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ELDER LAW MINUTE

Did you know that the Georgia Department of Human Resources has promulgated Rules and Regulations for Long-Term Care Facilities, which are also known as the Residents Bill of Rights? You can find these important rules at DHR Regs. § 290-5-39.01 *et seq.*

One of the most significant rights is the right of each resident to have reported promptly to persons of the resident's choice significant changes in the resident's health status. If you find that your nursing home does not keep you informed, refer the Administrator to DHR Regs. § 290-5-39-.02(8).

Another right is to select the pharmacy of the resident's choice and to receive pharmaceutical supplies and services at reasonable prices. Typically, a nursing home has one institutional pharmacy which it prefers. Often this pharmacy charges 2-3 times the going rate for medicines. When this happens to you or your client, you might refer the Administrator to DHR Regs. §§ 290-5-39-.03(2)(e) & 290-5-39-.07(f)

Another right which I see frequently violated is the right to receive uncensored communication by mail. When a nursing home resident applies for Medicaid assistance, the Department of Family and Children Services is required to send a copy of all communications to the resident at the nursing home. In many cases, the nursing home views this correspondence as their own and never delivers it to the resident or responsible party. If you run into this problem, refer the Administrator to DHR Regs. § 290-5-39-.05(d).

Many nursing home admission agreements attempt to absolve the facility of all responsibility if a resident's personal items are stolen. The facility, however, must have procedures for investigating complaints and allegations of theft of the resident's property and must report the results of the investigation to the complainant within two weeks. DHR Regs. § 290-5-39-.06(3).

Next week I will continue to highlight some of the more common violations of the Residents Bill of Rights.

Member of the National Academy of Elder Law Attorneys