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Legal Rights: Institutional Living

Institutional settings include nursing homes, assisted living facilities, and state-operated mental health and developmental disability facilities.

What are my Legal Rights if I live in an Institution?

There are Federal and State laws that apply if you live in an institution. Living in an institution means getting services to help you 24 hours a day. These services can include medical, mental health and other services.

Depending on the type of institution, the laws that cover your legal rights may be different. The websites below explain your rights and tell you how to file a complaint.

What if I live in a Nursing Home?

If you live in a nursing home, you have specific legal rights under the [Virginia Department of Health - Office of Licensure and Certification Regulations](#).

You are also protected from being moved against your will or being discharged. Under Federal law, there are only six reasons a nursing home can make you move to another nursing home or facility (called “transfer”) or send you home or live with a relative (called a “discharge”).

The six reasons are:

- the transfer or discharge is necessary for your welfare and your needs cannot be met in the current facility;
- your health has improved enough that you no longer need the facility’s services;
- because of your actions, you endanger the safety of other people in the facility;
- the health of other individuals in the facility would be in danger if you remained in the facility;
- you have failed to pay your bill despite reasonable and appropriate notice; or

- the facility closes.

> [Learn more](#) about nursing home residents' rights.

What if I live in an Assisted Living Facility?

If you live in an assisted living facility, your legal rights are based on State law (rather than Federal law like nursing homes). [The Virginia Department of Social Services, Division of Licensing](#) controls how facilities must run in Virginia and what your legal rights are according to State policy.

What if I live in a Mental Health or Developmental Disability Facility such as a Training Center or State Hospital?

In Virginia, the Department of Behavioral Health and Developmental Services (DBHDS) is responsible for running state training centers and state hospitals. If you live in one of these facilities, you have legal rights under the [Human Rights Regulations](#). If you ask, you must be given a copy of these rights.

What can I do if I have a problem (I need Protection and Advocacy)?

If you have a problem in a facility, you can contact the following for help:

- [disAbility Law Center of Virginia](#)
- [A DBHDS Human Rights Advocate](#)
- A Local [Center for Independent Living](#)
- [The Office of the State Long Term Care Ombudsman](#)
- Your [Local Department of Social Services](#)

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