



**Alaska
Pioneer
Homes**

A Matter of Rights

**Division of
Alaska Pioneer
Homes**

P.O. Box 110690
Juneau, AK 99811-0690
Phone (907) 465-4416
Fax (907) 465-4108



**Alaska Department of
Health and Social Services**
Governor, Sean Parnell
Commissioner, William J. Streur



Visit the Pioneer Homes Website at:

www.hss.state.ak.us/dalp/

A Matter of Rights

A Guide to Your Rights as a Pioneer Home Resident



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For answers to questions regarding the Alaska Division of Pioneer Homes programs, please call: **(907) 465-4416**

For answers to questions regarding costs and billing, please call our toll free number: **1-888-355-3117**

Introduction

This booklet is all about rights—your rights as a resident in our facility. After you have read this information, you will be asked to sign a form acknowledging that you or your representative understand your rights. Please ask for information if anything is unclear.

The Pioneer Homes and the Alaska Veterans and Pioneers Home are licensed assisted living homes. As assisted living homes, we are required to inform residents at the time of admission regarding the following:

- 1. Residents' Rights** — In an assisted living home, you, of course, have all the legal rights that you enjoyed before you came to live here. The rights on the following pages reemphasize those personal rights you've always had. They include your right to privacy and your right to be involved in decisions regarding your care.
- 2. Home Rules** — This section lists the current rules of the Pioneer Homes and Alaska Veterans and Pioneers Home.
- 3. Grievance Procedures** — This section describes the way in which a grievance may be resolved.
- 4. Appeal Procedures** — This section describes the process to appeal a decision made by the Pioneer Home administrator.
- 5. Protection from Retaliation** — As a resident in an assisted living home, you may not be retaliated against if you exercise your rights by voicing concerns and/or pursue legal solutions.

Your Rights

In Alaska, a resident of an assisted living home has the right to:

1. Live in a safe and sanitary environment;
2. Be treated with consideration and respect for personal dignity, individuality, and the need for privacy, including privacy in:
 - a. Medical examination or health-related consultation;
 - b. The resident's room or portion of a room;
 - c. Bathing and toileting, except for any assistance in those activities that is specified in the resident's assisted living plan; and
 - d. The maintenance of personal possessions and the right to keep at least one cabinet or drawer locked;
3. Possess and use personal clothing and other personal property, unless the home can demonstrate that the possession or use of certain personal property would be unsafe or an infringement of the rights of other residents;
4. Engage in private communications, including:
 - a. Receiving and sending unopened correspondence;
 - b. Having access to a telephone, or having a private telephone at the resident's own expense; and
 - c. Visiting with persons of the resident's choice, subject to the visiting hours established by the home;

5. Close the door of the resident's room at any time, including during visits in the room with guests or other residents;
6. At the resident's own expense, unless otherwise provided in the residential services contract, participate in and benefit from community services and activities to achieve the highest possible level of independence, autonomy, and interaction with the community;
7. Manage the resident's own money;
8. Participate in the development of the resident's assisted living plan;
9. Share a room with a spouse if both are residents of the home;
10. Have a reasonable opportunity to exercise and to go outdoors at regular and frequent intervals, when weather permits;
11. Exercise civil and religious liberties;
12. Have access to adequate and appropriate health care and health care providers of the resident's own choosing, consistent with established and recognized standards within the community;
13. Self-administer the resident's own medications, unless specifically provided otherwise in the resident's assisted living plan;

14. Receive meals that are consistent with religious or health-related restrictions;
15. Receive the prior notice of relocation of the home or the home's intent to terminate the residential services contract of the resident required by AS 47.33.080 and 47.33.360, respectively;
16. Present to the home grievances and recommendations for change in the policies, procedures, or services of the home;
17. At the resident's own expense, unless otherwise provided in the residential services contract, have access to and participate in advocacy or special interest groups;
18. At the resident's own expense, unless otherwise provided in the residential services contract, intervene or participate in, or refrain from participating in, adjudicatory proceedings held under this chapter, unless provided otherwise by other law ; and
19. Reasonable access to home files relating to the resident, subject to the constitutional right of privacy of other residents of the home.

Home Rules

Absences from the Home

1. Residents are asked to advise the home's office of absences in order to provide an accurate count of residents in the Home in the event of an emergency.
2. An absence of more than 60 consecutive days, unless the absence was due to a medical reason, will result in the resident being discharged. (7 AAC 74.060)

Visitors

1. Residents are encouraged to receive guests. Homes will foster opportunities for residents to interact with the larger community as each resident desires.
2. Children are welcome at the homes. Visits, however, must be supervised by an adult in order to assure the safety of the children and other residents.
3. Homes will have posted times when entrance doors are locked for security reasons. In special circumstances, accommodations can be made to allow access to the home after the doors are locked.
4. Solicitations from any groups or persons are not allowed.
5. Residents will have access to public areas to entertain visitors, with respect for other residents' rights. Home staff will help accommodate these gatherings to the benefit of the resident and the community. Homes will work with those residents with significant others to find private areas for their meetings.

6. Guests are required to conduct themselves in a respectful manner consistent with the rules. Guests who cannot meet this standard will be asked to leave, and if they refuse to leave, police assistance will be requested.
7. Residents have the right to end a visit at any time. Home staff will help residents exercise this right when necessary.
8. Residents or their legal representatives must sign photograph release forms if photographs are to be taken in the home for commercial or public usage.
9. A guest may be denied or given restricted visitation privileges if it is apparent that the presence of the guest upsets the resident, other residents or staff. An appropriate entry will be made in the resident's file, and the decisions to restrict a guest may be reviewed from time to time by the home administrator.
10. Any guest denied or given restricted visitation privileges may ask for the reason(s) in writing. Any visitation denials or restrictions may be appealed to the home administrator and, if unresolved, the guest may appeal to the director of designee of the Division of Alaska Pioneer Homes. Guests will receive a written reply to all appeals within approximately 10 working days of receipt of such appeals, unless additional time is required. The director's decision is final.
11. Upon approval by the administrator, residents may use small electrical appliances such as radios, televisions, microwave ovens, pots for heating water if they are thermostatically controlled, and small refrigerators in their rooms.

Residents are responsible for the care and cleaning of these appliances. Maintenance will inspect all electrical appliances for safety at the time of installation. Due to fire regulations, hot plates, heated blankets, electrical irons and other electrical appliances are prohibited in residents' rooms. An administrator may waive this rule if there is a compelling reason for the resident to use the item, the resident is capable of using the item and if the item has had safety modifications such as automatic shut-off switches.

Weapons

No weapons may be brought into or kept in a Pioneer Home.

Personal Hygiene

For the comfort and well-being of all residents, all residents are expected to bathe and change clothes on a regular basis.

Pets

Pets may reside in or visit the Homes. Each Home will assess the appropriateness of each animal visiting or residing there using Eden Alternative guidelines. The administrator has the final say regarding the admission of individual animals into the Home. A care plan for each resident pet will be developed to ensure pets are kept in good health, are free of disease and give ample support and attention. A variety of funding sources will cover the cost of pet care, including purchase price, food and veterinary services.

Smoking

Current State statute allows smoking areas to be designated (AS 18.35.300.310, 320). Each Pioneer Home has a designated smoking area, which may be outdoors. The Pioneer Homes are non smoking facilities. Pursuant to state and local statutes, smoking may or may not be permitted in a designated outdoor area.

Alcoholic Beverages

As adults living in their homes, Pioneer Home residents may drink alcoholic beverages under the following conditions:

1. The resident's physician is aware of the resident's use of alcohol.
2. Alcohol use that causes a resident to behave in a way that threatens the health, safety or rights of another resident or staff member is not allowed.
3. If a resident's use of alcohol affects the rights, health or safety of other residents, the Home administrator and Home staff will work with the resident to attempt to modify the behavior. This may include seeking treatment for alcohol abuse or forbidding the use of alcohol by a resident whose persistent abuse of alcohol creates behavioral problems.

Grievance Procedure

It is the intention of the Pioneer Homes to provide a reasonable and rational process for complaints of resident or other resident's representative, if any. All Pioneer Home residents or their representatives have the right to pursue a grievance. The administrator or designee will hear and attempt to resolve all grievances in a fair and timely manner.

A Resident and the Resident's representative have the right to:

1. Present both a written and an oral explanation with the details concerning time, place, nature of occurrence or condition, persons involved, and other pertinent facts should be included of the resident's grievance to a staff member or the home administrator;
2. Have an advocate of the resident's choice, and the resident's representative, if any, attend meetings concerning the resident's grievance; and
3. Be notified in writing, within 30 days after the filing of the grievance, of the final decision of the home regarding the grievance.

The home administrator will respond to a resident's grievance no later than the next working day the administrator is in the office and will:

1. Investigate and correct any condition found to be inconsistent with licensing laws or regulations, policies and procedures, or residents' rights.
2. Ensure that the resident or the resident's representative and any advocate chosen by the resident or representative, if they choose, are included in meetings concerning the resident's grievance.

Appeal Procedure

The following decisions made by the home administrator may be appealed to the director within 30 days after the mailing or personal delivery of the decision (7 AAC 74.065):

1. A decision made in the case of admission, discharge, length of absence, continued stay in a Pioneer Home, or eligibility for day services and respite services; and
2. A decision made by a designated department employee in the case of payment assistance applications and discharge for nonpayment of any appropriate rate.

During the course of the appeal, the director or the director's designee shall accept all written evidence that the resident, or resident's representative, Pioneer Home administrator, or designated employee wishes to submit. If the resident, or resident's representative, the Pioneer home administrator, or a designated employee requests a hearing, the director or the director's designee shall conduct a hearing and review the evidence. Witnesses called to testify at a hearing shall testify under oath and shall furnish relevant documents upon request. If a hearing is not held, the director or the director's designee shall review and consider the written evidence submitted.

Within 30 days after the mailing or personal delivery of the director's decision, a party to the proceeding may appeal that decision in writing to the Commissioner of Health and Social Services.

Protection from Retaliation

Protection from Retaliation under Alaska law
(AS 47.33.350):

1. An assisted living home may not take retaliatory action against a resident of that home if the resident or the resident's representative:
 - a. Exercises a right provided by this chapter or by other law;
 - b. Appears as a witness, or refuses to appear as a witness, in an adjudicatory proceeding regarding the home;
 - c. Files a civil action alleging a violation of this chapter; or
 - d. Claims a violation of this chapter before a state or federal agency having jurisdiction over the home or its employees.
2. Termination of a resident's residential services contract by an assisted living home within 60 days after the resident engages in an activity described in Point 1 of this section creates a rebuttable presumption that the termination was retaliatory.
3. At the time, or before, a person begins residency in an assisted living home, the home shall give the resident and the resident's representative, if any, written notice of the protection from retaliation provided under this section (§ 1 ch. 130 SLA 1994).

Contact Information

**For further information
please contact The Pioneer Homes Central
Administrative Offices at:**

Division of Alaska Pioneer Homes

www.hss.state.ak.us/dalp/

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This booklet is one of six providing
information about Alaska Pioneer Homes.

Other booklets in the series:

Mission and Vision

Payment Assistance

About Our Homes

Pharmacy Program

Admission & Discharge

State of Alaska

Sean Parnell, *Governor*

Alaska Department of Health and Social Services

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