



480468

CRC ACTION

Commissioner .
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Commissioner Heuchan moved the following:

CRC Amendment (with title amendment)

Delete everything after the proposal clause
and insert:

A new section is added to Article I of the State
Constitution to read:

ARTICLE I

DECLARATION OF RIGHTS

Nursing Home and Assisted Living Facility Residents' Bill
of Rights.—Conditions in long-term care facilities in this state
are such that the rights, health, safety, and welfare of



480468

12 residents are not fully ensured by our government or by the good
13 faith of owners or operators of long-term care facilities. In
14 order to further protect residents from abuse, neglect, and
15 exploitation, the Nursing Home and Assisted Living Facility
16 Residents' Bill of Rights is hereby established.

17 (a) In addition to any other rights provided by law, the
18 residents of nursing home facilities and assisted living
19 facilities are entitled to be treated courteously, fairly, and
20 with the fullest measure of dignity by the facilities' owners,
21 operators, employees, professionals, and others who care for
22 residents at such facilities.

23 (b) The right to be treated courteously, fairly, and with
24 the fullest measure of dignity includes, but is not limited to:

25 (1) The right to adequate and appropriate health care and
26 treatment.

27 (2) The right to be free from mental and physical abuse.

28 (3) The right to know the identities of all persons or
29 entities who own, operate or manage the facilities.

30 (4) The right to safe living conditions which shall include
31 written and updated disaster preparedness plans and readily
32 available alternate power sources.

33 (5) The right to access courts and a jury system that
34 allows for a speedy trial and relief and remedies for loss,
35 injury, and damages caused to residents by the abuse,
36 negligence, neglect, exploitation, or violation of residents'
37 rights by the owners, operators, employees, professionals, and
38 others who care for residents at such facilities. Any resident
39 who has been abused, neglected, or exploited has a civil cause
40 of action against any perpetrator and may recover actual and



41 punitive damages for such abuse, neglect, or exploitation.

42 (6) The right to be cared for in facilities that have
43 financial resources or liability insurance sufficient to ensure
44 that residents are justly compensated for any loss, injury, and
45 damage they suffer because of abuse, negligence, neglect,
46 exploitation, or violations of residents' rights by owners,
47 operators, employees, professionals, and others who care for the
48 residents at such facilities.

49 (c) A nursing home or assisted living facility resident may
50 not be deprived of any rights provided herein or by general law
51 on the basis of their admission to or their residence in a
52 nursing home or assisted living facility. Nursing home and
53 assisted living facilities, including the owners, operators,
54 employees, professionals, and others who care for residents at
55 such facilities, may not solicit, require, or ask residents to
56 waive the rights provided herein or by other laws.

57 (d) Any rights granted under this section do not dissolve
58 upon the death or incapacity of a resident. Upon the death or
59 incapacity of a resident, such resident's guardians, heirs,
60 estate, or legal representatives, are entitled to any of the
61 rights granted under this section and as may be provided by
62 general law.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete everything before the proposal clause
67 and insert:

68 A proposal to create
69 a new section in Article I of the State Constitution



480468

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to establish certain rights for residents of nursing
home facilities and assisted living facilities.