

A BRIEF LOOK AT - RIGHTS OF THE ELDERLY

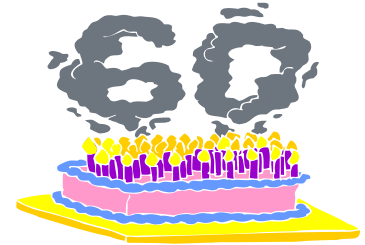


In the United States of America “We the People” were given a number of “rights” in the Constitution’s first ten amendments known as the Bill of Rights. Since the time our nation was founded, these rights have been expanded and clarified. In 1964, the Civil Rights Act was passed prohibiting discrimination based on race, national origin, gender, and religion. Later, age was added in an amendment based on the law known as the Age Discrimination in Employment Act of 1967.



In 1983, the Texas Legislature passed a law as part of the Human Resources Code, Services for the Elderly. Chapter 102 provides for the “Rights of the Elderly” and it, too, has been amended several times, including the latest revision in 1997. The divisions of this Code include Definitions, Prohibition, Rights of the Elderly, List of Rights, and Rights Cumulative.

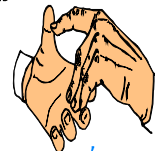
The definition of “elderly” is an individual 60 years of age or older. Prohibition means the provider of services may not deny an elderly individual any of the rights in the Code. A provider of services must give the elderly individual a written list of the Rights of the Elderly exactly as it appears in the Code. The elderly individual’s rights are cumulative with all of his/her other rights.



Even though the provider of services, such as a home health agency, must give a written list of the Rights of the Elderly exactly as it appears in the Code, for our lesson, they will be summarized:

- a. An elderly individual has all the rights, benefits, responsibilities, and privileges given by the Constitution, federal laws, and Texas laws. This includes being free of interference, coercion, discrimination, and reprisal when using these rights.
- b. An elderly individual has the right to be treated with dignity and respect without regard to race, religion, national origin, sex, age, disability, marital status, or source of payment. Specifically:
 1. s/he has the right to make his/her own choices about personal affairs, care, benefits, and services;
 2. s/he has the right to be free from abuse, neglect, and exploitation;
 3. s/he has the right to appoint a guardian/representative to ensure his/her affairs are being handled properly.

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Respect For The Aged Day



- c. An elderly individual has the right to be free from physical and mental abuse, including corporal punishment or physical/chemical restraints for discipline or convenience.
- d. If the elderly individual is mentally retarded, his/her guardian may give informed consent for participation in a behavior modification program including the use of restraints.

- e. An elderly individual may communicate in his/her native language for the purpose of acquiring or providing treatment, care, or services.
- f. An elderly individual may make a complaint about the services and the provider of services may not discriminate or punish the elderly individual for making a complaint.

- g. An elderly individual has the right to privacy while attending to personal needs and a private place for receiving visitors. This includes medical treatment, telephone calls, meeting with family and friends, and access to resident councils. Also, his/her mail must be sent and delivered promptly. An elderly couple who is married may share a room.



- h. An elderly individual may participate in activities of social, religious, or community groups.
- i. An elderly individual may manage his/her own finances or authorize in writing another person to do so.
- j. An elderly individual may have access to his/her personal and/or clinical records.



- k. The provider of services shall inform and elderly individual of his/her condition and any changes in his/her condition. This must be in a language the elderly individual understands.
- l. An elderly individual may choose his/her own physician and be informed in advance about the treatment and/or care.
- m. An elderly individual may participate in developing his/her plan of care to meet his/her medical, nursing, and psychological needs; as well as how they will be met.

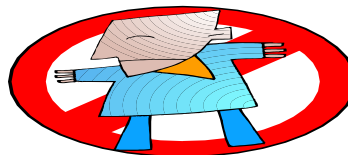
- n. An elderly individual may refuse medical treatment once it has been explained and s/he understands what will happen by doing so.



- o. An elderly individual may keep his/her own clothing and furnishings if there is space for these without harming the health and safety of others.



- p. An elderly person may refuse to perform services for the provider of services.



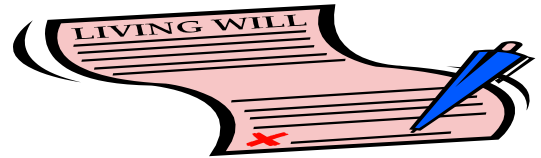
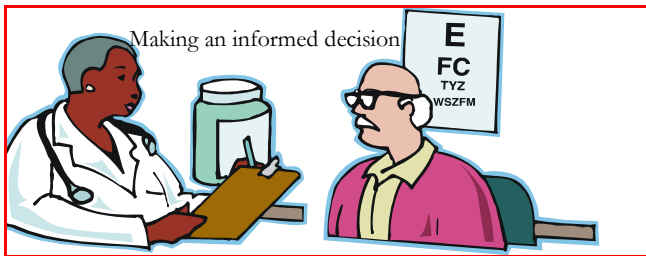
- q. Within 30 days of admission, the provider of services shall explain if s/he is entitled to Medicare and/or Medicaid benefits and for which services there will be no charge.

- r. The provider of services may not transfer or discharge an elderly individual unless:
1. it is for the good of the elderly individual;
 2. the elderly individual's health has improved so that services are no longer needed;
 3. the elderly individual, or another, would be endangered if the transfer/discharge didn't take place;
 4. the provider of services closes or cancels a contract with a payor source; and/or
 5. the elderly individual fails to pay for services.



- s. If an elderly individual is going to be transferred or discharged from a residential facility, the provider of services must give a 30-day written notice, except in case of an emergency. The written notice must contain certain elements including the reason, the date, and that the elderly individual has the right to appeal.

t. An elderly individual may have Advance Directives in place.





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QUIZ

1. An Agency should give this lesson summarizing the Rights of the Elderly to all patients/clients.
 True
 False
2. In Texas, an elderly individual is 60 years old or older.
 True
 False
3. The patient/client must understand English.
 True
 False
4. An elderly individual should use a doctor the Agency tells him/her to so the care will be the best.
 True
 False
5. An elderly individual may have a living will.
 True
 False

Signature

Date



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ANSWER KEY

1. FALSE
2. TRUE
3. FALSE
4. FALSE
5. TRUE