

Residents' Rights in Residential Care Facilities, Room and Board Homes and Independent Living



Presented by:
Melody Marler
Community Health Assistant II
Housing and Peer Support Advocate
Patients' Rights
Advocacy Services



Health Care Agency/Behavioral Health Services
Patients' Rights Advocacy Services



What does Patients' Rights Do?

Investigate complaints, educate and advocate for the Mentally Ill at:

- Acute Psychiatric Hospitals
- Orange County Behavioral Health Clinics
- Residential Care Facilities

Housing Continuum



- Licensed Board and Care/Residential Care Facilities
- Unlicensed Room and Board Housing
- Independent Living
 1. Room Rentals
 2. Sober Living
 3. Section 8 Housing



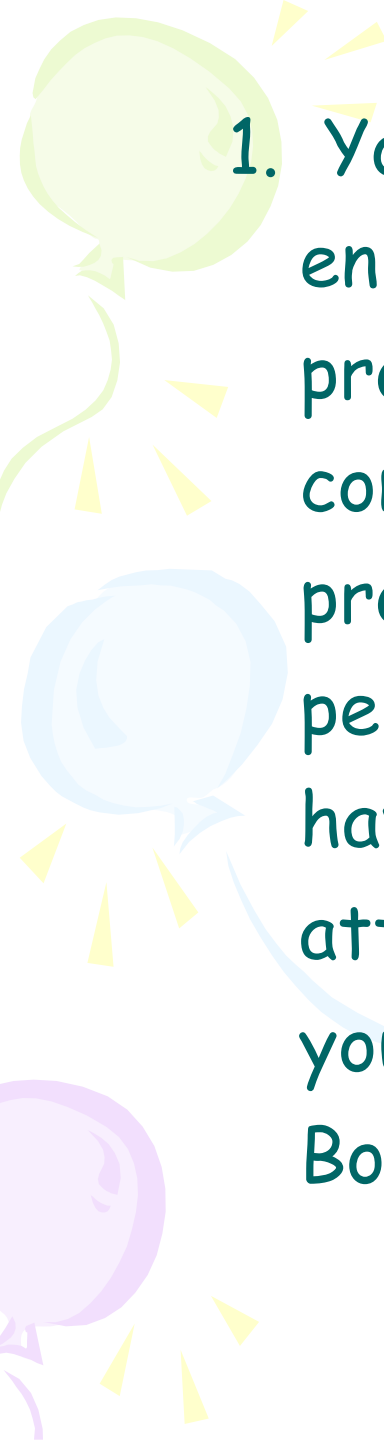
Your Rights

- As a resident of a licensed Board and Care, Residential Care or unlicensed Room and Board facility, you have all the rights guaranteed by the Constitution of the United States and by the State of California. You DO NOT lose your rights when you enter any of these type of facilities.




Your Rights in Licensed Care Facilities

- Under California Law, Licensed Board and Care homes must observe, enforce and implement residents' rights. As a resident of a Licensed Board and Care home, you have the following rights:

A decorative graphic on the left side of the page features three balloons in shades of green, blue, and purple, with yellow streamers and triangular flags trailing from them.

1. You have the right to services that will enhance your ability to live independently, productively and with dignity in your community. These services should be provided in way that least restrict your personal freedoms. You have the right to have arrangements made to so you can attend community programs that meet your needs that are not available at the Board and Care facility.



2. You have the right to be free from harm, abuse or neglect. By law, any physical abuse to you or others receive in a Board and Care **MUST** be reported.

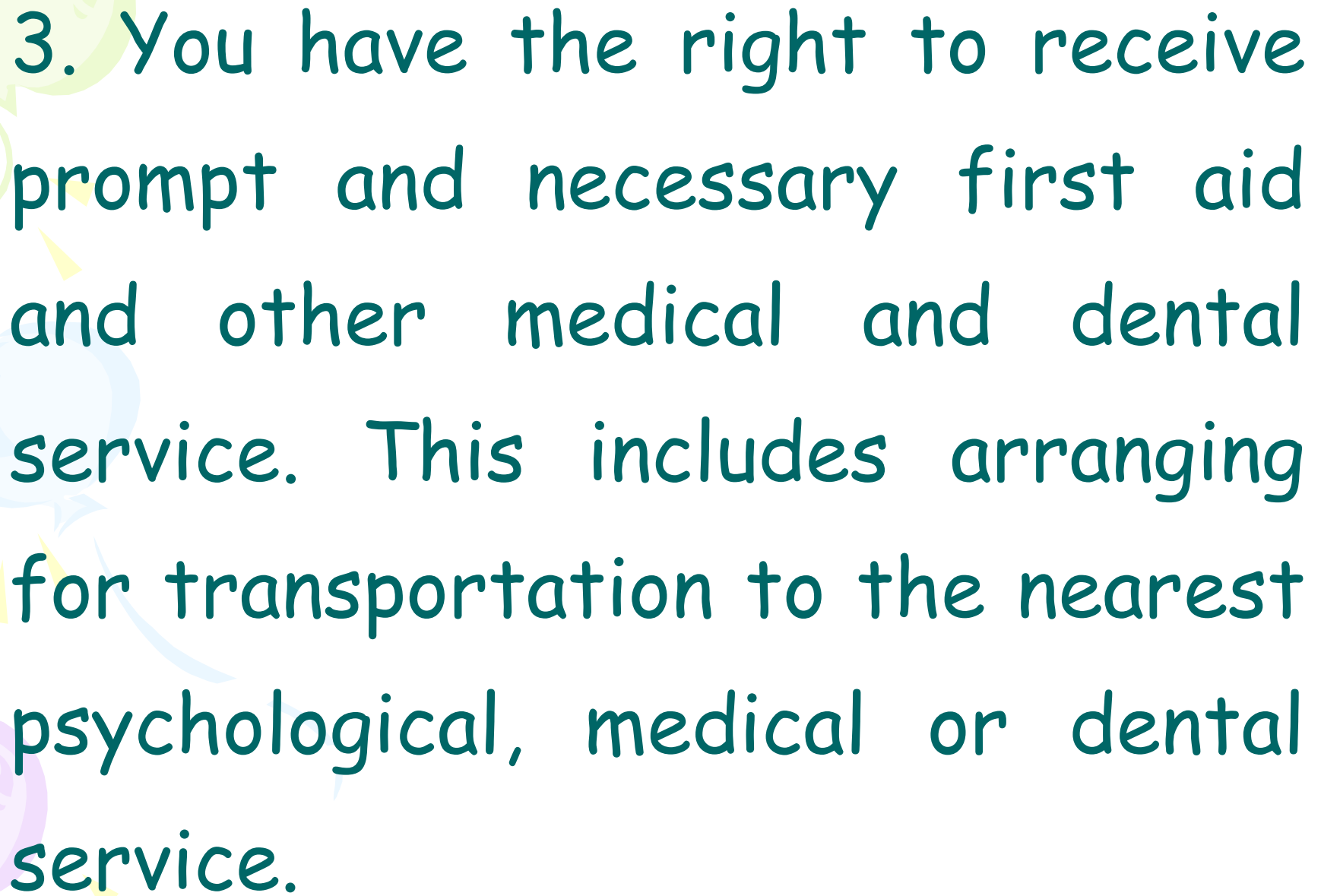
To report abuse you can call:

**Adult Protective Services,
Community Care Licensing or
Patients' Rights Advocacy Services**

Abuse Reporting Telephone Numbers

- Adult Protective Services-
 - (800) 451-5155
 - Community Care Licensing-
 - (714) 703-2840
 - Patients' Rights Advocacy Services-
 - (714) 834-5647

 - Or you own service provider/care coordinator:
-



3. You have the right to receive prompt and necessary first aid and other medical and dental service. This includes arranging for transportation to the nearest psychological, medical or dental service.



4. You have the right to privacy.

A. You have the right to send and receive mail- uncensored and unopened.

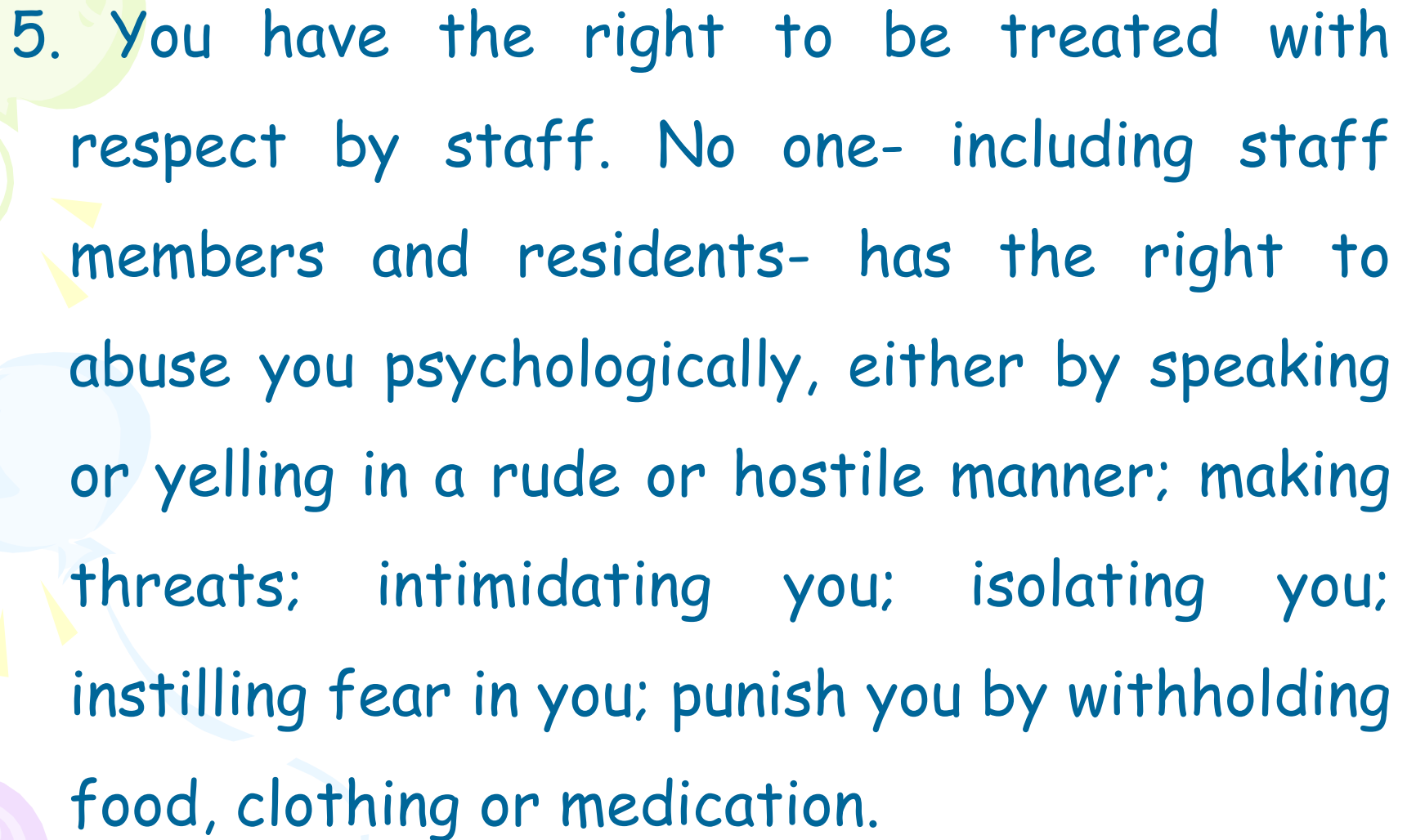
B. You have the right to make and receive confidential phone calls.



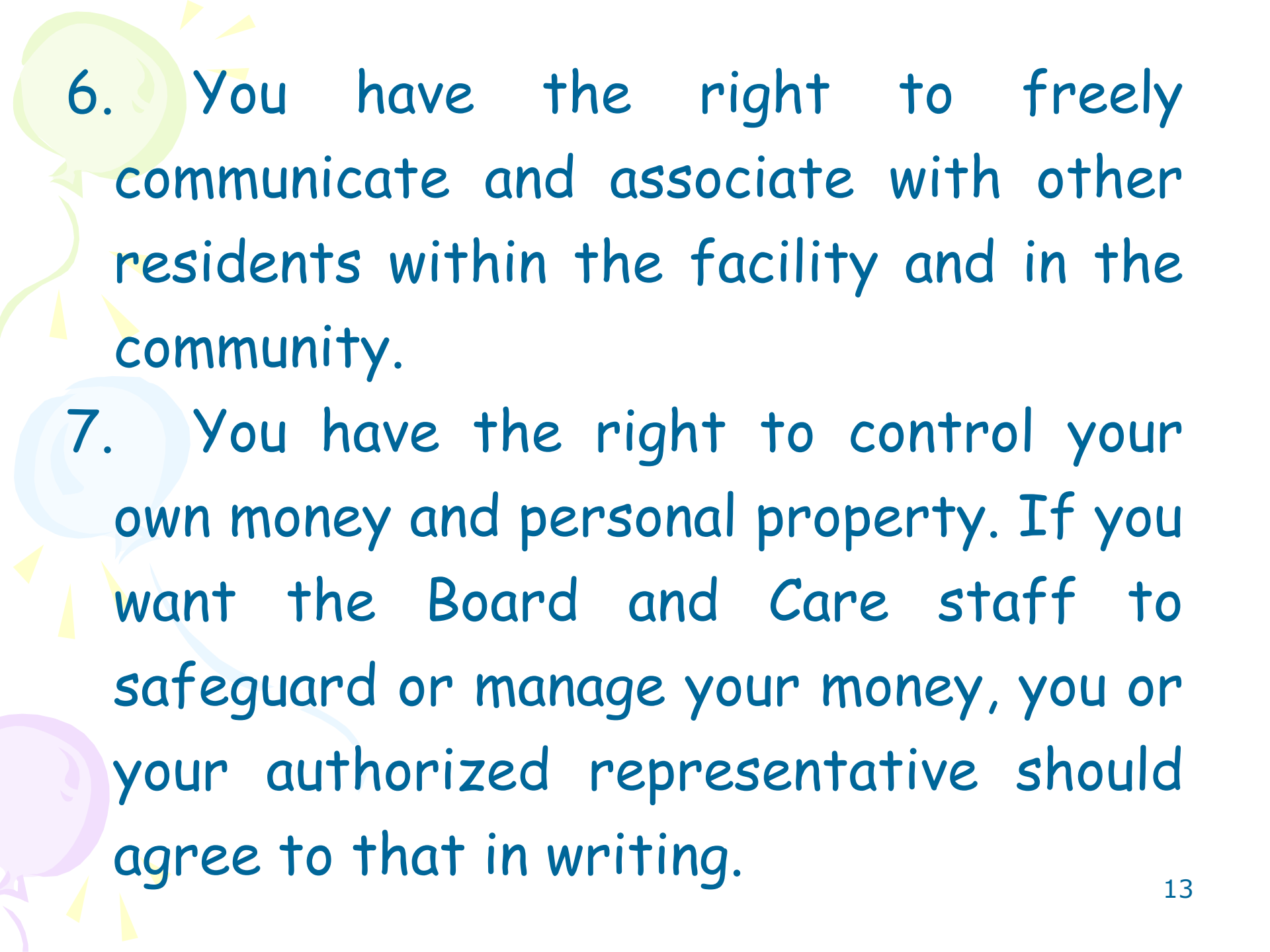
Your Right to Privacy Continued

C. You have the right to visit with friends, family and others in privacy.

D. You have the right to visual privacy in the tub, showers and restrooms.



5. You have the right to be treated with respect by staff. No one- including staff members and residents- has the right to abuse you psychologically, either by speaking or yelling in a rude or hostile manner; making threats; intimidating you; isolating you; instilling fear in you; punish you by withholding food, clothing or medication.



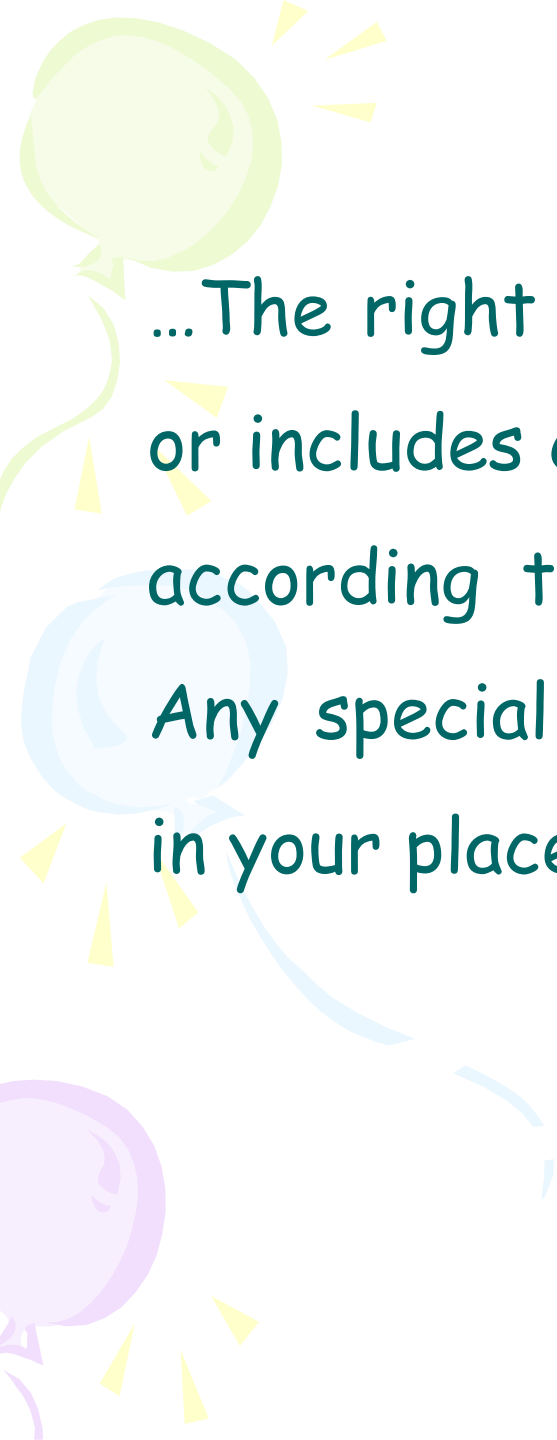
6. You have the right to freely communicate and associate with other residents within the facility and in the community.

7. You have the right to control your own money and personal property. If you want the Board and Care staff to safeguard or manage your money, you or your authorized representative should agree to that in writing.



8. You have the right to have a *written Needs and Services or, Treatment plan.*

9. You have the right to practice the religion of your choice, to attend religious services or activities and the right to have visits from the spiritual advisor of your choice. You also have the right not to practice or participate in religious activity. Freedom of religion includes...

A decorative graphic on the left side of the slide features three balloons: a light green one at the top, a light blue one in the middle, and a light purple one at the bottom. Each balloon is attached to a streamer that curves downwards. Small yellow triangular shapes are scattered around the balloons, resembling confetti or streamer details.

...The right to have a food plan that excludes or includes certain foods or food combinations according to you're your religious traditions. Any special dietary needs should be included in your placement agreement.

11. You have the right to be free to come and go without restriction. You should follow the normal curfew policy of the house rules. No one has the right to lock you into any building, room or closed area by day or night. The Board and Care may ask you to tell staff if you plan to stay out all night.



12. You have the right to move out of the Board and Care home. You must give a 30 day written notice to the Board and Care Operator before you plan to leave.





All Residential Care, Board and Care and Residential Treatment Facilities are required to have an Admission Agreement:

All homes are required to have a written Admission Agreement with all residents. The Admission Agreement includes a statement of the Board and Care house rules , basic and optional services, the rates, frequency and due date of payment, who will pay, and refund conditions. You should **FULLY** understand all this **BEFORE** You are entitled to a copy of this agreement.

And, to have your rights posted:

All facilities are required to post residents' rights, house rules and phone numbers of the local Patients' Rights Advocate and Community Care Licensing representative. The Board and Care operator must inform you of your rights **BEFORE** you sign the document indicating you were informed. You should receive a copy of this informed agreement.

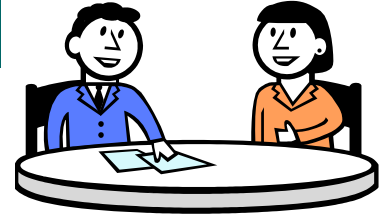


The Board and Care Operator must also provide instructions for filing a complaint. You have the right to talk with and obtain services of an advocate. You have the right to meet with them privately during reasonable hours without prior notice or permission.



Resident Council

(for facilities with more than 6 residents)



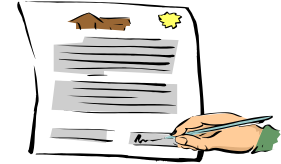
If a majority of the residents request it, you have the right to form a Resident Council. It is made up of residents of the facility, and may also include as family members of the residents. The Council, among other things, make recommendations to the facility administrators to improve the quality of life of daily living in the facility and may negotiate to protect residents' rights with the facility administrators.

And now for Unlicensed
Room and Board and
independent living situations



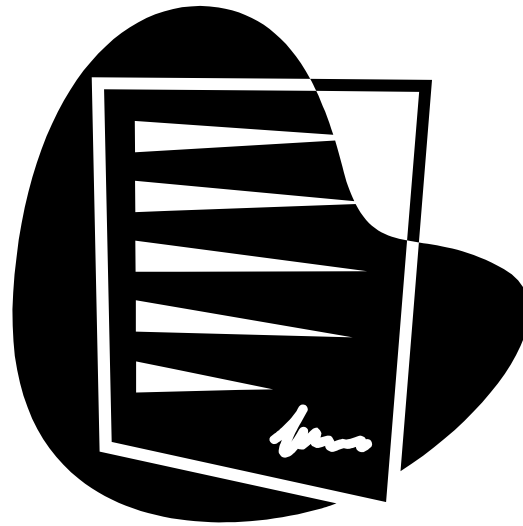
If you live in an unlicensed Room and Board facility, all California Landlord-Tenant Laws apply to your facility.

Leases and Rental Agreements



Leases state the amount of rent and the rights and duties of the landlord and tenant. Leases are for a fixed period of time-usually a month or longer. During the time of the lease, both the landlord and the tenant must follow the terms of agreement.

At the end of the lease, either the landlord or resident may choose to end the agreement. During the time of the lease, both landlord and resident must follow the lease's terms.



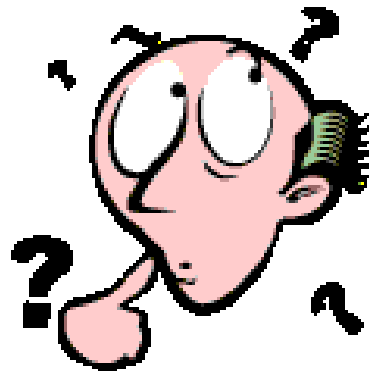
Rental Agreements

A rental Agreement is usually a month-to-month agreement. You or your landlord can terminate this type of agreement by a written 30-day notice.



!!! Very Important Information !!!

Always read the lease or rental agreement before you sign it. If you need assistance in understanding what it says, bring a friend, or case manager with you before you sign it. In most Room and Board facilities there are house rules and meal policies. Make sure you have these **CLEARLY** stated as part of the rental agreement and that you completely understand them **BEFORE** you sign an agreement.





Unlicensed Room and Board and Independent Living Residents' Rights

The landlord may not evict a resident or raise the rent because you:

1. Make a written request for repairs to your room or facility.
2. Complain to the land lord about the condition of your room or facility.
3. Report the conditions of your room or facility to the proper authorities.

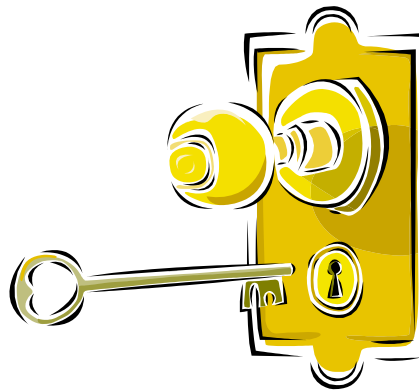
It is illegal for a landlord to lock you out of your room or facility, to change the locks on the facility, or to take any other action to deprive you of access to the facility. If this happens, you should call your care coordinator or the police.

It is also illegal for the landlord to confiscate your personal property without first going through the court system and obtaining a court order.



Privacy

You have the right to privacy in your own room, if you do not share one. Other than a roommate, the landlord and other residents **CANNOT** enter your room. The landlord may only enter your room for the following reasons:



1. In case of emergency;
2. To make necessary repairs;
3. To show the room to prospective tenants, buyers or workers;
4. When the tenant has abandoned the room; or
5. With a court order.



Unless it is an emergency, the landlord should give you reasonable notice in advance before entering and should only enter during business hours.



24 hours is generally considered reasonable notice.



Discrimination

The landlord may not evict you based on your race, age, creed, religion, color, sex, sexual orientation, disability, or upon any other arbitrary basis. Likewise, discrimination against families with children is illegal.



To Report Problems:

**Adult Protective Services-
(800) 451-5155**

**Community Care Licensing-
(714) 703-2840**

**Patients' Rights Advocacy Services-
(714) 834-5647**

**Or you own service provider/care
coordinator:**



Common Licensed Board and Care problems

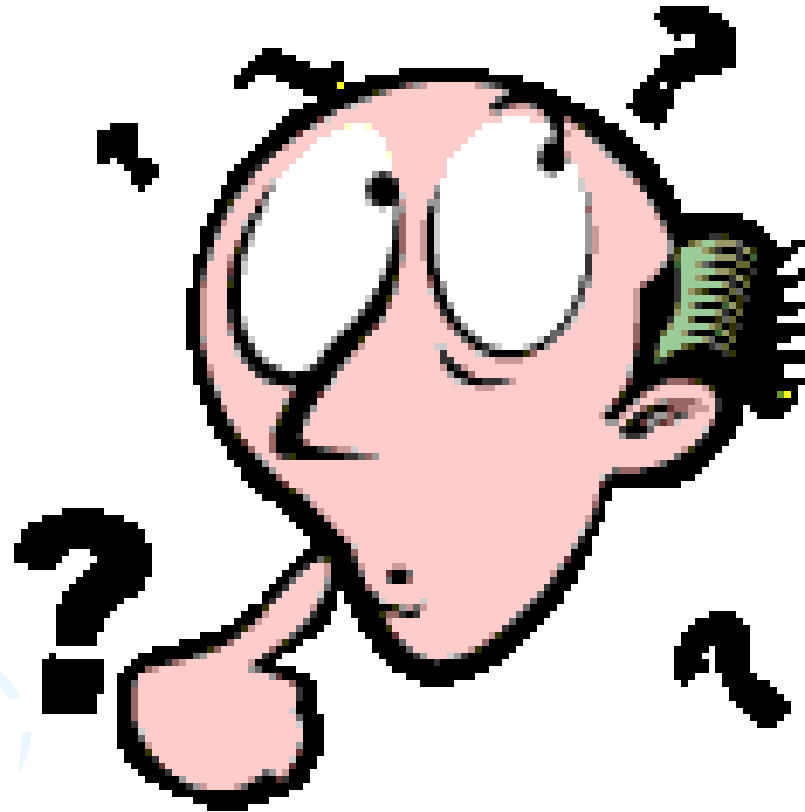
- No resident council
- Food Quality
- Poor Treatment by staff - Respect and Dignity issues
- Environmental problems - too hot, cold, restrictive, etc...



Common unlicensed Room and Board Problems

- ILLEGAL RENTAL AGREEMENTS
- Code Violations/poor living environment
- Illegal Evictions
- Illegally holding a residents property
- Residents signing over payee to the operator

Questions?





Contact Info

Melody Marler

Community Health Assistant II

Housing and Peer Support Advocate

Patients' Rights Advocacy Services

405 W. 5th Street, Suite 477

Santa Ana, California, 92701

(714) 834-5647

(800) 668-4240