

## PERSONAL RIGHTS OF RESIDENTS IN PRIVATELY OPERATED RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

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**EXPLANATION:** This form describes the personal rights of residents in privately operated Residential Care Facilities for the Elderly (RCFEs). It also provides the nondiscrimination notice to, and complaint information for, a resident and if applicable, their representative. A signed copy of these rights and nondiscrimination notice shall be retained in the resident's file maintained by the licensee. This form is provided as a courtesy to licensees.

California Code of Regulations, Title 22, [Section 87468](#), Personal Rights of Residents, requires that a resident and if applicable, their representative be personally advised of the personal rights and nondiscrimination notice described on this form and given a copy of the rights and nondiscrimination notice at the time the admission agreement is signed. As a best practice, facility staff and if applicable, a resident's representative should explain these rights and nondiscrimination notice to the resident in a manner appropriate to the resident's needs.

A licensee is required to post the personal rights, nondiscrimination notice, and complaint information in a prominent area accessible to residents, representatives, and the public. The personal rights, nondiscrimination notice, and complaint information shall be posted in English and in any other language in which at least 5% of the residents can only read that other language.

**To file a complaint regarding any licensed care facility, contact the Centralized Complaint and Information Bureau of the California Department of Social Services Community Care Licensing Division Hotline at:**

**Phone:** 1-844-LET-US-NO (1-844-538-8766)

**E-Mail:** [LetUsNo@dss.ca.gov](mailto:LetUsNo@dss.ca.gov)

**Mail:** California Department of Social Services  
Community Care Licensing Division  
Centralized Complaint and Information Bureau  
744 P Street  
Sacramento, CA 95814

**To report known or suspected elder abuse, please contact the Statewide Ombudsman toll free 24-hour CRISIS line at 1-800-231-4024, the local Police Department and Sheriff's Department, or the Bureau of Medi-Cal Fraud and Elder Abuse at 1-800-722-0432.**

**The local Long-Term Care Ombudsman's Office telephone number is \_\_\_\_\_.**

## **PERSONAL RIGHTS OF RESIDENTS IN PRIVATELY OPERATED RESIDENTIAL CARE FACILITIES FOR THE ELDERLY**

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Residents in privately operated Residential Care Facilities for the Elderly shall have all of the following personal rights:

- To be accorded dignity in their personal relationships with staff, residents, and other persons.
- To be accorded safe, healthful and comfortable accommodations, furnishings and equipment.
- To reasonable accommodation of their preferences concerning room and roommate choices.
- To share a room with their spouse, domestic partner, or a person of their choice when both spouses, partners, or residents live in the facility and both consent to the arrangement.
- To written notice of any room changes at least 30 days in advance unless a room change is agreed to by the resident, required to fill a vacant bed, or necessary due to an emergency.
- To have access to individual storage space for private use.
- To have a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the Internet, and meetings of resident and family groups.
- To be free from punishment, humiliation, intimidation, abuse, or other actions of a punitive nature, such as withholding residents' money or interfering with daily living functions such as eating, sleeping, or elimination.
- To be free from neglect, financial exploitation, involuntary seclusion, punishment, humiliation, intimidation, and verbal, mental, physical, or sexual abuse.
- To be protected from involuntary transfers, discharges, and evictions. A licensee shall not involuntarily transfer or evict residents for reasons other than those permitted by state law or regulations, and shall comply with all eviction and relocation protections for residents. For purposes of this paragraph, "involuntary" means a transfer, discharge, or eviction that is initiated by the licensee, not by the resident.
- To be informed by the licensee of the provisions of law regarding complaints and of procedures for confidentially registering complaints, including, but not limited to, the address and telephone number for the complaint receiving unit of the Department, and how to contact the Community Care Licensing Division of the California Department of Social Services, and the long-term care ombudsman regarding grievances in regard to the facility.
- To contact the State Department of Social Services, the long-term care ombudsman, or both, regarding grievances in regard to the licensee. The licensee shall post the telephone numbers and addresses for the local offices of the State Department of Social Services and ombudsman program, according to Section 9718 of the Welfare and Institutions Code, conspicuously in the facility foyer, lobby, residents' activity room, or other location easily accessible to residents and their representatives.

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- To have the freedom to attend religious services or activities of their choice either in or outside the facility and to have visits from the spiritual advisor of their choice. Attendance at religious services, either in or outside the facility, shall be on a completely voluntary basis.
- To make choices concerning their daily lives in the facility.
- To reasonable accommodation of their individual needs and preferences in all aspects of life in the facility, except when accommodation would endanger the health or safety of the individual resident or other residents.
- To leave or depart the facility at any time and to not be locked into any room, building, or on facility premises by day or night. This does not prohibit a licensee from establishing house rules, such as locking doors at night to protect residents, or barring windows against intruders, with permission from the Department.
- To visit the facility prior to residence along with their representatives.
- To move from the facility.
- To have their representatives regularly informed by the licensee of activities related to care or services, including ongoing evaluations, as appropriate to their needs.
- To have communications to the licensee from their representatives answered promptly and appropriately.
- To be informed of the license's policy concerning visits and other communications with residents, according to Health and Safety Code section 1569.313.
- To have their visitors, including ombudspersons and advocacy representatives, permitted to visit privately during reasonable hours and without prior notice, provided that the rights of other residents are not infringed upon.
- To consent to have their relatives and other individuals of their choosing visit during reasonable hours, privately, and without prior notice.
- To have reasonable access to telephones, to both make and receive confidential calls. The licensee may require reimbursement for long distance calls.
- To send and receive unopened correspondence in a prompt manner.
- To wear their own clothes; to keep and use their own personal possessions, including their toilet articles; and to keep and be allowed to spend their own money.
- To keep, have access to, and use their own personal possessions, including toilet articles, and to keep and be allowed to spend their own money, unless limited by statute or regulation.

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- To manage their financial affairs. A licensee shall not require residents to deposit their personal funds with the licensee. Except as provided for in approved continuing care agreements, a licensee, or a spouse, domestic partner, relative, or employee of a licensee, shall not do any of the following:
  - Accept appointment as a guardian or conservator of the person or estate of a resident.
  - Become or act as a representative payee for any payments made to a resident, without the written and documented consent of the resident or the resident's representative.
  - Serve as an agent for a resident under any general or special power of attorney.
  - Become or act as a joint tenant on any account with a resident.
  - Enter into a loan or promissory agreement or otherwise borrow money from a resident without a notarized written agreement outlining the terms of the repayment being given to the resident.
- To protection of their property from theft or loss according to Health and Safety Code sections 1569.152, 1569.153, and 1569.154.
- To receive or reject medical care, or other services.
- To fully participate in planning their care, including the right to attend and participate in meetings or communications regarding care and services to be provided, according to Health and Safety Code section 1569.80, and involve persons of their choice in this planning. The licensee shall provide necessary information and support to ensure that residents direct the planning of their care to the maximum extent possible, and are enabled to make informed decisions and choices.
- To receive in the admission agreement a comprehensive description of the method for evaluating residents' service needs and the fee schedule for the items and services, and to receive written notice of any rate increases according to Health and Safety Code sections 1569.655 and 1569.884.
- To be informed in writing prior to or at the time of admission, of any resident retention limitations set by the state or licensee, including any limitations or restrictions on the licensee's ability to meet residents' needs.
- To be fully informed, prior to or at the time of admission, of all rules that govern resident conduct and responsibilities while living at the facility, as evidenced by the resident's written acknowledgement. All rules established by a licensee shall be reasonable and not violate any rights in this section or other applicable laws or regulations, according to Health and Safety Code section 1569.885.
- To select their own physicians, pharmacies, privately paid personal assistants, hospice agency, and health care providers in a manner that is consistent with the resident's admission agreement or other rules of the facility, and according to these personal rights.

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- To receive written information on the right to establish an advance health care directive and the licensee's written policies on honoring an advance health care directive according to Health and Safety Code section 1569.156.
- To care, supervision, and services that meet their individual needs and are delivered by staff that are sufficient in numbers, qualifications, and competency to meet their needs.
- To be served food of the quality and quantity necessary to meet their nutritional needs.
- To be encouraged to develop and maintain their fullest potential for independent living through participation in activities designed and implemented for this purpose, according to Section 87219.
- To receive assistance in exercising the right to vote.
- To be encouraged and assisted in exercising their rights as citizens and as residents of the facility. Residents shall be free from interference, coercion, discrimination, and retaliation in exercising their rights.
- To organize and participate in a resident council established according to Health and Safety Code section 1569.157.
- To present grievances and recommend changes in policies, procedures, and services to the facility staff, management, and governing authority, and to any other person without restraint, coercion, discrimination, reprisal, or other retaliatory actions. The licensee shall respond to residents' grievances and recommendations promptly.
- To have their records and personal information remain confidential and to approve their release, except as authorized by law.
- To have prompt access to review all of their records and to purchase photocopies of their records. Photocopied records shall be provided within two (2) business days and at a cost that does not exceed the community standard for photocopies.

All residents in all RCFEs shall be protected from the actions listed below. A licensee or facility staff may not take any of the following actions, which also includes taking these actions wholly or partially on the basis of the actual or perceived sexual orientation, gender identity, gender expression, or human immunodeficiency virus (HIV) status, of a resident:

- Deny admission to a facility, transfer or refuse to transfer a resident within the facility or to another facility, or discharge or evict a resident from a facility.
- Deny a request by residents to share a room.
- Where rooms are assigned by gender, assign, reassign, or refuse to assign, a room to a resident who is transgender other than according to the resident's gender identity, unless at the request of the resident who is transgender.

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- Prohibit a resident from using, or harass a resident who seeks to use or uses, a restroom available to others of the same gender identity, regardless of whether the resident is making a gender transition or appears to be gender-nonconforming. Harassment includes, but is not limited to, requiring a resident to show identity documents to gain entrance to a restroom available to other persons of the same gender identity.
- Willfully and repeatedly fail to use a resident's preferred name or pronouns after being informed of the resident's preferred name or pronouns in a clear manner.
- Deny a resident the right to wear or be dressed in clothing, accessories, or cosmetics permitted for any other resident.
- Restrict a resident's right to associate with other residents or with visitors, including the right to consensual sexual relations.
  - A licensee is not precluded from restricting or banning sexual relations as long as the restriction or ban is applied uniformly to all residents in a nondiscriminatory manner. All residents and their representatives, including potential residents prior to the time of signing the admission agreement, shall be notified in writing of any such facility restriction or ban.
- Deny or restrict medical or nonmedical care that is appropriate to a resident's organs and bodily needs, or provide medical or nonmedical care to the resident in a manner that, to a similarly situated reasonable person, unduly demeans the resident's dignity or causes avoidable discomfort.

### NONDISCRIMINATION NOTICE

(Name of facility) \_\_\_\_\_ does not discriminate and does not permit discrimination, including, but not limited to, bullying, abuse, or harassment, on the basis of actual or perceived sexual orientation, gender identity, gender expression, or HIV status, or based on association with another individual on account of that individual's actual or perceived sexual orientation, gender identity, gender expression, or HIV status. You may file a complaint with the Office of the State Long-Term Care Ombudsman at 1-800-231-4024 if you believe that you have experienced this kind of discrimination.

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**RESIDENT AND IF APPLICABLE, RESIDENT’S REPRESENTATIVE:**

**I/we have been personally advised of, and have received a copy of, the personal rights and nondiscrimination notice described on this form.**

Print Name of Facility	Print Address of Facility
Print Name of Resident	
Print Name and Title of Resident’s Representative (if applicable)	
Signature of Resident	Date
Signature of Resident’s Representative (if applicable)	Date