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What To Do If A Nursing Home Violates A Loved One's Rights

Our Friends · Thursday, February 6th, 2025

Picture this: You visit your loved ones in a nursing home, expecting them to be safe and cared for. Instead, their room is messy, they look frail, and their once-bright personality seems dimmed. When you ask if they're okay, they hesitate—or avoid eye contact.

It's a heartbreaking moment no family should face, yet it happens far too often. According to WHO, 2 in 3 nursing home staff in Phoenix and beyond admit to committing abuse or neglect in 2023. That means countless elderly residents suffer on a daily basis.

But here's the thing: Just because it's common doesn't mean it's acceptable. If your loved one is showing signs of mistreatment, you can fight back. How? This article will walk you through the steps you can take to protect them and hold the facility accountable. Keep reading!

Understanding Residents' Legal Rights

Knowing your loved one's rights is the first step in protecting them. If you don't understand what they're entitled to, it's hard to tell when those rights are being ignored or violated.

Residents have the right to:

- Be treated with dignity and respect.
- Live in a safe, clean, and healthy environment.
- Receive proper medical care, nutrition, and hygiene.
- Voice complaints without fear of retaliation.
- See family, friends, and advocates freely.

All these rights are backed by federal and state laws, including **the Nursing Home Reform Act**. Additionally, the Elder Justice Act aims to prevent elder abuse. Meanwhile, the Americans with Disabilities Act (ADA) ensures equal treatment for residents with disabilities.

Steps to Take

Now that you understand your loved one's rights, if you suspect any violations, act quickly. The longer you wait, the worse the situation can become. Here's what you can do to protect your loved one.

Speak to the Nursing Home Administration

Start by addressing the issue directly with the facility's administrator or director of nursing. Stay calm, but be firm. Explain exactly what you've noticed—whether it's poor hygiene, unexplained injuries, or a sudden change in behavior. Be specific about dates and details. If possible, bring photos or medical records as evidence.

Ask them what they plan to do about the issue. Request that they document your complaint and provide a written response. If they dismiss your concerns, make excuses, or refuse to cooperate, that's a major red flag.

Contact a Nursing Home Abuse Lawyer

If the facility ignores your concerns or the neglect continues, you may need legal help. For that, reach out to a nursing home abuse lawyer. They will file formal complaints with state agencies, ensuring the violations are investigated. If the nursing home refuses to take responsibility, your lawyer can negotiate for a fair settlement.

Or, if needed, take the case to court to fight for justice. They will also help you prepare legal documents and navigate complex paperwork. However, make sure you work only with **experienced nursing home lawyers in Phoenix** or your local area. This is because they understand the statute of limitations and specific state laws. They'll ensure that every document is filed correctly and that your case moves forward without unnecessary delays.

Report to the Nursing Home Ombudsman

You can also report the facility to your state's long-term care ombudsman. This program exists to protect nursing home residents and investigate complaints. You can file a complaint online or call their office directly.

When reporting, provide as much detail as possible. Include your loved one's name, the facility's name, and a clear description of the issue. If you have evidence, such as medical records or photos, submit those too. The **ombudsman authorities** can mediate disputes, push for corrective action, and escalate the case if needed.

Relocate Your Loved One If Necessary

If the neglect continues or your loved one is in immediate danger, moving them to a safer facility may be the best option. Before making a decision, research other facilities in your area. Visit in person, speak to staff, and check for past violations.

If your loved one is hesitant about moving, reassure them that their safety and well-being come first. In some cases, a lawyer can help ensure the transfer happens smoothly. No one should feel trapped in an unsafe environment. If your gut tells you it's time to move, trust it.

Wrapping Up

Watching a loved one suffer in a nursing home is heartbreaking, but you don't have to stay silent. If their rights are being violated, take action. Start by addressing the issue with the facility, but don't stop there. If they refuse to listen, seek legal help, report them, and consider moving your

loved one to a safer place. Stay informed, stay persistent, and never be afraid to fight for their rights.

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