



# Health Facilities Association of Maryland

## Guidelines for Resident Behavior

**September 29, 2004**

*These **Guidelines** were developed in consultation with the Office of Health Care Quality. The OHCQ supports these **Guidelines** used appropriately and in conjunction with medical, psycho-social and substance abuse supports, as a method to address the issues raised by residents with behavioral problems. If you make any changes to this document then you must seek clearance prior to implementation.*

## **GUIDELINES FOR RESIDENT BEHAVIOR**

Any resident may exhibit problem behaviors, but the intent of the **Guidelines** is to address the volitional behaviors of those individuals who have the capacity to understand the consequences of their behaviors.

### **1. RESIDENT COMPLIANCE**

Admission to a facility is based on a resident's need for care. A resident's compliance with his/her plan of care and cooperation with staff during the stay in the facility is encouraged.

### **2. NO RESIDENT SHALL VIOLATE FEDERAL, STATE OR LOCAL LAWS WHILE RESIDING AT THE NURSING FACILITY.**

### **3. WEAPONS**

Residents and visitors are not permitted to have weapons (including knives with blades greater than 4 inches) or firearms of any kind in the facility under any circumstances.

### **4. DRUGS AND ALCOHOL**

Drugs or alcohol, not ordered as part of a resident's care, may compromise his/her care and even lead to serious complications or death. Possession, use or distribution of controlled dangerous substances and/or drug paraphernalia as defined by federal, state, and local laws on or about the facility, or facility sponsored events or on or about its properties is illegal. Facility staff will promptly notify the police. Possession or use of alcohol must be authorized by the facility.

The facility will make a reasonable effort to provide the resident voluntary access to addictions resources such as Alcoholics Anonymous, Narcotics Anonymous, support groups and counseling.

### **5. SMOKING**

#### **Option1:**

All residents will be assessed for smoking safety. Residents may smoke only in designated areas (specify). Residents' rooms are without exception, non-smoking areas. Residents must demonstrate the ability to handle matches and smoke safely, or their smoking will be maintained and/or facilitated by facility staff. Non-compliance with the facility's smoking policy will result in confiscation of smoking materials. Visitor smoking is not permitted anywhere in the facility. Smoking schedules must be coordinated through the nurse in charge.

**Option 2:**

This facility is smoke free. No smoking is allowed anywhere on the premises.

**6. DRUG TESTING**

For the safety of all residents and individuals in the facility, the facility may conduct a drug test of a resident, under certain specified conditions. Residents will be tested for the presence of drugs based on a physician's order. Such drug testing will be conducted if facility staff reasonably believe the presence of suspected drugs in the resident's system could adversely affect the effectiveness of the resident's medication regimen or otherwise adversely affect the resident's medical condition or treatment. Alternatively, a drug test will be conducted if facility staff reasonably believe the presence of suspected drugs in the resident's system poses a serious risk to the safety of other residents or individuals in the facility.

Refusal to consent to drug testing will be considered non-compliance with this guide, that would lead to action under Section 12. However, the facility may only involuntarily discharge the resident after a refusal to be tested if there is valid cause for discharge under applicable law and regulation.

**7. VISITORS**

Visitors who bring drugs, drug paraphernalia, weapons will be directed to leave the facility and the police will be notified. In the event of a violation of this policy, visitors may not be permitted to visit again. Visitors that exhibit disruptive behaviors will also be directed to leave the facility and its premises and the police may be notified. Visitors who bring in unauthorized alcohol will be directed to leave the facility and will be reported to the Administrator/designee.

**8. INSPECTIONS**

There are certain conditions under which the facility may conduct inspections. The type and extent of the inspection is determined by the area that is suspected of containing potential weapons, illegal or unauthorized drugs, unauthorized liquor or other impermissible property (hereafter referred to collectively as "contraband").

1) Plain view or public areas.

Facility staff may confiscate contraband that is observed in plain view or public areas of the facility.

2) Areas viewed in course of performing routine duties.

Facility staff may confiscate contraband found in the course of performing routine duties, such as making beds, assistance with activities of daily living, putting away resident clothes or

cleaning/straightening a resident's room.

3) Resident's locked personal space:

If the facility staff has a reasonable suspicion that a resident possesses contraband in a locked, personal space and reasonably believes the contraband poses a risk to the safety of the resident or other individuals in the facility, the facility has the right to inspect the space and confiscate any contraband identified. Possession of contraband like other violations of this Guide, may lead to facility action under Section 12. To the extent possible, the facility will give reasonable notice of this kind of inspection to the resident so that the resident may observe the inspection, if desired.

The resident's signature on this Guide indicates the resident's consent to the above inspections.

Visitors are subject to inspection of their clothing, packages and containers if there is reasonable suspicion that the visitor is bringing or has brought contraband into the facility. A visitor may refuse to consent to such an inspections in which case the visitor may be asked to leave the facility.

**9. LEAVING UNIT/ FACILITY [attach sign in/out form to policy]**

Residents must inform staff in charge when leaving the unit/facility and adhere to policies for signing in and out of the facility. This includes the resident's destination and expected time of return. For the safety and security of other residents who can become alarmed at noise and movement during the night hours, and to whom we have committed a safe and secure environment, you must return to your unit/facility by (11:00 p.m.), unless other arrangements have been made with you or your responsible party.

Residents who do not inform the staff in-charge of their leaving the premises or do not return by the facility's designated return time, unless other arrangements or notifications are made and agreed to, will be deemed to have violated the Guidelines.

**10. LEAVE OF ABSENCE**

Any leave of absence beyond facility's boundaries must be authorized by the resident's attending physician and meet the financial requirements of your third party payer (Medicare/Medical Assistance, Insurance, etc.). Standing orders or approvals may be implemented for routine approved absences.

Facility property may not leave the facility grounds, i.e., stretchers, wheelchairs, unless authorized.

## **11. GENERAL CONDUCT**

- A. Residents are expected to treat staff, other residents with respect, dignity and privacy. Conduct must be consistent with accepted community standards, local, federal and state laws. Unacceptable conduct includes but is not limited to: sexual harassment, sexual abuse, physical abuse, verbal abuse and indecent exposure. This conduct is not permitted on or about the facility.
- B. Illegal solicitation of goods or services is not permitted, including but not limited to, prostitution and/or sale of stolen goods, sale/possession, or use of controlled dangerous substances or paraphernalia, or other contraband.
- C. Loud and obtrusive noise and music, interfering with the operation of the unit and residents' comfort will not be tolerated. Residents and visitors are encouraged to use headphones.

## **12. NON-COMPLIANCE**

If we determine that residents' behavior is contrary to these rules and is compromising their health care or that of other residents, these residents will be subject to administrative actions.

Failure to comply with these rules may result in the initiation of the following administrative actions which may include but are not limited to the following:

- A. The initiation of a Behavioral Management Plan between the resident and the facility. A Behavioral Management Plan should be developed under the guidance of trained professionals.
- B. Referral to local law enforcement agency.
- C. Discharge from the facility when the violations meet the thresholds of state and federal regulations (for example, if the violations are a danger to the resident or others).

If a resident feels he/she is being treated unfairly or with less than the appropriate respect, we ask that he/she follow the Complaint Procedures as outlined in the admission agreement. We will promptly respond to any concerns.

We welcome all residents in our facility and we will do our best to assist any resident during their stay.

The Department of Health and Mental Hygiene, Office of Health Care Quality has reviewed the above statement of policy and procedures. The Office of Health

Care Quality does not object to the implementation of the policy and procedures. The Office of Health Care Quality will be closely monitoring the implementation of the stated policy and procedures.

I have read and understand the **Guidelines For Resident Behavior** and agree to be bound by these guidelines.

\_\_\_\_\_  
Resident/Agent or Legal Representative  
Representative

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Facility

\_\_\_\_\_  
Date

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