

NEED AN ADVOCATE? CALL YOUR OMBUDSMAN!

By Janice N. Ladnier, LPCC, NMG

In the event that you or a loved one is admitted to a long-term care facility such as assisted living or a nursing home, you do not have to leave your civil rights behind. In addition to your right to receive quality care, you also retain the rights you've enjoyed all your life, including the right to freedom of choice, privacy and dignity. The first step to advocating for your rights, or those of a loved one, is to understand what those rights are.

Basic Rights. The facility must provide you with a safe and clean environment, and serve you appetizing and nutritious meals. You are entitled to receive information about all the services provided to you, as well as the cost. If changes in services, cost or policies are made, you should be given written notice.

Fairness. You are entitled to be free from discrimination because of your age, race, nationality, religion, sexual orientation, or financial status. Long-term care facilities are required to give you written description of your rights and responsibilities as a resident. You also have the right to be free from retaliation if you should insist on quality care or make a complaint against the facility.

Respect. You have the right to be treated with respect and to receive assistance when you ask for it. For example, if you or your loved one wants to have help getting to the bathroom, you have that right. If you are told that you can "go" in your brief instead, you have the right to insist that the staff take you to the bathroom.

Freedom. You are entitled to freedom of choice regarding health care providers, visitors, religious, social and community activities, and leaving the facility at will. You have the right to receive complete information regarding your eligibility for any benefits and your medical condition, and you can decide to accept or refuse any medical treatment. You must be given the opportunity to participate in the plan for your care and treatment. You are also entitled to manage your own finances or to be informed about them when others manage them for you. In the case of adults who are incapacitated, a legally appointed decision-maker can make decisions regarding these matters on the resident's behalf.

Privacy. You have the right to keep your personal belongings with you without loss or damage. The facility must observe your right to confidentiality with regard to information and records regarding your medical condition and care. You are entitled to have privacy in your room, with visitors, during phone conversations, and to have your mail delivered to you unopened.

If you feel that your rights are being violated, you can request the assistance of an Ombudsman, who will help you seek resolution of your complaints. The word "Ombudsman" is a Scandinavian word which means "message bringer." The Ombudsman Program is a part of Aging and Long-Term Services Department, and their services are free and confidential. If warranted, the Ombudsman can also take your complaints or concerns to other government agencies for further investigation. Facilities are required to display a poster in a conspicuous place stating the name and phone number for the Ombudsman serving that area. If you do not see such a poster, you can contact your local Ombudsman, as follows:

Albuquerque and Northwestern New Mexico: (866) 842-9230

Santa Fe and Northeastern New Mexico: (866) 451-2901
Las Cruces and Southern New Mexico: (800) 762-8690

For information on other services available to the elderly and disabled citizens of New Mexico, contact the Aging and Long-Term Services Resource Center at (800) 432-2080.

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