



October 10, 2024

To Whom it May Concern:

The Centers for Medicare & Medicaid Services (CMS) is issuing this letter to clarify and reinforce the Federal requirements regarding resident rights in long-term care (LTC) facilities, including skilled nursing facilities (SNF) and nursing facilities (NF). Under 42 C.F.R. § 483.10, all residents have a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the LTC facility. As such, SNFs and NFs must protect and promote the rights of all residents, including those under the care of a guardian or conservator.

Under Federal regulations, and in accordance with S&C Memorandum 16-21-ALL (S&C 16-21) (Rev. Dec. 23, 2016), SNFs and NFs must permit residents to have autonomy and choice to the maximum extent practicable considering how residents wish to live their everyday lives and receive care.<sup>1</sup> See 42 C.F.R. §§ 483.10(a)(1), (e), (j)(vii)-(viii); 483.13(a)-(b); and 483.15(b)(1)-(2). Federal statutes and regulations establish an array of individual rights and safeguards and LTC facilities cannot impose conditions or restrictions that undermine resident rights and protections required by Federal law.

On September 24, 2024, CMS released QSO-24-21-NH.<sup>2</sup> This memorandum reinforces resident rights including those required by 42 C.F.R. § 483.10(h)(2). Under 42 C.F.R. § 483.10(h)(2) and as reiterated in QSO-24-21-NH, SNFs and NFs “must respect the residents right to personal privacy, including the right to privacy in his or her oral (that is, spoken), written, and electronic communications, including the right to send and promptly receive unopened mail and other letters, packages and other materials delivered to the facility for the resident, including those delivered through a means other than a postal service.”

Resident rights are non-negotiable, and facilities cannot require prospective residents to give up their rights as a requirement for admission. Additionally, nursing home residents must not only be able to exercise their rights as residents of the facility and as citizens of the United States, but also have the right to be free of interference, coercion, discrimination, or reprisal from the facility in exercising those rights. 42 C.F.R. § 483.10(b).

Resident rights in SNFs and NFs include, but are not limited to, the right to:

- Respect and dignity as outlined in 42 C.F.R. § 483.10(e), including the right to be free from physical or chemical restraints imposed for discipline or convenience, and not for treatment of a resident’s medical condition;

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<sup>1</sup> S&C 16-21 is accessible at <https://www.cms.gov/medicare/provider-enrollment-and-certification/surveyscertificationgeninfo/downloads/survey-and-cert-letter-16-21.pdf>.

<sup>2</sup> QSO-24-21-NH is accessible at <https://www.cms.gov/files/document/qso-24-21-nh.pdf>.

- Self-determination as outlined in 42 C.F.R. § 483.10(f), including the right to choose activities, schedules, and health care consistent with his or her interests, assessments, and plan of care, the right to manage his or her financial affairs, and right to interact with members of the community both inside and outside the facility;
- Privacy and confidentiality as outlined in 42 C.F.R. § 483.10(h), including the right to personal privacy and confidentiality of his or her personal and medical records, and oral, written, and electronic communications, including mail and packages;
- Receive visitors as permitted by 42 C.F.R. § 483.10(f)(4), including allowing immediate access to any resident by an immediate family member or other relative of the resident, subject to the resident's right to deny or withdraw consent at any time, and other non-family visitors who are visiting with the consent of the resident;
- Information and communication as outlined in 42 C.F.R. § 483.10(g)(6)-(9), including the right to communicate with individuals and entities within and external to the facility by telephone, internet, email, letters, packages, and other mail, including the right to retain and use a personal cellular phone;
- Be free from all forms of abuse as required by 42 C.F.R. § 483.12, including the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion; and
- Food and nutrition services as required by 42 C.F.R. § 483.60, including the right to a nourishing, palatable, well-balanced diet that meets his or her daily nutritional and special dietary needs, taking into consideration the preferences of each resident.

*See also S&C 16-21, p. 7.*

CMS is committed to improving the quality of care and quality of life for all LTC residents. Resident health and safety, access to reliable, high-quality care, and the treatment of all residents in nursing homes with dignity and respect are our top priorities. To achieve this goal, CMS encourages public administrators to abide by the Federal regulations surrounding resident rights at SNFs and NFs.

If you need additional information or have questions regarding this letter or resident rights, please contact Mutiu Okanlawon, the CMS Kansas City and Denver Survey Branch Manager, at [mutiu.okanlawon@cms.hhs.gov](mailto:mutiu.okanlawon@cms.hhs.gov).

Sincerely,

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