

PERSONAL PROPERTY IN LONG-TERM CARE FACILITIES

ISSUE:

Residents in long-term care facilities have the right to retain personal possessions and make their room as homelike as possible. While the size of the room and potential health and safety of other residents may need to be considered and result in limitations, a long-term care facility cannot ban the placement of personal property in a resident's room.

QUESTION:

Is it appropriate for a long-term care facility to restrict or ban personal property from appearing on the walls, floor or in other areas of the resident's room?

RESPONSE:

Regulations indicate that individuals should have the ability to place personal belongings in their room and create a homelike environment to the largest extent possible. Regulatory language that ombudsman can cite in their advocacy efforts might be: The resident has the right to retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents. (Requirements for Long Term Care Facilities 483.10 Residents rights)

In his/her advocacy effort, the ombudsman should ask for an explanation as to whether or how the placement of the personal property in question (painting, pictures, furniture, etc.) would infringe upon the rights or health and safety of other residents.

If an ombudsman notices that resident's rooms have few personal possessions, he or she should ask residents and families if:

- Residents are encouraged to have and to use them
- The facility informs residents not to bring in certain items and for what reason; and
- Personal property is safe in the facility

Ombudsman can also ask staff if the facility sets limits on the value of the property that residents may have in their possession or requires that residents put personal property in the facility's safe. Such inquiries will provide the ombudsman with a solid understanding as to what issues may need to be addressed.

RESOURCES:

State Operations Manual, Appendix PP

The Operations Manual issues protocols for overseeing implementation of Nursing Home regulations and provides guidance to surveyors of long-term care facilities on interpreting these requirements.

http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_ltcf.pdf

The Interpretative Guidelines: A Tool for Advocacy

The guidance to surveyors, often called the Interpretative Guidelines, can be an important tool for advocates promoting quality in long-term care facilities. This resource details how ombudsman can use the Interpretative Guidelines in advocacy efforts.

<http://www.ltcombudsman.org/sites/default/files/norc/the-interpretive-guidelines.pdf>

Centers for Medicare and Medicaid Services (CMS) Artifacts of Culture Change

The Centers for Medicare and Medicaid Services has developed this resource outlining --- It specifically mentions the residents' right to personalize their room.

<http://www.artifactsofculturechange.org/ACCTool/>

CONTACT US:

If you have questions about this brief or would like to share some of your LTCOP's activities or challenges regarding personal property in LTC facilities, please email ombudcenter@theconsumervoice.org or call 202-332-2275.