

## Residents' Bill of Rights

Multnomah County Administrative Rules (MCAR) 023-030-100

MCAR 023-030-105:

**Each resident of an adult care home in Multnomah County has a right to:**

- Be treated as an adult with respect and dignity.
- Live in a safe, secure, homelike environment.
- Be informed of all resident rights.
- Be encouraged and assisted to exercise constitutional and legal rights, including the right to vote and to act on one's own behalf.
- Be given information about their medical condition.
- Consent to or refuse treatment, medication, training, examination and/or observation.
- Have all medical and personal information kept confidential.
- Receive appropriate and person-centered care and services from the adult care home, and access to prompt medical care as needed.
- Be free from abuse.
- Be free to make suggestions or complaints without fear of retaliation.
- Be free from financial exploitation, including being charged for application fees or non-refundable deposits, or the solicitation of money or property by any provider other than the amount agreed to for care and services.
- Be free from physical or chemical restraints except when there is an approved Individually-Based Limitation and as ordered by a physician, prescribing licensed health care professional, or behavioral professional.
  - Restraints are used only for medical or behavioral reasons to maximize a resident's physical functioning, and only after other alternatives have been tried. Restraints are not used for discipline or convenience.
- Be free from discrimination in regard to race, color, national origin, gender, gender identity, sexual orientation, disability or religion.
- Be afforded personal privacy, the opportunity to associate and communicate privately with any person the resident chooses, to send and receive mail unopened, and to use the telephone and electronic forms of communication in private.

- Have access to and participate in social, religious and community activities.
- Make personal decisions about such things as friends, leisure activities, choice of physician, spending personal money, food, personal schedules and place of residence.
- Be allowed and encouraged to develop talents and learn new skills, relate to other residents in meaningful ways, and the choice to take part in the normal activities and upkeep of the home.
- Keep and use a reasonable amount of personal clothing and other belongings and have a reasonable amount of private, secure storage space.
- Be free to manage their own money and financial affairs unless legally restricted.
- Receive a written Residency Agreement regarding the services the home shall provide and rates charged. A resident shall receive at least 30 calendar days' written notice before the home's ownership or rates change.
- Receive 30 calendar days' written notice from the operator and an opportunity for a hearing prior to being involuntarily moved or transferred out of the adult care home, unless the Adult Care Home Program has established that there is imminent danger to someone in the home. Thirty calendar days' written notice may be given only for medical reasons, the welfare of the resident or other resident residing in the adult care home, or for nonpayment as described in MCAR 023-090-615.
- Receive complete privacy, especially when receiving treatment or personal care.
- Be free to establish an Advance Directive, Physician's Order for Life-Sustaining Treatment (POLST), or Do Not Resuscitate (DNR) orders, and be free from discrimination in regard to the execution of these documents.
- Practice the religion of one's choice.
- Not be forced to work against one's will, and to be paid for agreed upon work.

- The Home and Community-Base Services (HCBS) protections and freedoms for individuals residing in provider-owned, controlled or operated residential settings, as authorized by 42 CFR 441.301(c)(4) and 42 CFR 441.530(a)(1).
  - To live under a legally enforceable Residency Agreement with protections substantially equivalent to landlord-tenant laws.
  - Freedom and support to access personal food at any time.
  - Visitors of one's choosing at any time.
  - A lockable door in one's bedroom or living unit lockable by the resident, with the resident and only appropriate staff having a key to access the unit.
  - Choice of roommate, when residing in a shared room.
  - Choice to furnish and decorate one's bedroom.
  - Freedom and support to control one's schedule and activities.
  - Privacy in one's bedroom or living unit.

MCAR 023-030-110:

Providers and/or adult care home staff may not take any of the following actions based, in whole or in part, on a resident's actual or perceived sexual orientation, gender identity, gender expression, or human immunodeficiency virus (HIV) status:

- Deny admission to an adult care home, transfer or refuse to transfer a resident within an adult care home or to another adult care home, or involuntarily move a resident from an adult care home.
- Deny a request by a resident to choose the resident's roommate, when a resident is sharing a room.
- If rooms are assigned by gender, assign, reassign, or refuse to assign a room to a transgender or other LGBTQIA2S+ resident other than in accordance with the resident's gender identity, unless at the request of the resident or if required by federal law.
- Prohibit a resident from using, or harass a resident who seeks to use or does use, a restroom that is available to other individuals of the same gender identity as the resident, regardless of whether the resident is making a gender transition, has taken or is taking hormones, has undergone gender affirmation surgery, or presents as gender nonconforming.

- Repeatedly and willfully refuse to use a resident’s chosen name or pronouns after being reasonably informed of the resident’s chosen name or pronouns.
- Deny a resident the right to wear or be dressed in clothing, accessories or cosmetics, or to engage in grooming practices that are or would be permitted to any other resident regardless of gender identity or sex assigned at birth.
- Restrict a resident’s right to associate with other residents or with visitors, including the resident’s right to consensual sexual relations or to display physical affection, unless the restriction is uniformly applied to all residents in a nondiscriminatory manner.
- Deny or restrict medical or nonmedical care that is appropriate to a resident’s organs and bodily needs, or provide medical or nonmedical care that, to a similarly situated, reasonable person, unduly demeans the resident’s dignity or causes avoidable discomfort.
- Fail to accept a resident’s verbal or written attestation of the resident’s gender identity or require a resident to provide proof of the resident’s gender identity using any form of identification.
- Fail to take reasonable actions, within the provider’s control, to prevent discrimination or harassment when the provider knows or should have known about the discrimination or harassment.
- Refuse or willfully fail to provide any service, care or reasonable accommodation to a resident or an applicant for services or care.
- Refuse to provide access to any assessments, therapies and treatments that are recommended by the resident's health care provider, including but not limited to transgender-related medical care, hormone therapy and supportive counseling.

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Resident or Resident’s Representative Signature

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Date