**§ 461-d. Rights of residents in adult care facilities.** 1. The principles enunciated in subdivision three hereof are declared to be the public policy of the state and a copy of such statement of rights and responsibilities shall be posted conspicuously in a public place in each facility covered hereunder.

2. The department shall require that every adult care facility shall adopt and make public a statement of the rights and responsibilities of the residents who are receiving care in such facilities, and shall treat such residents in accordance with the provisions of such statement.

3. Resident rights and responsibilities shall include, but not be limited to the following:

(a) Every resident's civil and religious liberties, including the right to independent personal decisions and knowledge or available choices, shall not be infringed and the facility shall encourage and assist in the fullest possible exercise of these rights.

(b) Every resident shall have the right to have private communications and consultations with his or her physician, attorney, and any other person.

(c) Every resident shall have the right to present grievances on behalf of himself or herself or others, to the facility's staff or administrator, to governmental officials, or to any person without fear of reprisal, and to join with other residents or individuals within or outside of the facility to work for improvements in resident care.

(d) Every resident shall have the right to manage his or her own financial affairs.

(e) Every resident shall have the right to have privacy in treatment and in caring for personal needs.

(f) Every resident shall have the right to confidentiality in the treatment of personal, social, financial and medical records, and security in storing personal possessions.

(g) Every resident shall have the right to receive courteous, fair, and respectful care and treatment and a written statement of the services provided by the facility, including those required to be offered on an as-needed basis.

(h) Every resident shall have the right to receive or to send personal

mail or any other correspondence without interception or interference by the operator of an adult care facility or any person affiliated therewith.

(i) Every resident shall have the responsibility to obey all reasonable regulations of the facility and to respect the personal rights and private property of the other residents.

(j) The facility is required to include on its accident or incident report the resident's version of the events leading to an accident or incident involving such resident, unless the resident objects.

(k) Every resident shall have the right to authorize those family members and other adults who will be given priority to visit consistent with the resident's ability to receive visitors.

(l) Every resident or, in the case of a person who lacks capacity to consent to his or her health care, a person legally authorized to consent on behalf of the resident, shall have the right to be fully informed by his or her physician, or other health or mental health provider of his or her medical condition and proposed medication, treatment and services, unless medically contraindicated, and to refuse medication, treatment or services after being fully informed of the consequences of such actions; provided that an operator acting reasonably and in good faith, shall not be held liable or penalized for complying with the refusal of such medication, treatment or services by a resident or, in the case of a person who lacks capacity to consent to his or her health care, a person legally authorized to consent on behalf of the resident, who has been fully informed of the consequences of such refusal.

(m) Every resident or, in the case of a person who lacks capacity to consent to his or her health care, a person legally authorized to consent on behalf of the resident, shall have the right to choose the resident's own health care providers for services not covered by his or her admission agreement.

Waiver of any provision contained within this subdivision by a resident of an adult care facility shall be void.

4. Every resident of a residence for adults, adult home or enriched housing program, shall be entitled to receive compensation for services

performed on behalf of such facility or persons affiliated therewith, and the operator of such facility shall maintain written records stating the duties to be performed, the rate and type of compensation, and the hours and days during which these services will be performed.

5. Each operator shall give a copy of the statement of rights and responsibilities to each resident at or prior to the time of admission to the facility, or to the appointed personal representative and to each member of the facility's staff.

6. An operator or employee of a residence for adults, adult home or enriched housing program or any other entity which is a representative payee of a resident of such facility pursuant to designation by the social security administration or which otherwise assumes management responsibility over the funds of a resident shall maintain such funds in a fiduciary capacity to the resident. Any interest on money received and held for the resident shall be the property of the individual resident.

7. Every operator of a residence for adults, adult home, enriched housing program or family type home for adults shall post a long term care ombudsman poster in such facility in the main entrance or public posting area where notices to residents are commonly displayed, or, if there is no such main entrance or posting area, in the several public areas within the facility where notices to residents are commonly displayed, and shall make the long term care ombudsman brochure available to residents upon request.