

## **DHS 132.31 Rights of residents**

### **(1)**

RESIDENTS' RIGHTS. Every resident shall have the right to all of the following: (d)

Admission information. Be fully informed in writing, prior to or at the time of admission, of all services and the charges for these services, and be informed in writing, during the resident's stay, of any changes in services available or in charges for services, as follows: 1. No person may be admitted to a facility

without that person or that person's guardian or any other responsible person designated in writing by the resident signing an acknowledgement of having received a statement of information before or on the day of admission which contains at least the following information or, in the case of a person to be

admitted for short-term care, the information required under s. DHS 132.70(3):

a. An accurate description of the basic services provided by the facility, the rate charged for those services, and the method of payment for them; b. Information about all additional services regularly offered but not included in the basic services. The facility shall provide information on where a statement of the fees charged for each of these services can be obtained. These additional services include pharmacy, x-ray, beautician and all other additional services regularly offered to residents or arranged for residents by the facility; c. The method for notifying residents of a change in rates or fees; d. Terms for refunding advance payments in case of transfer, death or voluntary or involuntary discharge; e.

Terms of holding and charging for a bed during a resident's temporary absence; f. Conditions for involuntary discharge or transfer, including transfers within the facility; g. Information about the availability of storage space for personal effects; and h. A summary of residents' rights recognized and protected by this section and all facility policies and regulations governing resident conduct and responsibilities.

2. No statement of admission information may be in conflict with any part of this chapter.

(p) Nondiscriminatory treatment. Be free from discrimination based on the source from which the facility's charges for the resident's care are paid, as follows:

1. No facility may assign a resident to a particular wing or other distinct area of the facility, whether for sleeping, dining or any other purpose, on the basis of the source or amount of payment, except that a facility only part of which is certified for Medicare reimbursement under 42 USC 1395 is not prohibited from assigning a resident to the certified part of the facility because the source of payment for the resident's care is Medicare.

2. Facilities shall offer and provide an identical package of basic services meeting the requirements of this chapter to all individuals regardless of the sources of a resident's payment or amount of payment. Facilities may offer enhancements of basic services, or enhancements of individual components of basic services, provided that these enhanced services are made available at an identical cost to all residents regardless of the source of a resident's payment. A facility which elects to offer enhancements to basic services to its residents must provide all residents with a detailed explanation of enhanced services and the additional charges for these services pursuant to par. (d) 1. b. 3. If a facility offers at extra charge additional services which are not covered by the medical assistance program under ss. 49.43 to 49.497, Stats., and chs. DHS 101 to 108, it shall provide them to any resident willing and able to pay for them, regardless of

the source from which the resident pays the facility's charges. 4. No facility may require, offer or provide an identification tag for a resident or any other item which discloses the source from which the facility's charges for that resident's care are paid.

**(d)**

Admission information. Be fully informed in writing, prior to or at the time of admission, of all services and the charges for these services, and be informed in writing, during the resident's stay, of any changes in services available or in charges for services, as follows: 1. No person may be admitted to a facility without that person or that person's guardian or any other responsible person designated in writing by the resident signing an acknowledgement of having received a statement of information before or on the day of admission which contains at least the following information or, in the case of a person to be admitted for short-term care, the information required under s. DHS 132.70(3): a. An accurate description of the basic services provided by the facility, the rate charged for those services, and the method of payment for them; b. Information about all additional services regularly offered but not included in the basic services. The facility shall provide information on where a statement of the fees charged for each of these services can be obtained. These additional services include pharmacy, x-ray, beautician and all other additional services regularly offered to residents or arranged for residents by the facility; c. The method for notifying residents of a change in rates or fees; d. Terms for refunding advance payments in case of transfer, death or voluntary or involuntary discharge; e. Terms of holding and charging for a bed during a resident's temporary absence; f. Conditions for involuntary discharge or transfer, including transfers within the facility; g. Information about the availability of storage space for personal effects; and h. A summary of residents' rights recognized and protected by this section and all facility policies and regulations

governing resident conduct and responsibilities. 2. No statement of admission information may be in conflict with any part of this chapter.

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No person may be admitted to a facility without that person or that person's guardian or any other responsible person designated in writing by the resident signing an acknowledgement of having received a statement of information before or on the day of admission which contains at least the following information or, in the case of a person to be admitted for short-term care, the information required under s. DHS 132.70(3): a. An accurate description of the basic services provided by the facility, the rate charged for those services, and the method of payment for them; b. Information about all additional services regularly offered but not included in the basic services. The facility shall provide information on where a statement of the fees charged for each of these services can be obtained. These additional services include pharmacy, x-ray, beautician and all other additional services regularly offered to residents or arranged for residents by the facility; c. The method for notifying residents of a change in rates or fees; d. Terms for refunding advance payments in case of transfer, death or voluntary or involuntary discharge; e. Terms of holding and charging for a bed during a resident's temporary absence; f. Conditions for involuntary discharge or transfer, including transfers within the facility; g. Information about the availability of storage space for personal effects; and h. A summary of residents' rights recognized and protected by this section and all facility policies and regulations governing resident conduct and responsibilities.

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A summary of residents' rights recognized and protected by this section and all facility policies and regulations governing resident conduct and responsibilities.

**2.**

No statement of admission information may be in conflict with any part of this chapter.

**(p)**

Nondiscriminatory treatment. Be free from discrimination based on the source from which the facility's charges for the resident's care are paid, as follows: 1. No facility may assign a resident to a particular wing or other distinct area of the facility, whether for sleeping, dining or any other purpose, on the basis of the source or amount of payment, except that a facility only part of which is certified for Medicare reimbursement under 42 USC 1395 is not prohibited from assigning a resident to the

certified part of the facility because the source of payment for the resident's care is Medicare. 2. Facilities shall offer and provide an identical package of basic services meeting the requirements of this chapter to all individuals regardless of the sources of a resident's payment or amount of payment. Facilities may offer enhancements of basic services, or enhancements of individual components of basic services, provided that these enhanced services are made available at an identical cost to all residents regardless of the source of a resident's payment. A facility which elects to offer enhancements to basic services to its residents must provide all residents with a detailed explanation of enhanced services and the additional charges for these services pursuant to par. (d) 1. b. 3. If a facility offers at extra charge additional services which are not covered by the medical assistance program under ss. 49.43 to 49.497, Stats., and chs. DHS 101 to 108, it shall provide them to any resident willing and able to pay for them, regardless of the source from which the resident pays the facility's charges. 4. No facility may require, offer or provide an identification tag for a resident or any other item which discloses the source from which the facility's charges for that resident's care are paid.

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Facilities shall offer and provide an identical package of basic services meeting the requirements of this chapter to all individuals regardless of the sources of a resident's payment or amount of payment. Facilities may offer enhancements of basic services, or

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**3.**

If a facility offers at extra charge additional services which are not covered by the medical assistance program under ss. 49.43 to 49.497, Stats., and chs. DHS 101 to 108, it shall provide them to any resident willing and able to pay for them, regardless of the source from which the resident pays the facility's charges.

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No facility may require, offer or provide an identification tag for a resident or any other item which discloses the source from which the facility's charges for that resident's care are paid.

**(4)**

NOTIFICATION. (a) Serving notice. Facility staff shall verbally explain to each new resident and to that person's guardian, if any, prior to or at the time of the person's admission to the facility, these rights and the facility's policies and regulations governing resident conduct and responsibilities. (b) Amendments. All amendments to the rights provided under this section and all amendments to the facility regulations and policies governing resident conduct and responsibilities require notification of each resident or guardian, if any, or any other responsible person designated in writing by the resident, at the time the amendment is put into effect. The facility shall provide the resident or guardian, if any, or any other responsible person designated in writing by the resident and each member of the facility's staff with a copy of all amendments.

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**(6)**

COMPLAINTS. Any person may file a complaint with a licensee or the department regarding the operation of a facility. Complaints may be made orally or in writing.