

Resident Rights Clarification – Smoking

September 15, 2009

This document is intended to provide clarification regarding the rights of long term care residents in Michigan who smoke. The “Interpretive Guidelines” under the federal regulation clearly addresses this topic. Facilities are free to choose whether to be smoke free. However, facilities must provide reasonable accommodations for those residents who were smokers upon admission, prior to implementation of a smoke free facility policy.

Excerpt from the State Operation Manual, Appendix PP is included below.

F242

(Rev. 48; Issued: 06-12-09; Effective/Implementation Date: 06-12-09)

§483.15(b) - Self-Determination and Participation

The resident has the right to—

(1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plans of care;

**(2) Interact with members of the community both inside and outside the facility;
and**

(3) Make choices about aspects of his or her life in the facility that are significant to the resident.

Intent: §483.15(b)

The intent of this requirement is to specify that the facility must create an environment that is respectful of the right of each resident to exercise his or her autonomy regarding what the resident considers to be important facets of his or her life. *This includes actively seeking information from the resident regarding significant interests and preferences in order to provide necessary assistance to help residents fulfill their choices over aspects of their lives in the facility.*

Interpretive Guidelines: §483.15(b)

...If a facility changes its policy to prohibit smoking, it must allow current residents who smoke to continue smoking in an area that maintains the quality of life for these residents. Weather permitting, this may be an outside area. Residents admitted after the facility changes its policy must be informed of this policy at admission. (See §483.10(b)(1))