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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 152

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE RIGHTS OF LONG-TERM CARE FACILITY RESIDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 11, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as show by underline as follows:

§ 1121. Resident's rights.

(b) It is ~~declared to be~~ the public policy of this State that the interests of the resident ~~shall~~ must be protected by a declaration of a resident's rights, and by requiring that all facilities treat their residents in accordance with such rights, which ~~shall~~ must include the following:

(26) Each resident ~~shall~~ must be fully informed, in plain language and in a language in which the resident ~~can understand~~ is fluent, of the resident's rights and all rules and regulations governing resident conduct and the resident's responsibilities during the stay at the facility. This must be provided in a format that is accessible to the patient and any authorized representative.

(41) Each resident must be provided care which recognizes cultural differences and preferences.

§ 1123. Notice to ~~patient~~ resident.

~~(a) Section 1121 of this title shall be posted conspicuously in a public place in long-term care facilities.~~

~~(b) Copies of § 1121 of this title shall be furnished to the resident upon admittance to the facility; all residents currently residing in the facility; and the authorized representative under § 1122 of this title. The long-term care facility shall retain in its files a statement signed by each person listed in this subsection that the person has received a copy of § 1122 of this title.~~

(a) The Department must prepare a notice that includes § 1121 of this title in its entirety. This notice must be available in a language and format that is accessible to each resident or their authorized representative under § 1122 of this title.

21 **(b) Each long-term care facility must post the notice described in subsection (a) of this section conspicuously in a**
22 **public area of the facility.**

23 **(c) Each long-term care facility must furnish copies of the notice required under subsection (a) of this section to all**
24 **of the following:**

25 **(1) Each resident upon admittance to the facility.**

26 **(2) All residents currently residing in the facility.**

27 **(3) Each authorized representative under § 1122 of this title.**

28 **(d) The long-term care facility must retain in its files a statement signed by each individual listed in subsection (c)**
29 **of this section that the individual has received a copy of § 1121 of this title.**

SYNOPSIS

This Act expands the rights of long-term care facility residents by ensuring that long-term care facility residents are entitled to care that recognizes cultural differences and preferences and that long-term care facility residents are made aware of their rights in a language and format that is accessible to the resident. This Act also requires the Department of Health and Social Services to prepare a standardized notice listing all rights detailed in § 1121 of Title 16 in a language and format that is accessible to each resident or their authorized representative.

This bill also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Mantzavinos