



## **Choosing the Right Nursing Home**

**By Martha C. Brown, CELA**

When a loved one of any age requires the round-the-clock care of a nursing home, it's important to select one that fulfills both their medical and social needs. Each facility has its own culture, and since this will be your family member's home, the environment should be a welcoming fit.

Look for a nursing home as close as possible to relatives and friends, since frequent visitors are important to quality of life. Check reports from certifying agencies and get references. As you whittle down your list, visit the top contenders at various times, noting how well staffed they are on weekends and after 7:00 p.m.

Talk to caregivers and notice how they interact with residents. Does it appear that they've developed close bonds? Try to determine how much employee turnover there is, which will affect the ability to maintain relationships. Look for a strong administrator, who won't let problems fester, and ask how care plans are developed.

Food matters. Is your child a picky eater? Is your mother a vegetarian? Be sure there are choices for each meal and that your loved one's dietary needs and preferences will be met.

If religion is an important part of your family member's life, ask about services and who conducts them. And learn about the social calendar. What types of events do they arrange and how often? One of the nursing homes in St. Louis, where I practice, has worked closely with a multiple sclerosis advocacy group to provide age-appropriate activities for a younger population.

Be sure that you understand how charges are determined. Given the high cost of long-term care, many nursing home residents rely upon Medicaid to cover their expenses. It's a common misperception that the quality of services may be influenced by dependence on government benefits, but the care staff has no knowledge of what takes place in the accounting department. What may be affected is access to a specific facility, since many nursing homes have guidelines concerning the number of "Medicaid beds" they offer. Given that Medicaid is a means-tested benefit, families should consult a [special needs attorney](#) to protect assets while establishing eligibility.

## **Rights of Residents**

The Nursing Home Reform Law, which applies to all facilities receiving Medicare or Medicaid funds, protects residents' rights to self-determination and dignity and requires each state to maintain a long-term care ombudsman program.

Adult residents with appropriate capacity have the right to control their own schedules, receive visitors, choose their activities, and control their medical treatment. Parents, guardians and health care proxies should communicate frequently with nursing home staff to ensure that their instructions concerning treatments and lifestyle are followed.

Other important rights include:

- privacy and confidentiality.
- not being moved to a different room or facility without a chance to appeal and evidence that the change will benefit them or is required for the health needs of others.
- freedom from reprisal for exercising their right to communicate grievances;
- ongoing communication in their own language.
- freedom from abuse, including corporal punishment, physical and chemical restraints and involuntary seclusion. Antipsychotics and sedatives must be physician-prescribed, in writing, for limited periods only.

### **When You Disagree**

Disputes can arise from a wide range of circumstances— an inconsiderate roommate, dissatisfaction with food or the quality of health care. In St. Louis, volunteer ombudsmen, who are onsite several days a week, are the logical first place to turn. Involving them as soon as possible often prevents a problem from worsening.

But if the ombudsman is offsite, there are other paths to consider before bringing the issue to an outside party.

- Begin by speaking to the on-duty staff. You may find that they share your concerns and can use your input to improve a situation that has already caught their attention.
- If the problem persists, discuss it with a supervisor or the nursing home administrator. They may be unaware of the problem and will hopefully be grateful for an opportunity to take steps to prevent the potential loss of residents.
- If necessary, ask the offsite ombudsman to intercede.

- You may wish to hire a care manager to advise you and intervene with the staff. As objective third parties with extensive experience in nursing home operations, state and federal law, and industry norms, a care manager can counsel you on what can be accomplished. Their opinions are generally respected by nursing home professionals, who realize that their findings weigh heavily should a case ever go to court.
- Violations of resident rights according to the Nursing Home Reform Law should be reported to your state's licensing agency. This is likely to result in quick action, since the facility could be subjected to an in-depth audit and possible loss of its license.
- If all else fails, you may wish to hire a special needs attorney in order to compel the facility to respect its legal obligations. At that point, however, given what is likely to be escalating unpleasantness, you may choose to move your family member to another nursing home.

While most individuals and their families would prefer in-home care, this is not always an option. But with careful research, ongoing communication with staff, and a readiness to advocate, you can ensure that your loved one receives the medical care they need in safe and congenial surroundings.

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