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12 faith of owners or operators of long-term care facilities.

13 In order to further protect residents from abuse, neglect
14 and exploitation, the Nursing Home and Assisted Living Facility
15 Residents' Bill of Rights is hereby established. -

16 (a) In addition to any other rights provided by state and
17 federal law, the residents of nursing home facilities and
18 assisted living facilities are entitled to be treated
19 courteously, fairly, and with the fullest measure of dignity by
20 the facilities' owners, operators, employees, professionals, and
21 contractors.

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

24 (1) The right to adequate and appropriate health care and
25 treatment, including, but not limited to, the right to be
26 treated without physical or chemical restraints.

27 (2) The right to be free from mental and physical abuse,
28 neglect, and financial exploitation.

29 (3) The right to use technology and communication devices
30 for the purpose of virtual visitation and electronic monitoring
31 that does not infringe on other residents' rights to privacy.

32 (4) The right to know the identities of all persons or
33 entities who own, operate, manage or otherwise control the
34 facilities.

35 (5) The right to safe living conditions, which shall
36 include, but not be limited to, written and updated disaster
37 preparedness plans, readily available alternate power sources,
38 and protection against unfair discharge or transfer.

39 (6) The right to self-determination, which shall include,
40 but not be limited to, the ability to manage one's money, make



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41 complaints without fear of recrimination, involve family and
42 friends in care, and participate in activities.

43 (7) The right to access courts and a jury system that
44 allows for a speedy trial and relief and remedies, for loss,
45 injury, and damages caused to residents by the abuse,
46 negligence, neglect, exploitation, or violation of residents'
47 rights by the owners, operators, employees, professionals,
48 contractors and others who care for residents at such
49 facilities. Any resident who has been abused, neglected, or
50 exploited has a civil cause of action against any perpetrator
51 and may recover actual and punitive damages for such abuse,
52 neglect, or exploitation.

53 (8) The right to be cared for in facilities that have
54 financial resources or liability insurance sufficient to ensure
55 that residents are justly compensated for any loss, injury, and
56 damage they suffer because of abuse, negligence, neglect,
57 exploitation, or violations of residents' rights by owners,
58 operators, employees, professionals, contractors others who care
59 for the residents at such facilities.

60 (b) A nursing home or assisted living facility resident may
61 not be deprived of any rights provided herein or by general law
62 on the basis of their admission to or their residence in a
63 nursing home or assisted living facility. Nursing home and
64 assisted living facilities, including the owners, operators,
65 employees, professionals, contractors and others who care for
66 residents at such facilities, may not solicit, require, or ask
67 residents to waive the rights provided herein or by other laws.

68 (c) Any rights granted under this section do not dissolve
69 upon the death or incapacity of a resident. Upon the death or



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70 incapacity of a resident, such resident's guardians, heirs,
71 estate, or legal representatives, are entitled to any of the
72 rights granted under this section and to enforcement of those
73 rights as may be provided by general law.

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75 ===== T I T L E A M E N D M E N T =====

76 And the title is amended as follows:

77 Delete everything before the enacting clause

78 and insert:

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A proposal to create

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A new section of Article I of the State Constitution

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to establish certain rights for residents of nursing

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home facilities and assisted living facilities.