Ella Besaw Center

Department: Administration **Review Date**: 11-22-24
Policy Title and #: Resident Rights **Effective:** 4/2/2024
Supersedes: None

REVIEW/APPROVAL PROCESS			
LEGAL:	**3/21/2024**	**TRIBAL COUNCIL:**	**4/2/2024**

Title: RESIDENT RIGHTS

Purpose: To identify and publish the rights of residents and ensure their protection.

Policy: The Ella Besaw Center (CBRF) shall protect 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 190, and all other applicable federal and state statutes.

Before the admission agreement is signed by the resident or the resident's legal representative or at the time of admission, the CBRF shall provide a copy of this policy and an explanation of the rights *and the grievance policy*, to the person being admitted, the person's legal representative, and family members of the person. The resident of the resident's legal representative shall be asked to sign a statement to acknowledge the receipt of an explanation of resident rights. The CBRF shall document the date and to whom the information was provided.

Staff will review residents' rights when they are hired and annually.

Right of Residents.
Any form of coercion to discourage or prevent a resident or the resident's legal representative from exercising any of the rights hereunder is prohibited. Any form of retaliation against a resident or the resident's legal representative for exercising any of the rights hereunder, or against an employee or any other person who assists a resident or the resident's legal representative in the exercise of any of the resident rights hereunder, is prohibited. Each resident shall have all of the following rights:

1. *Communications.* Make and receive telephone calls within reasonable limits and in privacy. The CBRF shall provide at least one non-pay telephone for resident use. The CBRF may require residents who make long distance calls to do so at the resident's own expense.

2. *Confidentiality*. Confidentiality of health and personal information and records, and the right to approve or refuse release of that information to any individual outside the CBRF, except when the resident is transferred to another facility or as required by law or third-party payment contracts and except as provided in s. 146.82 (2) and (3), Stats. The CBRF shall make the record available to the resident or the resident's legal representative for

review. Copies of the record shall be made available within 30 days, if requested in writing, at a cost no greater than the cost of reproduction.

3. *Free from labor.* Not be required by the CBRF to perform labor that is of any financial benefit to the CBRF. The CBRF may require personal housekeeping of the resident without compensation if it is for therapeutic purposes and is part of, and clearly 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 DHS 83.32(3)(e).

5. *Freedom from seclusion*. Be free from seclusion.

6. *Freedom from chemical restraints*. Be free from all chemical restraints.

7. *Freedom from physical restraints*. Be free from physical restraints except upon prior review and approval by the department upon written authorization form resident's primary physician or advanced practice nurse prescriber as defined in s. N 8.02(2). The department may place conditions on the use of a restraint to protect the health, safety, welfare and rights of the resident.

8. *Receive medication*. Receive all prescribed medications in the dosage and at intervals prescribed by a practitioner. The resident has the right to refuse medication unless the medication is court ordered.

9. *Prompt and adequate treatment*. Receive prompt and adequate treatment that is appropriate to the resident's needs.

10. *Treatment options*. Participate in the planning of care and treatment, be fully informed of care and treatment options and have the right to refuse any form of care or treatment unless the care or treatment has been ordered by a court.

11. *Self-determination*. 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.

12. *Least restrictive environment*. Have the least restrictive conditions necessary to achieve the purposes of the resident's admission. The CBRF may not impose a curfew, rule or other restriction on a resident's freedom of choice.

13. *Recording, filming, photographing*. Not be recorded, filmed or photographed without informed, written consent by the resident or resident's legal representative. The CBRF may take a photograph for identification purposes. The department may photograph, record or film a resident pursuant to an inspection or investigation under s. 50.03(2), Stats., without his or her written informed consent.

14. *Safe environment*. Live in safe environment. The CBRF shall safeguard residents from environmental hazards to which it is likely the residents will be exposed, including both conditions that are hazardous to anyone and conditions that are hazardous to the resident because of the residents' conditions or disabilities.

By singing this you are agreeing that you received a copy of the Resident rights policy understand its contents and agree to abide by it.

Sign_____

Date_____