

Kansas Administrative Regulations

Department of Health and Environment

Article 39.—Licensure of Adult Care Homes

28-39-229. Resident rights.

(a) No resident shall be presumed to be incompetent, to forfeit any legal rights, responsibility or obligation, or to suffer any legal disability as a citizen, unless otherwise prescribed by law, as a consequence of receiving care or treatment in a nursing facility for mental health.

(1) Each resident shall have the right to be evaluated, treated and habilitated in the least restrictive environment possible.

(2) Each resident shall have the right to contact a representative at the local community mental health center about their care and treatment.

(3) Each resident shall be given free access to the surrounding local community.

(4) Each resident shall have the right to have daily opportunities for physical exercise and outdoor recreation.

(5) Each resident shall have the right to have access to current newspapers, magazines and radio and television programming.

(6) Each resident shall have, at a minimum, the right at all times to communicate by unopened mail with his or her immediate family, case manager, legal representative, and representatives from the Kansas department on aging, Kansas department of social and rehabilitation services and the Kansas department of health and environment.

(b) Resident work. Services performed by the resident shall be identified within the mental health plan of care.

(1) A resident engaged in work of benefit to the facility shall be paid wages according to U.S. department of labor requirements.

(2) Residents performing work for the facility shall not be used to replace paid employees to fulfill staffing requirements.

(3) Residents shall not be denied the opportunity to volunteer for work.

(4) Residents working outside the facility shall be protected by the facility from exploitation.

(c) Choice. Activities shall allow maximum flexibility for residents to exercise choice regarding what they will do and when they will do it. Residents' individual preferences regarding such things as menus, clothing, religious activities, friendships, activity programs, entertainment, sleeping, eating and times to retire at night and arise in the morning shall be elicited and considered by the facility.

(d) Communications. Each resident may communicate, associate, and meet privately with persons of the resident's choice, unless to do so would infringe upon the rights of other residents.

(e) Mail. Arrangements shall be made to provide aid to residents who require assistance in reading or sending mail.

(f) Visitors. Space shall be provided for residents to receive visitors in comfort and privacy.

(g) Activities. Residents who wish to meet with, or participate in, activities of social, religious or community groups in or outside the facility, shall be informed, encouraged, and assisted to do so.

(h) Residents shall be permitted to leave the facility and its surroundings at reasonable times unless there are justifiable reasons established in writing by the attending physician, mental health professional, or facility administrator for denying permission.

(Authorized by and implementing K.S.A. 39-932; effective May 16, 1994.)

***** Authenticated Kansas Administrative Regulation *****