

OUR RIGHTS IN AMERICAN LONG TERM CARE

There are several federal and state laws, as well as constitutional rights, that protect long-term care residents from abuse, neglect, and mistreatment. Here are the most important ones:

Federal Laws Protecting Long-Term Care Residents

1. The Nursing Home Reform Act (NHRA) of 1987

- **Requires nursing homes that receive Medicare and Medicaid funding to provide services that maintain or improve residents' physical, mental, and psychosocial well-being.**
- **Residents have the right to be free from abuse, neglect, and mistreatment (42 CFR § 483.12).**
- **Residents have the right to receive adequate care and services, including timely assistance with toileting, hygiene, and other daily needs (42 CFR § 483.24).**

2. The Americans with Disabilities Act (ADA) (1990)

- **Prohibits discrimination against individuals with disabilities in healthcare settings.**
- **Ensures that residents with disabilities receive reasonable accommodations to access necessary care.**

3. Section 504 of the Rehabilitation Act of 1973

- **Protects individuals with disabilities from discrimination in federally funded programs, including long-term care facilities.**

4. The Elder Justice Act (EJA) of 2010

- **Requires reporting of elder abuse in long-term care facilities.**
- **Provides funding to investigate and prosecute abuse and neglect cases.**

5. The Civil Rights of Institutionalized Persons Act (CRIPA)

- **Allows the U.S. Department of Justice to take action against long-term care facilities violating residents' rights through neglect or abuse.**

Constitutional Rights of Long-Term Care Residents

While the U.S. Constitution does not explicitly mention long-term care rights, the following constitutional protections apply:

- **8th Amendment (protection against cruel and unusual punishment) – While originally intended for prisoners, courts have applied this protection to institutionalized individuals, arguing that extreme neglect in care settings may violate this principle.**
 - **14th Amendment (due process and equal protection) – Ensures that all individuals, including nursing home residents, receive fair treatment and protection under the law.**
-

Patient Rights & Human Rights

1. Residents' Bill of Rights (Under NHRA)

- **The right to be treated with dignity and respect**
- **The right to be free from abuse, neglect, and mistreatment**
- **The right to receive adequate and appropriate medical care, including hygiene assistance**
- **The right to file grievances without retaliation**
- **The right to participate in decisions about their care**

2. Universal Human Rights (United Nations Principles for Older Persons)

- **The right to freedom from degrading treatment**
- **The right to receive necessary medical care**
- **The right to human dignity and fair treatment**