



Selecting a Personal Care Home

Consumer Pamphlet Series



State Bar
of Georgia

Choosing a personal care home for yourself or a loved one can be challenging—both practically and emotionally. This pamphlet is designed to give guidance for selecting the personal care home that best meets the needs of the resident and for making sure that the resident receives good care once they have moved into the facility.

What is a personal care home?

In Georgia, personal care home is a term applicable to many different facilities. Several types of facilities can fall under this umbrella, such as assisted living facilities, residential care facilities and board and care.

A personal care home provides meals, personal services and companionship for people who wish to maintain active lifestyles but need some level of supervision and help with daily personal needs. Some of the personal services provided in this type of facility include assistance with or supervision of self-administered medication and essential daily living activities, such as eating, bathing, grooming, dressing and using the restroom.

These facilities are not licensed to provide medical or nursing care, so people in need of continuous medical services are generally not appropriate residents for these homes.

Before a person can be admitted to a personal care home, the potential resident will need a physician's evaluation to determine if this type of facility will meet the potential resident's needs.

Regulation of Personal Care Home

The Georgia Department of Human Resources (DHR) issues rules and regulations to establish standards for the licensing and operation of personal care homes.

Within the DHR, the Office of Regulatory Services (ORS) licenses personal care homes. To obtain a license, the home must meet minimum standards for things such as construction, staffing and diet.

While most personal care homes in Georgia are licensed by the state, all are not. Therefore, in your pursuit to find the right personal care home for yourself or a loved one, you should make sure that the home is licensed so that the ORS will be able to investigate if and when complaints are made against the facility. All facilities providing personal care services are required to have valid licenses and permits. But, licensing should not be the only thing you consider when choosing a facility, since a license only ensures that the most basic standards are met.

Choosing the Right Facility

To find the best personal care home, the future resident and his or her family and friends should all participate. Everyone involved should consider the medical, practical, physical, emotional and financial needs of the future resident.

As you begin the selection process, contact the ORS Personal Care Home Program and the Long-Term Care Ombudsman Program. These entities can provide you with lists of local facilities. Once you obtain a list of facilities, call or write to the home to request information about basic costs, services and any additional charges that may be required. Also, you may wish to focus your search on facilities that are close to the resident's family and friends. Frequent visits from loved ones are very important to the resident's well-being and morale.

Once you have narrowed down the list of homes in which you are interested, make appointments to visit the facilities and meet with the administrators or managers. Then, make unannounced return visits at a later time for closer inspection of the facilities and their operation.

What to Look For

Licensing

As was emphasized above, all facilities providing personal care services must have valid licenses and permits. The DHR permit and inspection report must be displayed in a conspicuous place on the premises. A review of the permit and report will show you how many residents the home has, what the licensed capacity is and whether the license is up to date.

Safety

When visiting a facility, check the stairwells and hallways. It is important that they are well-lit and free of obstacles, such as electrical cords, throw rugs, torn carpeting or cracked tiles.

When touring rooms, check the bathrooms to ensure that there are grab bars next to bathtubs, showers and toilets.

Also, be on the lookout for fire hazards, such as blocked doors and smoking restrictions that are ignored. You will want to know about the adequacy of the facility's fire safety system, whether there are smoke and heat detectors in place and whether there is a posted plan for emergency evacuation in the event of a fire. Further, you will want to inquire about whether the staff and residents are trained in fire safety.

Cleanliness

Upon entering a facility, you should take note of the smells and sights you encounter, especially if the facility smells of urine or heavy room deodorant. Also, inspect window sills, counters, table tops and floors for dust and dirt. Kitchens and residents' bathrooms must be kept clean.

Meals

During your tour of a home, ask to see a copy of the planned menus. You will also want to ask whether there are menus to accommodate special diets.

Medications

While meeting with the facility's administrator or manager, be sure to ask who bears the responsibility for the initial acquisition and refilling of prescription medication. Also, you will want to know who supervises the medication and whether medicines are kept in a secured place.

Atmosphere

Residents will want to feel at home in a personal care facility, and pleasant surroundings help to achieve that. Flowers, pictures, seasonal decorations and general orderliness are all vital in providing a happy and comfortable environment for residents.

Activities

Regularly scheduled activities with participation encouraged by staff members helps to boost morale and a sense of community within a personal care home. Be sure to find out whether a particular facility sponsors organized activities and events, what the events are and whether these events are regularly scheduled and posted. Also, you may wish to inquire about the availability of religious services.

Morale

The attitudes of both staff members and residents are extremely important when choosing a personal care home. Happiness is contagious, but sullenness can spread just as easily. When visiting a home, pay close attention to the interactions between the staff and the current residents. Look to see if the staff members display care, concern and positive attitudes toward the residents. Also, note whether the residents seem happy, engaged, interested and involved. Observe how the residents behave and how they are dressed as well, as this will give you an indication of how closely the staff pays attention to the residents.

Privacy and respect

During your visits to facilities, watch the staff members closely. By observing them, you will be able to get an idea of their attitudes towards their jobs and towards their resi-

dents. The actions of the staff reflect how the management or the administration feels about the resident. Therefore, it is important to note whether the staff members afford residents consideration. Displays of courtesy are evident in the smallest of instances. For example, look to see whether staff members knock before entering a resident's room and whether they address residents by their names.

Common Rule Violations

When visiting a facility, be sure to watch for these common infractions:

- inappropriate residents
- inadequate staffing or inadequately trained staff
- illegally administered medications
- a number of residents that exceeds the facility's licensed capacity
- inadequate care or services
- use of restraints
- violations of the rights of residents
- inaccurate documentation on resident and staff records
- unlicensed facilities

The Admissions Agreement

Before entering a personal care home, a resident must enter into a written agreement with the person who is legally responsible for operating the facility. Before signing this contract, review it carefully, address any concerns and ask any questions you may have. If any of the terms are confusing, ask the administrator to explain them. Also, be familiar with the facility's rules and with any attachments referenced in the contract, as these attachments may be as binding as the admissions agreement itself. Finally, before signing the agreement, make sure to obtain the following information.

Fees, deposits and other charges

The admissions agreement should specify all the fees a resident may incur during the course of his or her stay. Though the need for unforeseen services and accompanying expenses arise, the facility should provide the resident with a bottom-line cost that details all the services from the time of admission.

To ensure that you are not surprised by hidden costs, ask what services are included in the basic daily rate of the personal care home. Also, inquire about the types of services provided for extra charges. Further, if there are

certain, unprovided services that you wish to receive, ask whether these services can be acquired and for what cost.

Additionally, the admissions agreement should clearly state the frequency or the occurrences of fee increases. It should also allow for 60-day written notification of any fee increases. You will also want to ask whether a deposit is required in advance, how much that deposit is and whether it will be returned at the end of the resident's stay. You will also want to know what the refund policy is regarding the deposit, the personal needs allowance and room and board costs in the event of transfer or discharge.

Room

The admissions agreement should state specifically the room or sleeping area in which the resident will reside, and the policies regarding the modification and decoration of that room. Allowing a resident to make changes to a room enables the resident to live in a more comfortable and more residential setting.

Absentee policies

Medical or family emergencies may require the resident to be absent from the facility for a period of time. The admission agreement should stipulate how long the facility will hold the resident's room. It should also state if a resident will be billed for basic services during such absences.

House rules

The admissions contract should state clearly the facility's rules regarding telephone use, television viewing times, visitors, alcohol and tobacco use.

Transfer and discharge

In the event of an involuntary transfer or discharge, a 30-day written notice must be given prior to the termination of the admissions agreement. By providing ample notification to the resident, the resident can make arrangements to find an alternate facility or form of care. All residents must be discharged or transferred to an appropriate facility.

Resident protection

The Resident Bill of Rights, as well as the admissions agreement, should be included in the resident's file. Be sure there is a way for the resident to voice concerns. Of utmost importance is the right of a resident to appeal decisions made by the facility involving services, living arrangements, discharge or any of violation of the resident's rights.

Rights of Personal Care Home Residents

It is illegal for anyone to abuse a personal care home resident or violate a resident's civil or property rights. There

are laws and regulations specifically prohibiting this and providing for the enforcement of residents' rights.

Each resident shall receive adequate and appropriate care and services in compliance with all applicable federal and state laws and regulations. There shall be no discrimination in the quality of service, and no resident shall be punished or harassed by a facility, its agents or its employees when trying to enforce his or her individual rights.

Personal care home residents shall have the right:

- To exercise constitutional rights guaranteed to the citizens of this state and this country including, but not limited to, the right to vote.
- To interact with members of the community both inside and outside the facility, and to participate fully in the life of the community.
- To associate or communicate privately with persons or groups of his or her choice.
- To share a room with a married spouse who is also a resident of the facility, unless separate rooms are requested.
- To enjoy privacy in his or her room. Facility staff shall respect this right by knocking before entering a resident's room.
- To be treated with respect and be given privacy in the provision of personal care.
- To practice religious beliefs as one chooses, and participate in social, religious and community activities that do not interfere with the rights of other residents. No religious belief or practice shall be imposed upon a resident.
- To be free from actual or threatened mental, verbal, sexual and physical abuse, neglect and exploitation, humiliation, withholding of money, physical or chemical restraint, isolation, corporal or unusual punishment, including interference with the daily functions of living, such as eating and sleeping.
- To use, keep and control one's own property and possessions in the immediate living quarters, except to the extent that a resident's use of personal property would interfere with the safety or health of other residents.
- To receive unopened mail on the day it is delivered to the facility. Outgoing mail shall also remain unopened.
- To have access to a telephone and the right to have a private telephone (at the resident's own expense).

Telephones shall be placed in areas to ensure privacy without denying accessibility

- To have immediate access by visitors who are visiting with the consent of the resident. Residents have the right to have visitors at mutually agreed upon hours. Once the hours are agreed upon, no prior notice is necessary. Each resident shall have the right to terminate any visit by any person who has access to the facility.
- To manage one's own financial affairs, including the right to keep and spend money, unless the resident has been adjudicated incompetent by a court of competency jurisdiction.
- To have a personal need allowance in the amount of \$5 per week. The allowance is not intended for purchase of necessities which the facility ordinarily supplies and does not relieve the facility of its obligation to ensure that such necessary goods are available to the resident.
- To receive or reject medical care, dental care or other services, except as required by law or regulations.
- To choose and retain the services of a personal physician or any health care professional or service. To be free from interference by the facility in the resident's diagnosis, treatment or prognosis. Each resident and/or representative or legal surrogate has the right to be fully informed about care or changes in care and to access all information in medical records.
- To participate in the planning of his or her care.
- To inspect his or her records on request.
- To discharge or transfer upon notification to the facility in conformance with the facility's policies and procedures (unless committed to the facility by a court order or by representative with legal, written authority to admit, transfer or discharge).
- To contact the State Long-Term Care Ombudsman Program. The facility shall post in a common area of the facility the names, addresses and telephone numbers of the ombudsman and the county inspector assigned to the facility.
- To form a resident council and have meetings in the facility outside the presence of owners, management or staff members of the facility.
- To receive a copy of the Resident's Bill of Rights at the time of admission to the facility. In the event a resident is unable to read, the manager shall take spe-

cial steps to assure communication of the contents of the Resident's Bill of Rights to the resident.

The rights of residents in personal care homes and the responsibilities of persons licensed to provide personal care are not limited to those set forth in this pamphlet.

The Long-Term Care Ombudsman Program

The goal of the Ombudsman Program is to improve the quality of life for residents of long-term care facilities. It provides free services for residents of long-term care facilities and is designed to help protect the residents' rights. Though an ombudsman has no regulatory authority, an ombudsman serves as an effective and helpful advocate whose primary duty is to protect the rights of individuals by investigating and resolving problems, concerns and grievances. Often, residents have little or no contact with the outside world and may feel they lack control over their lives. Therefore, ombudsmen visit personal care homes regularly and without notice to become familiar with residents and with their concerns.

Common issues handled by the Ombudsman Program include the care and treatment provided in personal care homes, as well as help with Medicare, Medicaid and other billing problems. The ombudsman works with residents and their families to arrive at the best possible solution for any complaint. Confidentiality is maintained for residents and others making complaints or providing information to the ombudsmen.

Enforcing the Rights of Personal Care Home Residents

The following options may be available for enforcing the rights of a personal care home resident:

- Utilize the grievance procedure of the personal care home.
- Make an oral or written complaint to the manager of the personal care home. The facility must respond to complaint within five days.
- Contact the Long-Term Care Ombudsman Program. The ombudsman will investigate and try to resolve the problem with the resident.
- File a complaint with the ORS. The ORS may cite the personal care home for being out of compliance with its licensing requirements. The result may be sanctions against the home.

- Request a hearing before an administrative law judge. The resident or representative must file a request for a hearing with the Office of Legal Services of the Georgia Department of Human Resources. The ombudsman can assist with a hearing request.
- The resident is entitled to his or her choice of representation. Contact the local Elderly Legal Assistance Program or the State Legal Services Developer for assistance with a hearing.
- File a court action to enforce the terms of a resident's contract with the personal care home. The facility may be liable for injuries to a resident intentionally caused by employees of the home.
- In the case of an assault, battery, theft or other criminal violation, seek criminal penalties.

State Resources

To assist you with any questions or concerns you may have regarding personal care home residency, please contact the resources listed below for assistance and information.

Office of Regulatory Services

Long-Term Care Section
2 Peachtree St. NW, 31st Floor
Atlanta, GA 30303-3142
404-657-5850
1-888-454-5826

Georgia Long-Term Care Ombudsman Program

1-888-454-5826

Georgia Senior Legal Hotline

404-657-9915 or 1-888-257-9519

Division of Aging Services

2 Peachtree St. NW, Suite 9385
Atlanta, GA 30303-3142
404-657-5258

Elder Rights and Advocacy

404-657-5319

This pamphlet was prepared by the Elder Law Committee of the Young Lawyers Division of the State Bar of Georgia as a public service. It is not intended to be a comprehensive statement of law. Its purpose is to inform, not to advise on any specific legal problem. If you have specific questions regarding any matter contained in this pamphlet, you are encouraged to consult an attorney.



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