

## **When an Assisted Living Facility Discharges a Resident**

S. 429.28(1)(k), F.S.

*Every resident 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.

## **When an Adult Family Care Home Discharges a Resident**

S. 429.85(1)(l), F.S.

*Each resident shall have the right to:*

Have at least 30 days' notice of relocation or termination of residency from the home 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. If a resident has been adjudicated mentally incompetent, the resident's guardian must be given at least 30 days' notice, except in an emergency, of the relocation of a resident or the termination of a residency. The reasons for relocating a resident must be set forth in writing.

*Distributed courtesy of Florida's Long-Term Care Ombudsman Program,  
administered by the Florida Department of Elder Affairs.*

# **Assisted Living Facility & Adult Family Care Home Residents' Rights**

A Summary Provided by



*If you have concerns about the quality of care you are receiving in a long-term care facility, contact us toll-free at 1-888-831-0404 or visit us online at <http://ombudsman.myflorida.com>.*

*All services are confidential and provided at no charge.*

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

Section 429.28 and 429.85, Florida Statutes (respectively)

No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident shall have the right to:

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.

Adequate and appropriate health care consistent with established and recognized standards.

Exercise civil and religious liberties including personal decisions. No religious beliefs, practices, nor attendance at religious services, shall be imposed on any resident.

Thirty (30) days 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 policies, procedures, and services to the staff of the facility without restraint, interference, coercion, discrimination, or reprisal. This right includes access to ombudsmen volunteers and advocates and the right to be a member of, 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-bedrails and only upon the written order of the resident's physician and the consent of the resident or the resident's legal representative. [S. 429.41(1)(k)].

(AFCH) Be free from chemical and physical restraints. [S. 429.85(1)(k)].