LONG-TERM CARE FACILITY IN MISSOURI

Before deciding on which facility is best for you, find out what types of services are provided, the reputation of the facility and the general philosophy of those in charge.

As a resident, or prospective resident, of a long-term care facility, you and your family have rights which are guaranteed and protected by law. These "resident rights" support the principles of dignity and respect for every person who lives in a long-term care setting.

Every facility must protect and promote these rights for all residents and inform you of these rights when you are admitted.

BE FULLY INFORMED

You should receive a copy of all rules and regulations pertaining to your rights and responsibilities as a resident. You should be informed in writing of all matters relating to you, including services and charges not covered by the government or by the facility's daily rate.

You are also entitled to information about:

- the facility's inspection and survey results, and violations or deficiencies found;
- licensure approvals and/or disapprovals and responses of the home;
- procedures for receiving emergency care at hospitals or being transferred to other care facilities;
- the names and addresses of every owner of the home;
- the regulations for using chemical or physical restraints and the persons with authority to order the restraints; and,
- methods for obtaining copies of information from your file.

PARTICIPATE IN YOUR CARE

You have the right to know your medical condition and the options available for treatment. You may refuse any option.



CHOOSE YOUR OWN DOCTOR

You may continue to use your own doctor or select another who will be responsible for your total care. If you prefer, the facility will assign a doctor.

REMAIN IN THE FACILITY

You can be discharged only for medical reasons, nonpayment of a bill, or the threat of physical harm. You must be given written notice 30 days in advance of the transfer or discharge. This notice must tell why you are being discharged and how you can appeal.

VOICE GRIEVANCES

You may voice concerns and problems, along with recommended changes, to facility staff or outside representatives. Owners and staff of facilities are prohibited by law from retaliating if you complain. You should speak with the director of nursing or the administrator of the home if you encounter problems requiring immediate action. For non-emergencies, speak to the resident council or an ombudsman.

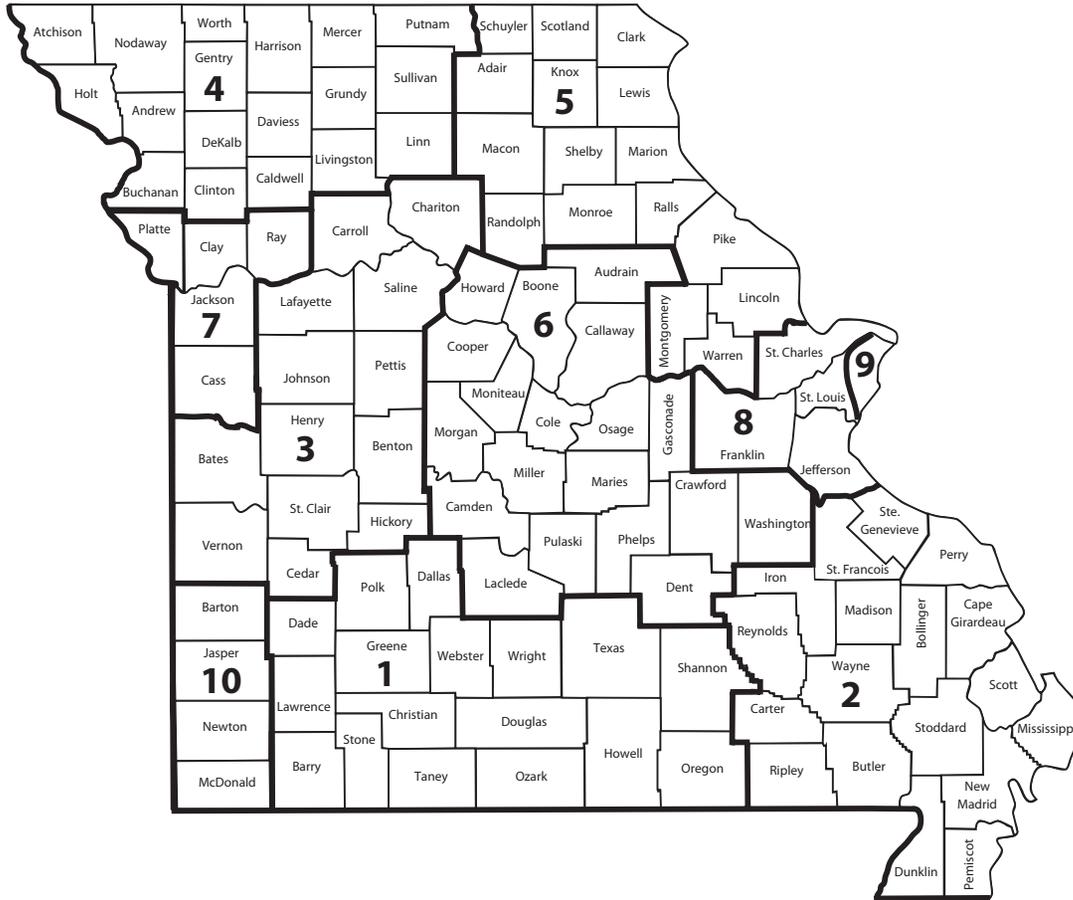
RESPONSIBLE PARTY

You cannot be required to have another person sign a guarantee of payment for your care when you move into the facility.

- 1/10. Council of Churches of the Ozarks
P.O. Box 3947; Springfield, MO 65808
(417) 862-3598; FAX: (417) 862-2129; www.ccozarks.org
2. Southeast MO Area Agency on Aging
1219 N. Kingshighway
Suite 100
Cape Girardeau, MO 63701
(800) 392-8771; FAX: (573) 335-3017; www.semoaaa.org
3. Care Connection for Aging Services
P.O. Box 1078; Warrensburg, MO 64093
(660) 747-3107; FAX: (660) 747-3100; www.goaging.org
4. Northwest MO Area Agency on Aging
P.O. Box 265; Albany, MO 64402
(888)-844-5626; FAX: (660) 726-4113; www.nwmoaaa.org
5. Long Term Care Ombudsman Program (VOYCE)
8702 Manchester Road; Brentwood, MO 63144
(866) 918-8222; FAX: (314) 918-9188; www.ltcop-stl.org
6. Central MO Area Agency on Aging
1121 Business Loop 70 E., Suite 2A; Columbia, MO 65201
(573) 443-5823; FAX: (573) 875-8907; www.cmaaaa.net
7. Mid-America Regional Council
600 Broadway, Suite 200; Kansas City, MO 64105-1536
(816) 474-4240; FAX: (816) 421-7758; www.marc.org
- 8/9. Long Term Care Ombudsman Program (VOYCE)
8702 Manchester Road; Brentwood, MO 63144
(866) 918-8222; FAX: (314) 918-9188
www.ltcop-stl.org

MISSOURI LONG-TERM CARE OMBUDSMAN PROGRAM

REGIONAL OMBUDSMAN OFFICES



1-800-309-3282



MANAGE YOUR OWN FINANCES

Whether you hold your money or have the facility keep track of it, nobody can tell you how to spend your personal funds. The operator of the home can help you manage your financial affairs.

BE FREE FROM ABUSE AND RESTRAINT

You should not be subjected to physical, sexual or emotional harm. Chemical or physical restraints should not be imposed for purposes of discipline or staff convenience. Restraints are only to be used as treatment for medical symptoms.

CONFIDENTIALITY

Medical, personal, social or financial affairs should be considered privileged information.

HAVE PRIVACY AND RESPECT

You have the right to privacy in medical treatment, personal care, telephone and mail communications, visits of family and meetings of resident groups. You should be treated with consideration and respect, with full recognition of your dignity and individuality. You should not be required to do things against your will.

COMMUNICATE FREELY

You may privately associate and communicate with persons of your choice. You may send and receive unopened mail.



PARTICIPATE IN ACTIVITIES

You may participate in social and religious activities, both inside and outside the facility. The facility should not require you to perform any duties or services.

KEEP YOUR POSSESSIONS

You may retain your personal possessions as space permits. On a quarterly basis, you are entitled to receive an accounting for all your personal possessions or funds entrusted to the facility.

RETAIN MARITAL PRIVILEGES

You have the right to private visits with your spouse and may share a room with your spouse if you are both residents.

PURCHASE GOODS AND SERVICES

You should receive an itemized bill for all goods and services provided by the facility. You may purchase or rent goods or services not included in your daily or monthly rate.

GUIDELINES TO EXERCISING YOUR RIGHTS AND RESOLVING PROBLEMS

1. Speak up. Don't be afraid to voice your concerns. Do not assume people know how you feel; they don't. Facility staff and administrators are not mind readers. They cannot solve problems that they do not know exist.

FEDERAL AND STATE LAWS AND REGULATIONS

(Continued)

FOR STATE LICENSED NURSING FACILITIES:

19 CSR 30-85.042 (13), (16), and (20):

Policies regarding property of residents in nursing facilities

19 CSR 30-88.010 (23):

Requires facilities to have written policies regarding loss or theft of residents' property

FOR STATE LICENSED RESIDENTIAL CARE AND ASSISTED LIVING FACILITIES:

19 CSR 30-86.042 (10) and (19):

Policies regarding property of residents in Residential Care Facilities

19 CSR 30-86.043 (11) and (18):

Policies regarding property of residents in Residential Care Facilities II

19 CSR 30-86.047 (12) and (62):

Policies regarding property of residents in Assisted Living Facilities

Website address:

<http://www.sos.mo.gov/adrules/csr/current/19csr/19csr.asp#19-30>

FEDERAL AND STATE LAWS AND REGULATIONS

FOR CERTIFIED FACILITIES (Federally Licensed Nursing Homes accepting Medicaid and/or Medicare): State Operations Manual, Appendix PP - Guidance to Surveyors for Long Term Care Facilities (Rev. 70, 01-07-2011)

§483.10(l)	Personal Property
§483.15(h)	Environment
§483.15	Quality of Life
§483.15(a)	Dignity
§483.13(c)	Staff Treatment of Residents
§483.15(g)	Social Services

Website address:

https://www.cms.gov/GuidanceforLawsAndRegulations/12_NHs.asp

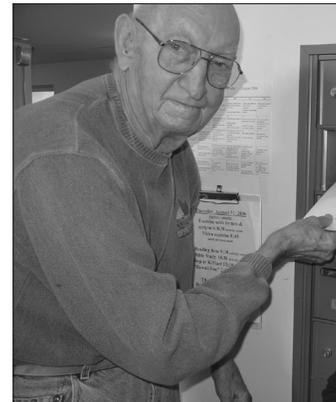


2. Voice your concern to the staff involved, but be prepared to talk to their supervisor if the problem is not solved. Each facility must designate an employee to receive and resolve complaints. You should be informed of the necessary steps to file a complaint or grievance. Specifically, you should know who is to receive your complaint and how to refer unresolved problems to appropriate governmental agencies. You also are entitled to receive a report from the facility complaint designee indicating how the issue has been resolved.

3. Remain calm while discussing the problem. Avoid anger, sarcasm, or threats. State the facts clearly. Do not attack the other person's ego nor question intent or sincerity.

4. Seek the assistance of the residents' or family councils to help with problem solving and complaint resolution.

5. Discuss minor or unresolved problems with the person in charge and follow up in writing. Be sure to keep a copy for your records.



LOSS AND THEFT PREVENTION TIPS FOR RESIDENTS

According to Missouri regulation 19 CSR 30-88.010 (36): "Each resident shall be permitted to retain and use personal clothing and possessions as space permits.

Personal possessions may include furniture and decorations in accordance with the facility's policies and shall not create

a fire hazard. The facility shall maintain a record of any personal items accompanying the resident upon admission to the facility, or which are brought to the resident during his/her stay in the facility, which are to be returned to the resident or responsible party upon discharge, transfer or death.”

When moving into a long-term care facility, residents or their family members should:

- Label all clothing and personal items with the resident's name, or a confidential ID number, using permanent ink.
- Make a full inventory of all personal items. Residents should give a copy to the facility, keep a copy, and update the inventory whenever they get something new or dispose of an item.
- Have dentures, hearing aids, eyeglasses, jewelry, and appliances such as televisions, radios and electric razors, engraved with the resident's name or a confidential ID number. (Do NOT use dates of birth or social security numbers.)
- Take pictures of expensive items, such as engagement rings and wedding bands.
- Ask for a personal locked storage space if one has not been provided.
- Check their Homeowner’s Insurance Policy to see if coverage can be extended to cover the resident's property in a long-term care facility.



FOR LEGAL ADVICE, SEE YOUR LAWYER

If you need help finding a lawyer, you can call:

- The Missouri Bar Lawyer Referral Service (573) 636-3635
In St. Louis.....(314) 621-6681 (City and County)
In Springfield(417) 831-2783 (Greene Co.)

If your income and resources are limited, you can call the Legal Services Corporation project in your area:

- Legal Services of Southern Missouri (800) 444-4863
In Springfield(417) 881-1397
In Rolla.....(573) 341-3655 or (800) 999-0249
In West Plains.....(573) 255-0348 or (800) 444-4863
In Charleston.....(573) 683-3783 or (800) 748-7456
In Cape Girardeau(573) 651-4806 or (800) 748-7456
- Legal Aid of Western Missouri
In Kansas City.....(816) 474-6750
In St. Joseph(816) 364-2325 or (800) 892-2101
In Warrensburg ... (660) 747-7101 or (800) 892-2943
In Joplin(417) 782-1650 or (800) 492-7095
- Legal Services of Eastern Missouri..... (800) 444-0514
In St. Louis.....(314) 534-4200
In Hannibal(573) 248-1111 or (800) 767-2018
In Union(636) 583-7877 or (866) 583-7877
- Mid-Missouri Legal Services Corporation (800) 568-4931
In Columbia(573) 442-0116
In Jefferson City ... (573) 634-4545
- Mark Twain Area Legal Services
In Canton.....(573) 288-5643
- Missouri Seniors’ Legal Helpline (800) 235-5503

Your local area agency on aging provides funding for legal advice to those 60 and older in long-term care facilities.

- Name a Lost and Found Coordinator to help residents locate lost items. Designate a specific area to store unclaimed, unmarked items and keep it visible to residents and family members.
- Ensure that all staff members are aware of the facility's policies regarding loss and theft, and of the consequences for not following those policies.
- Call the police; it acts as a good preventive measure for the future. Have local police give frequent in-service training sessions to staff about the significance of loss and theft.
- Use the facility newsletter to heighten awareness of loss and theft.



- Offer an incentive to employees for reporting any instance of stealing. Train them not to protect other employees.
- Include residents' belongings under the facility's insurance policy.

- Ask to see the facility's policy on loss and theft. If an effective policy does not exist, residents and their family members should form a committee to recommend new procedures.

WHAT TO DO WHEN PROPERTY IS MISSING

A resident (or his or her representative) should report missing items immediately to the facility. The report should be in writing and include a detailed description of the missing item(s), the value of each item, and where the item was last seen.

A resident (or his or her representative) should ask the facility to provide a written plan of action regarding how it will handle the missing item(s).

A police report should be filed if there is evidence of foul play. This should be done by the facility, resident, or a person acting on the resident's behalf. If the resident has insurance, a police report is needed in order to process the claim.

The facility should provide a timely response to the resident's report. If the situation is not resolved to the resident's satisfaction, contact the Ombudsman Program at 1-800-309-3282 for assistance.

Another option is to file a claim in Small Claims Court. If residents believe a facility is responsible for the loss

or theft of their property, they should contact the county courthouse where they live and ask to speak with the clerk who handles these cases. Small Claims Court handles cases where the value of a claim is \$3,000 or less. Residents can file a claim with or without the assistance of an attorney. Additional information may be found at the Missouri Bar website, www.mobar.org.

The Missouri Seniors' Legal Helpline provides general information about legal assistance and may be able to refer residents to a local attorney for help. The Legal Helpline phone number is 1-800-235-5503; the website is www.moaging.com/LegalHelp.

Residents may also call the Elder Abuse and Neglect Hotline at 1-800-392-0210 to report significant loss or theft (and allegations of abuse and neglect). The hotline is housed within the Department of Health and Senior Services. Department staff can conduct an investigation to help residents resolve their concerns.

LOSS AND THEFT PREVENTION TIPS FOR FACILITIES

According to Missouri regulation 19 CSR 30-85.042 (16):
"All persons who have any contact with the residents in the facility shall not knowingly act or omit any duty in a manner which would materially and adversely affect the health, safety, welfare or property of a resident."

The facility needs to maintain a safe and secure environment to minimize the losses that are reasonably



foreseeable. This includes screening all potential employees, installing locks where needed, and ensuring overall security in the facility. If a resident is unable to keep and use his/her property because the facility is not providing a reasonably safe environment, then the resident's rights are being violated. When the facility is not in compliance with this regulation, the Department of Health and Senior Services issues the facility a deficiency.

- Complete a full inventory of all personal items brought to the facility upon admission and keep it on file. Always update the inventory when the resident receives something new or disposes of an item.
- Make sure all residents' clothing and personal items are marked with a name and/or confidential ID number (do NOT use residents' date of birth or social security number).
- Distribute loss and theft information to all residents and families.
- Have a lockable, secure space for each resident to store personal items.
- Give each resident a document that provides an understandable procedure to follow when he or she needs to report a loss or theft. Post the same information in a public place.