

Your Financial Rights in an Assisted Living Facility



Regardless of how you pay, you have rights as a resident.

Your Financial Rights

You have the right to:

- Manage your own money or choose someone to manage your money.
- Access your cash, bank accounts and other financial records.
- Spend your money any way you want.
- Leave the assisted living facility.

The assisted living facility must:

- Be given written permission to manage your money.
- Protect your funds from theft.
- Keep records of your funds.
- Give you a report of all deposits to and withdrawals from your account when you ask, and at least every three months, if they manage your money.
- Not make you leave them anything in your will, assign a life insurance policy to them, transfer property to them or appoint them as a financial decision maker.
- Follow the resident agreement.

Resident Agreement

A resident agreement is a written agreement between you and the facility. You sign this paperwork when moving into an assisted living facility. The agreement lists the services to be provided, charges for services, and facility policies, such as refunds and how to make a complaint. Sometimes the resident agreement is called an admission agreement.

Power of Attorney

There are three types of powers of attorney: a power of attorney, a durable power of attorney, and a medical power of attorney. If you want someone to make financial decisions for you, you would give that person a power of attorney or a durable power of attorney. A durable power of attorney can stay in effect or go into effect after you can no

longer make decisions for yourself. An assisted living facility or its staff cannot serve as your power of attorney.

Be specific and careful as you decide which power of attorney you want. Make sure your wishes are clear in the power of attorney document. Give the assisted living facility a copy of these documents for your medical and business file.

A person with a power of attorney or durable power of attorney must work for the best interest of the resident. Check the power of attorney document to see what the power of attorney can or cannot do. **The resident's wishes always win over the power of attorney's wishes.** You may cancel a power of attorney or durable power of attorney at any time.

Social Security Administration (SSA) Representative Payee Program

A representative payee can manage payments if you cannot manage your income. The representative payee can be chosen by you, apply on their own or be assigned by SSA. If you disagree with an SSA-appointed payee, you have 60 days to ask SSA for a reconsideration. Serving as a representative payee is a legal responsibility that should be carefully considered. Removing someone as your representative payee may be challenging, so choose carefully. You are not required to choose an assisted living facility as your representative payee. Read carefully before signing, and ask someone you trust to read the paperwork with you. It is a felony to misuse the benefits of another person. Contact your ombudsman or SSA if you believe your funds are being misused.

Questions

If you have questions or concerns about your financial rights, contact your ombudsman.
State Long-term Care Ombudsman
www.dads.state.tx.us/news_info/ombudsman
lrc.ombudsman@dads.state.tx.us
800-252-2412

To file a complaint of abuse, neglect or exploitation at a facility:
DADS Consumer Rights and Services
800-458-9858