

Assisted Living Facility and Adult Family Home Care Residents' Bill of Rights

Section 400.428 and 400.628, Florida Statutes (respectively)

- Live in a safe and decent living environment, free from abuse and neglect.
- Be treated with consideration, respect and with due recognition of personal dignity, individuality, and the need for privacy.
- Retain and use his/her own clothes and other personal property.
- Unrestricted private communication including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of his or her choice, at any time between the hours of 9 a.m. and 9 p.m. at a minimum.
- Participate in and benefit from community services and activities to achieve the highest possible level of independence, autonomy, and interaction with the community.
- Manage his/her own financial affairs unless the resident (or the resident's legal representative) authorizes the administrator of the facility to provide safekeeping for funds.
- Share a room with spouse if both are residents of the facility.
- Reasonable opportunity to exercise and to go outdoors at regular and frequent intervals.
- Exercise civil and religious liberties including personal decisions. No religious beliefs, practices, not attendance at regular services, shall be imposed on any resident.
- Adequate and appropriate health care consistent with established and recognized standards.
- Thirty (30) day notice to AFCH residents and Forty-Five (45) day notice to ALF residents of relocation or termination of residency except in cases of emergency.
- Present grievances and recommend changes in policy, procedures, and services to the staff of the facility without restraint, interference, coercion, discrimination, or reprisal. The right included access to ombusman volunteers and advocates and the right to be a member of, or to be active in, and to associate with advocacy or special interest groups.
- (ALF) Be free from physical and chemical restraints other than those prescribed by the resident's physician. The use of physical restraints shall be limited to half-bed rails and only upon the written order of the resident's physician and the consent of the resident or the resident's legal representative. [Section 58A-0182(6)(h), Florida Administrative code].
- (AFCH) Be free from chemical and physical restraints [s. 400.628(1)(k), F.S.]

When an Assisted Living Facility Discharges a Resident s.400.428(k), F.S.

Every resident of a facility shall have the right to:

At least 45 days notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 days' notice of a non-emergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.